

As Passed by the Senate

128th General Assembly

Regular Session

2009-2010

Am. Sub. H. B. No. 1

Representative Sykes

**Cosponsors: Representatives Chandler, Brown, Bolon, Book, Celeste,
DeBose, DeGeeter, Domenick, Dyer, Hagan, Harris, Harwood, Heard, Koziura,
Letson, Luckie, Mallory, Pryor, Stewart, Szollosi, Ujvagi, Weddington,
Williams, B., Williams, S., Winburn, Yates, Yuko
Senators Carey, Gillmor, Goodman, Grendell, Harris, Niehaus, Patton**

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To amend sections 7.12, 9.03, 9.314, 101.34, 101.35, 1
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128th General Assembly; to amend the version of 273
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that effective date; to make operating 281
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

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6103.02, 6109.21, 6111.044, 6117.01, 6117.02, 6119.011, and 419
6301.03 be amended; sections 173.43 (173.422), 3319.233 420
(3333.049), 4753.073 (3319.227), 5101.5110 (5101.5111), 5111.019 421
(5111.0120), and 5111.688 (5111.689) be amended for the purpose of 422
adopting new section numbers as indicated in parentheses; new 423
sections 173.43, 3319.222, 5101.5110, and 5111.688 and sections 424
5.2265, 7.16, 9.317, 103.24, 107.19, 111.26, 111.27, 117.162, 425
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5721.012, 5725.33, 5729.16, 5733.58, 5739.051, 5747.66, 5751.014, 455
5907.111, 5911.11, 5919.20, 5919.36, and 6119.091 of the Revised 456
Code be enacted to read as follows: 457

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Sec. 5.2265. The month of August is designated as "Ohio 468
Military Family Month." 469

Sec. 7.12. Whenever any legal publication is required by law 470
to be made in a newspaper published in a municipal corporation, 471

county, or other political subdivision, the newspaper shall also 472
be a newspaper of general circulation in the municipal 473
corporation, county, or other political subdivision, without 474
further restriction or limitation upon a selection of the 475
newspaper to be used. If no newspaper is published in such 476
municipal corporation, county, or other political subdivision, 477
such legal publication shall be made in any newspaper of general 478
circulation therein. If there are less than two newspapers 479
published in any municipal corporation, county, or other political 480
subdivision in the manner defined by this section, then any legal 481
publication required by law to be made in a newspaper published in 482
a municipal corporation, county, or other political subdivision 483
may be made in any newspaper regularly issued at stated intervals 484
from a known office of publication located within the municipal 485
corporation, county, or other political subdivision. As used in 486
this section, a known office of publication is a public office 487
where the business of the newspaper is transacted during the usual 488
business hours, and such office shall be shown by the publication 489
itself. 490

In addition to all other requirements, a newspaper or 491
newspaper of general circulation, except those publications 492
performing the functions described in section 2701.09 of the 493
Revised Code for a period of one year immediately preceding any 494
such publication required to be made, shall be a publication 495
bearing a title or name, regularly issued as frequently as once a 496
week ~~for a definite price or consideration paid for by not less~~ 497
~~than fifty per cent of those to whom distribution is made, having~~ 498
~~a second class mailing privilege,~~ being not less than four pages, 499
published continuously during the immediately preceding one-year 500
period, and circulated generally in the political subdivision in 501
which it is published. Such publication must be of a type to which 502
the general public resorts for passing events of a political, 503
religious, commercial, and social nature, current happenings, 504

announcements, miscellaneous reading matter, advertisements, and 505
other notices, that has at least twenty-five per cent editorial, 506
nonadvertising content, exclusive of inserts, measured relative to 507
total publication space, and an audited circulation to at least 508
fifty per cent of the households in the newspaper's retail trade 509
zone as defined by the audit. 510

Any notice required to be published in a newspaper of general 511
circulation may appear on an insert placed in such a newspaper. A 512
responsible party who is required to publish such a notice shall 513
consider various advertising media to determine which media might 514
reach the intended public most broadly. The responsible party need 515
publish the notice in only one qualified medium to meet the 516
requirements of law. 517

Sec. 7.16. A notice required to be published by a provision 518
of a statute or rule may be published on the state-sanctioned 519
public notice web site. A responsible party who is required to 520
publish such a notice may submit a copy of the notice and a 521
request for publication to the state-sanctioned public notice web 522
site service provider, together with the fee charged. The 523
responsible party shall identify in the notice or request the 524
provision of the statute or rule that requires the notice to be 525
published. The responsible party may, but is not required to, 526
prepare the request on the form that can be downloaded from the 527
web site. The notice permitted under this section is cumulative 528
with other notice provisions under statute or rule. 529

Sec. 9.03. (A) As used in this section, "political 530
subdivision" means any body corporate and politic, except a 531
municipal corporation that has adopted a charter under Section 7 532
of Article XVIII, Ohio Constitution, and except a county that has 533
adopted a charter under Sections 3 and 4 of Article X, Ohio 534
Constitution, to which both of the following apply: 535

(1) It is responsible for governmental activities only in a geographic area smaller than the state.	536 537
(2) It is subject to the sovereign immunity of the state.	538
(B) Except as otherwise provided in division (C) of this section, the governing body of a political subdivision may use public funds to publish and distribute newsletters, or to use any other means, to communicate information about the plans, policies, and operations of the political subdivision to members of the public within the political subdivision and to other persons who may be affected by the political subdivision.	539 540 541 542 543 544 545
(C) Except as otherwise provided in division (A)(7) of section 340.03 or division (A)(12) of section 340.033 of the Revised Code, no governing body of a political subdivision shall use public funds to do any of the following:	546 547 548 549
(1) Publish, distribute, or otherwise communicate information that does any of the following:	550 551
(a) Contains defamatory, libelous, or obscene matter;	552
(b) Promotes alcoholic beverages, cigarettes or other tobacco products, or any illegal product, service, or activity;	553 554
(c) Promotes illegal discrimination on the basis of race, color, religion, national origin, handicap, age, or ancestry;	555 556
(d) Supports or opposes any labor organization or any action by, on behalf of, or against any labor organization;	557 558
(e) Supports or opposes the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or bond issue.	559 560 561 562
(2) Compensate any employee of the political subdivision for time spent on any activity to influence the outcome of an election for any of the purposes described in division (C)(1)(e) of this	563 564 565

section. Division (C)(2) of this section does not prohibit the use 566
of public funds to compensate an employee of a political 567
subdivision for attending a public meeting to present information 568
about the political subdivision's finances, activities, and 569
governmental actions in a manner that is not designed to influence 570
the outcome of an election or the passage of a levy or bond issue, 571
even though the election, levy, or bond issue is discussed or 572
debated at the meeting. 573

(D)(1) Nothing in this section prohibits or restricts any 574
political subdivision from sponsoring, participating in, or doing 575
any of the following: 576

~~(1)~~(a) Charitable or public service advertising that is not 577
commercial in nature; 578

~~(2)~~(b) Advertising of exhibitions, performances, programs, 579
products, or services that are provided by employees of a 580
political subdivision or are provided at or through premises owned 581
or operated by a political subdivision; 582

~~(3)~~(c) Licensing an interest in a name or mark that is owned 583
or controlled by the political subdivision. 584

(2) Nothing in this section prohibits or restricts a county 585
official from placing commercial advertisements on a county web 586
site in accordance with section 307.121 of the Revised Code. 587

(E) As used in this section, "cigarettes" and "tobacco 588
product" have the same meanings as in section 5743.01 of the 589
Revised Code. 590

Sec. 9.314. (A) As used in this section: 591

(1) "Contracting authority" has the same meaning as in 592
section 307.92 of the Revised Code. 593

(2) "Political subdivision" means a municipal corporation, 594
township, county, school district, or other body corporate and 595

politic responsible for governmental activities only in geographic 596
areas smaller than that of the state and also includes a 597
contracting authority. 598

(3) "Reverse auction" means a purchasing process in which 599
offerors submit proposals in competing to sell services or 600
supplies in an open environment via the internet. 601

(4) "Services" means the furnishing of labor, time, or effort 602
by a person, not involving the delivery of a specific end product 603
other than a report which, if provided, is merely incidental to 604
the required performance. "Services" does not include services 605
furnished pursuant to employment agreements or collective 606
bargaining agreements. 607

(5) "Supplies" means all property, including, but not limited 608
to, equipment, materials, other tangible assets, and insurance, 609
but excluding real property or interests in real property. 610

(B)(1) Whenever any political subdivision determines that the 611
use of a reverse auction is advantageous to the political 612
subdivision, the political subdivision, in accordance with this 613
section and rules the political subdivision shall adopt, may 614
purchase services or supplies by reverse auction. 615

(2) A political subdivision shall not purchase supplies or 616
services by reverse auction if the contract concerns the design, 617
construction, alteration, repair, reconstruction, or demolition of 618
a building, highway, road, street, alley, drainage system, water 619
system, waterworks, ditch, sewer, sewage disposal plant, or any 620
other structure or works of any kind. 621

(C) A political subdivision shall solicit proposals through a 622
request for proposals. The request for proposals shall state the 623
relative importance of price and other evaluation factors. The 624
political subdivision shall give notice of the request for 625
proposals in accordance with the rules it adopts. 626

(D) As provided in the request for proposals and in the rules 627
a political subdivision adopts, and to ensure full understanding 628
of and responsiveness to solicitation requirements, the political 629
subdivision may conduct discussions with responsible offerors who 630
submit proposals determined to be reasonably susceptible of being 631
selected for award. The political subdivision shall accord 632
offerors fair and equal treatment with respect to any opportunity 633
for discussion regarding any clarification, correction, or 634
revision of their proposals. 635

(E) A political subdivision may award a contract to the 636
offeror whose proposal the political subdivision determines to be 637
the most advantageous to the political subdivision, taking into 638
consideration factors such as price and the evaluation criteria 639
set forth in the request for proposals. The contract file shall 640
contain the basis on which the award is made. 641

(F) The rules that a political subdivision adopts under this 642
section may require the provision of a performance bond, or 643
another similar form of financial security, in the amount and in 644
the form specified in the rules. 645

(G) If a political subdivision is required by law to purchase 646
services or supplies by competitive sealed bidding or competitive 647
sealed proposals, a purchase made by reverse auction satisfies 648
that requirement. 649

Sec. 9.317. As used in this section, "reverse auction" has 650
the meaning defined in section 9.314 of the Revised Code, and 651
"state agency" has the meaning defined in section 9.23 of the 652
Revised Code. 653

A state agency shall not purchase supplies or services by 654
reverse auction if the contract concerns the design, construction, 655
alteration, repair, reconstruction, or demolition of a building, 656
highway, road, street, alley, drainage system, water system, 657

waterworks, ditch, sewer, sewage disposal plant, or any other 658
structure or works of any kind. 659

Sec. 101.34. (A) There is hereby created a joint legislative 660
ethics committee to serve the general assembly. The committee 661
shall be composed of twelve members, six each from the two major 662
political parties, and each member shall serve on the committee 663
during the member's term as a member of that general assembly. Six 664
members of the committee shall be members of the house of 665
representatives appointed by the speaker of the house of 666
representatives, not more than three from the same political 667
party, and six members of the committee shall be members of the 668
senate appointed by the president of the senate, not more than 669
three from the same political party. A vacancy in the committee 670
shall be filled for the unexpired term in the same manner as an 671
original appointment. The members of the committee shall be 672
appointed within fifteen days after the first day of the first 673
regular session of each general assembly and the committee shall 674
meet and proceed to recommend an ethics code not later than thirty 675
days after the first day of the first regular session of each 676
general assembly. 677

In the first regular session of each general assembly, the 678
speaker of the house of representatives shall appoint the 679
chairperson of the committee from among the house members of the 680
committee, and the president of the senate shall appoint the 681
vice-chairperson of the committee from among the senate members of 682
the committee. In the second regular session of each general 683
assembly, the president of the senate shall appoint the 684
chairperson of the committee from among the senate members of the 685
committee, and the speaker of the house of representatives shall 686
appoint the vice-chairperson of the committee from among the house 687
members of the committee. The chairperson, vice-chairperson, and 688
members of the committee shall serve until their respective 689

successors are appointed or until they are no longer members of 690
the general assembly. 691

The committee shall meet at the call of the chairperson or 692
upon the written request of seven members of the committee. 693

(B) The joint legislative ethics committee: 694

(1) Shall recommend a code of ethics that is consistent with 695
law to govern all members and employees of each house of the 696
general assembly and all candidates for the office of member of 697
each house; 698

(2) May receive and hear any complaint that alleges a breach 699
of any privilege of either house, or misconduct of any member, 700
employee, or candidate, or any violation of the appropriate code 701
of ethics; 702

(3) May obtain information with respect to any complaint 703
filed pursuant to this section and to that end may enforce the 704
attendance and testimony of witnesses, and the production of books 705
and papers; 706

(4) May recommend whatever sanction is appropriate with 707
respect to a particular member, employee, or candidate as will 708
best maintain in the minds of the public a good opinion of the 709
conduct and character of members and employees of the general 710
assembly; 711

(5) May recommend legislation to the general assembly 712
relating to the conduct and ethics of members and employees of and 713
candidates for the general assembly; 714

(6) Shall employ an executive director for the committee and 715
may employ other staff as the committee determines necessary to 716
assist it in exercising its powers and duties. The executive 717
director and staff of the committee shall be known as the office 718
of legislative inspector general. At least one member of the staff 719

of the committee shall be an attorney at law licensed to practice 720
law in this state. The appointment and removal of the executive 721
director shall require the approval of at least eight members of 722
the committee. 723

(7) May employ a special counsel to assist the committee in 724
exercising its powers and duties. The appointment and removal of a 725
special counsel shall require the approval of at least eight 726
members of the committee. 727

(8) Shall act as an advisory body to the general assembly and 728
to individual members, candidates, and employees on questions 729
relating to ethics, possible conflicts of interest, and financial 730
disclosure; 731

(9) Shall provide for the proper forms on which a statement 732
required pursuant to section 102.02 or 102.021 of the Revised Code 733
shall be filed and instructions as to the filing of the statement; 734

(10) Exercise the powers and duties prescribed under sections 735
101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and 736
sections 121.60 to 121.69 of the Revised Code; 737

(11) Adopt, in accordance with section 111.15 of the Revised 738
Code, any rules that are necessary to implement and clarify 739
Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 740

(C) There is hereby created in the state treasury the joint 741
legislative ethics committee fund. All money collected from 742
registration fees and late filing fees prescribed under sections 743
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 744
into the state treasury to the credit of the fund. Money credited 745
to the fund and any interest and earnings from the fund shall be 746
used solely for the operation of the joint legislative ethics 747
committee and the office of legislative inspector general and for 748
the purchase of data storage and computerization facilities for 749
the statements filed with the committee under sections 101.73, 750

101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 751

(D) The chairperson of the joint legislative ethics committee 752
shall issue a written report, not later than the thirty-first day 753
of January of each year, to the speaker and minority leader of the 754
house of representatives and to the president and minority leader 755
of the senate that lists the number of committee meetings and 756
investigations the committee conducted during the immediately 757
preceding calendar year and the number of advisory opinions it 758
issued during the immediately preceding calendar year. 759

(E) Any investigative report that contains facts and findings 760
regarding a complaint filed with the joint legislative ethics 761
committee and that is prepared by the staff of the committee or a 762
special counsel to the committee shall become a public record upon 763
its acceptance by a vote of the majority of the members of the 764
committee, except for any names of specific individuals and 765
entities contained in the report. If the committee recommends 766
disciplinary action or reports its findings to the appropriate 767
prosecuting authority for proceedings in prosecution of the 768
violations alleged in the complaint, the investigatory report 769
regarding the complaint shall become a public record in its 770
entirety. 771

(F)(1) Any file obtained by or in the possession of the 772
former house ethics committee or former senate ethics committee 773
shall become the property of the joint legislative ethics 774
committee. Any such file is confidential if either of the 775
following applies: 776

(a) It is confidential under section 102.06 of the Revised 777
Code or the legislative code of ethics. 778

(b) If the file was obtained from the former house ethics 779
committee or from the former senate ethics committee, it was 780
confidential under any statute or any provision of a code of 781

ethics that governed the file. 782

(2) As used in this division, "file" includes, but is not 783
limited to, evidence, documentation, or any other tangible thing. 784

(G) There is hereby created in the state treasury the joint 785
legislative ethics committee investigative fund. Investment 786
earnings of the fund shall be credited to the fund. Money in the 787
fund shall be used solely for the operations of the committee in 788
conducting investigations. 789

Sec. 101.35. There is hereby created in the general assembly 790
the joint committee on agency rule review. The committee shall 791
consist of five members of the house of representatives and five 792
members of the senate. Within fifteen days after the commencement 793
of the first regular session of each general assembly, the speaker 794
of the house of representatives shall appoint the members of the 795
committee from the house of representatives, and the president of 796
the senate shall appoint the members of the committee from the 797
senate. Not more than three of the members from each house shall 798
be of the same political party. In the first regular session of a 799
general assembly, the chairperson of the committee shall be 800
appointed by the speaker of the house from among the house members 801
of the committee, and the vice-chairperson shall be appointed by 802
the president of the senate from among the senate members of the 803
committee. In the second regular session of a general assembly, 804
the chairperson shall be appointed by the president of the senate 805
from among the senate members of the committee, and the 806
vice-chairperson shall be appointed by the speaker of the house 807
from among the house members of the committee. The chairperson, 808
vice-chairperson, and members of the committee shall serve until 809
their respective successors are appointed or until they are no 810
longer members of the general assembly. When a vacancy occurs 811
among the officers or members of the committee, it shall be filled 812

in the same manner as the original appointment. 813

814

Notwithstanding section 101.26 of the Revised Code, the 815
members, when engaged in their duties as members of the committee 816
on days when there is not a voting session of the member's house 817
of the general assembly, shall be paid at the per diem rate of one 818
hundred fifty dollars, and their necessary traveling expenses, 819
which shall be paid from the funds appropriated for the payment of 820
expenses of legislative committees. 821

The committee has the same powers as other standing or select 822
committees of the general assembly. Six members constitute a 823
quorum, and the concurrence of six members is required for the 824
recommendation of a concurrent resolution invalidating a proposed 825
or effective rule, amendment, rescission, or part thereof, or for 826
the suspension of a rule, amendment, rescission, or part thereof, 827
under division (I) of section 119.03 ~~or section 119.031~~ of the 828
Revised Code. 829

When a member of the committee is absent, the president or 830
speaker, as the case may be, may designate a substitute from the 831
same house and political party as the absent member. The 832
substitute shall serve on the committee in the member's absence, 833
and is entitled to perform the duties of a member of the 834
committee. For serving on the committee, the substitute shall be 835
paid the same per diem and necessary traveling expenses as the 836
substitute would be entitled to receive if the substitute were a 837
member of the committee. 838

The president or speaker shall inform the executive director 839
of the committee of a substitution. If the executive director 840
learns of a substitution sufficiently in advance of the meeting of 841
the committee the substitute is to attend, the executive director 842
shall publish notice of the substitution on the internet, make 843
reasonable effort to inform of the substitution persons who are 844

known to the executive director to be interested in rules that are 845
scheduled for review at the meeting, and inform of the 846
substitution persons who inquire of the executive director 847
concerning the meeting. 848

The committee may meet during periods in which the general 849
assembly has adjourned. At meetings of the committee, the 850
committee may request a rule-making agency, as defined in section 851
119.01 of the Revised Code, to provide information relative to the 852
agency's implementation of its statutory authority. 853

A member of the committee, and the executive director and 854
staff of the committee, are entitled in their official capacities 855
to attend, but not in their official capacities to participate in, 856
a public hearing conducted by a rule-making agency on a proposed 857
rule, amendment, or rescission. 858

Sec. 101.72. (A) Each legislative agent and employer, within 859
ten days following an engagement of a legislative agent, shall 860
file with the joint legislative ethics committee an initial 861
registration statement showing all of the following: 862

(1) The name, business address, and occupation of the 863
legislative agent; 864

(2) The name and business address of the employer and the 865
real party in interest on whose behalf the legislative agent is 866
actively advocating, if it is different from the employer. For the 867
purposes of division (A) of this section, where a trade 868
association or other charitable or fraternal organization that is 869
exempt from federal income taxation under subsection 501(c) of the 870
federal Internal Revenue Code is the employer, the statement need 871
not list the names and addresses of each member of the association 872
or organization, so long as the association or organization itself 873
is listed. 874

(3) A brief description of the type of legislation to which 875
the engagement relates. 876

(B) In addition to the initial registration statement 877
required by division (A) of this section, each legislative agent 878
and employer shall file with the joint committee, not later than 879
the last day of January, May, and September of each year, an 880
updated registration statement that confirms the continuing 881
existence of each engagement described in an initial registration 882
statement and that lists the specific bills or resolutions on 883
which the agent actively advocated under that engagement during 884
the period covered by the updated statement, and with it any 885
statement of expenditures required to be filed by section 101.73 886
of the Revised Code and any details of financial transactions 887
required to be filed by section 101.74 of the Revised Code. 888

(C) If a legislative agent is engaged by more than one 889
employer, the agent shall file a separate initial and updated 890
registration statement for each engagement. If an employer engages 891
more than one legislative agent, the employer need file only one 892
updated registration statement under division (B) of this section, 893
which shall contain the information required by division (B) of 894
this section regarding all of the legislative agents engaged by 895
the employer. 896

(D)(1) A change in any information required by division 897
(A)(1), (2), or (B) of this section shall be reflected in the next 898
updated registration statement filed under division (B) of this 899
section. 900

(2) Within thirty days after the termination of an 901
engagement, the legislative agent who was employed under the 902
engagement shall send written notification of the termination to 903
the joint committee. 904

(E) ~~Except as otherwise provided in this division, a A~~ 905

registration fee of twenty-five dollars shall be charged for 906
filing an initial registration statement. The state agency of an 907
officer or employee who actively advocates in a fiduciary capacity 908
as a representative of that state agency shall pay the 909
registration fee required under this division. All money collected 910
from registration fees under this division and late filing fees 911
under division (G) of this section shall be deposited into the 912
state treasury to the credit of the joint legislative ethics 913
committee fund created under section 101.34 of the Revised Code. 914
915

An officer or employee of a state agency who actively 916
advocates in a fiduciary capacity as a representative of that 917
state agency need not ~~pay the registration fee prescribed by this~~ 918
~~division or~~ file expenditure statements under section 101.73 of 919
the Revised Code. As used in this division, "state agency" does 920
not include a state institution of higher education as defined in 921
section 3345.011 of the Revised Code. 922

(F) Upon registration pursuant to division (A) of this 923
section, the legislative agent shall be issued a card by the joint 924
committee showing that the legislative agent is registered. The 925
registration card and the legislative agent's registration shall 926
be valid from the date of their issuance until the next 927
thirty-first day of December of an even-numbered year. 928

(G) The executive director of the joint committee shall be 929
responsible for reviewing each registration statement filed with 930
the joint committee under this section and for determining whether 931
the statement contains all of the information required by this 932
section. If the joint committee determines that the registration 933
statement does not contain all of the required information or that 934
a legislative agent or employer has failed to file a registration 935
statement, the joint committee shall send written notification by 936
certified mail to the person who filed the registration statement 937

regarding the deficiency in the statement or to the person who 938
failed to file the registration statement regarding the failure. 939
Any person so notified by the joint committee shall, not later 940
than fifteen days after receiving the notice, file a registration 941
statement or an amended registration statement that does contain 942
all of the information required by this section. If any person who 943
receives a notice under this division fails to file a registration 944
statement or such an amended registration statement within this 945
fifteen-day period, the joint committee shall assess a late filing 946
fee equal to twelve dollars and fifty cents per day, up to a 947
maximum of one hundred dollars, upon that person. The joint 948
committee may waive the late filing fee for good cause shown. 949

(H) On or before the fifteenth day of March of each year, the 950
joint committee shall, in the manner and form that it determines, 951
publish a report containing statistical information on the 952
registration statements filed with it under this section during 953
the preceding year. 954

Sec. 102.02. (A) Except as otherwise provided in division (H) 955
of this section, all of the following shall file with the 956
appropriate ethics commission the disclosure statement described 957
in this division on a form prescribed by the appropriate 958
commission: every person who is elected to or is a candidate for a 959
state, county, or city office and every person who is appointed to 960
fill a vacancy for an unexpired term in such an elective office; 961
all members of the state board of education; the director, 962
assistant directors, deputy directors, division chiefs, or persons 963
of equivalent rank of any administrative department of the state; 964
the president or other chief administrative officer of every state 965
institution of higher education as defined in section 3345.011 of 966
the Revised Code; the executive director and the members of the 967
capitol square review and advisory board appointed or employed 968
pursuant to section 105.41 of the Revised Code; the chief 969

executive officer and the members of the board of each state 970
retirement system; each employee of a state retirement board who 971
is a state retirement system investment officer licensed pursuant 972
to section 1707.163 of the Revised Code; the members of the Ohio 973
retirement study council appointed pursuant to division (C) of 974
section 171.01 of the Revised Code; employees of the Ohio 975
retirement study council, other than employees who perform purely 976
administrative or clerical functions; the administrator of 977
workers' compensation and each member of the bureau of workers' 978
compensation board of directors; the bureau of workers' 979
compensation director of investments; the chief investment officer 980
of the bureau of workers' compensation; the director appointed by 981
the workers' compensation council; all members of the board of 982
commissioners on grievances and discipline of the supreme court 983
and the ethics commission created under section 102.05 of the 984
Revised Code; every business manager, treasurer, or superintendent 985
of a city, local, exempted village, joint vocational, or 986
cooperative education school district or an educational service 987
center; every person who is elected to or is a candidate for the 988
office of member of a board of education of a city, local, 989
exempted village, joint vocational, or cooperative education 990
school district or of a governing board of an educational service 991
center that has a total student count of twelve thousand or more 992
as most recently determined by the department of education 993
pursuant to section 3317.03 of the Revised Code; every person who 994
is appointed to the board of education of a municipal school 995
district pursuant to division (B) or (F) of section 3311.71 of the 996
Revised Code; all members of the board of directors of a sanitary 997
district that is established under Chapter 6115. of the Revised 998
Code and organized wholly for the purpose of providing a water 999
supply for domestic, municipal, and public use, and that includes 1000
two municipal corporations in two counties; every public official 1001
or employee who is paid a salary or wage in accordance with 1002

schedule C of section 124.15 or schedule E-2 of section 124.152 of 1003
the Revised Code; members of the board of trustees and the 1004
executive director of the southern Ohio agricultural and community 1005
development foundation; and every other public official or 1006
employee who is designated by the appropriate ethics commission 1007
pursuant to division (B) of this section. 1008

The disclosure statement shall include all of the following: 1009

(1) The name of the person filing the statement and each 1010
member of the person's immediate family and all names under which 1011
the person or members of the person's immediate family do 1012
business; 1013

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 1014
and except as otherwise provided in section 102.022 of the Revised 1015
Code, identification of every source of income, other than income 1016
from a legislative agent identified in division (A)(2)(b) of this 1017
section, received during the preceding calendar year, in the 1018
person's own name or by any other person for the person's use or 1019
benefit, by the person filing the statement, and a brief 1020
description of the nature of the services for which the income was 1021
received. If the person filing the statement is a member of the 1022
general assembly, the statement shall identify the amount of every 1023
source of income received in accordance with the following ranges 1024
of amounts: zero or more, but less than one thousand dollars; one 1025
thousand dollars or more, but less than ten thousand dollars; ten 1026
thousand dollars or more, but less than twenty-five thousand 1027
dollars; twenty-five thousand dollars or more, but less than fifty 1028
thousand dollars; fifty thousand dollars or more, but less than 1029
one hundred thousand dollars; and one hundred thousand dollars or 1030
more. Division (A)(2)(a) of this section shall not be construed to 1031
require a person filing the statement who derives income from a 1032
business or profession to disclose the individual items of income 1033
that constitute the gross income of that business or profession, 1034

except for those individual items of income that are attributable 1035
to the person's or, if the income is shared with the person, the 1036
partner's, solicitation of services or goods or performance, 1037
arrangement, or facilitation of services or provision of goods on 1038
behalf of the business or profession of clients, including 1039
corporate clients, who are legislative agents. A person who files 1040
the statement under this section shall disclose the identity of 1041
and the amount of income received from a person who the public 1042
official or employee knows or has reason to know is doing or 1043
seeking to do business of any kind with the public official's or 1044
employee's agency. 1045

(b) If the person filing the statement is a member of the 1046
general assembly, the statement shall identify every source of 1047
income and the amount of that income that was received from a 1048
legislative agent during the preceding calendar year, in the 1049
person's own name or by any other person for the person's use or 1050
benefit, by the person filing the statement, and a brief 1051
description of the nature of the services for which the income was 1052
received. Division (A)(2)(b) of this section requires the 1053
disclosure of clients of attorneys or persons licensed under 1054
section 4732.12 of the Revised Code, or patients of persons 1055
certified under section 4731.14 of the Revised Code, if those 1056
clients or patients are legislative agents. Division (A)(2)(b) of 1057
this section requires a person filing the statement who derives 1058
income from a business or profession to disclose those individual 1059
items of income that constitute the gross income of that business 1060
or profession that are received from legislative agents. 1061

(c) Except as otherwise provided in division (A)(2)(c) of 1062
this section, division (A)(2)(a) of this section applies to 1063
attorneys, physicians, and other persons who engage in the 1064
practice of a profession and who, pursuant to a section of the 1065
Revised Code, the common law of this state, a code of ethics 1066

applicable to the profession, or otherwise, generally are required 1067
not to reveal, disclose, or use confidences of clients, patients, 1068
or other recipients of professional services except under 1069
specified circumstances or generally are required to maintain 1070
those types of confidences as privileged communications except 1071
under specified circumstances. Division (A)(2)(a) of this section 1072
does not require an attorney, physician, or other professional 1073
subject to a confidentiality requirement as described in division 1074
(A)(2)(c) of this section to disclose the name, other identity, or 1075
address of a client, patient, or other recipient of professional 1076
services if the disclosure would threaten the client, patient, or 1077
other recipient of professional services, would reveal details of 1078
the subject matter for which legal, medical, or professional 1079
advice or other services were sought, or would reveal an otherwise 1080
privileged communication involving the client, patient, or other 1081
recipient of professional services. Division (A)(2)(a) of this 1082
section does not require an attorney, physician, or other 1083
professional subject to a confidentiality requirement as described 1084
in division (A)(2)(c) of this section to disclose in the brief 1085
description of the nature of services required by division 1086
(A)(2)(a) of this section any information pertaining to specific 1087
professional services rendered for a client, patient, or other 1088
recipient of professional services that would reveal details of 1089
the subject matter for which legal, medical, or professional 1090
advice was sought or would reveal an otherwise privileged 1091
communication involving the client, patient, or other recipient of 1092
professional services. 1093

(3) The name of every corporation on file with the secretary 1094
of state that is incorporated in this state or holds a certificate 1095
of compliance authorizing it to do business in this state, trust, 1096
business trust, partnership, or association that transacts 1097
business in this state in which the person filing the statement or 1098
any other person for the person's use and benefit had during the 1099

preceding calendar year an investment of over one thousand dollars 1100
at fair market value as of the thirty-first day of December of the 1101
preceding calendar year, or the date of disposition, whichever is 1102
earlier, or in which the person holds any office or has a 1103
fiduciary relationship, and a description of the nature of the 1104
investment, office, or relationship. Division (A)(3) of this 1105
section does not require disclosure of the name of any bank, 1106
savings and loan association, credit union, or building and loan 1107
association with which the person filing the statement has a 1108
deposit or a withdrawable share account. 1109

(4) All fee simple and leasehold interests to which the 1110
person filing the statement holds legal title to or a beneficial 1111
interest in real property located within the state, excluding the 1112
person's residence and property used primarily for personal 1113
recreation; 1114

(5) The names of all persons residing or transacting business 1115
in the state to whom the person filing the statement owes, in the 1116
person's own name or in the name of any other person, more than 1117
one thousand dollars. Division (A)(5) of this section shall not be 1118
construed to require the disclosure of debts owed by the person 1119
resulting from the ordinary conduct of a business or profession or 1120
debts on the person's residence or real property used primarily 1121
for personal recreation, except that the superintendent of 1122
financial institutions shall disclose the names of all 1123
state-chartered savings and loan associations and of all service 1124
corporations subject to regulation under division (E)(2) of 1125
section 1151.34 of the Revised Code to whom the superintendent in 1126
the superintendent's own name or in the name of any other person 1127
owes any money, and that the superintendent and any deputy 1128
superintendent of banks shall disclose the names of all 1129
state-chartered banks and all bank subsidiary corporations subject 1130
to regulation under section 1109.44 of the Revised Code to whom 1131

the superintendent or deputy superintendent owes any money. 1132

(6) The names of all persons residing or transacting business 1133
in the state, other than a depository excluded under division 1134
(A)(3) of this section, who owe more than one thousand dollars to 1135
the person filing the statement, either in the person's own name 1136
or to any person for the person's use or benefit. Division (A)(6) 1137
of this section shall not be construed to require the disclosure 1138
of clients of attorneys or persons licensed under section 4732.12 1139
or 4732.15 of the Revised Code, or patients of persons certified 1140
under section 4731.14 of the Revised Code, nor the disclosure of 1141
debts owed to the person resulting from the ordinary conduct of a 1142
business or profession. 1143

(7) Except as otherwise provided in section 102.022 of the 1144
Revised Code, the source of each gift of over seventy-five 1145
dollars, or of each gift of over twenty-five dollars received by a 1146
member of the general assembly from a legislative agent, received 1147
by the person in the person's own name or by any other person for 1148
the person's use or benefit during the preceding calendar year, 1149
except gifts received by will or by virtue of section 2105.06 of 1150
the Revised Code, or received from spouses, parents, grandparents, 1151
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1152
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1153
fathers-in-law, mothers-in-law, or any person to whom the person 1154
filing the statement stands in loco parentis, or received by way 1155
of distribution from any inter vivos or testamentary trust 1156
established by a spouse or by an ancestor; 1157

(8) Except as otherwise provided in section 102.022 of the 1158
Revised Code, identification of the source and amount of every 1159
payment of expenses incurred for travel to destinations inside or 1160
outside this state that is received by the person in the person's 1161
own name or by any other person for the person's use or benefit 1162
and that is incurred in connection with the person's official 1163

duties, except for expenses for travel to meetings or conventions 1164
of a national or state organization to which any state agency, 1165
including, but not limited to, any legislative agency or state 1166
institution of higher education as defined in section 3345.011 of 1167
the Revised Code, pays membership dues, or any political 1168
subdivision or any office or agency of a political subdivision 1169
pays membership dues; 1170

(9) Except as otherwise provided in section 102.022 of the 1171
Revised Code, identification of the source of payment of expenses 1172
for meals and other food and beverages, other than for meals and 1173
other food and beverages provided at a meeting at which the person 1174
participated in a panel, seminar, or speaking engagement or at a 1175
meeting or convention of a national or state organization to which 1176
any state agency, including, but not limited to, any legislative 1177
agency or state institution of higher education as defined in 1178
section 3345.011 of the Revised Code, pays membership dues, or any 1179
political subdivision or any office or agency of a political 1180
subdivision pays membership dues, that are incurred in connection 1181
with the person's official duties and that exceed one hundred 1182
dollars aggregated per calendar year; 1183

(10) If the disclosure statement is filed by a public 1184
official or employee described in division (B)(2) of section 1185
101.73 of the Revised Code or division (B)(2) of section 121.63 of 1186
the Revised Code who receives a statement from a legislative 1187
agent, executive agency lobbyist, or employer that contains the 1188
information described in division (F)(2) of section 101.73 of the 1189
Revised Code or division (G)(2) of section 121.63 of the Revised 1190
Code, all of the nondisputed information contained in the 1191
statement delivered to that public official or employee by the 1192
legislative agent, executive agency lobbyist, or employer under 1193
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1194
the Revised Code. 1195

A person may file a statement required by this section in 1196
person or by mail. A person who is a candidate for elective office 1197
shall file the statement no later than the thirtieth day before 1198
the primary, special, or general election at which the candidacy 1199
is to be voted on, whichever election occurs soonest, except that 1200
a person who is a write-in candidate shall file the statement no 1201
later than the twentieth day before the earliest election at which 1202
the person's candidacy is to be voted on. A person who holds 1203
elective office shall file the statement on or before the 1204
fifteenth day of April of each year unless the person is a 1205
candidate for office. A person who is appointed to fill a vacancy 1206
for an unexpired term in an elective office shall file the 1207
statement within fifteen days after the person qualifies for 1208
office. Other persons shall file an annual statement on or before 1209
the fifteenth day of April or, if appointed or employed after that 1210
date, within ninety days after appointment or employment. No 1211
person shall be required to file with the appropriate ethics 1212
commission more than one statement or pay more than one filing fee 1213
for any one calendar year. 1214

The appropriate ethics commission, for good cause, may extend 1215
for a reasonable time the deadline for filing a statement under 1216
this section. 1217

A statement filed under this section is subject to public 1218
inspection at locations designated by the appropriate ethics 1219
commission except as otherwise provided in this section. 1220

(B) The Ohio ethics commission, the joint legislative ethics 1221
committee, and the board of commissioners on grievances and 1222
discipline of the supreme court, using the rule-making procedures 1223
of Chapter 119. of the Revised Code, may require any class of 1224
public officials or employees under its jurisdiction and not 1225
specifically excluded by this section whose positions involve a 1226
substantial and material exercise of administrative discretion in 1227

the formulation of public policy, expenditure of public funds, 1228
enforcement of laws and rules of the state or a county or city, or 1229
the execution of other public trusts, to file an annual statement 1230
on or before the fifteenth day of April under division (A) of this 1231
section. The appropriate ethics commission shall send the public 1232
officials or employees written notice of the requirement by the 1233
fifteenth day of February of each year the filing is required 1234
unless the public official or employee is appointed after that 1235
date, in which case the notice shall be sent within thirty days 1236
after appointment, and the filing shall be made not later than 1237
ninety days after appointment. 1238

Except for disclosure statements filed by members of the 1239
board of trustees and the executive director of the southern Ohio 1240
agricultural and community development foundation, disclosure 1241
statements filed under this division with the Ohio ethics 1242
commission by members of boards, commissions, or bureaus of the 1243
state for which no compensation is received other than reasonable 1244
and necessary expenses shall be kept confidential. Disclosure 1245
statements filed with the Ohio ethics commission under division 1246
(A) of this section by business managers, treasurers, and 1247
superintendents of city, local, exempted village, joint 1248
vocational, or cooperative education school districts or 1249
educational service centers shall be kept confidential, except 1250
that any person conducting an audit of any such school district or 1251
educational service center pursuant to section 115.56 or Chapter 1252
117. of the Revised Code may examine the disclosure statement of 1253
any business manager, treasurer, or superintendent of that school 1254
district or educational service center. The Ohio ethics commission 1255
shall examine each disclosure statement required to be kept 1256
confidential to determine whether a potential conflict of interest 1257
exists for the person who filed the disclosure statement. A 1258
potential conflict of interest exists if the private interests of 1259
the person, as indicated by the person's disclosure statement, 1260

might interfere with the public interests the person is required 1261
to serve in the exercise of the person's authority and duties in 1262
the person's office or position of employment. If the commission 1263
determines that a potential conflict of interest exists, it shall 1264
notify the person who filed the disclosure statement and shall 1265
make the portions of the disclosure statement that indicate a 1266
potential conflict of interest subject to public inspection in the 1267
same manner as is provided for other disclosure statements. Any 1268
portion of the disclosure statement that the commission determines 1269
does not indicate a potential conflict of interest shall be kept 1270
confidential by the commission and shall not be made subject to 1271
public inspection, except as is necessary for the enforcement of 1272
Chapters 102. and 2921. of the Revised Code and except as 1273
otherwise provided in this division. 1274

(C) No person shall knowingly fail to file, on or before the 1275
applicable filing deadline established under this section, a 1276
statement that is required by this section. 1277

(D) No person shall knowingly file a false statement that is 1278
required to be filed under this section. 1279

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1280
section, the statement required by division (A) or (B) of this 1281
section shall be accompanied by a filing fee of forty dollars. 1282

(2) The statement required by division (A) of this section 1283
shall be accompanied by the following filing fee to be paid by the 1284
person who is elected or appointed to, or is a candidate for, any 1285
of the following offices: 1286

For state office, except member of the		1287
state board of education	\$65	1288
For office of member of general assembly	\$40	1289
For county office	\$40	1290
For city office	\$25	1291

For office of member of the state board		1292
of education	\$25	1293
For office of member of a city, local,		1294
exempted village, or cooperative		1295
education board of		1296
education or educational service		1297
center governing board	\$20	1298
For position of business manager,		1299
treasurer, or superintendent of a		1300
city, local, exempted village, joint		1301
vocational, or cooperative education		1302
school district or		1303
educational service center	\$20	1304
(3) No judge of a court of record or candidate for judge of a		1305
court of record, and no referee or magistrate serving a court of		1306
record, shall be required to pay the fee required under division		1307
(E)(1) or (2) or (F) of this section.		1308
(4) For any public official who is appointed to a nonelective		1309
office of the state and for any employee who holds a nonelective		1310
position in a public agency of the state, the state agency that is		1311
the primary employer of the state official or employee shall pay		1312
the fee required under division (E)(1) or (F) of this section.		1313
(F) If a statement required to be filed under this section is		1314
not filed by the date on which it is required to be filed, the		1315
appropriate ethics commission shall assess the person required to		1316
file the statement a late filing fee of ten dollars for each day		1317
the statement is not filed, except that the total amount of the		1318
late filing fee shall not exceed two hundred fifty dollars.		1319
(G)(1) The appropriate ethics commission other than the Ohio		1320
ethics commission <u>and the joint legislative ethics committee</u> shall		1321
deposit all fees it receives under divisions (E) and (F) of this		1322
section into the general revenue fund of the state.		1323

(2) The Ohio ethics commission shall deposit all receipts, 1324
including, but not limited to, fees it receives under divisions 1325
(E) and (F) of this section and all moneys it receives from 1326
settlements under division (G) of section 102.06 of the Revised 1327
Code, into the Ohio ethics commission fund, which is hereby 1328
created in the state treasury. All moneys credited to the fund 1329
shall be used solely for expenses related to the operation and 1330
statutory functions of the commission. 1331

(3) The joint legislative ethics committee shall deposit all 1332
receipts it receives from the payment of financial disclosure 1333
statement filing fees under divisions (E) and (F) of this section 1334
into the joint legislative ethics committee investigative fund. 1335

(H) Division (A) of this section does not apply to a person 1336
elected or appointed to the office of precinct, ward, or district 1337
committee member under Chapter 3517. of the Revised Code; a 1338
presidential elector; a delegate to a national convention; village 1339
or township officials and employees; any physician or psychiatrist 1340
who is paid a salary or wage in accordance with schedule C of 1341
section 124.15 or schedule E-2 of section 124.152 of the Revised 1342
Code and whose primary duties do not require the exercise of 1343
administrative discretion; or any member of a board, commission, 1344
or bureau of any county or city who receives less than one 1345
thousand dollars per year for serving in that position. 1346

Sec. 103.0511. The director of the legislative service 1347
commission shall establish and maintain, and enhance and improve, 1348
an electronic rule-filing system connecting: 1349

(A) The legislative service commission, the joint committee 1350
on agency rule review, the secretary of state, the small business 1351
regulatory review board, and the ~~office of Ohio~~ small business 1352
ombudsperson; 1353

(B) The governor, the senate and house of representatives, 1354

and the clerks of the senate and house of representatives; 1355

(C) Each agency that files rules and other rule-making and 1356
rule-related documents with the legislative service commission, 1357
the joint committee on agency rule review, the governor, the 1358
secretary of state, the ~~office of Ohio~~ small business 1359
ombudsperson, the general assembly, or a committee of the senate 1360
or house of representatives under section 111.15, 117.20, 119.03, 1361
~~119.031~~, 119.032, 119.0311, 119.04, ~~121.24~~ 121.254, 121.39, 1362
127.18, 4141.14, 5117.02, or 5703.14 of the Revised Code or any 1363
other statute; 1364

(D) The several publishers of the Administrative Code; and 1365

(E) Any other person or governmental officer or entity whose 1366
inclusion in the system is required for the system to be a 1367
complete electronic rule-filing system. 1368

The electronic rule-filing system is to enable rules and 1369
rule-making and rule-related documents to be filed, and official 1370
responses to these filings to be made, exclusively by electronic 1371
means. 1372

Sec. 103.24. There is hereby created in the state treasury 1373
the legislative agency telephone usage fund. Money collected from 1374
the house of representatives, senate, and joint legislative ethics 1375
committee shall be credited to the fund, along with money 1376
collected from any other legislative agency that the legislative 1377
service commission determines should account for calls made from 1378
the agency's telephones through the fund. The fund shall be used 1379
to pay the telephone carriers for all such telephone calls. 1380

Sec. 105.41. (A) There is hereby created in the legislative 1381
branch of government the capitol square review and advisory board, 1382
consisting of thirteen members as follows: 1383

(1) Two members of the senate, appointed by the president of 1384

the senate, both of whom shall not be members of the same 1385
political party; 1386

(2) Two members of the house of representatives, appointed by 1387
the speaker of the house of representatives, both of whom shall 1388
not be members of the same political party; 1389

(3) Five members appointed by the governor, with the advice 1390
and consent of the senate, not more than three of whom shall be 1391
members of the same political party, one of whom shall be the 1392
chief of staff of the governor's office, one of whom shall 1393
represent the Ohio arts council, one of whom shall represent the 1394
Ohio historical society, one of whom shall represent the Ohio 1395
building authority, and one of whom shall represent the public at 1396
large; 1397

(4) One member, who shall be a former president of the 1398
senate, appointed by the current president of the senate. If the 1399
current president of the senate, in the current president's 1400
discretion, decides for any reason not to make the appointment or 1401
if no person is eligible or available to serve, the seat shall 1402
remain vacant. 1403

(5) One member, who shall be a former speaker of the house of 1404
representatives, appointed by the current speaker of the house of 1405
representatives. If the current speaker of the house of 1406
representatives, in the current speaker's discretion, decides for 1407
any reason not to make the appointment or if no person is eligible 1408
or available to serve, the seat shall remain vacant. 1409

(6) The clerk of the senate and the clerk of the house of 1410
representatives. 1411

(B) Terms of office of each appointed member of the board 1412
shall be for three years, except that members of the general 1413
assembly appointed to the board shall be members of the board only 1414
so long as they are members of the general assembly and the chief 1415

of staff of the governor's office shall be a member of the board 1416
only so long as the appointing governor remains in office. Each 1417
member shall hold office from the date of the member's appointment 1418
until the end of the term for which the member was appointed. In 1419
case of a vacancy occurring on the board, the president of the 1420
senate, the speaker of the house of representatives, or the 1421
governor, as the case may be, shall in the same manner prescribed 1422
for the regular appointment to the commission, fill the vacancy by 1423
appointing a member. Any member appointed to fill a vacancy 1424
occurring prior to the expiration of the term for which the 1425
member's predecessor was appointed shall hold office for the 1426
remainder of the term. Any appointed member shall continue in 1427
office subsequent to the expiration date of the member's term 1428
until the member's successor takes office, or until a period of 1429
sixty days has elapsed, whichever occurs first. 1430

(C) The board shall hold meetings in a manner and at times 1431
prescribed by the rules adopted by the board. A majority of the 1432
board constitutes a quorum, and no action shall be taken by the 1433
board unless approved by at least six members or by at least seven 1434
members if a person is appointed under division (A)(4) or (5) of 1435
this section. At its first meeting, the board shall adopt rules 1436
for the conduct of its business and the election of its officers, 1437
and shall organize by selecting a chairperson and other officers 1438
as it considers necessary. Board members shall serve without 1439
compensation but shall be reimbursed for actual and necessary 1440
expenses incurred in the performance of their duties. 1441

(D) The board may do any of the following: 1442

(1) Employ or hire on a consulting basis professional, 1443
technical, and clerical employees as are necessary for the 1444
performance of its duties~~+~~. All employees of the board are in the 1445
unclassified civil service and serve at the pleasure of the board. 1446
For the purposes of sections 718.04 and 4117.01 of the Revised 1447

Code, employees of the board shall be considered employees of the 1448
general assembly. 1449

(2) Hold public hearings at times and places as determined by 1450
the board; 1451

(3) Adopt, amend, or rescind rules necessary to accomplish 1452
the duties of the board as set forth in this section; 1453

(4) Sponsor, conduct, and support such social events as the 1454
board may authorize and consider appropriate for the employees of 1455
the board, employees and members of the general assembly, 1456
employees of persons under contract with the board or otherwise 1457
engaged to perform services on the premises of capitol square, or 1458
other persons as the board may consider appropriate. Subject to 1459
the requirements of Chapter 4303. of the Revised Code, the board 1460
may provide beer, wine, and intoxicating liquor, with or without 1461
charge, for those events and may use funds only from the sale of 1462
goods and services fund to purchase the beer, wine, and 1463
intoxicating liquor the board provides; 1464

(5) Purchase a warehouse in which to store items of the 1465
capitol collection trust and, whenever necessary, equipment or 1466
other property of the board. 1467

(E) The board shall do all of the following: 1468

(1) Have sole authority to coordinate and approve any 1469
improvements, additions, and renovations that are made to the 1470
capitol square. The improvements shall include, but not be limited 1471
to, the placement of monuments and sculpture on the capitol 1472
grounds. 1473

(2) Subject to section 3353.07 of the Revised Code, operate 1474
the capitol square, and have sole authority to regulate all uses 1475
of the capitol square. The uses shall include, but not be limited 1476
to, the casual and recreational use of the capitol square. 1477

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

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

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

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

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

(F)(1) The board shall lease capital facilities improved or financed by the Ohio building authority pursuant to Chapter 152. of the Revised Code for the use of the board, and may enter into any other agreements with the authority ancillary to improvement, financing, or leasing of those capital facilities, including, but not limited to, any agreement required by the applicable bond proceedings authorized by Chapter 152. of the Revised Code. Any lease of capital facilities authorized by this section shall be governed by division (D) of section 152.24 of the Revised Code.

(2) Fees, receipts, and revenues received by the board from

the state underground parking garage constitute available receipts 1509
as defined in section 152.09 of the Revised Code, and may be 1510
pledged to the payment of bond service charges on obligations 1511
issued by the Ohio building authority pursuant to Chapter 152. of 1512
the Revised Code to improve, finance, or purchase capital 1513
facilities useful to the board. The authority may, with the 1514
consent of the board, provide in the bond proceedings for a pledge 1515
of all or a portion of those fees, receipts, and revenues as the 1516
authority determines. The authority may provide in the bond 1517
proceedings or by separate agreement with the board for the 1518
transfer of those fees, receipts, and revenues to the appropriate 1519
bond service fund or bond service reserve fund as required to pay 1520
the bond service charges when due, and any such provision for the 1521
transfer of those fees, receipts, and revenues shall be 1522
controlling notwithstanding any other provision of law pertaining 1523
to those fees, receipts, and revenues. 1524

(3) All moneys received by the treasurer of state on account 1525
of the board and required by the applicable bond proceedings or by 1526
separate agreement with the board to be deposited, transferred, or 1527
credited to the bond service fund or bond service reserve fund 1528
established by the bond proceedings shall be transferred by the 1529
treasurer of state to such fund, whether or not it is in the 1530
custody of the treasurer of state, without necessity for further 1531
appropriation, upon receipt of notice from the Ohio building 1532
authority as prescribed in the bond proceedings. 1533

(G) All fees, receipts, and revenues received by the board 1534
from the state underground parking garage shall be deposited into 1535
the state treasury to the credit of the underground parking garage 1536
operating fund, which is hereby created, to be used for the 1537
purposes specified in division (F) of this section and for the 1538
operation and maintenance of the garage. All investment earnings 1539
of the fund shall be credited to the fund. 1540

(H) All donations received by the board shall be deposited 1541
into the state treasury to the credit of the capitol square 1542
renovation gift fund, which is hereby created. The fund shall be 1543
used by the board as follows: 1544

(1) To provide part or all of the funding related to 1545
construction, goods, or services for the renovation of the capitol 1546
square; 1547

(2) To purchase art, antiques, and artifacts for display at 1548
the capitol square; 1549

(3) To award contracts or make grants to organizations for 1550
educating the public regarding the historical background and 1551
governmental functions of the capitol square. Chapters 125., 127., 1552
and 153. and section 3517.13 of the Revised Code do not apply to 1553
purchases made exclusively from the fund, notwithstanding anything 1554
to the contrary in those chapters or that section. All investment 1555
earnings of the fund shall be credited to the fund. 1556

(I) Except as provided in divisions (G), (H), and (J) of this 1557
section, all fees, receipts, and revenues received by the board 1558
shall be deposited into the state treasury to the credit of the 1559
sale of goods and services fund, which is hereby created. Money 1560
credited to the fund shall be used solely to pay costs of the 1561
board other than those specified in divisions (F) and (G) of this 1562
section. All investment earnings of the fund shall be credited to 1563
the fund. 1564

(J) There is hereby created in the state treasury the capitol 1565
square improvement fund, to be used by the board to pay 1566
construction, renovation, and other costs related to the capitol 1567
square for which money is not otherwise available to the board. 1568
Whenever the board determines that there is a need to incur those 1569
costs and that the unencumbered, unobligated balance to the credit 1570
of the underground parking garage operating fund exceeds the 1571

amount needed for the purposes specified in division (F) of this 1572
section and for the operation and maintenance of the garage, the 1573
board may request the director of budget and management to 1574
transfer from the underground parking garage operating fund to the 1575
capitol square improvement fund the amount needed to pay such 1576
construction, renovation, or other costs. The director then shall 1577
transfer the amount needed from the excess balance of the 1578
underground parking garage operating fund. 1579

(K) As the operation and maintenance of the capitol square 1580
constitute essential government functions of a public purpose, the 1581
board shall not be required to pay taxes or assessments upon the 1582
square, upon any property acquired or used by the board under this 1583
section, or upon any income generated by the operation of the 1584
square. 1585

(L) Section 125.18 of the Revised Code does not apply to the 1586
board. 1587

(M) As used in this section, "capitol square" means the 1588
capitol building, senate building, capitol atrium, capitol 1589
grounds, the state underground parking garage, and the warehouse 1590
owned by the board. 1591

~~(M)~~(N) The capitol annex shall be known as the senate 1592
building. 1593

Sec. 107.19. The governor shall have no power to issue any 1594
executive order that has previously been issued and that the 1595
federal trade commission, office of policy planning, bureau of 1596
economics, and bureau of competition has opined is 1597
anti-competitive and is in violation of anti-trust laws. Any such 1598
executive order shall be considered invalid and unenforceable. 1599

Sec. 107.21. (A) As used in this section, "Appalachian 1600
region" means the following counties in this state ~~which~~ that have 1601

been designated as part of Appalachia by the federal Appalachian regional commission and ~~which~~ that have been geographically isolated and economically depressed: Adams, Ashtabula, Athens, Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence, Mahoning, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Trumbull, Tuscarawas, Vinton, and Washington.

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

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

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

(2) To represent the interests of the Appalachian region in the general assembly and before state boards, commissions, bodies, and agencies;

(3) To assist in forming a consensus on public issues and 1633
policies among institutions and organizations that serve the 1634
Appalachian region; 1635

(4) To act as an ~~ombudsman~~ ombudsperson to assist in 1636
resolving differences between state or federal agencies and the 1637
officials of political subdivisions or private, nonprofit 1638
organizations located within the Appalachian region; 1639

(5) To assist planning commissions, agencies, and 1640
organizations within the Appalachian region in distributing 1641
planning information and documents to the appropriate state and 1642
federal agencies and to assist in focusing attention on any 1643
findings and recommendations of these commissions, agencies, and 1644
organizations; 1645

(6) To issue reports on the Appalachian region ~~which~~ that 1646
describe progress achieved and the needs that still exist in the 1647
region; 1648

(7) To assist the governor's office in resolving the problems 1649
of residents of the Appalachian region that come to the governor's 1650
attention. 1651

(D) The amount of money from appropriated state funds 1652
allocated each year to pay administrative costs of a local 1653
development district existing on the effective date of this 1654
amendment shall not be decreased due to the creation and funding 1655
of additional local development districts. The amount of money 1656
allocated to each district shall be increased each year by the 1657
average percentage of increase in the consumer price index for the 1658
prior year. 1659

As used in this division, "consumer price index" means the 1660
consumer price index for all urban consumers (United States city 1661
average, all items), prepared by the United States department of 1662
labor, bureau of labor statistics. 1663

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

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

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

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

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

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

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

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

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

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

(C) The commission shall consist of eleven members. One member shall be the director of administrative services or the director's designee, who shall serve during the director's term of office and shall serve as chairperson. One member shall be the director of the Ohio historical society or the director's designee, who shall serve during the director's term of office and shall serve as vice-chairperson. One member shall represent the Columbus landmarks foundation. One member shall represent the Bexley historical society. One member shall be the mayor of the city of Bexley, who shall serve during the mayor's term of office. One member shall be the chief executive officer of the Franklin park conservatory joint recreation district, who shall serve during the term of employment as chief executive officer. The remaining five members shall be appointed by the governor with the advice and consent of the senate. The five members appointed by the governor shall be persons with knowledge of Ohio history, architecture, decorative arts, or historic preservation, and one of those members shall have knowledge of landscape architecture, garden design, horticulture, and plants native to this state.

(D) Of the initial appointees, the representative of the Columbus landmarks foundation shall serve for a term expiring

December 31, 1996, and the representative of the Bexley historical society shall serve for a term expiring December 31, 1997. Of the five members appointed by the governor, three shall serve for terms ending December 31, 1998, and two shall serve for terms ending December 31, 1999. Thereafter, each term shall be for four years, commencing on the first day of January and ending on the last day of December. The member having knowledge of landscape architecture, garden design, horticulture, and plants native to this state initially shall be appointed upon the first vacancy on the commission occurring on or after June 30, 2006.

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

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

(F) After each initial member of the commission has been appointed, the commission shall meet and select one member as secretary and another as treasurer. Organizational meetings of the commission shall be held at the time and place designated by call of the chairperson. Meetings of the commission may be held anywhere in the state and shall be in compliance with Chapters 121. and 149. of the Revised Code. The commission may adopt, pursuant to section 111.15 of the Revised Code, rules necessary to carry out the purposes of this section.

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

(H) All expenses incurred in carrying out this section are 1758
payable solely from money accrued under this section or 1759
appropriated for these purposes by the general assembly, and the 1760
commission shall incur no liability or obligation beyond such 1761
money. 1762

(I) Except as otherwise provided in this division, the 1763
commission may accept any payment for the use of the governor's 1764
residence or may accept any donation, gift, bequest, or devise for 1765
the governor's residence or as an endowment for the maintenance 1766
and care of the garden on the grounds of the governor's residence 1767
in furtherance of its duties. The commission shall not accept any 1768
donation, gift, bequest, or devise from a person, individual, or 1769
member of an individual's immediate family if the person or 1770
individual is receiving payments under a contract with the state 1771
or a state agency for the purchase of supplies, services, or 1772
equipment or for the construction, reconstruction, improvement, 1773
enlargement, alteration, repair, painting, or decoration of a 1774
public improvement, except for payments received under an 1775
employment contract or a collective bargaining agreement. Any 1776
revenue received by the commission shall be deposited into the 1777
governor's residence fund, which is hereby established in the 1778
state treasury, for use by the commission in accordance with the 1779
performance of its duties. All investment earnings of the fund 1780
shall be credited to the fund. Title to all property acquired by 1781
the commission shall be taken in the name of the state and shall 1782
be held for the use and benefit of the commission. 1783

(J) Nothing in this section limits the ability of a person or 1784
other entity to purchase decorations, objects of art, chandeliers, 1785
china, silver, statues, paintings, furnishings, accouterments, 1786
plants, or other aesthetic materials for placement in the 1787
governor's residence or on the grounds of the governor's residence 1788
or donation to the commission. No such object or plant, however, 1789

shall be placed on the grounds or public areas of the first story 1790
of the governor's residence without the consent of the commission. 1791

(K) The heritage garden established under this section shall 1792
be officially known as "the heritage garden at the Ohio governor's 1793
residence." 1794

(L) As used in this section, "heritage garden" means the 1795
botanical garden of native plants established at the governor's 1796
residence. 1797

Sec. 109.57. (A)(1) The superintendent of the bureau of 1798
criminal identification and investigation shall procure from 1799
wherever procurable and file for record photographs, pictures, 1800
descriptions, fingerprints, measurements, and other information 1801
that may be pertinent of all persons who have been convicted of 1802
committing within this state a felony, any crime constituting a 1803
misdemeanor on the first offense and a felony on subsequent 1804
offenses, or any misdemeanor described in division (A)(1)(a), 1805
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 1806
of all children under eighteen years of age who have been 1807
adjudicated delinquent children for committing within this state 1808
an act that would be a felony or an offense of violence if 1809
committed by an adult or who have been convicted of or pleaded 1810
guilty to committing within this state a felony or an offense of 1811
violence, and of all well-known and habitual criminals. The person 1812
in charge of any county, multicounty, municipal, municipal-county, 1813
or multicounty-municipal jail or workhouse, community-based 1814
correctional facility, halfway house, alternative residential 1815
facility, or state correctional institution and the person in 1816
charge of any state institution having custody of a person 1817
suspected of having committed a felony, any crime constituting a 1818
misdemeanor on the first offense and a felony on subsequent 1819
offenses, or any misdemeanor described in division (A)(1)(a), 1820

(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 1821
having custody of a child under eighteen years of age with respect 1822
to whom there is probable cause to believe that the child may have 1823
committed an act that would be a felony or an offense of violence 1824
if committed by an adult shall furnish such material to the 1825
superintendent of the bureau. Fingerprints, photographs, or other 1826
descriptive information of a child who is under eighteen years of 1827
age, has not been arrested or otherwise taken into custody for 1828
committing an act that would be a felony or an offense of violence 1829
who is not in any other category of child specified in this 1830
division, if committed by an adult, has not been adjudicated a 1831
delinquent child for committing an act that would be a felony or 1832
an offense of violence if committed by an adult, has not been 1833
convicted of or pleaded guilty to committing a felony or an 1834
offense of violence, and is not a child with respect to whom there 1835
is probable cause to believe that the child may have committed an 1836
act that would be a felony or an offense of violence if committed 1837
by an adult shall not be procured by the superintendent or 1838
furnished by any person in charge of any county, multicounty, 1839
municipal, municipal-county, or multicounty-municipal jail or 1840
workhouse, community-based correctional facility, halfway house, 1841
alternative residential facility, or state correctional 1842
institution, except as authorized in section 2151.313 of the 1843
Revised Code. 1844

(2) Every clerk of a court of record in this state, other 1845
than the supreme court or a court of appeals, shall send to the 1846
superintendent of the bureau a weekly report containing a summary 1847
of each case involving a felony, involving any crime constituting 1848
a misdemeanor on the first offense and a felony on subsequent 1849
offenses, involving a misdemeanor described in division (A)(1)(a), 1850
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 1851
or involving an adjudication in a case in which a child under 1852
eighteen years of age was alleged to be a delinquent child for 1853

committing an act that would be a felony or an offense of violence 1854
if committed by an adult. The clerk of the court of common pleas 1855
shall include in the report and summary the clerk sends under this 1856
division all information described in divisions (A)(2)(a) to (f) 1857
of this section regarding a case before the court of appeals that 1858
is served by that clerk. The summary shall be written on the 1859
standard forms furnished by the superintendent pursuant to 1860
division (B) of this section and shall include the following 1861
information: 1862

(a) The incident tracking number contained on the standard 1863
forms furnished by the superintendent pursuant to division (B) of 1864
this section; 1865

(b) The style and number of the case; 1866

(c) The date of arrest, offense, summons, or arraignment; 1867

(d) The date that the person was convicted of or pleaded 1868
guilty to the offense, adjudicated a delinquent child for 1869
committing the act that would be a felony or an offense of 1870
violence if committed by an adult, found not guilty of the 1871
offense, or found not to be a delinquent child for committing an 1872
act that would be a felony or an offense of violence if committed 1873
by an adult, the date of an entry dismissing the charge, an entry 1874
declaring a mistrial of the offense in which the person is 1875
discharged, an entry finding that the person or child is not 1876
competent to stand trial, or an entry of a nolle prosequi, or the 1877
date of any other determination that constitutes final resolution 1878
of the case; 1879

(e) A statement of the original charge with the section of 1880
the Revised Code that was alleged to be violated; 1881

(f) If the person or child was convicted, pleaded guilty, or 1882
was adjudicated a delinquent child, the sentence or terms of 1883
probation imposed or any other disposition of the offender or the 1884

delinquent child. 1885

If the offense involved the disarming of a law enforcement 1886
officer or an attempt to disarm a law enforcement officer, the 1887
clerk shall clearly state that fact in the summary, and the 1888
superintendent shall ensure that a clear statement of that fact is 1889
placed in the bureau's records. 1890

(3) The superintendent shall cooperate with and assist 1891
sheriffs, chiefs of police, and other law enforcement officers in 1892
the establishment of a complete system of criminal identification 1893
and in obtaining fingerprints and other means of identification of 1894
all persons arrested on a charge of a felony, any crime 1895
constituting a misdemeanor on the first offense and a felony on 1896
subsequent offenses, or a misdemeanor described in division 1897
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 1898
Revised Code and of all children under eighteen years of age 1899
arrested or otherwise taken into custody for committing an act 1900
that would be a felony or an offense of violence if committed by 1901
an adult. The superintendent also shall file for record the 1902
fingerprint impressions of all persons confined in a county, 1903
multicounty, municipal, municipal-county, or multicounty-municipal 1904
jail or workhouse, community-based correctional facility, halfway 1905
house, alternative residential facility, or state correctional 1906
institution for the violation of state laws and of all children 1907
under eighteen years of age who are confined in a county, 1908
multicounty, municipal, municipal-county, or multicounty-municipal 1909
jail or workhouse, community-based correctional facility, halfway 1910
house, alternative residential facility, or state correctional 1911
institution or in any facility for delinquent children for 1912
committing an act that would be a felony or an offense of violence 1913
if committed by an adult, and any other information that the 1914
superintendent may receive from law enforcement officials of the 1915
state and its political subdivisions. 1916

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

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

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

(C)(1) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal

justice, and may establish and operate a statewide communications 1949
network to gather and disseminate information, data, and 1950
statistics for the use of law enforcement agencies and for other 1951
uses specified in this division. The superintendent may gather, 1952
store, retrieve, and disseminate information, data, and statistics 1953
that pertain to children who are under eighteen years of age and 1954
that are gathered pursuant to sections 109.57 to 109.61 of the 1955
Revised Code together with information, data, and statistics that 1956
pertain to adults and that are gathered pursuant to those 1957
sections. 1958

(2) The superintendent or the superintendent's designee shall 1959
gather information of the nature described in division (C)(1) of 1960
this section that pertains to the offense and delinquency history 1961
of a person who has been convicted of, pleaded guilty to, or been 1962
adjudicated a delinquent child for committing a sexually oriented 1963
offense or a child-victim oriented offense for inclusion in the 1964
state registry of sex offenders and child-victim offenders 1965
maintained pursuant to division (A)(1) of section 2950.13 of the 1966
Revised Code and in the internet database operated pursuant to 1967
division (A)(13) of that section and for possible inclusion in the 1968
internet database operated pursuant to division (A)(11) of that 1969
section. 1970

(3) In addition to any other authorized use of information, 1971
data, and statistics of the nature described in division (C)(1) of 1972
this section, the superintendent or the superintendent's designee 1973
may provide and exchange the information, data, and statistics 1974
pursuant to the national crime prevention and privacy compact as 1975
described in division (A)(5) of this section. 1976

(D) The information and materials furnished to the 1977
superintendent pursuant to division (A) of this section and 1978
information and materials furnished to any board or person under 1979
division (F) or (G) of this section are not public records under 1980

section 149.43 of the Revised Code. The superintendent or the 1981
superintendent's designee shall gather and retain information so 1982
furnished under division (A) of this section that pertains to the 1983
offense and delinquency history of a person who has been convicted 1984
of, pleaded guilty to, or been adjudicated a delinquent child for 1985
committing a sexually oriented offense or a child-victim oriented 1986
offense for the purposes described in division (C)(2) of this 1987
section. 1988

(E) The attorney general shall adopt rules, in accordance 1989
with Chapter 119. of the Revised Code, setting forth the procedure 1990
by which a person may receive or release information gathered by 1991
the superintendent pursuant to division (A) of this section. A 1992
reasonable fee may be charged for this service. If a temporary 1993
employment service submits a request for a determination of 1994
whether a person the service plans to refer to an employment 1995
position has been convicted of or pleaded guilty to an offense 1996
listed in division (A)(1), (3), (4), (5), or (6) of section 1997
109.572 of the Revised Code, the request shall be treated as a 1998
single request and only one fee shall be charged. 1999

(F)(1) As used in division (F)(2) of this section, "head 2000
start agency" means an entity in this state that has been approved 2001
to be an agency for purposes of subchapter II of the "Community 2002
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 2003
as amended. 2004

(2)(a) In addition to or in conjunction with any request that 2005
is required to be made under section 109.572, 2151.86, 3301.32, or 2006
3301.541, division (C) of section 3310.58, or section 3319.39, 2007
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 2008
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 2009
under section 3314.41, 3319.392, or 3326.25 of the Revised Code, 2010
the board of education of any school district; the director of 2011
mental retardation and developmental disabilities; any county 2012

board of mental retardation and developmental disabilities; any 2013
entity under contract with a county board of mental retardation 2014
and developmental disabilities; the chief administrator of any 2015
chartered nonpublic school; the chief administrator of a 2016
registered private provider that is not also a chartered nonpublic 2017
school; the chief administrator of any home health agency; the 2018
chief administrator of or person operating any child day-care 2019
center, type A family day-care home, or type B family day-care 2020
home licensed or certified under Chapter 5104. of the Revised 2021
Code; the administrator of any type C family day-care home 2022
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 2023
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 2024
general assembly; the chief administrator of any head start 2025
agency; the executive director of a public children services 2026
agency; a private company described in section 3314.41, 3319.392, 2027
or 3326.25 of the Revised Code; or an employer described in 2028
division (J)(2) of section 3327.10 of the Revised Code may request 2029
that the superintendent of the bureau investigate and determine, 2030
with respect to any individual who has applied for employment in 2031
any position after October 2, 1989, or any individual wishing to 2032
apply for employment with a board of education may request, with 2033
regard to the individual, whether the bureau has any information 2034
gathered under division (A) of this section that pertains to that 2035
individual. On receipt of the request, the superintendent shall 2036
determine whether that information exists and, upon request of the 2037
person, board, or entity requesting information, also shall 2038
request from the federal bureau of investigation any criminal 2039
records it has pertaining to that individual. The superintendent 2040
or the superintendent's designee also may request criminal history 2041
records from other states or the federal government pursuant to 2042
the national crime prevention and privacy compact set forth in 2043
section 109.571 of the Revised Code. Within thirty days of the 2044
date that the superintendent receives a request, the 2045

superintendent shall send to the board, entity, or person a report 2046
of any information that the superintendent determines exists, 2047
including information contained in records that have been sealed 2048
under section 2953.32 of the Revised Code, and, within thirty days 2049
of its receipt, shall send the board, entity, or person a report 2050
of any information received from the federal bureau of 2051
investigation, other than information the dissemination of which 2052
is prohibited by federal law. 2053

(b) When a board of education or a registered private 2055
provider is required to receive information under this section as 2056
a prerequisite to employment of an individual pursuant to division 2057
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2058
may accept a certified copy of records that were issued by the 2059
bureau of criminal identification and investigation and that are 2060
presented by an individual applying for employment with the 2061
district in lieu of requesting that information itself. In such a 2062
case, the board or provider shall accept the certified copy issued 2063
by the bureau in order to make a photocopy of it for that 2064
individual's employment application documents and shall return the 2065
certified copy to the individual. In a case of that nature, a 2066
district or provider only shall accept a certified copy of records 2067
of that nature within one year after the date of their issuance by 2068
the bureau. 2069

(c) Notwithstanding division (F)(2)(a) of this section, in 2070
the case of a request under section 3319.39, 3319.391, or 3327.10 2071
of the Revised Code only for criminal records maintained by the 2072
federal bureau of investigation, the superintendent shall not 2073
determine whether any information gathered under division (A) of 2074
this section exists on the person for whom the request is made. 2075

(3) The state board of education may request, with respect to 2076
any individual who has applied for employment after October 2, 2077

1989, in any position with the state board or the department of 2078
education, any information that a school district board of 2079
education is authorized to request under division (F)(2) of this 2080
section, and the superintendent of the bureau shall proceed as if 2081
the request has been received from a school district board of 2082
education ~~under division~~ and shall comply with divisions (F)(2)(a) 2083
and (c) of this section. 2084

(4) When the superintendent of the bureau receives a request 2085
for information under section 3319.291 of the Revised Code, the 2086
superintendent shall proceed as if the request has been received 2087
from a school district board of education under division (F)(2) of 2088
this section. 2089

(5) When a recipient of a classroom reading improvement grant 2090
paid under section 3301.86 of the Revised Code requests, with 2091
respect to any individual who applies to participate in providing 2092
any program or service funded in whole or in part by the grant, 2093
the information that a school district board of education is 2094
authorized to request under division (F)(2)(a) of this section, 2095
the superintendent of the bureau shall proceed as if the request 2096
has been received from a school district board of education under 2097
division (F)(2)(a) of this section. 2098

(G) In addition to or in conjunction with any request that is 2099
required to be made under section 3701.881, 3712.09, 3721.121, or 2100
3722.151 of the Revised Code with respect to an individual who has 2101
applied for employment in a position that involves providing 2102
direct care to an older adult, the chief administrator of a home 2103
health agency, hospice care program, home licensed under Chapter 2104
3721. of the Revised Code, adult day-care program operated 2105
pursuant to rules adopted under section 3721.04 of the Revised 2106
Code, or adult care facility may request that the superintendent 2107
of the bureau investigate and determine, with respect to any 2108
individual who has applied after January 27, 1997, for employment 2109

in a position that does not involve providing direct care to an 2110
older adult, whether the bureau has any information gathered under 2111
division (A) of this section that pertains to that individual. 2112

2113

In addition to or in conjunction with any request that is 2114
required to be made under section 173.27 of the Revised Code with 2115
respect to an individual who has applied for employment in a 2116
position that involves providing ombudsperson services to 2117
residents of long-term care facilities or recipients of 2118
community-based long-term care services, the state long-term care 2119
ombudsperson, ombudsperson's designee, or director of health may 2120
request that the superintendent investigate and determine, with 2121
respect to any individual who has applied for employment in a 2122
position that does not involve providing such ombudsperson 2123
services, whether the bureau has any information gathered under 2124
division (A) of this section that pertains to that applicant. 2125

In addition to or in conjunction with any request that is 2126
required to be made under section 173.394 of the Revised Code with 2127
respect to an individual who has applied for employment in a 2128
position that involves providing direct care to an individual, the 2129
chief administrator of a community-based long-term care agency may 2130
request that the superintendent investigate and determine, with 2131
respect to any individual who has applied for employment in a 2132
position that does not involve providing direct care, whether the 2133
bureau has any information gathered under division (A) of this 2134
section that pertains to that applicant. 2135

On receipt of a request under this division, the 2136
superintendent shall determine whether that information exists 2137
and, on request of the individual requesting information, shall 2138
also request from the federal bureau of investigation any criminal 2139
records it has pertaining to the applicant. The superintendent or 2140
the superintendent's designee also may request criminal history 2141

records from other states or the federal government pursuant to 2142
the national crime prevention and privacy compact set forth in 2143
section 109.571 of the Revised Code. Within thirty days of the 2144
date a request is received, the superintendent shall send to the 2145
requester a report of any information determined to exist, 2146
including information contained in records that have been sealed 2147
under section 2953.32 of the Revised Code, and, within thirty days 2148
of its receipt, shall send the requester a report of any 2149
information received from the federal bureau of investigation, 2150
other than information the dissemination of which is prohibited by 2151
federal law. 2152

(H) Information obtained by a government entity or person 2153
under this section is confidential and shall not be released or 2154
disseminated. 2155

(I) The superintendent may charge a reasonable fee for 2156
providing information or criminal records under division (F)(2) or 2157
(G) of this section. 2158

(J) As used in this section, ~~"sexually:~~ 2159

(1) "Sexually oriented offense" and "child-victim oriented 2160
offense" have the same meanings as in section 2950.01 of the 2161
Revised Code. 2162

(2) "Registered private provider" means a nonpublic school or 2163
entity registered with the superintendent of public instruction 2164
under section 3310.41 of the Revised Code to participate in the 2165
autism scholarship program or section 3310.58 of the Revised Code 2166
to participate in the special education scholarship pilot program. 2167
2168

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 2169
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2170
a completed form prescribed pursuant to division (C)(1) of this 2171

section, and a set of fingerprint impressions obtained in the 2172
manner described in division (C)(2) of this section, the 2173
superintendent of the bureau of criminal identification and 2174
investigation shall conduct a criminal records check in the manner 2175
described in division (B) of this section to determine whether any 2176
information exists that indicates that the person who is the 2177
subject of the request previously has been convicted of or pleaded 2178
guilty to any of the following: 2179

(a) A violation of section 2903.01, 2903.02, 2903.03, 2180
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2181
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2182
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2183
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2184
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2185
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2186
2925.06, or 3716.11 of the Revised Code, felonious sexual 2187
penetration in violation of former section 2907.12 of the Revised 2188
Code, a violation of section 2905.04 of the Revised Code as it 2189
existed prior to July 1, 1996, a violation of section 2919.23 of 2190
the Revised Code that would have been a violation of section 2191
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2192
had the violation been committed prior to that date, or a 2193
violation of section 2925.11 of the Revised Code that is not a 2194
minor drug possession offense; 2195

(b) A violation of an existing or former law of this state, 2196
any other state, or the United States that is substantially 2197
equivalent to any of the offenses listed in division (A)(1)(a) of 2198
this section. 2199

(2) On receipt of a request pursuant to section 5123.081 of 2200
the Revised Code with respect to an applicant for employment in 2201
any position with the department of mental retardation and 2202
developmental disabilities, pursuant to section 5126.28 of the 2203

Revised Code with respect to an applicant for employment in any 2204
position with a county board of mental retardation and 2205
developmental disabilities, or pursuant to section 5126.281 of the 2206
Revised Code with respect to an applicant for employment in a 2207
direct services position with an entity contracting with a county 2208
board for employment, a completed form prescribed pursuant to 2209
division (C)(1) of this section, and a set of fingerprint 2210
impressions obtained in the manner described in division (C)(2) of 2211
this section, the superintendent of the bureau of criminal 2212
identification and investigation shall conduct a criminal records 2213
check. The superintendent shall conduct the criminal records check 2214
in the manner described in division (B) of this section to 2215
determine whether any information exists that indicates that the 2216
person who is the subject of the request has been convicted of or 2217
pleaded guilty to any of the following: 2218

(a) A violation of section 2903.01, 2903.02, 2903.03, 2219
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2220
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2221
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2222
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2223
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2224
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2225
2925.03, or 3716.11 of the Revised Code; 2226

(b) An existing or former municipal ordinance or law of this 2227
state, any other state, or the United States that is substantially 2228
equivalent to any of the offenses listed in division (A)(2)(a) of 2229
this section. 2230

(3) On receipt of a request pursuant to section 173.27, 2231
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 2232
completed form prescribed pursuant to division (C)(1) of this 2233
section, and a set of fingerprint impressions obtained in the 2234
manner described in division (C)(2) of this section, the 2235

superintendent of the bureau of criminal identification and 2236
investigation shall conduct a criminal records check with respect 2237
to any person who has applied for employment in a position for 2238
which a criminal records check is required by those sections. The 2239
superintendent shall conduct the criminal records check in the 2240
manner described in division (B) of this section to determine 2241
whether any information exists that indicates that the person who 2242
is the subject of the request previously has been convicted of or 2243
pleaded guilty to any of the following: 2244

(a) A violation of section 2903.01, 2903.02, 2903.03, 2245
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2246
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2247
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2248
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2249
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2250
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2251
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2252
2925.22, 2925.23, or 3716.11 of the Revised Code; 2253

(b) An existing or former law of this state, any other state, 2254
or the United States that is substantially equivalent to any of 2255
the offenses listed in division (A)(3)(a) of this section. 2256

(4) On receipt of a request pursuant to section 3701.881 of 2257
the Revised Code with respect to an applicant for employment with 2258
a home health agency as a person responsible for the care, 2259
custody, or control of a child, a completed form prescribed 2260
pursuant to division (C)(1) of this section, and a set of 2261
fingerprint impressions obtained in the manner described in 2262
division (C)(2) of this section, the superintendent of the bureau 2263
of criminal identification and investigation shall conduct a 2264
criminal records check. The superintendent shall conduct the 2265
criminal records check in the manner described in division (B) of 2266
this section to determine whether any information exists that 2267

indicates that the person who is the subject of the request 2268
previously has been convicted of or pleaded guilty to any of the 2269
following: 2270

(a) A violation of section 2903.01, 2903.02, 2903.03, 2271
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2272
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2273
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2274
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2275
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2276
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2277
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 2278
violation of section 2925.11 of the Revised Code that is not a 2279
minor drug possession offense; 2280

(b) An existing or former law of this state, any other state, 2281
or the United States that is substantially equivalent to any of 2282
the offenses listed in division (A)(4)(a) of this section. 2283

(5) On receipt of a request pursuant to section 5111.032, 2284
5111.033, or 5111.034 of the Revised Code, a completed form 2285
prescribed pursuant to division (C)(1) of this section, and a set 2286
of fingerprint impressions obtained in the manner described in 2287
division (C)(2) of this section, the superintendent of the bureau 2288
of criminal identification and investigation shall conduct a 2289
criminal records check. The superintendent shall conduct the 2290
criminal records check in the manner described in division (B) of 2291
this section to determine whether any information exists that 2292
indicates that the person who is the subject of the request 2293
previously has been convicted of, has pleaded guilty to, or has 2294
been found eligible for intervention in lieu of conviction for any 2295
of the following, regardless of the date of the conviction, the 2296
date of entry of the guilty plea, or the date the person was found 2297
eligible for intervention in lieu of conviction: 2298

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2299

2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2300
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2301
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2302
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2303
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2304
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 2305
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2306
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2307
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2308
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 2309
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2310
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 2311
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2312
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2313
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 2314
penetration in violation of former section 2907.12 of the Revised 2315
Code, a violation of section 2905.04 of the Revised Code as it 2316
existed prior to July 1, 1996, a violation of section 2919.23 of 2317
the Revised Code that would have been a violation of section 2318
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2319
had the violation been committed prior to that date; 2320

(b) ~~An~~ A violation of an existing or former municipal 2321
ordinance or law of this state, any other state, or the United 2322
States that is substantially equivalent to any of the offenses 2323
listed in division (A)(5)(a) of this section. 2324

(6) On receipt of a request pursuant to section 3701.881 of 2325
the Revised Code with respect to an applicant for employment with 2326
a home health agency in a position that involves providing direct 2327
care to an older adult, a completed form prescribed pursuant to 2328
division (C)(1) of this section, and a set of fingerprint 2329
impressions obtained in the manner described in division (C)(2) of 2330
this section, the superintendent of the bureau of criminal 2331

identification and investigation shall conduct a criminal records 2332
check. The superintendent shall conduct the criminal records check 2333
in the manner described in division (B) of this section to 2334
determine whether any information exists that indicates that the 2335
person who is the subject of the request previously has been 2336
convicted of or pleaded guilty to any of the following: 2337

(a) A violation of section 2903.01, 2903.02, 2903.03, 2338
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2339
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2340
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2341
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2342
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2343
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2344
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2345
2925.22, 2925.23, or 3716.11 of the Revised Code; 2346

(b) An existing or former law of this state, any other state, 2347
or the United States that is substantially equivalent to any of 2348
the offenses listed in division (A)(6)(a) of this section. 2349

(7) When conducting a criminal records check upon a request 2350
pursuant to section 3319.39 of the Revised Code for an applicant 2351
who is a teacher, in addition to the determination made under 2352
division (A)(1) of this section, the superintendent shall 2353
determine whether any information exists that indicates that the 2354
person who is the subject of the request previously has been 2355
convicted of or pleaded guilty to any offense specified in section 2356
3319.31 of the Revised Code. 2357

(8) On receipt of a request pursuant to section 2151.86 of 2358
the Revised Code, a completed form prescribed pursuant to division 2359
(C)(1) of this section, and a set of fingerprint impressions 2360
obtained in the manner described in division (C)(2) of this 2361
section, the superintendent of the bureau of criminal 2362
identification and investigation shall conduct a criminal records 2363

check in the manner described in division (B) of this section to 2364
determine whether any information exists that indicates that the 2365
person who is the subject of the request previously has been 2366
convicted of or pleaded guilty to any of the following: 2367

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2368
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2369
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2370
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2371
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2372
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2373
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2374
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2375
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2376
of the Revised Code, a violation of section 2905.04 of the Revised 2377
Code as it existed prior to July 1, 1996, a violation of section 2378
2919.23 of the Revised Code that would have been a violation of 2379
section 2905.04 of the Revised Code as it existed prior to July 1, 2380
1996, had the violation been committed prior to that date, a 2381
violation of section 2925.11 of the Revised Code that is not a 2382
minor drug possession offense, two or more OVI or OVUAC violations 2383
committed within the three years immediately preceding the 2384
submission of the application or petition that is the basis of the 2385
request, or felonious sexual penetration in violation of former 2386
section 2907.12 of the Revised Code; 2387

(b) A violation of an existing or former law of this state, 2388
any other state, or the United States that is substantially 2389
equivalent to any of the offenses listed in division (A)(8)(a) of 2390
this section. 2391

(9) Upon receipt of a request pursuant to section 5104.012 or 2392
5104.013 of the Revised Code, a completed form prescribed pursuant 2393
to division (C)(1) of this section, and a set of fingerprint 2394
impressions obtained in the manner described in division (C)(2) of 2395

this section, the superintendent of the bureau of criminal 2396
identification and investigation shall conduct a criminal records 2397
check in the manner described in division (B) of this section to 2398
determine whether any information exists that indicates that the 2399
person who is the subject of the request has been convicted of or 2400
pleaded guilty to any of the following: 2401

(a) A violation of section 2903.01, 2903.02, 2903.03, 2402
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2403
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2404
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2405
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2406
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2407
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2408
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2409
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 2410
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 2411
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 2412
3716.11 of the Revised Code, felonious sexual penetration in 2413
violation of former section 2907.12 of the Revised Code, a 2414
violation of section 2905.04 of the Revised Code as it existed 2415
prior to July 1, 1996, a violation of section 2919.23 of the 2416
Revised Code that would have been a violation of section 2905.04 2417
of the Revised Code as it existed prior to July 1, 1996, had the 2418
violation been committed prior to that date, a violation of 2419
section 2925.11 of the Revised Code that is not a minor drug 2420
possession offense, a violation of section 2923.02 or 2923.03 of 2421
the Revised Code that relates to a crime specified in this 2422
division, or a second violation of section 4511.19 of the Revised 2423
Code within five years of the date of application for licensure or 2424
certification. 2425

(b) A violation of an existing or former law of this state, 2426
any other state, or the United States that is substantially 2427

equivalent to any of the offenses or violations described in 2428
division (A)(9)(a) of this section. 2429

(10) Upon receipt of a request pursuant to section 5153.111 2430
of the Revised Code, a completed form prescribed pursuant to 2431
division (C)(1) of this section, and a set of fingerprint 2432
impressions obtained in the manner described in division (C)(2) of 2433
this section, the superintendent of the bureau of criminal 2434
identification and investigation shall conduct a criminal records 2435
check in the manner described in division (B) of this section to 2436
determine whether any information exists that indicates that the 2437
person who is the subject of the request previously has been 2438
convicted of or pleaded guilty to any of the following: 2439

(a) A violation of section 2903.01, 2903.02, 2903.03, 2440
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2441
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2442
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2443
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2444
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2445
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2446
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2447
felonious sexual penetration in violation of former section 2448
2907.12 of the Revised Code, a violation of section 2905.04 of the 2449
Revised Code as it existed prior to July 1, 1996, a violation of 2450
section 2919.23 of the Revised Code that would have been a 2451
violation of section 2905.04 of the Revised Code as it existed 2452
prior to July 1, 1996, had the violation been committed prior to 2453
that date, or a violation of section 2925.11 of the Revised Code 2454
that is not a minor drug possession offense; 2455

(b) A violation of an existing or former law of this state, 2456
any other state, or the United States that is substantially 2457
equivalent to any of the offenses listed in division (A)(10)(a) of 2458
this section. 2459

(11) On receipt of a request for a criminal records check 2460
from an individual pursuant to section 4749.03 or 4749.06 of the 2461
Revised Code, accompanied by a completed copy of the form 2462
prescribed in division (C)(1) of this section and a set of 2463
fingerprint impressions obtained in a manner described in division 2464
(C)(2) of this section, the superintendent of the bureau of 2465
criminal identification and investigation shall conduct a criminal 2466
records check in the manner described in division (B) of this 2467
section to determine whether any information exists indicating 2468
that the person who is the subject of the request has been 2469
convicted of or pleaded guilty to a felony in this state or in any 2470
other state. If the individual indicates that a firearm will be 2471
carried in the course of business, the superintendent shall 2472
require information from the federal bureau of investigation as 2473
described in division (B)(2) of this section. The superintendent 2474
shall report the findings of the criminal records check and any 2475
information the federal bureau of investigation provides to the 2476
director of public safety. 2477

(12) On receipt of a request pursuant to section 1321.37, 2478
1322.03, 1322.031, or 4763.05 of the Revised Code, a completed 2479
form prescribed pursuant to division (C)(1) of this section, and a 2480
set of fingerprint impressions obtained in the manner described in 2481
division (C)(2) of this section, the superintendent of the bureau 2482
of criminal identification and investigation shall conduct a 2483
criminal records check with respect to any person who has applied 2484
for a license, permit, or certification from the department of 2485
commerce or a division in the department. The superintendent shall 2486
conduct the criminal records check in the manner described in 2487
division (B) of this section to determine whether any information 2488
exists that indicates that the person who is the subject of the 2489
request previously has been convicted of or pleaded guilty to any 2490
of the following: a violation of section 2913.02, 2913.11, 2491
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 2492

criminal offense involving theft, receiving stolen property, 2493
embezzlement, forgery, fraud, passing bad checks, money 2494
laundering, or drug trafficking, or any criminal offense involving 2495
money or securities, as set forth in Chapters 2909., 2911., 2913., 2496
2915., 2921., 2923., and 2925. of the Revised Code; or any 2497
existing or former law of this state, any other state, or the 2498
United States that is substantially equivalent to those offenses. 2499

2500

2501

(13) On receipt of a request for a criminal records check 2502
from the treasurer of state under section 113.041 of the Revised 2503
Code or from an individual under section 4701.08, 4715.101, 2504
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 2505
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 2506
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2507
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 2508
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 2509
a completed form prescribed under division (C)(1) of this section 2510
and a set of fingerprint impressions obtained in the manner 2511
described in division (C)(2) of this section, the superintendent 2512
of the bureau of criminal identification and investigation shall 2513
conduct a criminal records check in the manner described in 2514
division (B) of this section to determine whether any information 2515
exists that indicates that the person who is the subject of the 2516
request has been convicted of or pleaded guilty to any criminal 2517
offense in this state or any other state. The superintendent shall 2518
send the results of a check requested under section 113.041 of the 2519
Revised Code to the treasurer of state and shall send the results 2520
of a check requested under any of the other listed sections to the 2521
licensing board specified by the individual in the request. 2522

2523

(14) On receipt of a request pursuant to section 1121.23, 2524

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

(15) Not later than thirty days after the date the superintendent receives a request of a type described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or (14) of this section, the completed form, and the fingerprint impressions, the superintendent shall send the person, board, or entity that made the request any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exists with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or (14) of this section, as appropriate. The superintendent shall send the person, board, or entity that made the request a copy of the list of offenses specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or (14) of this section, as appropriate. If the request was made under section 3701.881 of the Revised Code with regard to an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult, the superintendent shall provide a list of the offenses specified in divisions (A)(4) and (6) of this section.

Not later than thirty days after the superintendent receives 2558
a request for a criminal records check pursuant to section 113.041 2559
of the Revised Code, the completed form, and the fingerprint 2560
impressions, the superintendent shall send the treasurer of state 2561
any information, other than information the dissemination of which 2562
is prohibited by federal law, the superintendent determines exist 2563
with respect to the person who is the subject of the request that 2564
indicates that the person previously has been convicted of or 2565
pleaded guilty to any criminal offense in this state or any other 2566
state. 2567

(B) The superintendent shall conduct any criminal records 2568
check requested under section 113.041, 121.08, 173.27, 173.394, 2569
1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 1733.47, 2570
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 2571
3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 2572
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 2573
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 2574
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 2575
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 2576
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 2577
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code as 2578
follows: 2579

(1) The superintendent shall review or cause to be reviewed 2580
any relevant information gathered and compiled by the bureau under 2581
division (A) of section 109.57 of the Revised Code that relates to 2582
the person who is the subject of the request, including, if the 2583
criminal records check was requested under section 113.041, 2584
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 2585
1321.37, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 2586
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 2587
4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 2588
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 2589

Code, any relevant information contained in records that have been 2590
sealed under section 2953.32 of the Revised Code; 2591

(2) If the request received by the superintendent asks for 2592
information from the federal bureau of investigation, the 2593
superintendent shall request from the federal bureau of 2594
investigation any information it has with respect to the person 2595
who is the subject of the request, including fingerprint-based 2596
checks of national crime information databases as described in 42 2597
U.S.C. 671 if the request is made pursuant to section 2151.86, 2598
5104.012, or 5104.013 of the Revised Code or if any other Revised 2599
Code section requires fingerprint-based checks of that nature, and 2600
shall review or cause to be reviewed any information the 2601
superintendent receives from that bureau. If a request under 2602
section 3319.39 of the Revised Code asks only for information from 2603
the federal bureau of investigation, the superintendent shall not 2604
conduct the review prescribed by division (B)(1) of this section. 2605

(3) The superintendent or the superintendent's designee may 2606
request criminal history records from other states or the federal 2607
government pursuant to the national crime prevention and privacy 2608
compact set forth in section 109.571 of the Revised Code. 2609

(C)(1) The superintendent shall prescribe a form to obtain 2610
the information necessary to conduct a criminal records check from 2611
any person for whom a criminal records check is requested under 2612
section 113.041 of the Revised Code or required by section 121.08, 2613
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 2614
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2615
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 2616
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 2617
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 2618
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2619
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 2620
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 2621

5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 2622
5126.281, or 5153.111 of the Revised Code. The form that the 2623
superintendent prescribes pursuant to this division may be in a 2624
tangible format, in an electronic format, or in both tangible and 2625
electronic formats. 2626

(2) The superintendent shall prescribe standard impression 2627
sheets to obtain the fingerprint impressions of any person for 2628
whom a criminal records check is requested under section 113.041 2629
of the Revised Code or required by section 121.08, 173.27, 2630
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 2631
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 2632
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 2633
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 2634
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2635
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 2636
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 2637
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 2638
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 2639
5153.111 of the Revised Code. Any person for whom a records check 2640
is requested under or required by any of those sections shall 2641
obtain the fingerprint impressions at a county sheriff's office, 2642
municipal police department, or any other entity with the ability 2643
to make fingerprint impressions on the standard impression sheets 2644
prescribed by the superintendent. The office, department, or 2645
entity may charge the person a reasonable fee for making the 2646
impressions. The standard impression sheets the superintendent 2647
prescribes pursuant to this division may be in a tangible format, 2648
in an electronic format, or in both tangible and electronic 2649
formats. 2650

(3) Subject to division (D) of this section, the 2651
superintendent shall prescribe and charge a reasonable fee for 2652
providing a criminal records check requested under section 2653

113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 2654
1315.141, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 2655
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 2656
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 2657
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 2658
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2659
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 2660
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 2661
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 2662
5126.281, or 5153.111 of the Revised Code. The person making a 2663
criminal records request under any of those sections shall pay the 2664
fee prescribed pursuant to this division. A person making a 2665
request under section 3701.881 of the Revised Code for a criminal 2666
records check for an applicant who may be both responsible for the 2667
care, custody, or control of a child and involved in providing 2668
direct care to an older adult shall pay one fee for the request. 2669
In the case of a request under section 1121.23, 1155.03, 1163.05, 2670
1315.141, 1733.47, 1761.26, or 5111.032 of the Revised Code, the 2671
fee shall be paid in the manner specified in that section. 2672

(4) The superintendent of the bureau of criminal 2674
identification and investigation may prescribe methods of 2675
forwarding fingerprint impressions and information necessary to 2676
conduct a criminal records check, which methods shall include, but 2677
not be limited to, an electronic method. 2678

(D) A determination whether any information exists that 2679
indicates that a person previously has been convicted of or 2680
pleaded guilty to any offense listed or described in division 2681
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 2682
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 2683
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), or (A)(14) of this 2684
section, or that indicates that a person previously has been 2685

convicted of or pleaded guilty to any criminal offense in this 2686
state or any other state regarding a criminal records check of a 2687
type described in division (A)(13) of this section, and that is 2688
made by the superintendent with respect to information considered 2689
in a criminal records check in accordance with this section is 2690
valid for the person who is the subject of the criminal records 2691
check for a period of one year from the date upon which the 2692
superintendent makes the determination. During the period in which 2693
the determination in regard to a person is valid, if another 2694
request under this section is made for a criminal records check 2695
for that person, the superintendent shall provide the information 2696
that is the basis for the superintendent's initial determination 2697
at a lower fee than the fee prescribed for the initial criminal 2698
records check. 2699

(E) When the superintendent receives a request for 2700
information from a registered private provider, the superintendent 2701
shall proceed as if the request was received from a school 2702
district board of education under section 3319.39 of the Revised 2703
Code. The superintendent shall apply division (A)(7) of this 2704
section to any such request for an applicant who is a teacher. 2705

(F) As used in this section: 2706
2707

(1) "Criminal records check" means any criminal records check 2708
conducted by the superintendent of the bureau of criminal 2709
identification and investigation in accordance with division (B) 2710
of this section. 2711

(2) "Minor drug possession offense" has the same meaning as 2712
in section 2925.01 of the Revised Code. 2713

(3) "Older adult" means a person age sixty or older. 2714

(4) "OVI or OVUAC violation" means a violation of section 2715
4511.19 of the Revised Code or a violation of an existing or 2716

former law of this state, any other state, or the United States 2717
that is substantially equivalent to section 4511.19 of the Revised 2718
Code. 2719

(5) "Registered private provider" means a nonpublic school or 2720
entity registered with the superintendent of public instruction 2721
under section 3310.41 of the Revised Code to participate in the 2722
autism scholarship program or section 3310.58 of the Revised Code 2723
to participate in the special education scholarship pilot program. 2724
2725

Sec. 109.73. (A) The Ohio peace officer training commission 2726
shall recommend rules to the attorney general with respect to all 2727
of the following: 2728

(1) The approval, or revocation of approval, of peace officer 2729
training schools administered by the state, counties, municipal 2730
corporations, public school districts, technical college 2731
districts, and the department of natural resources; 2732

(2) Minimum courses of study, attendance requirements, and 2733
equipment and facilities to be required at approved state, county, 2734
municipal, and department of natural resources peace officer 2735
training schools; 2736

(3) Minimum qualifications for instructors at approved state, 2737
county, municipal, and department of natural resources peace 2738
officer training schools; 2739

(4) The requirements of minimum basic training that peace 2740
officers appointed to probationary terms shall complete before 2741
being eligible for permanent appointment, which requirements shall 2742
include ~~a minimum of fifteen hours of training~~ in the handling of 2743
the offense of domestic violence, other types of domestic 2744
violence-related offenses and incidents, and protection orders and 2745
consent agreements issued or approved under section 2919.26 or 2746

3113.31 of the Revised Code; ~~a minimum of six hours of crisis~~ 2747
~~intervention training; and a specified amount of training in the~~ 2748
handling of missing children and child abuse and neglect cases; 2749
and the time within which such basic training shall be completed 2750
following appointment to a probationary term; 2751

(5) The requirements of minimum basic training that peace 2752
officers not appointed for probationary terms but appointed on 2753
other than a permanent basis shall complete in order to be 2754
eligible for continued employment or permanent appointment, which 2755
requirements shall include ~~a minimum of fifteen hours of training~~ 2756
in the handling of the offense of domestic violence, other types 2757
of domestic violence-related offenses and incidents, and 2758
protection orders and consent agreements issued or approved under 2759
section 2919.26 or 3113.31 of the Revised Code, ~~a minimum of six~~ 2760
~~hours of crisis intervention training, and a specified amount of~~ 2761
training in the handling of missing children and child abuse and 2762
neglect cases, and the time within which such basic training shall 2763
be completed following appointment on other than a permanent 2764
basis; 2765

(6) Categories or classifications of advanced in-service 2766
training programs for peace officers, including programs in the 2767
handling of the offense of domestic violence, other types of 2768
domestic violence-related offenses and incidents, and protection 2769
orders and consent agreements issued or approved under section 2770
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 2771
and in the handling of missing children and child abuse and 2772
neglect cases, and minimum courses of study and attendance 2773
requirements with respect to such categories or classifications; 2774

(7) Permitting persons, who are employed as members of a 2775
campus police department appointed under section 1713.50 of the 2776
Revised Code; who are employed as police officers by a qualified 2777
nonprofit corporation police department pursuant to section 2778

1702.80 of the Revised Code; who are appointed and commissioned as 2779
bank, savings and loan association, savings bank, credit union, or 2780
association of banks, savings and loan associations, savings 2781
banks, or credit unions police officers, as railroad police 2782
officers, or as hospital police officers pursuant to sections 2783
4973.17 to 4973.22 of the Revised Code; or who are appointed and 2784
commissioned as amusement park police officers pursuant to section 2785
4973.17 of the Revised Code, to attend approved peace officer 2786
training schools, including the Ohio peace officer training 2787
academy, and to receive certificates of satisfactory completion of 2788
basic training programs, if the private college or university that 2789
established the campus police department; qualified nonprofit 2790
corporation police department; bank, savings and loan association, 2791
savings bank, credit union, or association of banks, savings and 2792
loan associations, savings banks, or credit unions; railroad 2793
company; hospital; or amusement park sponsoring the police 2794
officers pays the entire cost of the training and certification 2795
and if trainee vacancies are available; 2796

(8) Permitting undercover drug agents to attend approved 2797
peace officer training schools, other than the Ohio peace officer 2798
training academy, and to receive certificates of satisfactory 2799
completion of basic training programs, if, for each undercover 2800
drug agent, the county, township, or municipal corporation that 2801
employs that undercover drug agent pays the entire cost of the 2802
training and certification; 2803

(9)(a) The requirements for basic training programs for 2804
bailiffs and deputy bailiffs of courts of record of this state and 2805
for criminal investigators employed by the state public defender 2806
that those persons shall complete before they may carry a firearm 2807
while on duty; 2808

(b) The requirements for any training received by a bailiff 2809
or deputy bailiff of a court of record of this state or by a 2810

criminal investigator employed by the state public defender prior 2811
to June 6, 1986, that is to be considered equivalent to the 2812
training described in division (A)(9)(a) of this section. 2813

(10) Establishing minimum qualifications and requirements for 2814
certification for dogs utilized by law enforcement agencies; 2815

(11) Establishing minimum requirements for certification of 2816
persons who are employed as correction officers in a full-service 2817
jail, five-day facility, or eight-hour holding facility or who 2818
provide correction services in such a jail or facility; 2819

(12) Establishing requirements for the training of agents of 2820
a county humane society under section 1717.06 of the Revised Code, 2821
including, without limitation, a requirement that the agents 2822
receive instruction on traditional animal husbandry methods and 2823
training techniques, including customary owner-performed 2824
practices. 2825

(B) The commission shall appoint an executive director, with 2826
the approval of the attorney general, who shall hold office during 2827
the pleasure of the commission. The executive director shall 2828
perform such duties assigned by the commission. The executive 2829
director shall receive a salary fixed pursuant to Chapter 124. of 2830
the Revised Code and reimbursement for expenses within the amounts 2831
available by appropriation. The executive director may appoint 2832
officers, employees, agents, and consultants as the executive 2833
director considers necessary, prescribe their duties, and provide 2834
for reimbursement of their expenses within the amounts available 2835
for reimbursement by appropriation and with the approval of the 2836
commission. 2837

(C) The commission may do all of the following: 2838

(1) Recommend studies, surveys, and reports to be made by the 2839
executive director regarding the carrying out of the objectives 2840
and purposes of sections 109.71 to 109.77 of the Revised Code; 2841

(2) Visit and inspect any peace officer training school that 2842
has been approved by the executive director or for which 2843
application for approval has been made; 2844

(3) Make recommendations, from time to time, to the executive 2845
director, the attorney general, and the general assembly regarding 2846
the carrying out of the purposes of sections 109.71 to 109.77 of 2847
the Revised Code; 2848

(4) Report to the attorney general from time to time, and to 2849
the governor and the general assembly at least annually, 2850
concerning the activities of the commission; 2851

(5) Establish fees for the services the commission offers 2852
under sections 109.71 to 109.79 of the Revised Code, including, 2853
but not limited to, fees for training, certification, and testing; 2854

(6) Perform such other acts as are necessary or appropriate 2855
to carry out the powers and duties of the commission as set forth 2856
in sections 109.71 to 109.77 of the Revised Code. 2857

(D) In establishing the requirements, under division (A)(12) 2858
of this section, the commission may consider any portions of the 2859
curriculum for instruction on the topic of animal husbandry 2860
practices, if any, of the Ohio state university college of 2861
veterinary medicine. No person or entity that fails to provide 2862
instruction on traditional animal husbandry methods and training 2863
techniques, including customary owner-performed practices, shall 2864
qualify to train a humane agent for appointment under section 2865
1717.06 of the Revised Code. 2866

Sec. 109.731. (A) The Ohio peace officer training commission 2867
shall prescribe, and shall make available to sheriffs, all of the 2868
following: 2869

(1) An application form that is to be used under section 2870
2923.125 of the Revised Code by a person who applies for a license 2871

to carry a concealed handgun or for the renewal of a license of 2872
that nature and that conforms substantially to the form prescribed 2873
in section 2923.1210 of the Revised Code; 2874

(2) A form for the license to carry a concealed handgun that 2875
is to be issued by sheriffs to persons who qualify for a license 2876
to carry a concealed handgun under section 2923.125 of the Revised 2877
Code and that conforms to the following requirements: 2878

(a) It has space for the licensee's full name, residence 2879
address, and date of birth and for a color photograph of the 2880
licensee. 2881

(b) It has space for the date of issuance of the license, its 2882
expiration date, its county of issuance, the name of the sheriff 2883
who issues the license, and the unique combination of letters and 2884
numbers that identify the county of issuance and the license given 2885
to the licensee by the sheriff in accordance with division (A)(4) 2886
of this section. 2887

(c) It has space for the signature of the licensee and the 2888
signature or a facsimile signature of the sheriff who issues the 2889
license. 2890

(d) It does not require the licensee to include serial 2891
numbers of handguns, other identification related to handguns, or 2892
similar data that is not pertinent or relevant to obtaining the 2893
license and that could be used as a de facto means of registration 2894
of handguns owned by the licensee. 2895

(3) A series of three-letter county codes that identify each 2896
county in this state; 2897

(4) A procedure by which a sheriff shall give each license, 2898
replacement license, or renewal license to carry a concealed 2899
handgun and each temporary emergency license or replacement 2900
temporary emergency license to carry a concealed handgun the 2901
sheriff issues under section 2923.125 or 2923.1213 of the Revised 2902

Code a unique combination of letters and numbers that identifies 2903
the county in which the license or temporary emergency license was 2904
issued and that uses the county code and a unique number for each 2905
license and each temporary emergency license the sheriff of that 2906
county issues; 2907

(5) A form for the temporary emergency license to carry a 2908
concealed handgun that is to be issued by sheriffs to persons who 2909
qualify for a temporary emergency license under section 2923.1213 2910
of the Revised Code, which form shall conform to all the 2911
requirements set forth in divisions (A)(2)(a) to (d) of this 2912
section and shall additionally conspicuously specify that the 2913
license is a temporary emergency license and the date of its 2914
issuance. 2915

(B)(1) The Ohio peace officer training commission, in 2916
consultation with the attorney general, shall prepare a pamphlet 2917
that does all of the following, in everyday language: 2918

(a) Explains the firearms laws of this state; 2919

(b) Instructs the reader in dispute resolution and explains 2920
the laws of this state related to that matter; 2921

(c) Provides information to the reader regarding all aspects 2922
of the use of deadly force with a firearm, including, but not 2923
limited to, the steps that should be taken before contemplating 2924
the use of, or using, deadly force with a firearm, possible 2925
alternatives to using deadly force with a firearm, and the law 2926
governing the use of deadly force with a firearm. 2927

(2) The attorney general shall consult with and assist the 2928
commission in the preparation of the pamphlet described in 2929
division (B)(1) of this section and, as necessary, shall recommend 2930
to the commission changes in the pamphlet to reflect changes in 2931
the law that are relevant to it. The commission shall make copies 2932
of the pamphlet available to any person, public entity, or private 2933

entity that operates or teaches a training course, class, or 2934
program described in division (B)(3)(a), (b), (c), and (e) of 2935
section 2923.125 of the Revised Code and requests copies for 2936
distribution to persons who take the course, class, or program, 2937
and to sheriffs for distribution to applicants under section 2938
2923.125 of the Revised Code for a license to carry a concealed 2939
handgun and applicants under that section for the renewal of a 2940
license to carry a concealed handgun. 2941

~~(C)(1) The Ohio peace officer training commission, in 2942
consultation with the attorney general, shall prescribe a fee to 2943
be paid by an applicant under section 2923.125 of the Revised Code 2944
for a license to carry a concealed handgun or for the renewal of a 2945
license to carry a concealed handgun as follows: 2946~~

~~(a) For an applicant who has been a resident of this state 2947
for five or more years, an amount that does not exceed the lesser 2948
of the actual cost of issuing the license, including, but not 2949
limited to, the cost of conducting a criminal records check, or 2950
whichever of the following is applicable: 2951~~

~~(i) For an application made on or after the effective date of 2952
this amendment, fifty five dollars; 2953~~

~~(ii) For an application made prior to the effective date of 2954
this amendment, forty five dollars; 2955~~

~~(b) For an applicant who has been a resident of this state 2956
for less than five years, an amount that shall consist of the 2957
actual cost of having a criminal background check performed by the 2958
federal bureau of investigation, if one is so performed, plus the 2959
lesser of the actual cost of issuing the license, including, but 2960
not limited to, the cost of conducting a criminal records check, 2961
or whichever of the following is applicable: 2962~~

~~(i) For an application made on or after the effective date of 2963
this amendment, fifty five dollars; 2964~~

~~(ii) For an application made prior to the effective date of this amendment, forty five dollars.~~ 2965
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~~(2) The commission, in consultation with the attorney general, shall specify the portion of the fee prescribed under division (C)(1) of this section that will be used to pay each particular cost of the issuance of the license. The sheriff shall deposit all fees paid by an applicant under section 2923.125 of the Revised Code into the sheriff's concealed handgun license issuance expense fund established pursuant to section 311.42 of the Revised Code.~~ 2967
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~~(D)~~ The Ohio peace officer training commission shall maintain statistics with respect to the issuance, renewal, suspension, revocation, and denial of licenses to carry a concealed handgun and the suspension of processing of applications for those licenses, and with respect to the issuance, suspension, revocation, and denial of temporary emergency licenses to carry a concealed handgun, as reported by the sheriffs pursuant to division (C) of section 2923.129 of the Revised Code. Not later than the first day of March in each year, the commission shall submit a statistical report to the governor, the president of the senate, and the speaker of the house of representatives indicating the number of licenses to carry a concealed handgun that were issued, renewed, suspended, revoked, and denied in the previous calendar year, the number of applications for those licenses for which processing was suspended in accordance with division (D)(3) of section 2923.125 of the Revised Code in the previous calendar year, and the number of temporary emergency licenses to carry a concealed handgun that were issued, suspended, revoked, or denied in the previous calendar year. Nothing in the statistics or the statistical report shall identify, or enable the identification of, any individual who was issued or denied a license, for whom a license was renewed, whose license was suspended or revoked, or 2975
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for whom application processing was suspended. The statistics and 2997
the statistical report are public records for the purpose of 2998
section 149.43 of the Revised Code. 2999

~~(E)~~(D) As used in this section, "handgun" has the same 3000
meaning as in section 2923.11 of the Revised Code. 3001

Sec. 109.742. The attorney general shall adopt, in accordance 3002
with Chapter 119. or pursuant to section 109.74 of the Revised 3003
Code, rules governing the training of peace officers in crisis 3004
intervention. The rules shall specify ~~six or more hours of that~~ 3005
the amount of training necessary for the satisfactory completion 3006
of basic training programs at approved peace officer training 3007
schools, other than the Ohio peace officer training academy. 3008
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Sec. 109.744. The attorney general shall adopt, in accordance 3010
with Chapter 119. of the Revised Code or pursuant to section 3011
109.74 of the Revised Code, rules governing the training of peace 3012
officers in the handling of the offense of domestic violence, 3013
other types of domestic violence-related offenses and incidents, 3014
and protection orders and consent agreements issued or approved 3015
under section 2919.26 or 3113.31 of the Revised Code. The 3016
provisions of the rules shall include, but shall not be limited 3017
to, all of the following: 3018

(A) A ~~specification that fifteen or more hours~~ specified 3019
amount of ~~that~~ training that is ~~required~~ necessary for the 3020
satisfactory completion of basic training programs at approved 3021
peace officer training schools, other than the Ohio peace officer 3022
training academy; 3023

(B) A requirement that the training include, but not be 3024
limited to, training in all of the following: 3025

(1) All recent amendments to domestic violence-related laws; 3026

(2) Notifying a victim of domestic violence of ~~his~~ the 3027
victim's rights; 3028

(3) Processing protection orders and consent agreements 3029
issued or approved under section 2919.26 or 3113.31 of the Revised 3030
Code. 3031

Sec. 109.751. (A) The executive director of the Ohio peace 3032
officer training commission shall neither approve nor issue a 3033
certificate of approval to a peace officer training school 3034
pursuant to section 109.75 of the Revised Code unless the school 3035
agrees to permit, in accordance with rules adopted by the attorney 3036
general pursuant to division (C) of this section, undercover drug 3037
agents to attend its basic training programs. The executive 3038
director shall revoke approval, and the certificate of approval 3039
of, a peace officer training school that does not permit, in 3040
accordance with rules adopted by the attorney general pursuant to 3041
division (C) of this section, undercover drug agents to attend its 3042
basic training programs. 3043

This division does not apply to peace officer training 3044
schools for employees of conservancy districts who are designated 3045
pursuant to section 6101.75 of the Revised Code or for a natural 3046
resources law enforcement staff officer, park officers, forest 3047
officers, preserve officers, wildlife officers, or state 3048
watercraft officers of the department of natural resources. 3049

(B)(1) A peace officer training school is not required to 3050
permit an undercover drug agent, a bailiff or deputy bailiff of a 3051
court of record of this state, or a criminal investigator employed 3052
by the state public defender to attend its basic training programs 3053
if either of the following applies: 3054

(a) In the case of the Ohio peace officer training academy, 3055
the employer county, township, municipal corporation, court, or 3056
state public defender or the particular undercover drug agent, 3057

bailiff, deputy bailiff, or criminal investigator has not paid the 3058
tuition costs of training in accordance with section 109.79 of the 3059
Revised Code; 3060

(b) In the case of other peace officer training schools, the 3061
~~employer~~ employing county, township, municipal corporation, court, 3062
or state public defender fails to pay the entire cost of the 3063
training and certification. 3064

(2) A training school shall not permit a bailiff or deputy 3065
bailiff of a court of record of this state or a criminal 3066
investigator employed by the state public defender to attend its 3067
basic training programs unless the employing court of the bailiff 3068
or deputy bailiff or the state public defender, whichever is 3069
applicable, has authorized the bailiff, deputy bailiff, or 3070
investigator to attend the school. 3071

(C) The attorney general shall adopt, in accordance with 3072
Chapter 119. or pursuant to section 109.74 of the Revised Code, 3073
rules governing the attendance of undercover drug agents at 3074
approved peace officer training schools, other than the Ohio peace 3075
officer training academy, and the certification of the agents upon 3076
their satisfactory completion of basic training programs. 3077

Sec. 109.761. (A)(1) Each agency or entity that appoints or 3078
employs one or more peace officers shall report to the Ohio peace 3079
officer training commission all of the following that occur on or 3080
after February 20, 2002: 3081

(a) The appointment or employment of any person to serve the 3082
agency or entity as a peace officer in any full-time, part-time, 3083
reserve, auxiliary, or other capacity; 3084

(b) The termination, resignation, felony conviction, ~~or~~ 3085
death, or guilty plea as specified in division (F) of section 3086
109.77 of the Revised Code of any person who has been appointed to 3087

or employed by the agency or entity as a peace officer in any 3088
full-time, part-time, reserve, auxiliary, or other capacity and is 3089
serving the agency or entity in any of those peace officer 3090
capacities. 3091

(2) An agency or entity shall make each report required by 3092
this division not later than ten days after the occurrence of the 3093
event being reported. The agency or entity shall make the report 3094
in the manner and format prescribed by the executive director of 3095
the Ohio peace officer training commission. 3096

(B) Each agency or entity that appoints or employs one or 3097
more peace officers or state highway patrol troopers shall 3098
annually provide to the Ohio peace officer training commission a 3099
roster of all persons who have been appointed to or employed by 3100
the agency or entity as peace officers or troopers in any 3101
full-time, part-time, reserve, auxiliary, or other capacity and 3102
are serving, or during the year covered by the report have served, 3103
the agency or entity in any of those peace officer or trooper 3104
capacities. The agency or entity shall provide the roster in the 3105
manner and format, and by the date, prescribed by the executive 3106
director of the Ohio peace officer training commission. 3107

(C) The Ohio peace officer training commission shall 3108
prescribe the manner and format of making reports under division 3109
(A) of this section and providing annual rosters under division 3110
(B) of this section and shall prescribe the date by which the 3111
annual rosters must be provided. 3112

Sec. 109.77. (A) As used in this section, "felony" has the 3113
same meaning as in section 109.511 of the Revised Code. 3114

(B)(1) Notwithstanding any general, special, or local law or 3115
charter to the contrary, and except as otherwise provided in this 3116
section, no person shall receive an original appointment on a 3117
permanent basis as any of the following unless the person 3118

previously has been awarded a certificate by the executive 3119
director of the Ohio peace officer training commission attesting 3120
to the person's satisfactory completion of an approved state, 3121
county, municipal, or department of natural resources peace 3122
officer basic training program: 3123

(a) A peace officer of any county, township, municipal 3124
corporation, regional transit authority, or metropolitan housing 3125
authority; 3126

(b) A natural resources law enforcement staff officer, park 3127
officer, forest officer, preserve officer, wildlife officer, or 3128
state watercraft officer of the department of natural resources; 3129

(c) An employee of a park district under section 511.232 or 3130
1545.13 of the Revised Code; 3131

(d) An employee of a conservancy district who is designated 3132
pursuant to section 6101.75 of the Revised Code; 3133

(e) A state university law enforcement officer; 3134

(f) A special police officer employed by the department of 3135
mental health pursuant to section 5119.14 of the Revised Code or 3136
the department of mental retardation and developmental 3137
disabilities pursuant to section 5123.13 of the Revised Code; 3138

(g) An enforcement agent of the department of public safety 3139
whom the director of public safety designates under section 3140
5502.14 of the Revised Code; 3141

(h) A special police officer employed by a port authority 3142
under section 4582.04 or 4582.28 of the Revised Code; 3143

(i) A special police officer employed by a municipal 3144
corporation at a municipal airport, or other municipal air 3145
navigation facility, that has scheduled operations, as defined in 3146
section 119.3 of Title 14 of the Code of Federal Regulations, 14 3147
C.F.R. 119.3, as amended, and that is required to be under a 3148

security program and is governed by aviation security rules of the 3149
transportation security administration of the United States 3150
department of transportation as provided in Parts 1542. and 1544. 3151
of Title 49 of the Code of Federal Regulations, as amended. 3152

(2) Every person who is appointed on a temporary basis or for 3153
a probationary term or on other than a permanent basis as any of 3154
the following shall forfeit the appointed position unless the 3155
person previously has completed satisfactorily or, within the time 3156
prescribed by rules adopted by the attorney general pursuant to 3157
section 109.74 of the Revised Code, satisfactorily completes a 3158
state, county, municipal, or department of natural resources peace 3159
officer basic training program for temporary or probationary 3160
officers and is awarded a certificate by the director attesting to 3161
the satisfactory completion of the program: 3162

(a) A peace officer of any county, township, municipal 3163
corporation, regional transit authority, or metropolitan housing 3164
authority; 3165

(b) A natural resources law enforcement staff officer, park 3166
officer, forest officer, preserve officer, wildlife officer, or 3167
state watercraft officer of the department of natural resources; 3168

(c) An employee of a park district under section 511.232 or 3169
1545.13 of the Revised Code; 3170

(d) An employee of a conservancy district who is designated 3171
pursuant to section 6101.75 of the Revised Code; 3172

(e) A special police officer employed by the department of 3173
mental health pursuant to section 5119.14 of the Revised Code or 3174
the department of mental retardation and developmental 3175
disabilities pursuant to section 5123.13 of the Revised Code; 3176

(f) An enforcement agent of the department of public safety 3177
whom the director of public safety designates under section 3178
5502.14 of the Revised Code; 3179

(g) A special police officer employed by a port authority 3180
under section 4582.04 or 4582.28 of the Revised Code; 3181

(h) A special police officer employed by a municipal 3182
corporation at a municipal airport, or other municipal air 3183
navigation facility, that has scheduled operations, as defined in 3184
section 119.3 of Title 14 of the Code of Federal Regulations, 14 3185
C.F.R. 119.3, as amended, and that is required to be under a 3186
security program and is governed by aviation security rules of the 3187
transportation security administration of the United States 3188
department of transportation as provided in Parts 1542. and 1544. 3189
of Title 49 of the Code of Federal Regulations, as amended. 3190

(3) For purposes of division (B) of this section, a state, 3191
county, municipal, or department of natural resources peace 3192
officer basic training program, regardless of whether the program 3193
is to be completed by peace officers appointed on a permanent or 3194
temporary, probationary, or other nonpermanent basis, shall 3195
include ~~at least fifteen hours of~~ training in the handling of the 3196
offense of domestic violence, other types of domestic 3197
violence-related offenses and incidents, and protection orders and 3198
consent agreements issued or approved under section 2919.26 or 3199
3113.31 of the Revised Code and ~~at least six hours of~~ crisis 3200
intervention training. The requirement to complete ~~fifteen hours~~ 3201
~~of~~ training in the handling of the offense of domestic violence, 3202
other types of domestic violence-related offenses and incidents, 3203
and protection orders and consent agreements issued or approved 3204
under section 2919.26 or 3113.31 of the Revised Code does not 3205
apply to any person serving as a peace officer on March 27, 1979, 3206
and the requirement to complete ~~six hours of~~ training in crisis 3207
intervention does not apply to any person serving as a peace 3208
officer on April 4, 1985. Any person who is serving as a peace 3209
officer on April 4, 1985, who terminates that employment after 3210
that date, and who subsequently is hired as a peace officer by the 3211

same or another law enforcement agency shall complete ~~the six~~ 3212
~~hours of~~ training in crisis intervention ~~within the time as~~ 3213
prescribed by rules adopted by the attorney general pursuant to 3214
section 109.742 of the Revised Code. No peace officer shall have 3215
employment as a peace officer terminated and then be reinstated 3216
with intent to circumvent this section. 3217

(4) Division (B) of this section does not apply to any person 3218
serving on a permanent basis on March 28, 1985, as a park officer, 3219
forest officer, preserve officer, wildlife officer, or state 3220
watercraft officer of the department of natural resources or as an 3221
employee of a park district under section 511.232 or 1545.13 of 3222
the Revised Code, to any person serving on a permanent basis on 3223
March 6, 1986, as an employee of a conservancy district designated 3224
pursuant to section 6101.75 of the Revised Code, to any person 3225
serving on a permanent basis on January 10, 1991, as a preserve 3226
officer of the department of natural resources, to any person 3227
employed on a permanent basis on July 2, 1992, as a special police 3228
officer by the department of mental health pursuant to section 3229
5119.14 of the Revised Code or by the department of mental 3230
retardation and developmental disabilities pursuant to section 3231
5123.13 of the Revised Code, to any person serving on a permanent 3232
basis on May 17, 2000, as a special police officer employed by a 3233
port authority under section 4582.04 or 4582.28 of the Revised 3234
Code, to any person serving on a permanent basis on ~~the effective~~ 3235
~~date of this amendment~~ March 19, 2003, as a special police officer 3236
employed by a municipal corporation at a municipal airport or 3237
other municipal air navigation facility described in division 3238
(A)(19) of section 109.71 of the Revised Code, to any person 3239
serving on a permanent basis on June 19, 1978, as a state 3240
university law enforcement officer pursuant to section 3345.04 of 3241
the Revised Code and who, immediately prior to June 19, 1978, was 3242
serving as a special police officer designated under authority of 3243
that section, or to any person serving on a permanent basis on 3244

September 20, 1984, as a liquor control investigator, known after 3245
June 30, 1999, as an enforcement agent of the department of public 3246
safety, engaged in the enforcement of Chapters 4301. and 4303. of 3247
the Revised Code. 3248

(5) Division (B) of this section does not apply to any person 3249
who is appointed as a regional transit authority police officer 3250
pursuant to division (Y) of section 306.35 of the Revised Code if, 3251
on or before July 1, 1996, the person has completed satisfactorily 3252
an approved state, county, municipal, or department of natural 3253
resources peace officer basic training program and has been 3254
awarded a certificate by the executive director of the Ohio peace 3255
officer training commission attesting to the person's satisfactory 3256
completion of such an approved program and if, on July 1, 1996, 3257
the person is performing peace officer functions for a regional 3258
transit authority. 3259

(C) No person, after September 20, 1984, shall receive an 3260
original appointment on a permanent basis as a veterans' home 3261
police officer designated under section 5907.02 of the Revised 3262
Code unless the person previously has been awarded a certificate 3263
by the executive director of the Ohio peace officer training 3264
commission attesting to the person's satisfactory completion of an 3265
approved police officer basic training program. Every person who 3266
is appointed on a temporary basis or for a probationary term or on 3267
other than a permanent basis as a veterans' home police officer 3268
designated under section 5907.02 of the Revised Code shall forfeit 3269
that position unless the person previously has completed 3270
satisfactorily or, within one year from the time of appointment, 3271
satisfactorily completes an approved police officer basic training 3272
program. 3273

(D) No bailiff or deputy bailiff of a court of record of this 3274
state and no criminal investigator who is employed by the state 3275
public defender shall carry a firearm, as defined in section 3276

2923.11 of the Revised Code, while on duty unless the bailiff, 3277
deputy bailiff, or criminal investigator has done or received one 3278
of the following: 3279

(1) Has been awarded a certificate by the executive director 3280
of the Ohio peace officer training commission, which certificate 3281
attests to satisfactory completion of an approved state, county, 3282
or municipal basic training program for bailiffs and deputy 3283
bailiffs of courts of record and for criminal investigators 3284
employed by the state public defender that has been recommended by 3285
the Ohio peace officer training commission; 3286

(2) Has successfully completed a firearms training program 3287
approved by the Ohio peace officer training commission prior to 3288
employment as a bailiff, deputy bailiff, or criminal investigator; 3289

(3) Prior to June 6, 1986, was authorized to carry a firearm 3290
by the court that employed the bailiff or deputy bailiff or, in 3291
the case of a criminal investigator, by the state public defender 3292
and has received training in the use of firearms that the Ohio 3293
peace officer training commission determines is equivalent to the 3294
training that otherwise is required by division (D) of this 3295
section. 3296

(E)(1) Before a person seeking a certificate completes an 3297
approved peace officer basic training program, the executive 3298
director of the Ohio peace officer training commission shall 3299
request the person to disclose, and the person shall disclose, any 3300
previous criminal conviction of or plea of guilty of that person 3301
to a felony. 3302

(2) Before a person seeking a certificate completes an 3303
approved peace officer basic training program, the executive 3304
director shall request a criminal history records check on the 3305
person. The executive director shall submit the person's 3306
fingerprints to the bureau of criminal identification and 3307

investigation, which shall submit the fingerprints to the federal 3308
bureau of investigation for a national criminal history records 3309
check. 3310

Upon receipt of the executive director's request, the bureau 3311
of criminal identification and investigation and the federal 3312
bureau of investigation shall conduct a criminal history records 3313
check on the person and, upon completion of the check, shall 3314
provide a copy of the criminal history records check to the 3315
executive director. The executive director shall not award any 3316
certificate prescribed in this section unless the executive 3317
director has received a copy of the criminal history records check 3318
on the person to whom the certificate is to be awarded. 3319

(3) The executive director of the commission shall not award 3320
a certificate prescribed in this section to a person who has been 3321
convicted of or has pleaded guilty to a felony or who fails to 3322
disclose any previous criminal conviction of or plea of guilty to 3323
a felony as required under division (E)(1) of this section. 3324

(4) The executive director of the commission shall revoke the 3325
certificate awarded to a person as prescribed in this section, and 3326
that person shall forfeit all of the benefits derived from being 3327
certified as a peace officer under this section, if the person, 3328
before completion of an approved peace officer basic training 3329
program, failed to disclose any previous criminal conviction of or 3330
plea of guilty to a felony as required under division (E)(1) of 3331
this section. 3332

(F)(1) Regardless of whether the person has been awarded the 3333
certificate or has been classified as a peace officer prior to, 3334
on, or after October 16, 1996, the executive director of the Ohio 3335
peace officer training commission shall revoke any certificate 3336
that has been awarded to a person as prescribed in this section if 3337
the person does either of the following: 3338

(a) Pleads guilty to a felony committed on or after January 1, 1997; 3339
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(b) Pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the person agrees to surrender the certificate awarded to the person under this section. 3341
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(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this section pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the executive director shall reinstate the certificate awarded to the person under this section. If the person files an appeal from that person's conviction of the felony and the conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the executive director shall revoke the certificate awarded to the person under this section. 3346
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(G)(1) If a person is awarded a certificate under this section and the certificate is revoked pursuant to division (E)(4) or (F) of this section, the person shall not be eligible to receive, at any time, a certificate attesting to the person's satisfactory completion of a peace officer basic training program. 3363
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(2) The revocation or suspension of a certificate under division (E)(4) or (F) of this section shall be in accordance with Chapter 119. of the Revised Code. 3368
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(H)(1) A person who was employed as a peace officer of a county, township, or municipal corporation of the state on January 1, 1966, and who has completed at least sixteen years of full-time active service as such a peace officer, or equivalent service as determined by the executive director of the Ohio peace officer training commission, may receive an original appointment on a permanent basis and serve as a peace officer of a county, township, or municipal corporation, or as a state university law enforcement officer, without complying with the requirements of division (B) of this section.

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

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

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

peace officer is required by this section to complete 3403
satisfactorily. 3404

(K) This section does not apply to any member of the police 3405
department of a municipal corporation in an adjoining state 3406
serving in this state under a contract pursuant to section 737.04 3407
of the Revised Code. 3408

Sec. 109.802. (A) There is hereby created in the state 3409
treasury the law enforcement assistance fund. The ~~fund~~ attorney 3410
general shall ~~be used~~ use the fund to pay reimbursements for 3411
continuing professional training programs for peace officers and 3412
troopers as provided in this section and section 109.803 of the 3413
Revised Code, ~~the~~ compensation of any employees of the attorney 3414
general required to administer those sections, and any other 3415
administrative costs incurred by the attorney general to 3416
administer those sections. 3417

(B) The attorney general shall adopt rules in accordance with 3418
Chapter 119. of the Revised Code establishing application 3419
procedures, standards, and guidelines, and prescribing an 3420
application form, for the reimbursement of public appointing 3421
authorities for the cost of continuing professional training 3422
programs for their peace officers and troopers. The rules shall 3423
include, but are not limited to, all of the following: 3424

(1) A requirement that applications for reimbursement be 3425
submitted on a calendar-year basis; 3426

(2) The documentation required to substantiate any costs for 3427
which the applicant seeks reimbursement; 3428

(3) Procedures for submitting applications for reimbursement 3429
for the cost of continuing professional training programs 3430
completed by a peace officer or trooper for whom the executive 3431
director of the Ohio peace officer training commission granted 3432

pursuant to division (A)(2) of section 109.803 of the Revised Code 3433
an extension of the time for compliance with the continuing 3434
professional training requirement specified in division (A) of 3435
that section and who complied with the requirement prior to the 3436
date on which the extension ends; 3437

(4) Any other requirements necessary for the proper 3438
administration of the reimbursement program. 3439

(C) The Ohio peace officer training commission shall 3440
administer a program for reimbursing public appointing authorities 3441
for the costs of continuing professional training programs that 3442
are successfully completed by the appointing authority's peace 3443
officers or troopers. The commission shall administer the 3444
reimbursement program in accordance with rules adopted by the 3445
attorney general pursuant to division (B) of this section. 3446

(D) Each public appointing authority may apply each calendar 3447
year to the peace officer training commission for reimbursement 3448
for the costs of continuing professional training programs that 3449
are successfully completed by the appointing authority's peace 3450
officers or troopers. Each application shall be made in accordance 3451
with, on an application form prescribed in, and be supported by 3452
the documentation required by, the rules adopted by the attorney 3453
general pursuant to division (B) of this section. 3454

(E)(1) The Ohio peace officer training commission, in 3455
accordance with rules of the attorney general adopted under 3456
division (B) of this section, shall review each application for 3457
reimbursement made under division (D) of this section to determine 3458
if the applicant is entitled to reimbursement for the training 3459
programs for which the applicant seeks reimbursement. Except as 3460
provided in division (E)(2) of this section, a public appointing 3461
authority that complies with division (B) of section 109.761 of 3462
the Revised Code and applies under division (D) of this section 3463
for reimbursement is entitled to reimbursement ~~only if all~~ for 3464

each of the appointing authority's peace officers or troopers 3465
~~comply who timely complies~~ with the continuing professional 3466
training requirement specified in division (A)(1) of section 3467
109.803 of the Revised Code by completing the minimum number of 3468
hours of training directed by the Ohio peace officer training 3469
commission under that division and with the other requirements 3470
described in that division. 3471

~~(2) If a public appointing authority applies under division 3472
(D) of this section for reimbursement, if one or more of its peace 3473
officers or troopers have not complied with the continuing 3474
professional training requirement specified in division (A)(1) of 3475
section 109.803 of the Revised Code by completing the minimum 3476
number of hours of training directed by the Ohio peace officer 3477
training commission under that division, and if the executive 3478
director of the commission granted pursuant to division (A)(2) of 3479
section 109.803 of the Revised Code an extension of the time 3480
within which each of those peace officers or troopers who have not 3481
complied with the continuing professional training requirement 3482
must comply with that requirement, notwithstanding division (E)(1) 3483
of this section, both of the following apply:~~ 3484

~~(a) If each peace officer or trooper of the public appointing 3485
authority for whom the executive director of the commission did 3486
not grant an extension pursuant to division (A)(2) of section 3487
109.803 of the Revised Code has complied with the continuing 3488
professional training requirement and with the other requirements 3489
described in division (A)(1) of section 109.803 of the Revised 3490
Code, the public appointing authority is entitled to reimbursement 3491
for the training programs completed by all of its peace officers 3492
or troopers who have so complied with the continuing professional 3493
training requirement and the other specified requirements.~~ 3494

~~(b) If a peace officer or trooper of the public appointing 3495
authority for whom the executive director of the commission 3496~~

granted an extension pursuant to division (A)(2) of section 3497
109.803 of the Revised Code complies prior to the date on which 3498
the extension ends with the continuing professional training 3499
requirement, and if the peace officer or trooper also has complied 3500
with the other requirements described in division (A)(1) of 3501
section 109.803 of the Revised Code, the public appointing 3502
authority is entitled to reimbursement for the training programs 3503
completed by that peace officer or trooper. An application for 3504
reimbursement of the type described in this division shall be made 3505
in accordance with rules adopted by the attorney general pursuant 3506
to division (B) of section 109.802 of the Revised Code. 3507

(3) If a public appointing authority that applies under 3508
division (D) of this section for reimbursement is entitled to 3509
reimbursement under division (E)(1) or (2) of this section for 3510
each peace officer and trooper who successfully completes a 3511
training program, the commission shall approve reimbursing the 3512
appointing authority for the cost of that program. The actual 3513
amount of reimbursement for each authorized training program shall 3514
be determined by rules adopted by the attorney general under 3515
division (B) of this section. 3516

If the public appointing authority is entitled to 3517
reimbursement under division (E)(2)~~(a)~~ of this section, payment of 3518
the reimbursement shall not be withheld during the period of the 3519
extension granted to the other peace officers or troopers of the 3520
authority pursuant to division (A)(2) of section 109.803 of the 3521
Revised Code, pending their compliance with the requirement. If 3522
the public appointing authority is entitled to reimbursement under 3523
division (E)(2)~~(a)~~ of this section and if one or more of its peace 3524
officers or troopers who were granted an extension pursuant to 3525
division (A)(2) of section 109.803 of the Revised Code fails to 3526
complete prior to the date on which the extension ends the 3527
required minimum number of hours of continuing professional 3528

training set by the commission under division (A)(1) of section 3529
109.803 of the Revised Code, the failure does not affect the 3530
reimbursement made to the public appointing authority, and the 3531
public appointing authority is not required to return the 3532
reimbursement or any portion of it. 3533

(F) Each public appointing authority that receives funds 3534
under this section shall keep those funds separate from any other 3535
funds of the appointing authority and shall use those funds only 3536
for paying the cost of continuing professional training programs. 3537

(G) As used in this section and section 109.803 of the 3538
Revised Code: 3539

(1) "Peace officer" has the same meaning as in section 109.71 3540
of the Revised Code. 3541

(2) "Trooper" means an individual appointed as a state 3542
highway patrol trooper under section 5503.01 of the Revised Code. 3543

(3) "Appointing authority" means any agency or entity that 3544
appoints a peace officer or trooper. 3545

Sec. 109.803. (A)(1) Subject to division (A)(2) of this 3546
section, every appointing authority shall require each of its 3547
appointed peace officers and troopers to complete up to 3548
twenty-four hours of continuing professional training each 3549
calendar year, as directed by the Ohio peace officer training 3550
commission. The number of hours directed by the commission, up to 3551
twenty-four hours, is intended to be a minimum requirement, and 3552
appointing authorities are encouraged to exceed the number of 3553
hours the commission directs as the minimum. The commission shall 3554
set the required minimum number of hours based upon available 3555
funding for reimbursement as described in this division. If no 3556
funding for the reimbursement is available, no continuing 3557
professional training will be required. 3558

(2) An appointing authority may submit a written request to 3559
the peace officer training commission that requests for a calendar 3560
year because of emergency circumstances an extension of the time 3561
within which one or more of its appointed peace officers or 3562
troopers must complete the required minimum number of hours of 3563
continuing professional training set by the commission, as 3564
described in division (A)(1) of this section. A request made under 3565
this division shall set forth the name of each of the appointing 3566
authority's peace officers or troopers for whom an extension is 3567
requested, identify the emergency circumstances related to that 3568
peace officer or trooper, include documentation of those emergency 3569
circumstances, and set forth the date on which the request is 3570
submitted to the commission. A request shall be made under this 3571
division not later than the fifteenth day of December in the 3572
calendar year for which the extension is requested. 3573

Upon receipt of a written request made under this division, 3574
the executive director of the commission shall review the request 3575
and the submitted documentation. If the executive director of the 3576
commission is satisfied that emergency circumstances exist for any 3577
peace officer or trooper for whom a request was made under this 3578
division, the executive director may approve the request for that 3579
peace officer or trooper and grant an extension of the time within 3580
which that peace officer or trooper must complete the required 3581
minimum number of hours of continuing professional training set by 3582
the commission. An extension granted under this division may be 3583
for any period of time the executive director believes to be 3584
appropriate, and the executive director shall specify in the 3585
notice granting the extension the date on which the extension 3586
ends. Not later than thirty days after the date on which a request 3587
is submitted to the commission, for each peace officer and trooper 3588
for whom an extension is requested, the executive director either 3589
shall approve the request and grant an extension or deny the 3590
request and deny an extension and shall send to the appointing 3591

authority that submitted the request written notice of the 3592
executive director's decision. 3593

If the executive director grants an extension of the time 3594
within which a particular appointed peace officer or trooper of an 3595
appointing authority must complete the required minimum number of 3596
hours of continuing professional training set by the commission, 3597
the appointing authority shall require that peace officer or 3598
trooper to complete the required minimum number of hours of 3599
training not later than the date on which the extension ends. 3600

~~(3)(a) If a public appointing authority complies with the 3601
training requirement specified in division (A)(1) of this section 3602
by requiring each of its appointed peace officers and troopers to 3603
complete the number of hours of training the commission directs as 3604
the minimum and with division (B) of section 109.761 of the 3605
Revised Code and if the appointed peace officers and troopers of 3606
the public appointing authority comply with section 109.801 of the 3607
Revised Code to the extent that they are subject to that section 3608
and comply with all other training mandated by the general 3609
assembly or the attorney general, the attorney general shall 3610
reimburse the public appointing authority for the successful 3611
training costs of each of its appointed peace officers and 3612
troopers as provided in section 109.802 of the Revised Code. 3613~~

~~(b) If the executive director of the Ohio peace officer 3614
training commission grants pursuant to division (A)(2) of this 3615
section an extension of the time within which one or more 3616
appointed peace officers or troopers of a public appointing 3617
authority must complete the required minimum number of hours of 3618
continuing professional training set by the commission, and if the 3619
criteria set forth in division (A)(3)(a) of this section are 3620
satisfied regarding each appointed peace officer or trooper of the 3621
public appointing authority for whom such an extension was not 3622
granted, the attorney general shall reimburse the public 3623~~

~~appointing authority for the successful training costs of each of
its appointed peace officers and troopers for whom such an
extension was not granted, as provided in section 109.802 of the
Revised Code.~~

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

~~(B)(1) Subject to division (B)(2) of this section, no
appointed peace officer or trooper of an appointing authority who
fails to complete in any calendar year the required hours of
continuing professional training the Ohio peace officer training
commission directs pursuant to division (A) of this section as the
minimum number of hours or who fails to comply with section
109.801 of the Revised Code or any other required training shall
carry a firearm during the course of official duties or perform
the functions of a peace officer or trooper until evidence of the
peace officer's or trooper's compliance with those requirements is
filed with the executive director of the Ohio peace officer
training commission.~~

~~(2) If the executive director of the Ohio peace officer
training commission grants pursuant to division (A)(2) of this
section an extension of the time within which an appointed peace~~

~~officer or trooper of an appointing authority must complete the 3656
required minimum number of hours of continuing professional 3657
training set by the commission, during the period of the extension 3658
division (B)(1) of this section does not apply to a peace officer 3659
or trooper for whom such an extension was granted, provided that 3660
peace officer or trooper has complied with section 109.801 of the 3661
Revised Code to the extent that the officer or trooper is subject 3662
to that section and has complied with all other required training. 3663
If a peace officer or trooper of an appointing authority for whom 3664
such an extension was granted fails to complete prior to the date 3665
on which the extension ends the required minimum number of hours 3666
of continuing professional training set by the commission, 3667
division (B)(1) of this section applies to that officer or trooper 3668
after the date on which the extension ends. 3669~~

~~(C)(B) With the advice of the Ohio peace officer training 3670
commission, the attorney general shall adopt in accordance with 3671
Chapter 119. of the Revised Code rules setting forth minimum 3672
standards for continuing professional training for peace officers 3673
and troopers and governing the administration of continuing 3674
professional training programs for peace officers and troopers. 3675
The attorney general shall transmit a certified copy of any rule 3676
adopted under this section to the secretary of state. 3677~~

Sec. 111.15. (A) As used in this section: 3678

(1) "Rule" includes any rule, regulation, bylaw, or standard 3679
having a general and uniform operation adopted by an agency under 3680
the authority of the laws governing the agency; any appendix to a 3681
rule; and any internal management rule. "Rule" does not include 3682
any guideline adopted pursuant to section 3301.0714 of the Revised 3683
Code, any order respecting the duties of employees, any finding, 3684
any determination of a question of law or fact in a matter 3685
presented to an agency, or any rule promulgated pursuant to 3686

Chapter 119., section 4141.14, division (C)(1) or (2) of section 3687
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 3688
any amendment or rescission of a rule. 3689

(2) "Agency" means any governmental entity of the state and 3690
includes, but is not limited to, any board, department, division, 3691
commission, bureau, society, council, institution, state college 3692
or university, community college district, technical college 3693
district, or state community college. "Agency" does not include 3694
the general assembly, the controlling board, the adjutant 3695
general's department, or any court. 3696

(3) "Internal management rule" means any rule, regulation, 3697
bylaw, or standard governing the day-to-day staff procedures and 3698
operations within an agency. 3699

(4) "Substantive revision" has the same meaning as in 3700
division (J) of section 119.01 of the Revised Code. 3701

(B)(1) Any rule, other than a rule of an emergency nature, 3702
adopted by any agency pursuant to this section shall be effective 3703
on the tenth day after the day on which the rule in final form and 3704
in compliance with division (B)(3) of this section is filed as 3705
follows: 3706

(a) The rule shall be filed in electronic form with both the 3707
secretary of state and the director of the legislative service 3708
commission; 3709

(b) The rule shall be filed in electronic form with the joint 3710
committee on agency rule review. Division (B)(1)(b) of this 3711
section does not apply to any rule to which division (D) of this 3712
section does not apply. 3713

An agency that adopts or amends a rule that is subject to 3714
division (D) of this section shall assign a review date to the 3715
rule that is not later than five years after its effective date. 3716
If no review date is assigned to a rule, or if a review date 3717

assigned to a rule exceeds the five-year maximum, the review date 3718
for the rule is five years after its effective date. A rule with a 3719
review date is subject to review under section 119.032 of the 3720
Revised Code. This paragraph does not apply to a rule of a state 3721
college or university, community college district, technical 3722
college district, or state community college. 3723

If all filings are not completed on the same day, the rule 3724
shall be effective on the tenth day after the day on which the 3725
latest filing is completed. If an agency in adopting a rule 3726
designates an effective date that is later than the effective date 3727
provided for by division (B)(1) of this section, the rule if filed 3728
as required by such division shall become effective on the later 3729
date designated by the agency. 3730

Any rule that is required to be filed under division (B)(1) 3731
of this section is also subject to division (D) of this section if 3732
not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or 3733
(8) of this section. 3734

If a rule incorporates a text or other material by reference, 3735
the agency shall comply with sections 121.71 to 121.76 of the 3736
Revised Code. 3737

(2) A rule of an emergency nature necessary for the immediate 3738
preservation of the public peace, health, or safety shall state 3739
the reasons for the necessity. The emergency rule, in final form 3740
and in compliance with division (B)(3) of this section, shall be 3741
filed in electronic form with the secretary of state, the director 3742
of the legislative service commission, and the joint committee on 3743
agency rule review. The emergency rule is effective immediately 3744
upon completion of the latest filing, except that if the agency in 3745
adopting the emergency rule designates an effective date, or date 3746
and time of day, that is later than the effective date and time 3747
provided for by division (B)(2) of this section, the emergency 3748
rule if filed as required by such division shall become effective 3749

at the later date, or later date and time of day, designated by 3750
the agency. 3751

An emergency rule becomes invalid at the end of the ninetieth 3752
day it is in effect. Prior to that date, the agency may file the 3753
emergency rule as a nonemergency rule in compliance with division 3754
(B)(1) of this section. The agency may not refile the emergency 3755
rule in compliance with division (B)(2) of this section so that, 3756
upon the emergency rule becoming invalid under such division, the 3757
emergency rule will continue in effect without interruption for 3758
another ninety-day period. 3759

(3) An agency shall file a rule under division (B)(1) or (2) 3760
of this section in compliance with the following standards and 3761
procedures: 3762

(a) The rule shall be numbered in accordance with the 3763
numbering system devised by the director for the Ohio 3764
administrative code. 3765

(b) The rule shall be prepared and submitted in compliance 3766
with the rules of the legislative service commission. 3767

(c) The rule shall clearly state the date on which it is to 3768
be effective and the date on which it will expire, if known. 3769

(d) Each rule that amends or rescinds another rule shall 3770
clearly refer to the rule that is amended or rescinded. Each 3771
amendment shall fully restate the rule as amended. 3772

If the director of the legislative service commission or the 3773
director's designee gives an agency notice pursuant to section 3774
103.05 of the Revised Code that a rule filed by the agency is not 3775
in compliance with the rules of the legislative service 3776
commission, the agency shall within thirty days after receipt of 3777
the notice conform the rule to the rules of the commission as 3778
directed in the notice. 3779

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 3780
of this section shall be recorded by the secretary of state and 3781
the director under the title of the agency adopting the rule and 3782
shall be numbered according to the numbering system devised by the 3783
director. The secretary of state and the director shall preserve 3784
the rules in an accessible manner. Each such rule shall be a 3785
public record open to public inspection and may be transmitted to 3786
any law publishing company that wishes to reproduce it. 3787

(D) At least sixty-five days before a board, commission, 3788
department, division, or bureau of the government of the state 3789
files a rule under division (B)(1) of this section, it shall file 3790
the full text of the proposed rule in electronic form with the 3791
joint committee on agency rule review, and the proposed rule is 3792
subject to legislative review and invalidation under division (I) 3793
of section 119.03 of the Revised Code. If a state board, 3794
commission, department, division, or bureau makes a substantive 3795
revision in a proposed rule after it is filed with the joint 3796
committee, the state board, commission, department, division, or 3797
bureau shall promptly file the full text of the proposed rule in 3798
its revised form in electronic form with the joint committee. The 3799
latest version of a proposed rule as filed with the joint 3800
committee supersedes each earlier version of the text of the same 3801
proposed rule. Except as provided in division (F) of this section, 3802
a state board, commission, department, division, or bureau shall 3803
also file the rule summary and fiscal analysis prepared under 3804
section ~~121.24~~ or 127.18 of the Revised Code, ~~or both,~~ in 3805
electronic form along with a proposed rule, and along with a 3806
proposed rule in revised form, that is filed under this division. 3807

The joint committee shall promptly file a notice in 3808
electronic form with the Ohio small business ombudsperson of the 3809
filing under this division of a proposed rule, or of a proposed 3810
rule in revised form, that previously was filed with the 3811

ombudsperson under section 121.254 of the Revised Code. 3812

As used in this division, "commission" includes the public 3813
utilities commission when adopting rules under a federal or state 3814
statute. 3815

This division does not apply to any of the following: 3816

(1) A proposed rule of an emergency nature; 3817

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 3818
1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 3819
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 3820
Code; 3821

(3) A rule proposed by an agency other than a board, 3822
commission, department, division, or bureau of the government of 3823
the state; 3824

(4) A proposed internal management rule of a board, 3825
commission, department, division, or bureau of the government of 3826
the state; 3827

(5) Any proposed rule that must be adopted verbatim by an 3828
agency pursuant to federal law or rule, to become effective within 3829
sixty days of adoption, in order to continue the operation of a 3830
federally reimbursed program in this state, so long as the 3831
proposed rule contains both of the following: 3832

(a) A statement that it is proposed for the purpose of 3833
complying with a federal law or rule; 3834

(b) A citation to the federal law or rule that requires 3835
verbatim compliance. 3836

(6) An initial rule proposed by the director of health to 3837
impose safety standards and quality-of-care standards with respect 3838
to a health service specified in section 3702.11 of the Revised 3839
Code, or an initial rule proposed by the director to impose 3840
quality standards on a facility listed in division (A)(4) of 3841

section 3702.30 of the Revised Code, if section 3702.12 of the 3842
Revised Code requires that the rule be adopted under this section; 3843

(7) A rule of the state lottery commission pertaining to 3844
instant game rules. 3845

If a rule is exempt from legislative review under division 3846
(D)(5) of this section, and if the federal law or rule pursuant to 3847
which the rule was adopted expires, is repealed or rescinded, or 3848
otherwise terminates, the rule is thereafter subject to 3849
legislative review under division (D) of this section. 3850

(E) Whenever a state board, commission, department, division, 3851
or bureau files a proposed rule or a proposed rule in revised form 3852
under division (D) of this section, it shall also file the full 3853
text of the same proposed rule or proposed rule in revised form in 3854
electronic form with the secretary of state and the director of 3855
the legislative service commission. Except as provided in division 3856
(F) of this section, a state board, commission, department, 3857
division, or bureau shall file the rule summary and fiscal 3858
analysis prepared under section ~~121.24~~ or 127.18 of the Revised 3859
Code, ~~or both,~~ in electronic form along with a proposed rule or 3860
proposed rule in revised form that is filed with the secretary of 3861
state or the director of the legislative service commission. 3862

(F) Except as otherwise provided in this division, the 3863
auditor of state or the auditor of state's designee is not 3864
required to file a rule summary and fiscal analysis along with a 3865
proposed rule, or proposed rule in revised form, that the auditor 3866
of state proposes under section 117.12, 117.19, 117.38, or 117.43 3867
of the Revised Code and files under division (D) or (E) of this 3868
section. ~~If, however, the auditor of state or the designee~~ 3869
~~prepares a rule summary and fiscal analysis of the original~~ 3870
~~version of such a proposed rule for purposes of complying with~~ 3871
~~section 121.24 of the Revised Code, the auditor of state or~~ 3872
~~designee shall file the rule summary and fiscal analysis in~~ 3873

~~electronic form along with the original version of the proposed 3874
rule filed under division (D) or (E) of this section. 3875~~

Sec. 111.26. (A) It is hereby declared to be a public purpose 3876
and function of the state to facilitate the conduct of elections 3877
by assisting boards of elections in acquiring state capital 3878
facilities consisting of voting machines, marking devices, and 3879
automatic tabulating equipment certified for use in this state 3880
under section 3506.05 of the Revised Code. Those voting machines, 3881
marking devices, and automatic tabulating equipment are designated 3882
as capital facilities under sections 152.09 to 152.33 of the 3883
Revised Code. The Ohio building authority is authorized to issue 3884
revenue obligations under sections 152.09 to 152.33 of the Revised 3885
Code to pay all or part of the cost of those state capital 3886
facilities as are designated by law. 3887

Boards of elections, due to their responsibilities related to 3888
the proper conduct of elections under state law, are designated as 3889
state agencies having jurisdiction over those state capital 3890
facilities financed in part pursuant to this section and Chapter 3891
152. of the Revised Code. It is hereby determined and declared 3892
that voting machines, marking devices, and automatic tabulating 3893
equipment financed in part under this section are for the purpose 3894
of housing agencies of state government, their functions and 3895
equipment. 3896

(B) A county shall contribute to the cost of capital 3897
facilities authorized under this section as provided below. 3898

(C) Any lease of capital facilities authorized by this 3899
section, the rentals of which are payable in whole or in part from 3900
appropriations made by the general assembly, is governed by 3901
division (D) of section 152.24 of the Revised Code. Such rentals 3902
constitute available receipts as defined in section 152.09 of the 3903
Revised Code and may be pledged for the payment of bond service 3904

charges as provided in section 152.10 of the Revised Code. 3905

(D) The county voting machine revolving lease/loan fund is hereby created in the state treasury. The fund shall consist of the net proceeds of obligations issued under sections 152.09 to 152.33 of the Revised Code to finance a portion of those state capital facilities described in division (A) of this section, as needed to ensure sufficient moneys to support appropriations from the fund. Lease payments from counties made for those capital facilities financed in part from the fund and interest earnings on the balance in the fund shall be credited to the fund. The fund shall also receive any other authorized transfers of cash. Moneys in the fund shall be used for the purpose of acquiring a portion of additional capital facilities described in division (A) of this section at the request of the applicable board of elections. 3906
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Participation in the fund by a board of county commissioners shall be voluntary. 3919
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The secretary of state shall administer the county voting machine revolving lease/loan fund in accordance with this section and shall enter into any lease or other agreement with the department of administrative services, the Ohio building authority, or any board of elections necessary or appropriate to accomplish the purposes of this section. 3922
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(E) Acquisitions made under this section shall provide not more than fifty per cent of the estimated total cost of a board of county commissioners' purchase of voting machines, marking devices, and automatic tabulating equipment. 3928
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The secretary of state shall adopt rules for the implementation of the acquisition and revolving lease/loan program established under this section, which rules shall require that the secretary of state approve any acquisition of voting machines, 3932
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marking devices, and automatic tabulating equipment using money 3936
made available under this section. An acquisition for any one 3937
board of county commissioners shall not exceed five million 3938
dollars and shall be made only for equipment purchased on or after 3939
March 31, 2008. Any costs incurred on or after January 1, 2008, 3940
may be considered as the county cost percentage for the purpose of 3941
an acquisition made under this section. 3942

Counties shall lease from the secretary of state the capital 3943
facilities financed in part from the county voting machine 3944
revolving lease/loan fund and may enter into any agreements 3945
required under the applicable bond proceedings. All voting 3946
machines, marking devices, and automatic tabulating equipment 3947
purchased through this fund shall remain the property of the state 3948
until all payments under the applicable county lease have been 3949
made at which time ownership shall transfer to the county. Costs 3950
associated with the maintenance, repair, and operation of the 3951
voting machines, marking devices, and automatic tabulating 3952
equipment purchased under this section shall be the responsibility 3953
of the participating boards of elections and boards of county 3954
commissioners. 3955

Such lease may obligate the counties, as using state agencies 3956
under Chapter 152. of the Revised Code, to operate the capital 3957
facilities for such period of time as may be specified by law and 3958
to pay such rent as the secretary of state determines to be 3959
appropriate. Notwithstanding any other provision of the Revised 3960
Code to the contrary, any county may enter into such a lease, and 3961
any such lease is legally sufficient to obligate the county for 3962
the term stated in the lease. Any such lease constitutes an 3963
agreement described in division (E) of section 152.24 of the 3964
Revised Code. 3965

(F) As used in this section: 3966

(1) "Automatic tabulating equipment," "marking device," and 3967

"voting machine" have the same meanings as in section 3506.01 of 3968
the Revised Code. 3969

(2) "Equipment" has the same meaning as in section 3506.05 of 3970
the Revised Code. 3971

Sec. 111.27. There is hereby established in the state 3972
treasury the board of elections reimbursement and education fund. 3973
The fund shall be used by the secretary of state to reimburse 3974
boards of elections for various purposes, including reimbursements 3975
made under sections 3513.301, 3513.312, 3515.071, and 3521.03 of 3976
the Revised Code, and to provide training and educational programs 3977
for members and employees of boards of elections. The fund shall 3978
receive transfers of cash pursuant to controlling board action and 3979
also shall receive revenues from fees, gifts, grants, donations, 3980
and other similar receipts. 3981

Sec. 117.13. (A) The costs of audits of state agencies shall 3982
be recovered by the auditor of state in the following manner: 3983

(1) The costs of all audits of state agencies shall be paid 3984
to the auditor of state on statements rendered by the auditor of 3985
state. Money so received by the auditor of state shall be paid 3986
into the state treasury to the credit of the public audit expense 3987
fund--intrastate, which is hereby created, and shall be used to 3988
pay costs related to such audits. The costs of all annual and 3989
special audits of a state agency shall be charged to the state 3990
agency being audited. The costs of all biennial audits of a state 3991
agency shall be paid from money appropriated to the department of 3992
administrative services for that purpose. The costs of any 3993
assistant auditor, employee, or expert employed pursuant to 3994
section 117.09 of the Revised Code called upon to testify in any 3995
legal proceedings in regard to any audit, or called upon to review 3996
or discuss any matter related to any audit, may be charged to the 3997

state agency to which the audit relates. 3998

(2) The auditor of state shall establish by rule rates to be charged to state agencies or to the department of administrative services for recovering the costs of audits of state agencies. 3999
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(B) As used in this division, "government auditing standards" means the government auditing standards published by the comptroller general of the United States general accounting office. 4002
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(1) Except as provided in divisions (B)(2) and (3) of this section, any costs of an audit of a private institution, association, board, or corporation receiving public money for its use shall be charged to the public office providing the public money in the same manner as costs of an audit of the public office. 4006
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(2) If an audit of a private child placing agency or private noncustodial agency receiving public money from a public children services agency for providing child welfare or child protection services sets forth that money has been illegally expended, converted, misappropriated, or is unaccounted for, the costs of the audit shall be charged to the agency being audited in the same manner as costs of an audit of a public office, unless the findings are inconsequential, as defined by government auditing standards. 4012
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(3) If such an audit does not set forth that money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government auditing standards, the costs of the audit shall be charged as follows: 4021
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(a) One-third of the costs to the agency being audited; 4026

(b) One-third of the costs to the public children services agency that provided the public money to the agency being audited; 4027
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(c) One-third of the costs to the department of job and family services. 4029
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(C) The costs of audits of local public offices shall be recovered by the auditor of state in the following manner: 4031
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(1) The total amount of compensation paid assistant auditors of state, their expenses, the cost of employees assigned to assist the assistant auditors of state, the cost of experts employed pursuant to section 117.09 of the Revised Code, and the cost of typing, reviewing, and copying reports shall be borne by the public office to which such assistant auditors of state are so assigned, except that annual vacation and sick leave of assistant auditors of state, employees, and typists shall be financed from the general revenue fund. The necessary traveling and hotel expenses of the deputy inspectors and supervisors of public offices shall be paid from the state treasury. Assistant auditors of state shall be compensated by the taxing district or other public office audited for activities undertaken pursuant to division (B) of section 117.18 and section 117.24 of the Revised Code. The costs of any assistant auditor, employee, or expert employed pursuant to section 117.09 of the Revised Code called upon to testify in any legal proceedings in regard to any audit, or called upon to review or discuss any matter related to any audit, may be charged to the public office to which the audit relates. 4033
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(2) The auditor of state shall certify the amount of such compensation, expenses, cost of experts, reviewing, copying, and typing to the fiscal officer of the local public office audited. The fiscal officer of the local public office shall forthwith draw a warrant upon the general fund or other appropriate funds of the local public office to the order of the auditor of state; provided, that the auditor of state is authorized to negotiate with any local public office and, upon agreement between the 4053
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auditor of state and the local public office, may adopt a schedule 4061
for payment of the amount due under this section. Money so 4062
received by the auditor of state shall be paid into the state 4063
treasury to the credit of the public audit expense fund--local 4064
government, which is hereby created, and shall be used to pay the 4065
compensation, expense, cost of experts and employees, reviewing, 4066
copying, and typing of reports. 4067

(3) At the conclusion of each audit, or analysis and report 4068
made pursuant to section 117.24 of the Revised Code, the auditor 4069
of state shall furnish the fiscal officer of the local public 4070
office audited a statement showing the total cost of the audit, or 4071
of the audit and the analysis and report, and the percentage of 4072
the total cost chargeable to each fund audited. The fiscal officer 4073
may distribute such total cost to each fund audited in accordance 4074
with its percentage of the total cost. 4075

(4) The auditor of state shall provide each local public 4076
office a statement or certification of the amount due from the 4077
public office for services performed by the auditor of state under 4078
this or any other section of the Revised Code, as well as the date 4079
upon which payment is due to the auditor of state. Any local 4080
public office that does not pay the amount due to the auditor of 4081
state by that date may be assessed by the auditor of state for 4082
interest from the date upon which the payment is due at the rate 4083
per annum prescribed by section 5703.47 of the Revised Code. All 4084
interest charges assessed by the auditor of state may be collected 4085
in the same manner as audit costs pursuant to division (D) of this 4086
section. 4087

(D) If the auditor of state fails to receive payment for any 4088
amount due, including, but not limited to, fines, fees, and costs, 4089
from a public office for services performed under this or any 4090
other section of the Revised Code, the auditor of state may seek 4091
payment through the office of budget and management. (Amounts due 4092

include any amount due to an independent public accountant with 4093
whom the auditor has contracted to perform services, all costs and 4094
fees associated with participation in the uniform accounting 4095
network, and all costs associated with the auditor's provision of 4096
local government services.) Upon certification by the auditor of 4097
state to the director of budget and management of any such amount 4098
due, the director shall withhold from the public office any amount 4099
available, up to and including the amount certified as due, from 4100
any funds under the director's control that belong to or are 4101
lawfully payable or due to the public office. The director shall 4102
promptly pay the amount withheld to the auditor of state. If the 4103
director determines that no funds due and payable to the public 4104
office are available or that insufficient amounts of such funds 4105
are available to cover the amount due, the director shall withhold 4106
and pay to the auditor of state the amounts available and, in the 4107
case of a local public office, certify the remaining amount to the 4108
county auditor of the county in which the local public office is 4109
located. The county auditor shall withhold from the local public 4110
office any amount available, up to and including the amount 4111
certified as due, from any funds under the county auditor's 4112
control and belonging to or lawfully payable or due to the local 4113
public office. The county auditor shall promptly pay any such 4114
amount withheld to the auditor of state. 4115

(E)(1) The auditor of state shall certify to the director of 4116
budget and management the amounts due or necessary for state 4117
agency audit costs and the director shall transfer the certified 4118
amounts from the general revenue fund to the public audit expense 4119
fund - intrastate if either of the following apply: 4120

(a) A state agency that has ceased operation has not paid 4121
audit costs pursuant to this section. 4122

(b) In the judgment of the auditor of state, the money 4123
appropriated for the cost of biennial audits of state agencies is 4124

not sufficient to conduct an appropriate audit program. 4125

(2) If a local public office ceases operation and has not 4126
paid audit costs pursuant to this section, one of the following 4127
shall occur: 4128

(a) In the case of costs due for an audit performed by the 4129
auditor or state, the auditor of state shall certify to the 4130
director the amounts due for these costs, and the director shall 4131
transfer the certified amounts from the general revenue fund to 4132
the public audit expense fund-local government. 4133

(b) In the case of costs due for an audit performed by an 4134
independent auditor, the independent auditor shall notify the 4135
auditor of state of the amounts due for these costs. The auditor 4136
of state shall certify the amounts to the director, and the 4137
director shall transfer the certified amounts from the general 4138
revenue fund to the credit of the public audit expense 4139
fund-independent auditors, which is hereby created in the state 4140
treasury for the purpose of reimbursing independent auditors for 4141
unpaid audit costs pursuant to this section. 4142

Sec. 117.16. (A) The auditor of state shall do all of the 4143
following: 4144

(1) Develop a force account project assessment form that each 4145
public office that undertakes force account projects shall use to 4146
estimate or report the cost of a force account project. The form 4147
shall include costs for employee salaries and benefits, any other 4148
labor costs, materials, freight, fuel, hauling, overhead expense, 4149
workers' compensation premiums, and all other items of cost and 4150
expense, including a reasonable allowance for the use of all tools 4151
and equipment used on or in connection with such work and for the 4152
depreciation on the tools and equipment. 4153

(2) Make the form available to public offices by any 4154

cost-effective, convenient method accessible to the auditor of 4155
state and the public offices; 4156

(3) When conducting an audit under this chapter of a public 4157
office that undertakes force account projects, examine the forms 4158
and records of a sampling of the force account projects the public 4159
office completed since an audit was last conducted, to determine 4160
compliance with its force account limits. 4161

(B) If the auditor of state receives a complaint from any 4162
person that a public office has violated the force account limits 4163
established for that office, the auditor of state may conduct an 4164
audit in addition to the audit provided in section 117.11 of the 4165
Revised Code if the auditor of state has reasonable cause to 4166
believe that an additional audit is in the public interest. 4167

(C)(1) If the auditor of state finds that a county, township, 4168
or municipal corporation violated the force account limits or 4169
scope of work limits as elected by the political subdivision and 4170
established for that political subdivision, the auditor of state, 4171
in addition to any other action authorized by this chapter, shall 4172
notify the political subdivision that, for a period of one year 4173
from the date of the notification, the force account limits or 4174
scope of work limits for the subdivision are reduced as follows: 4175

(a) For a county, the limits shall be ten thousand dollars 4176
per mile for construction or reconstruction of a road and forty 4177
thousand dollars for construction, reconstruction, maintenance, or 4178
repair of a bridge or culvert; or for scope of work, the scope of 4179
work limits shall be restricted to crack sealing operations for 4180
pavements and single cell culvert replacement with a waterway 4181
opening width not to exceed twelve feet measured at its widest 4182
point for structures. 4183

(b) For a township, the limit shall be fifteen thousand 4184
dollars for maintenance and repair of a road or five thousand per 4185

mile for construction or reconstruction of a township road 4186
regardless of scope of work; 4187

(c) For a municipal corporation, the limit shall be ten 4188
thousand dollars for the construction, reconstruction, widening, 4189
resurfacing, or repair of a street or other public way regardless 4190
of scope of work. 4191

(2) If the auditor of state finds that a county, township, or 4192
municipal corporation violated the force account limits or scope 4193
of work limits as elected by the political subdivision and 4194
established for that political subdivision a second or subsequent 4195
time, the auditor of state, in addition to any other action 4196
authorized by this chapter, shall notify the political subdivision 4197
that, for a period of two years from the date of the notification, 4198
the force account limits for the subdivision are reduced in 4199
accordance with division (C)(1)(a), (b), or (c) of this section. 4200
4201

(3) If the auditor of state finds that a county, township, or 4202
municipal corporation violated the force account limits or scope 4203
of work limits as elected by the political subdivision and 4204
established for that political subdivision a third or subsequent 4205
time, the auditor of state shall certify to the tax commissioner 4206
an amount the auditor of state determines to be twenty per cent of 4207
the total cost of the force account project that is the basis of 4208
the violation. Upon receipt of this certification, the tax 4209
commissioner shall withhold the certified amount from any funds 4210
under the tax commissioner's control that are due or payable to 4211
that political subdivision. The tax commissioner shall promptly 4212
deposit this withheld amount to the credit of the local 4213
transportation improvement program fund created by section 164.14 4214
of the Revised Code. 4215

If the tax commissioner determines that no funds are due and 4216
payable to the violating political subdivision or that 4217

insufficient amounts of such funds are available to cover the 4218
entire certified amount, the tax commissioner shall withhold and 4219
deposit to the credit of the local transportation improvement 4220
program fund any amount available and certify the remaining amount 4221
to be withheld to the county auditor of the county in which the 4222
political subdivision is located. The county auditor shall 4223
withhold from that political subdivision any amount, up to that 4224
certified by the tax commissioner, that is available from any 4225
funds under the county auditor's control, that is due or payable 4226
to that political subdivision, and that can be lawfully withheld. 4227
The county auditor shall promptly pay that withheld amount to the 4228
tax commissioner for deposit into the local transportation 4229
improvement program fund. 4230

The payments required under division (C)(3) of this section 4231
are in addition to the force account limit reductions described in 4232
division (C)(2) of this section and also are in addition to any 4233
other action authorized by this chapter. 4234

(D) If the auditor of state finds that a county, township, or 4235
municipal corporation violated its force account limits when 4236
participating in a joint force account project, the auditor of 4237
state shall impose the reduction in force account limits under 4238
division (C) of this section on all entities participating in the 4239
joint project. 4240

(E) As used in this section, ~~"force:~~ 4241

(1) "Force account limits" means any of the following, as 4242
applicable: 4243

~~(1)(a)~~ (a) For a county, the amounts established in section 4244
5543.19 of the Revised Code or the amounts established in that 4245
section as adjusted under section 117.162 of the Revised Code, as 4246
applicable; 4247

~~(2)(b)~~ (b) For a township, the amounts established in section 4248

5575.01 of the Revised Code or the amounts established in that 4249
section as adjusted under section 117.162 of the Revised Code, as 4250
applicable; 4251

~~(3)~~(c) For a municipal corporation, the amount established in 4252
section 723.52 of the Revised Code or the amount established in 4253
that section as adjusted under section 117.162 of the Revised 4254
Code, as applicable; 4255

~~(4)~~(d) For the department of transportation, the amount 4256
established in section 5517.02 of the Revised Code or the amounts 4257
established in that section as adjusted under section 117.162 of 4258
the Revised Code, as applicable. 4259

(2) "Scope of work limits" means the amounts established 4260
under section 5579.10 of the Revised Code. 4261

Sec. 117.162. (A) Upon the effective date of this section, 4262
the auditor of state shall adjust upward county, township, 4263
municipal, and department of transportation force account limits 4264
by twenty-five per cent. The auditor shall post these new force 4265
account limits on the auditor of state's internet site on the 4266
world wide web. Beginning in 2011, not later than the thirty-first 4267
day of January each year, the auditor of state shall adjust upward 4268
county, township, municipal, and department of transportation 4269
force account limits by the percentage increase, if any in the 4270
consumer price index over the twelve-month period that ended on 4271
the last day of December of the immediately preceding year, 4272
rounded to the nearest one-tenth of one per cent. The auditor 4273
shall post the new force account limits on the auditor of state's 4274
internet site on the world wide web. The limits increased annually 4275
by the consumer price index shall be effective for the following 4276
twelve-month period beginning on the first day of February. 4277

(B) As used in this section: 4278

(1) "Consumer price index" means the consumer price index prepared by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: all items 1982-1984=100), or if that index is no longer published, a generally available comparable index.

(2) "Force account limits" has the same meaning as in section 117.16 of the Revised Code.

Sec. 117.20. (A) In adopting rules pursuant to Chapter 117. of the Revised Code, the auditor of state or the auditor of state's designee shall do both of the following:

(1) Before adopting any such rule, except a rule of an emergency nature, do each of the following:

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

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

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

(d) Conduct, on the date and at the time and place designated in the notice, a public hearing at which any person affected by the proposed rule, including statewide organizations of local government officials, may appear and be heard in person, by

attorney, or both, and may present the person's or organization's 4309
position or contentions orally or in writing. 4310

(2) Except as otherwise provided in division (A)(2) of this 4311
section, comply with divisions (B) to (E) of section 111.15 of the 4312
Revised Code. The auditor of state is not required to file a rule 4313
summary and fiscal analysis along with any copy of a proposed 4314
rule, or proposed rule in revised form, that is filed with the 4315
joint committee on agency rule review, the secretary of state, or 4316
the director of the legislative service commission under division 4317
(D) or (E) of section 111.15 of the Revised Code; ~~however, if the~~ 4318
~~auditor of state or the auditor of state's designee prepares a~~ 4319
~~rule summary and fiscal analysis of the original version of a~~ 4320
~~proposed rule for purposes of complying with section 121.24 of the~~ 4321
~~Revised Code, the auditor of state or designee shall file a copy~~ 4322
~~of the rule summary and fiscal analysis in electronic form along~~ 4323
~~with the original version of the proposed rule filed under~~ 4324
~~division (D) or (E) of section 111.15 of the Revised Code.~~ 4325

(B) The auditor of state shall diligently discharge the 4326
duties imposed by divisions (A)(1)(a), (b), and (c) of this 4327
section, but failure to mail any notice or copy of a proposed 4328
rule, or to consult with any person or organization, shall not 4329
invalidate any rule. 4330

(C) Notwithstanding any contrary provision of the Revised 4331
Code, the auditor of state may prepare and disseminate, to public 4332
offices and other interested persons and organizations, advisory 4333
bulletins, directives, and instructions relating to accounting and 4334
financial reporting systems, budgeting procedures, fiscal 4335
controls, and the constructions by the auditor of state of 4336
constitutional and statutory provisions, court decisions, and 4337
opinions of the attorney general. The bulletins, directives, and 4338
instructions shall be of an advisory nature only. 4339

(D) As used in this section, "rule" includes the adoption, 4340

amendment, or rescission of a rule. 4341

Sec. 118.05. (A) Pursuant to the powers of the general 4342
assembly and for the purposes of this chapter, upon the occurrence 4343
of a fiscal emergency in any municipal corporation, county, or 4344
township, as determined pursuant to section 118.04 of the Revised 4345
Code, there is established, with respect to that municipal 4346
corporation, county, or township, a body both corporate and 4347
politic constituting an agency and instrumentality of the state 4348
and performing essential governmental functions of the state to be 4349
known as the "financial planning and supervision commission for 4350
..... (name of municipal corporation, county, or 4351
township)," which, in that name, may exercise all authority vested 4352
in such a commission by this chapter. A separate commission is 4353
established with respect to each municipal corporation, county, or 4354
township as to which there is a fiscal emergency as determined 4355
under this chapter. 4356

(B) A commission shall consist of the following ~~seven~~ voting 4357
members: 4358

(1) Four ex officio members: the treasurer of state; the 4359
director of budget and management; in the case of a municipal 4360
corporation, the mayor of the municipal corporation and the 4361
presiding officer of the legislative authority of the municipal 4362
corporation; in the case of a county, the president of the board 4363
of county commissioners and the county auditor; and in the case of 4364
a township, a member of the board of township trustees and the 4365
county auditor. 4366

The treasurer of state may designate a deputy treasurer or 4367
director within the office of the treasurer of state or any other 4368
appropriate person who is not an employee of the treasurer of 4369
state's office; the director of budget and management may 4370
designate an individual within the office of budget and management 4371

or any other appropriate person who is not an employee of the 4372
office of budget and management; the mayor may designate a 4373
responsible official within the mayor's office or the fiscal 4374
officer of the municipal corporation; the presiding officer of the 4375
legislative authority of the municipal corporation may designate 4376
any other member of the legislative authority; the board of county 4377
commissioners may designate any other member of the board or the 4378
fiscal officer of the county; and the board of township trustees 4379
may designate any other member of the board or the fiscal officer 4380
of the township to attend the meetings of the commission when the 4381
ex officio member is absent or unable for any reason to attend. A 4382
designee, when present, shall be counted in determining whether a 4383
quorum is present at any meeting of the commission and may vote 4384
and participate in all proceedings and actions of the commission. 4385
The designations shall be in writing, executed by the ex officio 4386
member or entity making the designation, and filed with the 4387
secretary of the commission. The designations may be changed from 4388
time to time in like manner, but due regard shall be given to the 4389
need for continuity. 4390

(2) Three If a municipal corporation, county, or township has 4391
a population of at least one thousand, three members nominated and 4392
appointed as follows: 4393

The mayor and presiding officer of the legislative authority 4394
of the municipal corporation, the board of county commissioners, 4395
or the board of township trustees shall, within ten days after the 4396
determination of the fiscal emergency by the auditor of state 4397
under section 118.04 of the Revised Code, submit in writing to the 4398
governor the nomination of five persons agreed to by them and 4399
meeting the qualifications set forth in this division. If the 4400
governor is not satisfied that at least three of the nominees are 4401
well qualified, the governor shall notify the mayor and presiding 4402
officer, or the board of county commissioners, or the board of 4403

township trustees to submit in writing, within five days, 4404
additional nominees agreed upon by them, not exceeding three. The 4405
governor shall appoint three members from all the agreed-upon 4406
nominees so submitted or a lesser number that the governor 4407
considers well qualified within thirty days after receipt of the 4408
nominations, and shall fill any remaining positions on the 4409
commission by appointment of any other persons meeting the 4410
qualifications set forth in this division. All appointments by the 4411
governor shall be made with the advice and consent of the senate. 4412
Each of the three appointed members shall serve during the life of 4413
the commission, subject to removal by the governor for 4414
misfeasance, nonfeasance, or malfeasance in office. In the event 4415
of the death, resignation, incapacity, removal, or ineligibility 4416
to serve of an appointed member, the governor, pursuant to the 4417
process for original appointment, shall appoint a successor. 4418

(3) If a municipal corporation, county, or township has a 4419
population of less than one thousand, one member nominated and 4420
appointed as follows: 4421

The mayor and presiding officer of the legislative authority 4422
of the municipal corporation, the board of county commissioners, 4423
or the board of township trustees shall, within ten days after the 4424
determination of the fiscal emergency by the auditor of state 4425
under section 118.04 of the Revised Code, submit in writing to the 4426
governor the nomination of three persons agreed to by them and 4427
meeting the qualifications set forth in this division. If the 4428
governor is not satisfied that at least one of the nominees is 4429
well qualified, the governor shall notify the mayor and presiding 4430
officer, or the board of county commissioners, or the board of 4431
township trustees to submit in writing, within five days, 4432
additional nominees agreed upon by them, not exceeding three. The 4433
governor shall appoint one member from all the agreed-upon 4434
nominees so submitted or shall fill the position on the commission 4435

by appointment of any other person meeting the qualifications set forth in this division. All appointments by the governor shall be made with the advice and consent of the senate. The appointed member shall serve during the life of the commission, subject to removal by the governor for misfeasance, nonfeasance, or malfeasance in office. In the event of the death, resignation, incapacity, removal, or ineligibility to serve of the appointed member, the governor, pursuant to the process for original appointment, shall appoint a successor.

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

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

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

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

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

(D) The director of budget and management shall serve as 4467
chairperson of the commission. The commission shall elect one of 4468
its members to serve as vice-chairperson and may appoint a 4469
secretary and any other officers, who need not be members of the 4470
commission, it considers necessary. 4471

(E) The commission may adopt and alter bylaws and rules, 4472
which shall not be subject to section 111.15 or Chapter 119. of 4473
the Revised Code, for the conduct of its affairs and for the 4474
manner, subject to this chapter, in which its powers and functions 4475
shall be exercised and embodied. 4476

(F) ~~Five~~ Four members of ~~the~~ a commission established 4477
pursuant to divisions (B)(1) and (2) of this section constitute a 4478
quorum of the commission. The affirmative vote of ~~five~~ a majority 4479
of the members of ~~the~~ such a commission is necessary for any 4480
action taken by vote of the commission. Three members of a 4481
commission established pursuant to divisions (B)(1) and (3) of 4482
this section constitute a quorum of the commission. The 4483
affirmative vote of a majority of the members of such a commission 4484
is necessary for any action taken by vote of the commission. No 4485
vacancy in the membership of the commission shall impair the 4486
rights of a quorum by such vote to exercise all the rights and 4487
perform all the duties of the commission. Members of the 4488
commission, and their designees, are not disqualified from voting 4489
by reason of the functions of the other office they hold and are 4490
not disqualified from exercising the functions of the other office 4491
with respect to the municipal corporation, county, or township, 4492
its officers, or the commission. 4493

(G) The auditor of state shall serve as the "financial 4494
supervisor" to the commission unless the auditor of state elects 4495
to contract for that service. As used in this chapter, "financial 4496
supervisor" means the auditor of state. 4497

(H) At the request of the commission, the auditor of state 4498

shall designate employees of the auditor of state's office to 4499
assist the commission and the financial supervisor and to 4500
coordinate the work of the auditor of state's office and the 4501
financial supervisor. Upon the determination of a fiscal emergency 4502
in any municipal corporation, county, or township, the municipal 4503
corporation, county, or township shall provide the commission with 4504
such reasonable office space in the principal building housing 4505
city, county, or township government, where feasible, as it 4506
determines is necessary to carry out its duties under this 4507
chapter. 4508

(I) The financial supervisor, the members of the commission, 4509
the auditor of state, and any person authorized to act on behalf 4510
of or assist them shall not be personally liable or subject to any 4511
suit, judgment, or claim for damages resulting from the exercise 4512
of or failure to exercise the powers, duties, and functions 4513
granted to them in regard to their functioning under this chapter, 4514
but the commission, the financial supervisor, the auditor of 4515
state, and those other persons shall be subject to mandamus 4516
proceedings to compel performance of their duties under this 4517
chapter and with respect to any debt obligations issued pursuant 4518
or subject to this chapter. 4519

(J) At the request of the commission, the administrative head 4520
of any state agency shall temporarily assign personnel skilled in 4521
accounting and budgeting procedures to assist the commission or 4522
the financial supervisor in its duties as financial supervisor. 4523

(K) The appointed members of the commission are not subject 4524
to section 102.02 of the Revised Code. Each appointed member of 4525
the commission shall file with the commission a signed written 4526
statement setting forth the general nature of sales of goods, 4527
property, or services or of loans to the municipal corporation, 4528
county, or township with respect to which that commission is 4529
established, in which the appointed member has a pecuniary 4530

interest or in which any member of the appointed member's 4531
immediate family, as defined in section 102.01 of the Revised 4532
Code, or any corporation, partnership, or enterprise of which the 4533
appointed member is an officer, director, or partner, or of which 4534
the appointed member or a member of the appointed member's 4535
immediate family, as so defined, owns more than a five per cent 4536
interest, has a pecuniary interest, and of which sale, loan, or 4537
interest such member has knowledge. The statement shall be 4538
supplemented from time to time to reflect changes in the general 4539
nature of any such sales or loans. 4540

Sec. 119.03. In the adoption, amendment, or rescission of any 4541
rule, an agency shall comply with the following procedure: 4542

(A) Reasonable public notice shall be given in the register 4543
of Ohio at least thirty days prior to the date set for a hearing, 4544
in the form the agency determines. The agency shall file copies of 4545
the public notice under division (B) of this section. (The agency 4546
gives public notice in the register of Ohio when the public notice 4547
is published in the register under that division.) 4548

The public notice shall include: 4549

(1) A statement of the agency's intention to consider 4550
adopting, amending, or rescinding a rule; 4551

(2) A synopsis of the proposed rule, amendment, or rule to be 4552
rescinded or a general statement of the subject matter to which 4553
the proposed rule, amendment, or rescission relates; 4554

(3) A statement of the reason or purpose for adopting, 4555
amending, or rescinding the rule; 4556

(4) The date, time, and place of a hearing on the proposed 4557
action, which shall be not earlier than the thirty-first nor later 4558
than the fortieth day after the proposed rule, amendment, or 4559
rescission is filed under division (B) of this section. 4560

In addition to public notice given in the register of Ohio, 4561
the agency may give whatever other notice it reasonably considers 4562
necessary to ensure notice constructively is given to all persons 4563
who are subject to or affected by the proposed rule, amendment, or 4564
rescission. 4565

The agency shall provide a copy of the public notice required 4566
under division (A) of this section to any person who requests it 4567
and pays a reasonable fee, not to exceed the cost of copying and 4568
mailing. 4569

(B) The full text of the proposed rule, amendment, or rule to 4570
be rescinded, accompanied by the public notice required under 4571
division (A) of this section, shall be filed in electronic form 4572
with the secretary of state and with the director of the 4573
legislative service commission. (If in compliance with this 4574
division an agency files more than one proposed rule, amendment, 4575
or rescission at the same time, and has prepared a public notice 4576
under division (A) of this section that applies to more than one 4577
of the proposed rules, amendments, or rescissions, the agency 4578
shall file only one notice with the secretary of state and with 4579
the director for all of the proposed rules, amendments, or 4580
rescissions to which the notice applies.) The proposed rule, 4581
amendment, or rescission and public notice shall be filed as 4582
required by this division at least sixty-five days prior to the 4583
date on which the agency, in accordance with division (D) of this 4584
section, issues an order adopting the proposed rule, amendment, or 4585
rescission. 4586

If the proposed rule, amendment, or rescission incorporates a 4587
text or other material by reference, the agency shall comply with 4588
sections 121.71 to 121.76 of the Revised Code. 4589

The proposed rule, amendment, or rescission shall be 4590
available for at least thirty days prior to the date of the 4591
hearing at the office of the agency in printed or other legible 4592

form without charge to any person affected by the proposal. 4593

Failure to furnish such text to any person requesting it shall not 4594

invalidate any action of the agency in connection therewith. 4595

If the agency files a substantive revision in the text of the 4596

proposed rule, amendment, or rescission under division (H) of this 4597

section, it shall also promptly file the full text of the proposed 4598

rule, amendment, or rescission in its revised form in electronic 4599

form with the secretary of state and with the director of the 4600

legislative service commission. 4601

The agency shall file the rule summary and fiscal analysis 4602

prepared under section ~~121.24~~ or 127.18 of the Revised Code, ~~or~~ 4603

~~both~~, in electronic form along with a proposed rule, amendment, or 4604

rescission or proposed rule, amendment, or rescission in revised 4605

form that is filed with the secretary of state or the director of 4606

the legislative service commission. 4607

The director of the legislative service commission shall 4608

publish in the register of Ohio the full text of the original and 4609

each revised version of a proposed rule, amendment, or rescission; 4610

the full text of a public notice; and the full text of a rule 4611

summary and fiscal analysis that is filed with the director under 4612

this division. 4613

(C) On the date and at the time and place designated in the 4614

notice, the agency shall conduct a public hearing at which any 4615

person affected by the proposed action of the agency may appear 4616

and be heard in person, by the person's attorney, or both, may 4617

present the person's position, arguments, or contentions, orally 4618

or in writing, offer and examine witnesses, and present evidence 4619

tending to show that the proposed rule, amendment, or rescission, 4620

if adopted or effectuated, will be unreasonable or unlawful. An 4621

agency may permit persons affected by the proposed rule, 4622

amendment, or rescission to present their positions, arguments, or 4623

contentions in writing, not only at the hearing, but also for a 4624

reasonable period before, after, or both before and after the 4625
hearing. A person who presents a position or arguments or 4626
contentions in writing before or after the hearing is not required 4627
to appear at the hearing. 4628

At the hearing, the testimony shall be recorded. Such record 4629
shall be made at the expense of the agency. The agency is required 4630
to transcribe a record that is not sight readable only if a person 4631
requests transcription of all or part of the record and agrees to 4632
reimburse the agency for the costs of the transcription. An agency 4633
may require the person to pay in advance all or part of the cost 4634
of the transcription. 4635

In any hearing under this section the agency may administer 4636
oaths or affirmations. 4637

(D) After complying with divisions (A), (B), (C), and (H) of 4638
this section, and when the time for legislative review and 4639
invalidation under division (I) of this section has expired, the 4640
agency may issue an order adopting the proposed rule or the 4641
proposed amendment or rescission of the rule, consistent with the 4642
synopsis or general statement included in the public notice. At 4643
that time the agency shall designate the effective date of the 4644
rule, amendment, or rescission, which shall not be earlier than 4645
the tenth day after the rule, amendment, or rescission has been 4646
filed in its final form as provided in section 119.04 of the 4647
Revised Code. 4648

(E) Prior to the effective date of a rule, amendment, or 4649
rescission, the agency shall make a reasonable effort to inform 4650
those affected by the rule, amendment, or rescission and to have 4651
available for distribution to those requesting it the full text of 4652
the rule as adopted or as amended. 4653

(F) If the governor, upon the request of an agency, 4654
determines that an emergency requires the immediate adoption, 4655

amendment, or rescission of a rule, the governor shall issue an 4656
order, the text of which shall be filed in electronic form with 4657
the agency, the secretary of state, the director of the 4658
legislative service commission, and the joint committee on agency 4659
rule review, that the procedure prescribed by this section with 4660
respect to the adoption, amendment, or rescission of a specified 4661
rule is suspended. The agency may then adopt immediately the 4662
emergency rule, amendment, or rescission and it becomes effective 4663
on the date the rule, amendment, or rescission, in final form and 4664
in compliance with division (A)(2) of section 119.04 of the 4665
Revised Code, ~~are~~ is filed in electronic form with the secretary 4666
of state, the director of the legislative service commission, and 4667
the joint committee on agency rule review. If all filings are not 4668
completed on the same day, the emergency rule, amendment, or 4669
rescission shall be effective on the day on which the latest 4670
filing is completed. The director shall publish the full text of 4671
the emergency rule, amendment, or rescission in the register of 4672
Ohio. 4673

The emergency rule, amendment, or rescission shall become 4674
invalid at the end of the ninetieth day it is in effect. Prior to 4675
that date the agency may adopt the emergency rule, amendment, or 4676
rescission as a nonemergency rule, amendment, or rescission by 4677
complying with the procedure prescribed by this section for the 4678
adoption, amendment, and rescission of nonemergency rules. The 4679
agency shall not use the procedure of this division to readopt the 4680
emergency rule, amendment, or rescission so that, upon the 4681
emergency rule, amendment, or rescission becoming invalid under 4682
this division, the emergency rule, amendment, or rescission will 4683
continue in effect without interruption for another ninety-day 4684
period, except when division (I)(2)(a) of this section prevents 4685
the agency from adopting the emergency rule, amendment, or 4686
rescission as a nonemergency rule, amendment, or rescission within 4687
the ninety-day period. 4688

This division does not apply to the adoption of any emergency 4689
rule, amendment, or rescission by the tax commissioner under 4690
division (C)(2) of section 5117.02 of the Revised Code. 4691

(G) Rules adopted by an authority within the department of 4692
job and family services for the administration or enforcement of 4693
Chapter 4141. of the Revised Code or of the department of taxation 4694
shall be effective without a hearing as provided by this section 4695
if the statutes pertaining to such agency specifically give a 4696
right of appeal to the board of tax appeals or to a higher 4697
authority within the agency or to a court, and also give the 4698
appellant a right to a hearing on such appeal. This division does 4699
not apply to the adoption of any rule, amendment, or rescission by 4700
the tax commissioner under division (C)(1) or (2) of section 4701
5117.02 of the Revised Code, or deny the right to file an action 4702
for declaratory judgment as provided in Chapter 2721. of the 4703
Revised Code from the decision of the board of tax appeals or of 4704
the higher authority within such agency. 4705

(H) When any agency files a proposed rule, amendment, or 4706
rescission under division (B) of this section, it shall also file 4707
in electronic form with the joint committee on agency rule review 4708
the full text of the proposed rule, amendment, or rule to be 4709
rescinded in the same form and the public notice required under 4710
division (A) of this section. (If in compliance with this division 4711
an agency files more than one proposed rule, amendment, or 4712
rescission at the same time, and has given a public notice under 4713
division (A) of this section that applies to more than one of the 4714
proposed rules, amendments, or rescissions, the agency shall file 4715
only one notice with the joint committee for all of the proposed 4716
rules, amendments, or rescissions to which the notice applies.) If 4717
the agency makes a substantive revision in a proposed rule, 4718
amendment, or rescission after it is filed with the joint 4719
committee, the agency shall promptly file the full text of the 4720

proposed rule, amendment, or rescission in its revised form in 4721
electronic form with the joint committee. The latest version of a 4722
proposed rule, amendment, or rescission as filed with the joint 4723
committee supersedes each earlier version of the text of the same 4724
proposed rule, amendment, or rescission. An agency shall file the 4725
rule summary and fiscal analysis prepared under section ~~121.24~~ or 4726
127.18 of the Revised Code, ~~or both~~, in electronic form along with 4727
a proposed rule, amendment, or rescission, and along with a 4728
proposed rule, amendment, or rescission in revised form, that is 4729
filed under this division. 4730

The joint committee shall promptly file a notice in 4731
electronic form with the Ohio small business ombudsperson of the 4732
filing under this division of a proposed rule, amendment, or 4733
rescission, or of a proposed rule, amendment, or rescission in 4734
revised form, that previously was filed with the ombudsperson 4735
under section 121.254 of the Revised Code. 4736

This division does not apply to: 4737

(1) An emergency rule, amendment, or rescission; 4738

(2) Any proposed rule, amendment, or rescission that must be 4739
adopted verbatim by an agency pursuant to federal law or rule, to 4740
become effective within sixty days of adoption, in order to 4741
continue the operation of a federally reimbursed program in this 4742
state, so long as the proposed rule contains both of the 4743
following: 4744

(a) A statement that it is proposed for the purpose of 4745
complying with a federal law or rule; 4746

(b) A citation to the federal law or rule that requires 4747
verbatim compliance. 4748

If a rule or amendment is exempt from legislative review 4749
under division (H)(2) of this section, and if the federal law or 4750
rule pursuant to which the rule or amendment was adopted expires, 4751

is repealed or rescinded, or otherwise terminates, the rule or 4752
amendment, or its rescission, is thereafter subject to legislative 4753
review under division (H) of this section. 4754

(I)(1) The joint committee on agency rule review may 4755
recommend the adoption of a concurrent resolution invalidating a 4756
proposed rule, amendment, rescission, or part thereof if it finds 4757
any of the following: 4758

(a) That the rule-making agency has exceeded the scope of its 4759
statutory authority in proposing the rule, amendment, or 4760
rescission; 4761

(b) That the proposed rule, amendment, or rescission 4762
conflicts with another rule, amendment, or rescission adopted by 4763
the same or a different rule-making agency; 4764

(c) That the proposed rule, amendment, or rescission 4765
conflicts with the legislative intent in enacting the statute 4766
under which the rule-making agency proposed the rule, amendment, 4767
or rescission; 4768

(d) That the rule-making agency has failed to prepare a 4769
complete and accurate rule summary and fiscal analysis of the 4770
proposed rule, amendment, or rescission as required by section 4771
~~121.24 or 127.18 of the Revised Code, or both, or that;~~ 4772

(e) That the proposed rule, amendment, or rescission 4773
incorporates a text or other material by reference and either the 4774
rule-making agency has failed to file the text or other material 4775
incorporated by reference as required by section 121.73 of the 4776
Revised Code or, in the case of a proposed rule or amendment, the 4777
incorporation by reference fails to meet the standards stated in 4778
section 121.72, 121.75, or 121.76 of the Revised Code; or 4779

(f) That the rule-making agency has failed to comply with 4780
section 121.252, 121.253, or 121.254 of the Revised Code. 4781

The joint committee shall not hold its public hearing on a 4782
proposed rule, amendment, or rescission earlier than the 4783
forty-first day after the original version of the proposed rule, 4784
amendment, or rescission was filed with the joint committee. 4785

The house of representatives and senate may adopt a 4786
concurrent resolution invalidating a proposed rule, amendment, 4787
rescission, or part thereof. The concurrent resolution shall state 4788
which of the specific rules, amendments, rescissions, or parts 4789
thereof are invalidated. A concurrent resolution invalidating a 4790
proposed rule, amendment, or rescission shall be adopted not later 4791
than the sixty-fifth day after the original version of the text of 4792
the proposed rule, amendment, or rescission is filed with the 4793
joint committee, except that if more than thirty-five days after 4794
the original version is filed the rule-making agency either files 4795
a revised version of the text of the proposed rule, amendment, or 4796
rescission, or revises the rule summary and fiscal analysis in 4797
accordance with division (I)(4) of this section, a concurrent 4798
resolution invalidating the proposed rule, amendment, or 4799
rescission shall be adopted not later than the thirtieth day after 4800
the revised version of the proposed rule or rule summary and 4801
fiscal analysis is filed. If, after the joint committee on agency 4802
rule review recommends the adoption of a concurrent resolution 4803
invalidating a proposed rule, amendment, rescission, or part 4804
thereof, the house of representatives or senate does not, within 4805
the time remaining for adoption of the concurrent resolution, hold 4806
five floor sessions at which its journal records a roll call vote 4807
disclosing a sufficient number of members in attendance to pass a 4808
bill, the time within which that house may adopt the concurrent 4809
resolution is extended until it has held five such floor sessions. 4810

Within five days after the adoption of a concurrent 4811
resolution invalidating a proposed rule, amendment, rescission, or 4812
part thereof, the clerk of the senate shall send the rule-making 4813

agency, the secretary of state, and the director of the 4814
legislative service commission in electronic form a certified text 4815
of the resolution together with a certification stating the date 4816
on which the resolution takes effect. The secretary of state and 4817
the director of the legislative service commission shall each note 4818
the invalidity of the proposed rule, amendment, rescission, or 4819
part thereof, and shall each remove the invalid proposed rule, 4820
amendment, rescission, or part thereof from the file of proposed 4821
rules. The rule-making agency shall not proceed to adopt in 4822
accordance with division (D) of this section, or to file in 4823
accordance with division (B)(1) of section 111.15 of the Revised 4824
Code, any version of a proposed rule, amendment, rescission, or 4825
part thereof that has been invalidated by concurrent resolution. 4826

Unless the house of representatives and senate adopt a 4827
concurrent resolution invalidating a proposed rule, amendment, 4828
rescission, or part thereof within the time specified by this 4829
division, the rule-making agency may proceed to adopt in 4830
accordance with division (D) of this section, or to file in 4831
accordance with division (B)(1) of section 111.15 of the Revised 4832
Code, the latest version of the proposed rule, amendment, or 4833
rescission as filed with the joint committee. If by concurrent 4834
resolution certain of the rules, amendments, rescissions, or parts 4835
thereof are specifically invalidated, the rule-making agency may 4836
proceed to adopt, in accordance with division (D) of this section, 4837
or to file in accordance with division (B)(1) of section 111.15 of 4838
the Revised Code, the latest version of the proposed rules, 4839
amendments, rescissions, or parts thereof as filed with the joint 4840
committee that are not specifically invalidated. The rule-making 4841
agency may not revise or amend any proposed rule, amendment, 4842
rescission, or part thereof that has not been invalidated except 4843
as provided in this chapter or in section 111.15 of the Revised 4844
Code. 4845

(2)(a) A proposed rule, amendment, or rescission that is 4846
filed with the joint committee under division (H) of this section 4847
or division (D) of section 111.15 of the Revised Code shall be 4848
carried over for legislative review to the next succeeding regular 4849
session of the general assembly if the original or any revised 4850
version of the proposed rule, amendment, or rescission is filed 4851
with the joint committee on or after the first day of December of 4852
any year. 4853

(b) The latest version of any proposed rule, amendment, or 4854
rescission that is subject to division (I)(2)(a) of this section, 4855
as filed with the joint committee, is subject to legislative 4856
review and invalidation in the next succeeding regular session of 4857
the general assembly in the same manner as if it were the original 4858
version of a proposed rule, amendment, or rescission that had been 4859
filed with the joint committee for the first time on the first day 4860
of the session. A rule-making agency shall not adopt in accordance 4861
with division (D) of this section, or file in accordance with 4862
division (B)(1) of section 111.15 of the Revised Code, any version 4863
of a proposed rule, amendment, or rescission that is subject to 4864
division (I)(2)(a) of this section until the time for legislative 4865
review and invalidation, as contemplated by division (I)(2)(b) of 4866
this section, has expired. 4867

(3) Invalidation of any version of a proposed rule, 4868
amendment, rescission, or part thereof by concurrent resolution 4869
shall prevent the rule-making agency from instituting or 4870
continuing proceedings to adopt any version of the same proposed 4871
rule, amendment, rescission, or part thereof for the duration of 4872
the general assembly that invalidated the proposed rule, 4873
amendment, rescission, or part thereof unless the same general 4874
assembly adopts a concurrent resolution permitting the rule-making 4875
agency to institute or continue such proceedings. 4876

The failure of the general assembly to invalidate a proposed 4877

rule, amendment, rescission, or part thereof under this section 4878
shall not be construed as a ratification of the lawfulness or 4879
reasonableness of the proposed rule, amendment, rescission, or any 4880
part thereof or of the validity of the procedure by which the 4881
proposed rule, amendment, rescission, or any part thereof was 4882
proposed or adopted. 4883

(4) In lieu of recommending a concurrent resolution to 4884
invalidate a proposed rule, amendment, rescission, or part thereof 4885
because the rule-making agency has failed to prepare a complete 4886
and accurate fiscal analysis, the joint committee on agency rule 4887
review may issue, on a one-time basis, for rules, amendments, 4888
rescissions, or parts thereof that have a fiscal effect on school 4889
districts, counties, townships, or municipal corporations, a 4890
finding that the rule summary and fiscal analysis is incomplete or 4891
inaccurate and order the rule-making agency to revise the rule 4892
summary and fiscal analysis and refile it with the proposed rule, 4893
amendment, rescission, or part thereof. If an emergency rule is 4894
filed as a nonemergency rule before the end of the ninetieth day 4895
of the emergency rule's effectiveness, and the joint committee 4896
issues a finding and orders the rule-making agency to refile under 4897
division (I)(4) of this section, the governor may also issue an 4898
order stating that the emergency rule shall remain in effect for 4899
an additional sixty days after the ninetieth day of the emergency 4900
rule's effectiveness. The governor's orders shall be filed in 4901
accordance with division (F) of this section. The joint committee 4902
shall send in electronic form to the rule-making agency, the 4903
secretary of state, and the director of the legislative service 4904
commission a certified text of the finding and order to revise the 4905
rule summary and fiscal analysis, which shall take immediate 4906
effect. 4907

An order issued under division (I)(4) of this section shall 4908
prevent the rule-making agency from instituting or continuing 4909

proceedings to adopt any version of the proposed rule, amendment, 4910
rescission, or part thereof until the rule-making agency revises 4911
the rule summary and fiscal analysis and refiles it in electronic 4912
form with the joint committee along with the proposed rule, 4913
amendment, rescission, or part thereof. If the joint committee 4914
finds the rule summary and fiscal analysis to be complete and 4915
accurate, the joint committee shall issue a new order noting that 4916
the rule-making agency has revised and refiled a complete and 4917
accurate rule summary and fiscal analysis. The joint committee 4918
shall send in electronic form to the rule-making agency, the 4919
secretary of state, and the director of the legislative service 4920
commission a certified text of this new order. The secretary of 4921
state and the director of the legislative service commission shall 4922
each link this order to the proposed rule, amendment, rescission, 4923
or part thereof. The rule-making agency may then proceed to adopt 4924
in accordance with division (D) of this section, or to file in 4925
accordance with division (B)(1) of section 111.15 of the Revised 4926
Code, the proposed rule, amendment, rescission, or part thereof 4927
that was subject to the finding and order under division (I)(4) of 4928
this section. If the joint committee determines that the revised 4929
rule summary and fiscal analysis is still inaccurate or 4930
incomplete, the joint committee shall recommend the adoption of a 4931
concurrent resolution in accordance with division (I)(1) of this 4932
section. 4933

Sec. 120.03. (A) The Ohio public defender commission shall 4934
appoint the state public defender, who shall serve at the pleasure 4935
of the commission. 4936

(B) The Ohio public defender commission shall establish rules 4937
for the conduct of the offices of the county and joint county 4938
public defenders and for the conduct of county appointed counsel 4939
systems in the state. These rules shall include, but are not 4940
limited to, the following: 4941

(1) Standards of indigency and minimum qualifications for 4942
legal representation by a public defender or appointed counsel. In 4943
establishing standards of indigency and determining who is 4944
eligible for legal representation by a public defender or 4945
appointed counsel, the commission shall consider an indigent 4946
person to be an individual who at the time ~~his~~ the person's need 4947
is determined is unable to provide for the payment of an attorney 4948
and all other necessary expenses of representation. Release on 4949
bail shall not prevent a person from being determined to be 4950
indigent. 4951

(2) Standards for the hiring of outside counsel; 4952

(3) Standards for contracts by a public defender with law 4953
schools, legal aid societies, and nonprofit organizations for 4954
providing counsel; 4955

(4) Standards for the qualifications, training, and size of 4956
the legal and supporting staff for a public defender, facilities, 4957
and other requirements needed to maintain and operate an office of 4958
a public defender; 4959

(5) Minimum caseload standards; 4960

(6) Procedures for the assessment and collection of the costs 4961
of legal representation that is provided by public defenders or 4962
appointed counsel; 4963

(7) Standards and guidelines for determining whether a client 4964
is able to make an up-front contribution toward the cost of ~~his~~ 4965
the client's legal representation; 4966

(8) Procedures for the collection of up-front contributions 4967
from clients who are able to contribute toward the cost of their 4968
legal representation, as determined pursuant to the standards and 4969
guidelines developed under division (B)(7) of this section. All of 4970
such up-front contributions shall be paid into the appropriate 4971
county fund. 4972

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

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

(D) In administering the office of the Ohio public defender commission:

(1) The commission shall do the following:

(a) Approve an annual operating budget;

(b) Make an annual report to the governor, the general assembly, and the supreme court of Ohio on the operation of the state public defender's office, the county appointed counsel systems, and the county and joint county public defenders' offices.

(2) The commission may do the following:

(a) Accept the services of volunteer workers and consultants at no compensation other than reimbursement of actual and necessary expenses;

(b) Prepare and publish statistical and case studies and other data pertinent to the legal representation of indigent persons;

(c) Conduct programs having a general objective of training and educating attorneys and others in the legal representation of

indigent persons. 5003

(E) There is hereby established in the state treasury the 5004
public defender training fund for the deposit of fees received by 5005
the Ohio public defender commission from educational seminars, and 5006
the sale of publications, on topics concerning criminal law and 5007
procedure. Expenditures from this fund shall be made only for the 5008
operation of activities authorized by division (D)(2)(c) of this 5009
section. 5010

(F)(1) In accordance with sections 109.02, 109.07, and 5011
109.361 to 109.366 of the Revised Code, but subject to division 5012
(E) of section 120.06 of the Revised Code, the attorney general 5013
shall represent or provide for the representation of the Ohio 5014
public defender commission, the state public defender, assistant 5015
state public defenders, and other employees of the commission or 5016
the state public defender. 5017

(2) Subject to division (E) of section 120.06 of the Revised 5018
Code, the attorney general shall represent or provide for the 5019
representation of attorneys described in division (C) of section 5020
120.41 of the Revised Code in malpractice or other civil actions 5021
or proceedings that arise from alleged actions or omissions 5022
related to responsibilities derived pursuant to this chapter, or 5023
in civil actions that are based upon alleged violations of the 5024
constitution or statutes of the United States, including section 5025
1983 of Title 42 of the United States Code, 93 Stat. 1284 (1979), 5026
42 U.S.C.A. 1983, as amended, and that arise from alleged actions 5027
or omissions related to responsibilities derived pursuant to this 5028
chapter. For purposes of the representation, sections 109.361 to 5029
109.366 of the Revised Code shall apply to an attorney described 5030
in division (C) of section 120.41 of the Revised Code as if ~~he~~ the 5031
attorney were an officer or employee, as defined in section 109.36 5032
of the Revised Code, and the Ohio public defender commission or 5033
the state public defender, whichever contracted with the attorney, 5034

shall be considered ~~his~~ the attorney's employer. 5035

(G) The commission shall adopt rules governing the 5036
reimbursement of counties under division (B)(14) of section 120.04 5037
of the Revised Code, including rules governing costs that are 5038
appropriate for reimbursement and standards and guidelines for 5039
providing such reimbursement. 5040

Sec. 120.04. (A) The state public defender shall serve at the 5041
pleasure of the Ohio public defender commission and shall be an 5042
attorney with a minimum of four years of experience in the 5043
practice of law and be admitted to the practice of law in this 5044
state at least one year prior to appointment. 5045

(B) The state public defender shall do all of the following: 5046

(1) Maintain a central office in Columbus. The central office 5047
shall be provided with a library of adequate size, considering the 5048
needs of the office and the accessibility of other libraries, and 5049
other necessary facilities and equipment. 5050

(2) Appoint assistant state public defenders, all of whom 5051
shall be attorneys admitted to the practice of law in this state, 5052
and other personnel necessary for the operation of the state 5053
public defender office. Assistant state public defenders shall be 5054
appointed on a full-time basis. The state public defender, 5055
assistant state public defenders, and employees appointed by the 5056
state public defender shall not engage in the private practice of 5057
law. 5058

(3) Supervise the compliance of county public defender 5059
offices, joint county public defender offices, and county 5060
appointed counsel systems with standards established by rules of 5061
the Ohio public defender commission pursuant to division (B) of 5062
section 120.03 of the Revised Code; 5063

(4) Keep and maintain financial records of all cases handled 5064

and develop records for use in the calculation of direct and 5065
indirect costs, in the operation of the office, and report 5066
periodically, but not less than annually, to the commission on all 5067
relevant data on the operations of the office, costs, projected 5068
needs, and recommendations for legislation or amendments to court 5069
rules, as may be appropriate to improve the criminal justice 5070
system; 5071

(5) Collect all moneys due the state for reimbursement for 5072
legal services under this chapter and under section 2941.51 of the 5073
Revised Code and institute any actions in court on behalf of the 5074
state for the collection of such sums that the state public 5075
defender considers advisable. Except as provided otherwise in 5076
division (D) of section 120.06 of the Revised Code, all moneys 5077
collected by the state public defender under this chapter and 5078
section 2941.51 of the Revised Code shall be deposited in the 5079
state treasury to the credit of the client payment fund, which is 5080
hereby created. All moneys credited to the fund shall be used by 5081
the state public defender to appoint assistant state public 5082
defenders and to provide other personnel, equipment, and 5083
facilities necessary for the operation of the state public 5084
defender office, to reimburse counties for the operation of county 5085
public defender offices, joint county public defender offices, and 5086
county appointed counsel systems pursuant to sections 120.18, 5087
120.28, and 120.33 of the Revised Code, or to provide assistance 5088
to counties in the operation of county indigent defense systems. 5089

(6) With respect to funds appropriated to the commission to 5090
pay criminal costs, perform the duties imposed by sections 2949.19 5091
and 2949.201 of the Revised Code; 5092

(7) Establish standards and guidelines for the reimbursement, 5093
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 5094
of the Revised Code, of counties for the operation of county 5095
public defender offices, joint county public defender offices, and 5096

county appointed counsel systems and for other costs related to	5097
felony prosecutions;	5098
(8) Establish maximum amounts that the state will reimburse	5099
the counties pursuant to sections 120.18, 120.28, 120.33, and	5100
2941.51 of the Revised Code;	5101
(9) Establish maximum amounts that the state will reimburse	5102
the counties pursuant to section 120.33 of the Revised Code for	5103
each specific type of legal service performed by a county	5104
appointed counsel system;	5105
(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and	5106
2949.19 of the Revised Code and make reimbursements pursuant to	5107
those sections;	5108
(11) Administer the program established pursuant to sections	5109
120.51 to 120.55 of the Revised Code for the charitable public	5110
purpose of providing financial assistance to legal aid societies.	5111
Neither the state public defender nor any of the state public	5112
defender's employees who is responsible in any way for the	5113
administration of that program and who performs those	5114
administrative responsibilities in good faith is in any manner	5115
liable if a legal aid society that is provided financial	5116
assistance under the program uses the financial assistance other	5117
than in accordance with sections 120.51 to 120.55 of the Revised	5118
Code or fails to comply with the requirements of those sections.	5119
(12) Establish an office for the handling of appeal and	5120
postconviction matters;	5121
(13) Provide technical aid and assistance to county public	5122
defender offices, joint county public defender offices, and other	5123
local counsel providing legal representation to indigent persons,	5124
including representation and assistance on appeals;	5125
<u>(14) Provide reimbursement to counties for costs associated</u>	5126
<u>with programs governing persons serving as qualified volunteer</u>	5127

guardians ad litem and court appointed special advocates pursuant 5128
to section 2151.281 of the Revised Code. The reimbursement shall 5129
be provided from money deposited in the indigent defense support 5130
fund created in section 120.08 of the Revised Code and from other 5131
moneys appropriated to the office of the Ohio public defender 5132
commission. The reimbursement required under division (B)(14) of 5133
this section shall be provided in accordance with rules adopted by 5134
the Ohio public defender commission under section 120.03 of the 5135
Revised Code. 5136

(C) The state public defender may do any of the following: 5137

(1) In providing legal representation, conduct 5138
investigations, obtain expert testimony, take depositions, use 5139
other discovery methods, order transcripts, and make all other 5140
preparations which are appropriate and necessary to an adequate 5141
defense or the prosecution of appeals and other legal proceedings; 5142

(2) Seek, solicit, and apply for grants for the operation of 5143
programs for the defense of indigent persons from any public or 5144
private source, and may receive donations, grants, awards, and 5145
similar funds from any lawful source. Such funds shall be 5146
deposited in the state treasury to the credit of the public 5147
defender gifts and grants fund, which is hereby created. 5148

(3) Make all the necessary arrangements to coordinate the 5149
services of the office with any federal, county, or private 5150
programs established to provide legal representation to indigent 5151
persons and others, and to obtain and provide all funds allowable 5152
under any such programs; 5153

(4) Consult and cooperate with professional groups concerned 5154
with the causes of criminal conduct, the reduction of crime, the 5155
rehabilitation and correction of persons convicted of crime, the 5156
administration of criminal justice, and the administration and 5157
operation of the state public defender's office; 5158

(5) Accept the services of volunteer workers and consultants 5159
at no compensation other than reimbursement for actual and 5160
necessary expenses; 5161

(6) Prescribe any forms that are necessary for the uniform 5162
operation of this chapter; 5163

(7) Contract with a county public defender commission or a 5164
joint county public defender commission to provide all or any part 5165
of the services that a county public defender or joint county 5166
public defender is required or permitted to provide by this 5167
chapter, or contract with a board of county commissioners of a 5168
county that is not served by a county public defender commission 5169
or a joint county public defender commission for the provision of 5170
services in accordance with section 120.33 of the Revised Code. 5171
All money received by the state public defender pursuant to such a 5172
contract shall be credited to either the multi-county: county 5173
share fund or, if received as a result of a contract with Trumbull 5174
county, the Trumbull county: county share fund. 5175

(8) Authorize persons employed as criminal investigators to 5176
attend the Ohio peace officer training academy or any other peace 5177
officer training school for training; 5178

(9) Procure a policy or policies of malpractice insurance 5179
that provide coverage for the state public defender and assistant 5180
state public defenders in connection with malpractice claims that 5181
may arise from their actions or omissions related to 5182
responsibilities derived pursuant to this chapter. 5183

(D) No person employed by the state public defender as a 5184
criminal investigator shall attend the Ohio peace officer training 5185
academy or any other peace officer training school unless 5186
authorized to do so by the state public defender. 5187

Sec. 120.08. There is hereby created in the state treasury 5188

the indigent defense support fund, consisting of money paid into 5189
the fund pursuant to ~~section~~ sections 4507.45, 4509.101, 4510.22, 5190
and 4511.19 of the Revised Code and pursuant to ~~section~~ sections 5191
2937.22, 2949.091, and 2949.094 of the Revised Code out of the 5192
additional court costs imposed under ~~that section~~ those sections. 5193
The state public defender shall use at least ninety per cent of 5194
the money in the fund for the purpose of reimbursing county 5195
governments for expenses incurred pursuant to sections 120.18, 5196
120.28, and 120.33 of the Revised Code. Disbursements from the 5197
fund to county governments shall be made ~~in each state fiscal~~ at 5198
least once per year and shall be allocated proportionately so that 5199
each county receives an equal percentage of its total cost for 5200
operating its county public defender system, its joint county 5201
public defender system, ~~or~~ its county appointed counsel system, or 5202
its system operated under division (C)(7) of section 120.04 of the 5203
Revised Code and division (B) of section 120.33 of the Revised 5204
Code. The state public defender may use not more than ten per cent 5205
of the money in the fund for the purposes of appointing assistant 5206
state public defenders or for providing other personnel, 5207
equipment, and facilities necessary for the operation of the state 5208
public defender office. 5209

Sec. 120.52. (A) There is hereby established in the state 5210
treasury the legal aid fund, ~~which that~~ shall be for the 5211
charitable public purpose of providing financial assistance to 5212
legal aid societies that provide civil legal services to 5213
indigents. The fund shall contain all funds credited to it by the 5214
treasurer of state pursuant to sections 1901.26, 1907.24, 5215
2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the Revised 5216
Code. 5217

(B) The treasurer of state may invest moneys contained in the 5218
legal aid fund in any manner authorized by the Revised Code for 5219

the investment of state moneys. However, no such investment shall 5220
interfere with any apportionment, allocation, or payment of moneys 5221
as required by section 120.53 of the Revised Code. 5222

(C) The state public defender, through the Ohio legal 5223
assistance foundation, shall administer the payment of moneys out 5224
of the fund. Four and one-half per cent of the moneys in the fund 5225
shall be reserved for the actual, reasonable costs of 5226
administering sections 120.51 to 120.55 and sections 1901.26, 5227
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 5228
Revised Code. Moneys that are reserved for administrative costs 5229
but that are not used for actual, reasonable administrative costs 5230
shall be set aside for use in the manner described in division (A) 5231
of section 120.521 of the Revised Code. The remainder of the 5232
moneys in the legal aid fund shall be distributed in accordance 5233
with section 120.53 of the Revised Code. The Ohio legal assistance 5234
foundation shall establish, in accordance with Chapter 119. of the 5235
Revised Code, rules governing the administration of the legal aid 5236
fund, including the programs established under sections 1901.26, 5237
1907.24, 2303.201, 2315.50, 4705.09, and 4705.10 of the Revised 5238
Code ~~regarding interest on interest bearing trust accounts of an~~ 5239
~~attorney, law firm, or legal professional association.~~ 5240

5241

Sec. 120.53. (A) A legal aid society that operates within the 5242
state may apply to the Ohio legal assistance foundation for 5243
financial assistance from the legal aid fund established by 5244
section 120.52 of the Revised Code to be used for the funding of 5245
the society during the calendar year following the calendar year 5246
in which application is made. 5247

(B) An application for financial assistance made under 5248
division (A) of this section shall be submitted by the first day 5249
of November of the calendar year preceding the calendar year for 5250

which financial assistance is desired and shall include all of the 5251
following: 5252

(1) Evidence that the applicant is incorporated in this state 5253
as a nonprofit corporation; 5254

(2) A list of the trustees of the applicant; 5255

(3) The proposed budget of the applicant for these funds for 5256
the following calendar year; 5257

(4) A summary of the services to be offered by the applicant 5258
in the following calendar year; 5259

(5) A specific description of the territory or constituency 5260
served by the applicant; 5261

(6) An estimate of the number of persons to be served by the 5262
applicant during the following calendar year; 5263

(7) A general description of the additional sources of the 5264
applicant's funding; 5265

(8) The amount of the applicant's total budget for the 5266
calendar year in which the application is filed that it will 5267
expend in that calendar year for legal services in each of the 5268
counties it serves; 5269

(9) A specific description of any services, programs, 5270
training, and legal technical assistance to be delivered by the 5271
applicant or by another person pursuant to a contract with the 5272
applicant, including, but not limited to, by private attorneys or 5273
through reduced fee plans, judicare panels, organized pro bono 5274
programs, and mediation programs. 5275

(C) The Ohio legal assistance foundation shall determine 5276
whether each applicant that filed an application for financial 5277
assistance under division (A) of this section in a calendar year 5278
is eligible for financial assistance under this section. To be 5279
eligible for such financial assistance, an applicant shall satisfy 5280

the criteria for being a legal aid society and shall be in 5281
compliance with the provisions of sections 120.51 to 120.55 of the 5282
Revised Code and with the rules and requirements the foundation 5283
establishes pursuant to section 120.52 of the Revised Code. The 5284
Ohio legal assistance foundation then, on or before the fifteenth 5285
day of December of the calendar year in which the application is 5286
filed, shall notify each such applicant, in writing, whether it is 5287
eligible for financial assistance under this section, and if it is 5288
eligible, estimate the amount that will be available for that 5289
applicant for each six-month distribution period, as determined 5290
under division (D) of this section. 5291

(D) The Ohio legal assistance foundation shall allocate 5292
moneys contained in the legal aid fund monthly for distribution to 5293
applicants that filed their applications in the previous calendar 5294
year and are determined to be eligible applicants. 5295

All moneys contained in the fund on the first day of each 5296
month shall be allocated, after deduction of the costs of 5297
administering sections 120.51 to 120.55 and sections 1901.26, 5298
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 5299
Revised Code that are authorized by section 120.52 of the Revised 5300
Code, according to this section and shall be distributed 5301
accordingly not later than the last day of the month following the 5302
month the moneys were received. In making the allocations under 5303
this section, the moneys in the fund that were generated pursuant 5304
to sections 1901.26, 1907.24, 2303.201, 2315.50, 3953.231, 5305
4705.09, and 4705.10 of the Revised Code shall be apportioned as 5306
follows: 5307

(1) After deduction of the amount authorized and used for 5308
actual, reasonable administrative costs under section 120.52 of 5309
the Revised Code: 5310

(a) Five per cent of the moneys remaining in the fund shall 5311
be reserved for use in the manner described in division (A) of 5312

section 120.521 of the Revised Code or for distribution to legal 5313
aid societies that provide assistance to special population groups 5314
of their eligible clients, engage in special projects that have a 5315
substantial impact on their local service area or on significant 5316
segments of the state's poverty population, or provide legal 5317
training or support to other legal aid societies in the state; 5318

(b) After deduction of the amount described in division 5319
(D)(1)(a) of this section, one and three-quarters per cent of the 5320
moneys remaining in the fund shall be apportioned among entities 5321
that received financial assistance from the legal aid fund prior 5322
to ~~the effective date of this amendment~~ July 1, 1993, but that, on 5323
and after ~~the effective date of this amendment~~ July 1, 1993, no 5324
longer qualify as a legal aid society that is eligible for 5325
financial assistance under this section. 5326

(c) After deduction of the amounts described in divisions 5327
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 5328
remaining in the fund shall be placed in the legal assistance 5329
foundation fund for use in the manner described in division (A) of 5330
section 120.521 of the Revised Code. 5331

(2) After deduction of the actual, reasonable administrative 5332
costs under section 120.52 of the Revised Code and after deduction 5333
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 5334
this section, the remaining moneys shall be apportioned among the 5335
counties that are served by eligible legal aid societies that have 5336
applied for financial assistance under this section so that each 5337
such county is apportioned a portion of those moneys, based upon 5338
the ratio of the number of indigents who reside in that county to 5339
the total number of indigents who reside in all counties of this 5340
state that are served by eligible legal aid societies that have 5341
applied for financial assistance under this section. Subject to 5342
division (E) of this section, the moneys apportioned to a county 5343
under this division then shall be allocated to the eligible legal 5344

aid society that serves the county and that has applied for 5345
financial assistance under this section. For purposes of this 5346
division, the source of data identifying the number of indigent 5347
persons who reside in a county shall be the most recent decennial 5348
census figures from the United States department of commerce, 5349
division of census. 5350

(E) If the Ohio legal assistance foundation, in attempting to 5351
make an allocation of moneys under division (D)(2) of this 5352
section, determines that a county that has been apportioned money 5353
under that division is served by more than one eligible legal aid 5354
society that has applied for financial assistance under this 5355
section, the Ohio legal assistance foundation shall allocate the 5356
moneys that have been apportioned to that county under division 5357
(D)(2) of this section among all eligible legal aid societies that 5358
serve that county and that have applied for financial assistance 5359
under this section on a pro rata basis, so that each such eligible 5360
society is allocated a portion based upon the amount of its total 5361
budget expended in the prior calendar year for legal services in 5362
that county as compared to the total amount expended in the prior 5363
calendar year for legal services in that county by all eligible 5364
legal aid societies that serve that county and that have applied 5365
for financial assistance under this section. 5366

(F) Moneys allocated to eligible applicants under this 5367
section shall be paid monthly beginning the calendar year 5368
following the calendar year in which the application is filed. 5369

(G)(1) A legal aid society that receives financial assistance 5370
in any calendar year under this section shall file an annual 5371
report with the Ohio legal assistance foundation detailing the 5372
number and types of cases handled, and the amount and types of 5373
legal training, legal technical assistance, and other service 5374
provided, by means of that financial assistance. No information 5375
contained in the report shall identify or enable the 5376

identification of any person served by the legal aid society or in 5377
any way breach client confidentiality. 5378

(2) The Ohio legal assistance foundation shall make an annual 5379
report to the governor, the general assembly, and the supreme 5380
court on the distribution and use of the legal aid fund. The 5381
foundation also shall include in the annual report an audited 5382
financial statement of all gifts, bequests, donations, 5383
contributions, and other moneys the foundation receives. No 5384
information contained in the report shall identify or enable the 5385
identification of any person served by a legal aid society, or in 5386
any way breach confidentiality. 5387

(H) A legal aid society may enter into agreements for the 5388
provision of services, programs, training, or legal technical 5389
assistance for the legal aid society or to indigent persons. 5390

Sec. 121.021. It is the policy of the state to improve 5391
customer service in state agencies. Each state agency shall 5392
emphasize improved customer service, efficiency, and productivity 5393
in employee orientation, personnel training, and employee 5394
performance reviews. 5395

Sec. 121.04. Offices are created within the several 5396
departments as follows: 5397

- In the department of commerce: 5398
- Commissioner of securities; 5399
 - Superintendent of real estate and professional 5400
licensing;
 - Superintendent of financial institutions; 5401
 - State fire marshal; 5402
 - Superintendent of labor and worker safety; 5403
 - Superintendent of liquor control; 5404
 - Superintendent of industrial compliance; 5405

Superintendent of unclaimed funds.	5406
In the department of administrative services:	5407
State architect and engineer;	5408
Equal employment opportunity coordinator.	5409
In the department of agriculture:	5410
Chiefs of divisions as follows:	5411
Administration;	5412
Animal industry;	5413
Dairy;	5414
Food safety;	5415
Plant industry;	5416
Markets;	5417
Meat inspection;	5418
Consumer analytical laboratory;	5419
Amusement ride safety;	5420
Enforcement;	5421
Weights and measures.	5422
In the department of natural resources:	5423
Chiefs of divisions as follows:	5424
Water;	5425
Mineral resources management;	5426
Forestry;	5427
Natural areas and preserves;	5428
Wildlife;	5429
Geological survey;	5430
Parks and recreation;	5431
Watercraft;	5432
Recycling and litter prevention;	5433
Soil and water conservation <u>resources</u> ;	5434
Real estate and land management;	5435
Engineering.	5436

In the department of insurance: 5437
Deputy superintendent of insurance; 5438
Assistant superintendent of insurance, technical; 5439
Assistant superintendent of insurance, administrative; 5440
Assistant superintendent of insurance, research. 5441

Sec. 121.07. (A) Except as otherwise provided in this 5442
division, the officers mentioned in sections 121.04 and 121.05 of 5443
the Revised Code and the offices and divisions they administer 5444
shall be under the direction, supervision, and control of the 5445
directors of their respective departments, and shall perform such 5446
duties as the directors prescribe. In performing or exercising any 5447
of the examination or regulatory functions, powers, or duties 5448
vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 5449
to 1315.18 of the Revised Code in the superintendent of financial 5450
institutions, the superintendent of financial institutions and the 5451
division of financial institutions are independent of and are not 5452
subject to the control of the department or the director of 5453
commerce. In the absence of the superintendent of financial 5454
institutions, a deputy superintendent may, for a limited period of 5455
time, perform or exercise any of those functions, powers, or 5456
duties if written authorization is given by the superintendent of 5457
financial institutions. 5458

(B) With the approval of the governor, the director of each 5459
department shall establish divisions within the department, and 5460
distribute the work of the department among such divisions. Each 5461
officer created by section 121.04 of the Revised Code shall be the 5462
head of such a division. 5463

With the approval of the governor, the director of each 5464
department may consolidate any two or more of the offices created 5465
in the department by section 121.04 of the Revised Code, or reduce 5466
the number of or create new divisions therein. 5467

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

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

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

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

(C) "Small business" means an independently owned and operated for-profit or nonprofit business entity, including its affiliates, having fewer than five hundred employees.

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

Sections 121.252 to 121.256 of the Revised Code do not apply to an emergency rule adopted under division (B)(2) of section 111.15 or division (F) of section 119.03 of the Revised Code. But sections 121.252 to 121.256 of the Revised Code apply to a nonemergency rule that is intended to be filed under division (B)(1) of section 111.15 or divisions (B) and (H) of section

119.03 of the Revised Code to replace an emergency rule that 5498
expires under division (B)(2) of section 111.15 or division (F) of 5499
section 119.03 of the Revised Code. 5500

Sec. 121.252. The rule-making agency shall prepare a full 5501
text of the rule and shall do both of the following: 5502

(A) Conduct a cost-benefit analysis, weighing the following 5503
factors, to determine whether the effect of the rule on small 5504
businesses outweighs the benefits of the rule: 5505

(1) An identification and estimate of the number of small 5506
businesses that may be subject to the rule; 5507

(2) The projected reporting, recordkeeping, and other 5508
administrative costs required for compliance with the rule, 5509
including the type of technical or professional skills necessary 5510
for preparation of any report or record required by the rule; 5511

(3) A statement of the probable effect of the rule on the 5512
impacted small businesses identified under division (A)(1) of this 5513
section; 5514

(4) A description of any less intrusive or less costly 5515
alternative methods of achieving the purpose of the rule; and 5516

(5) Any other information the rule-making agency considers 5517
necessary to fully explain its cost-benefit analysis regarding the 5518
rule. 5519

(B) Conduct a regulatory flexibility analysis of how each of 5520
the following methods might reduce any adverse impact the rule may 5521
have on small businesses: 5522

(1) The establishment of less stringent compliance or 5523
reporting requirements for small businesses; 5524

(2) The establishment of less stringent schedules or 5525
deadlines for compliance or reporting requirements for small 5526

businesses; 5527

(3) The consolidation or simplification of compliance or 5528

reporting requirements for small businesses; 5529

(4) The establishment of performance standards for small 5530

businesses to replace design or operational standards required in 5531

the rule; and 5532

(5) The exemption of small businesses from any or all of the 5533

rule's requirements. 5534

Sec. 121.253. (A) The rule-making agency shall incorporate 5535

into the rule features the cost-benefit analysis indicates will 5536

reduce the cost and increase the benefit of the rule to small 5537

businesses, and features the regulatory flexibility analysis 5538

indicates will reduce any adverse impact the rule may have on 5539

small businesses. In both cases, the rule-making agency shall 5540

incorporate features into the rule only if they are feasible and 5541

not if doing so would be contrary to the statutory objectives that 5542

are the basis for the rule. 5543

(B) The rule-making agency shall prepare two reports as 5544

follows: 5545

(1) A cost-benefit report that describes the results of the 5546

cost-benefit analysis, that describes any features incorporated 5547

into the rule as a result of the cost-benefit analysis, and that 5548

explains how those features reduce the cost and increase the 5549

benefit of the rule to small businesses. 5550

(2) A regulatory flexibility report that describes the 5551

results of the regulatory flexibility analysis, that describes any 5552

features incorporated into the rule as a result of the regulatory 5553

flexibility analysis, and that explains how those features reduce 5554

any adverse impact the rule may have on small businesses. 5555

The rule-making agency shall include any supporting 5556

documentation for either analysis in an appendix to its report of 5557
the analysis unless the documentation is otherwise incorporated 5558
into the report. 5559

Sec. 121.254. The rule-making agency shall file all of the 5560
following in electronic form with the Ohio small business 5561
ombudsperson: 5562

(A) The full text of the rule; 5563

(B) The cost-benefit report; and 5564

(C) The regulatory flexibility report. 5565

Sec. 121.255. (A) Within seven days after receipt of a filing 5566
under section 121.254 of the Revised Code, the Ohio small business 5567
ombudsperson shall cause all of the following to be published in 5568
the register of Ohio for a period of thirty days: 5569

(1) The full text of the rule filed under that section; 5570

(2) The cost-benefit report; 5571

(3) The regulatory flexibility report; and 5572

(4) A notice informing persons that, during the thirty-day 5573
period, they may comment to the ombudsperson concerning any 5574
adverse impact the rule may have on small businesses. The notice 5575
shall explain how persons may communicate comments to the 5576
ombudsperson. 5577

(B) During the period beginning on the day notice of the 5578
right to comment is first published in the register of Ohio and 5579
ending thirty days thereafter, any person may comment to the 5580
ombudsperson concerning any adverse impact the rule may have on 5581
small businesses. The ombudsperson shall establish and maintain, 5582
or participate in, a web site having features that enable persons 5583
to comment electronically. And the ombudsperson shall establish a 5584
toll-free telephone number persons may call to make comments. The 5585

telephone answering point shall be equipped to record comments 5586
that are called in. 5587

(C)(1) Not later than three days after the day the comment 5588
period closes, the ombudsperson shall collate and review comments 5589
that are received with regard to a rule, and shall compile them in 5590
a report that describes in detail the substance of the comments 5591
and, in particular, any objections to the rule. 5592

(2) The ombudsperson shall forthwith cause the report to be 5593
published in the register of Ohio and shall file the report in 5594
electronic form with the rule-making agency that filed the rule 5595
and with the small business regulatory review board. At the same 5596
time, the ombudsperson shall file in electronic form with the 5597
board the full text of the rule, the cost-benefit report, and the 5598
regulatory flexibility report. 5599

(3) The ombudsperson may appear before the joint committee on 5600
agency rule review and testify concerning a rule-making agency's 5601
compliance with sections 121.252, 121.253, and 121.254 of the 5602
Revised Code. 5603

Sec. 121.256. (A)(1) Within thirty days after receiving a 5604
report from the Ohio small business ombudsperson, the small 5605
business regulatory review board may hold a meeting at which it 5606
shall review the report, the rule that is the subject of the 5607
report, the cost-benefit report, and the regulatory flexibility 5608
report, and shall determine whether the rule-making agency that 5609
filed the rule has complied with sections 121.252, 121.253, and 5610
121.254 of the Revised Code. 5611

(2) The board may conduct a public hearing on the rule, at 5612
which any person having an interest in the rule may appear and 5613
offer comments on, or objections to, the rule insofar as it may 5614
have any adverse impact on small businesses. The board shall cause 5615
notice of such a public hearing to be published in the register of 5616

Ohio at least seven days before the date set for the hearing. In 5617
the notice, the board shall state the date and time when, and the 5618
place where, the public hearing will be held. 5619

(B)(1) If the board finds that a rule-making agency, in 5621
regard to a rule, has failed to comply with section 121.252, 5622
121.253, or 121.254 of the Revised Code, the board shall issue in 5623
writing a determination of noncompliance that states the 5624
determination and explains why the rule fails to comply with those 5625
sections. The board may include in the determination of 5626
noncompliance suggested changes in the rule that will bring the 5627
rule into compliance with sections 121.252 and 121.253 of the 5628
Revised Code. 5629

(2) If the board finds that a rule-making agency, in regard 5630
to a rule, complied with sections 121.252, 121.253, and 121.254 of 5631
the Revised Code, the board shall issue in writing a determination 5632
of compliance that states such determination. 5633

(C)(1) The board shall file its determination in electronic 5634
form with the rule-making agency and shall cause its determination 5635
to be published in the register of Ohio. 5636

(2) If the rule-making agency proceeds to file the rule under 5637
division (B)(1) of section 111.15 or divisions (B) and (H) of 5638
section 119.03 of the Revised Code, the rule-making agency shall 5639
file with the joint committee on agency rule review the board's 5640
determination, the full text of the rule, the ombudsperson's 5641
report, the cost-benefit report, and the regulatory flexibility 5642
report. 5643

(D) If the board, within thirty days after receiving the 5644
ombudsperson's report, does not issue a determination to the 5645
rule-making agency, the board, in electronic form, shall return to 5646
the rule-making agency the full text of the rule, the cost-benefit 5647

report, and the regulatory flexibility report. The board shall 5648
note on the rule that it has not issued a determination with 5649
regard to the rule. The rule-making agency then may proceed to 5650
file the rule under division (B)(1) of section 111.15 or divisions 5651
(B) and (H) of section 119.03 of the Revised Code, but only if the 5652
rule that is so filed is substantially similar to the rule that 5653
was filed with the ombudsperson. 5654

Sec. 121.257. There is hereby created the small business 5655
regulatory review board, consisting of five members appointed by 5656
the governor, two members appointed by the president of the 5657
senate, and two members appointed by the speaker of the house of 5658
representatives. Each member shall represent small business. 5659

The terms of office of all members of the board shall be for 5660
three years, beginning on the first day of January and ending at 5661
the close of business on the thirty-first day of December. A 5662
vacancy on the board shall be filled in the same manner as the 5663
initial appointment. Any member appointed to fill a vacancy 5664
occurring prior to the expiration of the term for which the 5665
member's predecessor was appointed shall hold office for the 5666
remainder of the term. 5667

The governor shall designate the chairperson of the board 5668
from among the members appointed by the governor. The chairperson 5669
shall appoint a secretary from among the board's members. 5670

Five members of the board constitute a quorum, and the 5671
affirmative vote of five members is necessary for any action taken 5672
by the board. 5673

Members of the board shall serve without compensation, but 5674
shall be reimbursed for their necessary and actual expenses 5675
incurred in the performance of their board duties. 5676

Sec. 121.37. (A)(1) There is hereby created the Ohio family 5677

and children first cabinet council. The council shall be composed 5678
of the superintendent of public instruction and the directors of 5679
youth services, job and family services, mental health, health, 5680
alcohol and drug addiction services, mental retardation and 5681
developmental disabilities, aging, rehabilitation and correction, 5682
and budget and management. The chairperson of the council shall be 5683
the governor or the governor's designee and shall establish 5684
procedures for the council's internal control and management. 5685

The purpose of the cabinet council is to help families 5686
seeking government services. This section shall not be interpreted 5687
or applied to usurp the role of parents, but solely to streamline 5688
and coordinate existing government services for families seeking 5689
assistance for their children. 5690

(2) In seeking to fulfill its purpose, the council may do any 5691
of the following: 5692

(a) Advise and make recommendations to the governor and 5693
general assembly regarding the provision of services to children; 5694

(b) Advise and assess local governments on the coordination 5695
of service delivery to children; 5696

(c) Hold meetings at such times and places as may be 5697
prescribed by the council's procedures and maintain records of the 5698
meetings, except that records identifying individual children are 5699
confidential and shall be disclosed only as provided by law; 5700

(d) Develop programs and projects, including pilot projects, 5701
to encourage coordinated efforts at the state and local level to 5702
improve the state's social service delivery system; 5703

(e) Enter into contracts with and administer grants to county 5704
family and children first councils, as well as other county or 5705
multicounty organizations to plan and coordinate service delivery 5706
between state agencies and local service providers for families 5707
and children; 5708

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	5709 5710
(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;	5711 5712 5713 5714 5715
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	5716 5717 5718 5719
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	5720 5721 5722 5723
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	5724 5725 5726 5727
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	5728 5729 5730 5731
(3) The cabinet council shall provide for the following:	5732
(a) Reviews of service and treatment plans for children for which such reviews are requested;	5733 5734
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	5735 5736 5737
(c) Monitoring and supervision of a statewide, comprehensive,	5738

coordinated, multi-disciplinary, interagency system for infants 5739
and toddlers with developmental disabilities or delays and their 5740
families, as established pursuant to federal grants received and 5741
administered by the department of health for early intervention 5742
services under the "Individuals with Disabilities Education Act of 5743
2004," 20 U.S.C.A. 1400, as amended. 5744

(4) The cabinet council shall develop and implement the 5745
following: 5746

(a) An interagency process to select the indicators that will 5747
be used to measure progress toward increasing child well-being in 5748
the state and to update the indicators on an annual basis. The 5749
indicators shall focus on expectant parents and newborns thriving; 5750
infants and toddlers thriving; children being ready for school; 5751
children and youth succeeding in school; youth choosing healthy 5752
behaviors; and youth successfully transitioning into adulthood. 5753

(b) An interagency system to offer guidance and monitor 5754
progress toward increasing child well-being in the state and in 5755
each county; 5756

(c) An annual plan that identifies state-level agency efforts 5757
taken to ensure progress towards increasing child well-being in 5758
the state. 5759

On an annual basis, the cabinet council shall submit to the 5760
governor and the general assembly a report on the status of 5761
efforts to increase child well-being in the state. This report 5762
shall be made available to any other person on request. 5763

(B)(1) Each board of county commissioners shall establish a 5764
county family and children first council. The board may invite any 5765
local public or private agency or group that funds, advocates, or 5766
provides services to children and families to have a 5767
representative become a permanent or temporary member of its 5768
county council. Each county council must include the following 5769

individuals: 5770

(a) At least three individuals who are not employed by an 5771
agency represented on the council and whose families are or have 5772
received services from an agency represented on the council or 5773
another county's council. Where possible, the number of members 5774
representing families shall be equal to twenty per cent of the 5775
council's membership. 5776

(b) The director of the board of alcohol, drug addiction, and 5777
mental health services that serves the county, or, in the case of 5778
a county that has a board of alcohol and drug addiction services 5779
and a community mental health board, the directors of both boards. 5780
If a board of alcohol, drug addiction, and mental health services 5781
covers more than one county, the director may designate a person 5782
to participate on the county's council. 5783

(c) The health commissioner, or the commissioner's designee, 5784
of the board of health of each city and general health district in 5785
the county. If the county has two or more health districts, the 5786
health commissioner membership may be limited to the commissioners 5787
of the two districts with the largest populations. 5788

(d) The director of the county department of job and family 5789
services; 5790

(e) The executive director of the public children services 5791
agency; 5792

(f) The superintendent of the county board of mental 5793
retardation and developmental disabilities; 5794

(g) The superintendent of the city, exempted village, or 5795
local school district with the largest number of pupils residing 5796
in the county, as determined by the department of education, which 5797
shall notify each board of county commissioners of its 5798
determination at least biennially; 5799

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

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

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

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

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

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

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

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

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

county's board of county commissioners. 5830

The county's juvenile court judge senior in service or 5831
another judge of the juvenile court designated by the 5832
administrative judge or, where there is no administrative judge, 5833
by the judge senior in service shall serve as the judicial advisor 5834
to the county family and children first council. The judge may 5835
advise the county council on the court's utilization of resources, 5836
services, or programs provided by the entities represented by the 5837
members of the county council and how those resources, services, 5838
or programs assist the court in its administration of justice. 5839
Service of a judge as a judicial advisor pursuant to this section 5840
is a judicial function. 5841

(2) The purpose of the county council is to streamline and 5842
coordinate existing government services for families seeking 5843
services for their children. In seeking to fulfill its purpose, a 5844
county council shall provide for the following: 5845

(a) Referrals to the cabinet council of those children for 5846
whom the county council cannot provide adequate services; 5847

(b) Development and implementation of a process that annually 5848
evaluates and prioritizes services, fills service gaps where 5849
possible, and invents new approaches to achieve better results for 5850
families and children; 5851

(c) Participation in the development of a countywide, 5852
comprehensive, coordinated, multi-disciplinary, interagency system 5853
for infants and toddlers with developmental disabilities or delays 5854
and their families, as established pursuant to federal grants 5855
received and administered by the department of health for early 5856
intervention services under the "Individuals with Disabilities 5857
Education Act of 2004"; 5858

(d) Maintenance of an accountability system to monitor the 5859
county council's progress in achieving results for families and 5860

children; 5861

(e) Establishment of a mechanism to ensure ongoing input from 5862
a broad representation of families who are receiving services 5863
within the county system. 5864

(3) A county council shall develop and implement the 5865
following: 5866

(a) An interagency process to establish local indicators and 5867
monitor the county's progress toward increasing child well-being 5868
in the county; 5869

(b) An interagency process to identify local priorities to 5870
increase child well-being. The local priorities shall focus on 5871
expectant parents and newborns thriving; infants and toddlers 5872
thriving; children being ready for school; children and youth 5873
succeeding in school; youth choosing healthy behaviors; and youth 5874
successfully transitioning into adulthood and take into account 5875
the indicators established by the cabinet council under division 5876
(A)(4)(a) of this section. 5877

(c) An annual plan that identifies the county's interagency 5878
efforts to increase child well-being in the county. 5879

On an annual basis, the county council shall submit a report 5880
on the status of efforts by the county to increase child 5881
well-being in the county to the county's board of county 5882
commissioners and the cabinet council. This report shall be made 5883
available to any other person on request. 5884

(4)(a) Except as provided in division (B)(4)(b) of this 5885
section, a county council shall comply with the policies, 5886
procedures, and activities prescribed by the rules or interagency 5887
agreements of a state department participating on the cabinet 5888
council whenever the county council performs a function subject to 5889
those rules or agreements. 5890

(b) On application of a county council, the cabinet council 5891
may grant an exemption from any rules or interagency agreements of 5892
a state department participating on the council if an exemption is 5893
necessary for the council to implement an alternative program or 5894
approach for service delivery to families and children. The 5895
application shall describe the proposed program or approach and 5896
specify the rules or interagency agreements from which an 5897
exemption is necessary. The cabinet council shall approve or 5898
disapprove the application in accordance with standards and 5899
procedures it shall adopt. If an application is approved, the 5900
exemption is effective only while the program or approach is being 5901
implemented, including a reasonable period during which the 5902
program or approach is being evaluated for effectiveness. 5903

(5)(a) Each county council shall designate an administrative 5904
agent for the council from among the following public entities: 5905
the board of alcohol, drug addiction, and mental health services, 5906
including a board of alcohol and drug addiction or a community 5907
mental health board if the county is served by separate boards; 5908
the board of county commissioners; any board of health of the 5909
county's city and general health districts; the county department 5910
of job and family services; the county agency responsible for the 5911
administration of children services pursuant to section 5153.15 of 5912
the Revised Code; the county board of mental retardation and 5913
developmental disabilities; any of the county's boards of 5914
education or governing boards of educational service centers; or 5915
the county's juvenile court. Any of the foregoing public entities, 5916
other than the board of county commissioners, may decline to serve 5917
as the council's administrative agent. 5918

A county council's administrative agent shall serve as the 5919
council's appointing authority for any employees of the council. 5920
The council shall file an annual budget with its administrative 5921
agent, with copies filed with the county auditor and with the 5922

board of county commissioners, unless the board is serving as the 5923
council's administrative agent. The council's administrative agent 5924
shall ensure that all expenditures are handled in accordance with 5925
policies, procedures, and activities prescribed by state 5926
departments in rules or interagency agreements that are applicable 5927
to the council's functions. 5928

The administrative agent of a county council shall send 5929
notice of a member's absence if a member listed in division (B)(1) 5930
of this section has been absent from either three consecutive 5931
meetings of the county council or a county council subcommittee, 5932
or from one-quarter of such meetings in a calendar year, whichever 5933
is less. The notice shall be sent to the board of county 5934
commissioners that establishes the county council and, for the 5935
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5936
section, to the governing board overseeing the respective entity; 5937
for the member listed in division (B)(1)(f) of this section, to 5938
the county board of mental retardation and developmental 5939
disabilities that employs the superintendent; for a member listed 5940
in division (B)(1)(g) or (h) of this section, to the school board 5941
that employs the superintendent; for the member listed in division 5942
(B)(1)(i) of this section, to the mayor of the municipal 5943
corporation; for the member listed in division (B)(1)(k) of this 5944
section, to the director of youth services; and for the member 5945
listed in division (B)(1)(n), to that member's board of trustees. 5946

The administrative agent for a county council may do any of 5947
the following on behalf of the council: 5948

(i) Enter into agreements or administer contracts with public 5949
or private entities to fulfill specific council business. Such 5950
agreements and contracts are exempt from the competitive bidding 5951
requirements of section 307.86 of the Revised Code if they have 5952
been approved by the county council and they are for the purchase 5953
of family and child welfare or child protection services or other 5954

social or job and family services for families and children. The 5955
approval of the county council is not required to exempt 5956
agreements or contracts entered into under section 5139.34, 5957
5139.41, or 5139.43 of the Revised Code from the competitive 5958
bidding requirements of section 307.86 of the Revised Code. 5959

(ii) As determined by the council, provide financial 5960
stipends, reimbursements, or both, to family representatives for 5961
expenses related to council activity; 5962

(iii) Receive by gift, grant, devise, or bequest any moneys, 5963
lands, or other property for the purposes for which the council is 5964
established. The agent shall hold, apply, and dispose of the 5965
moneys, lands, or other property according to the terms of the 5966
gift, grant, devise, or bequest. Any interest or earnings shall be 5967
treated in the same manner and are subject to the same terms as 5968
the gift, grant, devise, or bequest from which it accrues. 5969

(b)(i) If the county council designates the board of county 5970
commissioners as its administrative agent, the board may, by 5971
resolution, delegate any of its powers and duties as 5972
administrative agent to an executive committee the board 5973
establishes from the membership of the county council. The board 5974
shall name to the executive committee at least the individuals 5975
described in divisions (B)(1)(b) to (h) of this section and may 5976
appoint the president of the board or another individual as the 5977
chair of the executive committee. The executive committee must 5978
include at least one family county council representative who does 5979
not have a family member employed by an agency represented on the 5980
council. 5981

(ii) The executive committee may, with the approval of the 5982
board, hire an executive director to assist the county council in 5983
administering its powers and duties. The executive director shall 5984
serve in the unclassified civil service at the pleasure of the 5985
executive committee. The executive director may, with the approval 5986

of the executive committee, hire other employees as necessary to 5987
properly conduct the county council's business. 5988

(iii) The board may require the executive committee to submit 5989
an annual budget to the board for approval and may amend or repeal 5990
the resolution that delegated to the executive committee its 5991
authority as the county council's administrative agent. 5992

(6) Two or more county councils may enter into an agreement 5993
to administer their county councils jointly by creating a regional 5994
family and children first council. A regional council possesses 5995
the same duties and authority possessed by a county council, 5996
except that the duties and authority apply regionally rather than 5997
to individual counties. Prior to entering into an agreement to 5998
create a regional council, the members of each county council to 5999
be part of the regional council shall meet to determine whether 6000
all or part of the members of each county council will serve as 6001
members of the regional council. 6002

(7) A board of county commissioners may approve a resolution 6003
by a majority vote of the board's members that requires the county 6004
council to submit a statement to the board each time the council 6005
proposes to enter into an agreement, adopt a plan, or make a 6006
decision, other than a decision pursuant to section 121.38 of the 6007
Revised Code, that requires the expenditure of funds for two or 6008
more families. The statement shall describe the proposed 6009
agreement, plan, or decision. 6010

Not later than fifteen days after the board receives the 6011
statement, it shall, by resolution approved by a majority of its 6012
members, approve or disapprove the agreement, plan, or decision. 6013
Failure of the board to pass a resolution during that time period 6014
shall be considered approval of the agreement, plan, or decision. 6015

An agreement, plan, or decision for which a statement is 6016
required to be submitted to the board shall be implemented only if 6017

it is approved by the board. 6018

(C) Each county shall develop a county service coordination 6019
mechanism. The county service coordination mechanism shall serve 6020
as the guiding document for coordination of services in the 6021
county. For children who also receive services under the help me 6022
grow program, the service coordination mechanism shall be 6023
consistent with rules adopted by the department of health under 6024
section 3701.61 of the Revised Code. All family service 6025
coordination plans shall be developed in accordance with the 6026
county service coordination mechanism. The mechanism shall be 6027
developed and approved with the participation of the county 6028
entities representing child welfare; mental retardation and 6029
developmental disabilities; alcohol, drug addiction, and mental 6030
health services; health; juvenile judges; education; the county 6031
family and children first council; and the county early 6032
intervention collaborative established pursuant to the federal 6033
early intervention program operated under the "Individuals with 6034
Disabilities Education Act of 2004." The county shall establish an 6035
implementation schedule for the mechanism. The cabinet council may 6036
monitor the implementation and administration of each county's 6037
service coordination mechanism. 6038

Each mechanism shall include all of the following: 6039

(1) A procedure for an agency, including a juvenile court, or 6040
a family voluntarily seeking service coordination, to refer the 6041
child and family to the county council for service coordination in 6042
accordance with the mechanism; 6043

(2) A procedure ensuring that a family and all appropriate 6044
staff from involved agencies, including a representative from the 6045
appropriate school district, are notified of and invited to 6046
participate in all family service coordination plan meetings; 6047

(3) A procedure that permits a family to initiate a meeting 6048

to develop or review the family's service coordination plan and 6049
allows the family to invite a family advocate, mentor, or support 6050
person of the family's choice to participate in any such meeting; 6051

(4) A procedure for ensuring that a family service 6052
coordination plan meeting is conducted for each child who receives 6053
service coordination under the mechanism and for whom an emergency 6054
out-of-home placement has been made or for whom a nonemergency 6055
out-of-home placement is being considered. The meeting shall be 6056
conducted within ten days of an emergency out-of-home placement. 6057
The meeting shall be conducted before a nonemergency out-of-home 6058
placement. The family service coordination plan shall outline how 6059
the county council members will jointly pay for services, where 6060
applicable, and provide services in the least restrictive 6061
environment. 6062

(5) A procedure for monitoring the progress and tracking the 6063
outcomes of each service coordination plan requested in the county 6064
including monitoring and tracking children in out-of-home 6065
placements to assure continued progress, appropriateness of 6066
placement, and continuity of care after discharge from placement 6067
with appropriate arrangements for housing, treatment, and 6068
education. 6069

(6) A procedure for protecting the confidentiality of all 6070
personal family information disclosed during service coordination 6071
meetings or contained in the comprehensive family service 6072
coordination plan. 6073

(7) A procedure for assessing the needs and strengths of any 6074
child or family that has been referred to the council for service 6075
coordination, including a child whose parent or custodian is 6076
voluntarily seeking services, and for ensuring that parents and 6077
custodians are afforded the opportunity to participate; 6078

(8) A procedure for development of a family service 6079

coordination plan described in division (D) of this section; 6080

(9) A local dispute resolution process to serve as the 6081
process that must be used first to resolve disputes among the 6082
agencies represented on the county council concerning the 6083
provision of services to children, including children who are 6084
abused, neglected, dependent, unruly, alleged unruly, or 6085
delinquent children and under the jurisdiction of the juvenile 6086
court and children whose parents or custodians are voluntarily 6087
seeking services. The local dispute resolution process shall 6088
comply with sections 121.38, 121.381, and 121.382 of the Revised 6089
Code. The local dispute resolution process shall be used to 6090
resolve disputes between a child's parents or custodians and the 6091
county council regarding service coordination. The county council 6092
shall inform the parents or custodians of their right to use the 6093
dispute resolution process. Parents or custodians shall use 6094
existing local agency grievance procedures to address disputes not 6095
involving service coordination. The dispute resolution process is 6096
in addition to and does not replace other rights or procedures 6097
that parents or custodians may have under other sections of the 6098
Revised Code. 6099

The cabinet council shall adopt rules in accordance with 6100
Chapter 119. of the Revised Code establishing an administrative 6101
review process to address problems that arise concerning the 6102
operation of a local dispute resolution process. 6103

Nothing in division (C)(4) of this section shall be 6104
interpreted as overriding or affecting decisions of a juvenile 6105
court regarding an out-of-home placement, long-term placement, or 6106
emergency out-of-home placement. 6107

(D) Each county shall develop a family service coordination 6108
plan that does all of the following: 6109

(1) Designates service responsibilities among the various 6110

state and local agencies that provide services to children and 6111
their families, including children who are abused, neglected, 6112
dependent, unruly, or delinquent children and under the 6113
jurisdiction of the juvenile court and children whose parents or 6114
custodians are voluntarily seeking services; 6115

(2) Designates an individual, approved by the family, to 6116
track the progress of the family service coordination plan, 6117
schedule reviews as necessary, and facilitate the family service 6118
coordination plan meeting process; 6119

(3) Ensures that assistance and services to be provided are 6120
responsive to the strengths and needs of the family, as well as 6121
the family's culture, race, and ethnic group, by allowing the 6122
family to offer information and suggestions and participate in 6123
decisions. Identified assistance and services shall be provided in 6124
the least restrictive environment possible. 6125

(4) Includes a process for dealing with a child who is 6126
alleged to be an unruly child. The process shall include methods 6127
to divert the child from the juvenile court system; 6128

(5) Includes timelines for completion of goals specified in 6129
the plan with regular reviews scheduled to monitor progress toward 6130
those goals; 6131

(6) Includes a plan for dealing with short-term crisis 6132
situations and safety concerns. 6133

(E)(1) The process provided for under division (D)(4) of this 6134
section may include, but is not limited to, the following: 6135

(a) Designation of the person or agency to conduct the 6136
assessment of the child and the child's family as described in 6137
division (C)(7) of this section and designation of the instrument 6138
or instruments to be used to conduct the assessment; 6139

(b) An emphasis on the personal responsibilities of the child 6140

and the parental responsibilities of the parents, guardian, or
custodian of the child;

(c) Involvement of local law enforcement agencies and
officials.

(2) The method to divert a child from the juvenile court
system that must be included in the service coordination process
may include, but is not limited to, the following:

(a) The preparation of a complaint under section 2151.27 of
the Revised Code alleging that the child is an unruly child and
notifying the child and the parents, guardian, or custodian that
the complaint has been prepared to encourage the child and the
parents, guardian, or custodian to comply with other methods to
divert the child from the juvenile court system;

(b) Conducting a meeting with the child, the parents,
guardian, or custodian, and other interested parties to determine
the appropriate methods to divert the child from the juvenile
court system;

(c) A method to provide to the child and the child's family a
short-term respite from a short-term crisis situation involving a
confrontation between the child and the parents, guardian, or
custodian;

(d) A program to provide a mentor to the child or the
parents, guardian, or custodian;

(e) A program to provide parenting education to the parents,
guardian, or custodian;

(f) An alternative school program for children who are truant
from school, repeatedly disruptive in school, or suspended or
expelled from school;

(g) Other appropriate measures, including, but not limited
to, any alternative methods to divert a child from the juvenile

court system that are identified by the Ohio family and children 6171
first cabinet council. 6172

(F) Each county may review and revise the service 6173
coordination process described in division (D) of this section 6174
based on the availability of funds under Title IV-A of the "Social 6175
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 6176
or to the extent resources are available from any other federal, 6177
state, or local funds. 6178

Sec. 121.375. (A) A care coordination agency may provide the 6179
following information to the Ohio family and children first 6180
cabinet council: 6181

(1) The types of individuals the agency identifies as being 6182
at-risk individuals; 6183

(2) The total per-individual cost to the agency for care 6184
coordination services provided to at-risk individuals; 6185

(3) The administrative cost per individual for care 6186
coordination services provided to at-risk individuals; 6187

(4) The specific work products the agency purchased to 6188
provide care coordination services to at-risk individuals; 6189

(5) The strategies the agency uses to help at-risk 6190
individuals access available health and social services; 6191

(6) The agency's success in helping at-risk individuals 6192
access available health and social services; 6193

(7) The mechanisms the agency uses to identify and eliminate 6194
duplicate care coordination services. 6195

(B) The Ohio family and children first cabinet council may do 6196
either or both of the following: 6197

(1) Give incentives to encourage care coordination agencies 6198
to provide information to the council under this section; 6199

(2) Use the information provided to it under this section to help improve care coordination for at-risk individuals throughout the state. 6200
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(C) The Ohio family and children first cabinet council shall adopt rules in accordance with Chapter 119. of the Revised Code to define the terms "at-risk individual" and "care coordination agency" for the purpose of this section. 6203
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Sec. 121.376. (A) Not later than January 31 of each year, each public children services agency shall report to the Ohio family and children first cabinet council the number of times during the previous calendar year that a parent, guardian, or other person having custody of a child who has a mental illness as defined in section 5122.01 of the Revised Code voluntarily surrendered custody of the child to the agency pursuant to section 5103.15 of the Revised Code for the sole purpose of qualifying the child for government funded mental health services. 6207
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(B) Not later than March 1 of each year, the cabinet council shall submit to the president of the senate and the speaker of the house of representatives a report of the results obtained pursuant to division (A) of this section. 6216
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Sec. 121.39. (A) As used in this section, "environmental protection" means any of the following: 6220
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(1) Protection of human health or safety, biological resources, or natural resources by preventing, reducing, or remediating the pollution or degradation of air, land, or water resources or by preventing or limiting the exposure of humans, animals, or plants to pollution; 6222
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(2) Appropriation or regulation of privately owned property to preserve air, land, or water resources in a natural state or to wholly or partially restore them to a natural state; 6227
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(3) Regulation of the collection, management, treatment, 6230
reduction, storage, or disposal of solid, hazardous, radioactive, 6231
or other wastes; 6232

(4) Plans or programs to promote or regulate the 6233
conservation, recycling, or reuse of energy, materials, or wastes. 6234

(B) Except as otherwise provided in division (E) of this 6235
section, when proposed legislation dealing with environmental 6236
protection or containing a component dealing with environmental 6237
protection is referred to a committee of the general assembly, 6238
other than a committee on rules or reference, the sponsor of the 6239
legislation, at the time of the first hearing of the legislation 6240
before the committee, shall submit to the members of the committee 6241
a written statement identifying either the documentation that is 6242
the basis of the legislation or the federal requirement or 6243
requirements with which the legislation is intended to comply. If 6244
the legislation is not based on documentation or has not been 6245
introduced to comply with a federal requirement or requirements, 6246
the written statement from the sponsor shall so indicate. 6247

Also at the time of the first hearing of the legislation 6248
before the committee, a statewide organization that represents 6249
businesses in this state and that elects its board of directors 6250
may submit to the members of the committee a written estimate of 6251
the costs to the regulated community in this state of complying 6252
with the legislation if it is enacted. 6253

At any hearing of the legislation before the committee, a 6254
representative of any state agency, environmental advocacy 6255
organization, or consumer advocacy organization or any private 6256
citizen may present documentation containing an estimate of the 6257
monetary and other costs to public health and safety and the 6258
environment and to consumers and residential utility customers, 6259
and the effects on property values, if the legislation is not 6260
enacted. 6261

(C) Until such time as the statement required under division 6262
(B) of this section is submitted to the committee to which 6263
proposed legislation dealing with environmental protection or 6264
containing a component dealing with environmental protection was 6265
referred, the legislation shall not be reported by that committee. 6266
This requirement does not apply if the component dealing with 6267
environmental protection is removed from the legislation or if 6268
two-thirds of the members of the committee vote in favor of a 6269
motion to report the proposed legislation. 6270

(D) Except as otherwise provided in division (E) of this 6271
section, prior to adopting a rule or an amendment proposed to a 6272
rule dealing with environmental protection or containing a 6273
component dealing with environmental protection, a state agency 6274
shall do all of the following: 6275

(1) Consult with organizations that represent political 6276
subdivisions, environmental interests, business interests, and 6277
other persons affected by the proposed rule or amendment; 6278

(2) Consider documentation relevant to the need for, the 6279
environmental benefits or consequences of, other benefits of, and 6280
the technological feasibility of the proposed rule or amendment; 6281

(3) Specifically identify whether the proposed rule or 6282
amendment is being adopted or amended to enable the state to 6283
obtain or maintain approval to administer and enforce a federal 6284
environmental law or to participate in a federal environmental 6285
program, whether the proposed rule or amendment is more stringent 6286
than its federal counterpart, and, if the proposed rule or 6287
amendment is more stringent, the rationale for not incorporating 6288
its federal counterpart; 6289

(4) Include with the proposed rule or amendment and the rule 6290
summary and fiscal analysis required under ~~sections 121.24 and~~ 6291
section 127.18 of the Revised Code, when they are filed with the 6292

joint committee on agency rule review in accordance with division 6293
(D) of section 111.15 or division (H) of section 119.03 of the 6294
Revised Code, one of the following in electronic form, as 6295
applicable: 6296

(a) The information identified under division (D)(3) of this 6297
section and, if the proposed rule or amendment is more stringent 6298
than its federal counterpart, as identified in that division, the 6299
documentation considered under division (D)(2) of this section; 6300

(b) If an amendment proposed to a rule is being adopted or 6301
amended under a state statute that establishes standards with 6302
which the amendment shall comply, and the proposed amendment is 6303
more stringent than the rule that it is proposing to amend, the 6304
documentation considered under division (D)(2) of this section; 6305

(c) If division (D)(4)(a) or (b) of this section is not 6306
applicable, the documentation considered under division (D)(2) of 6307
this section. 6308

If the agency subsequently files a revision of such a 6309
proposed rule or amendment in accordance with division (D) of 6310
section 111.15 or division (H) of section 119.03 of the Revised 6311
Code, the revision shall be accompanied in electronic form by the 6312
applicable information or documentation. 6313

Division (D) of this section does not apply to any emergency 6314
rule adopted under division (B)(2) of section 111.15 or division 6315
(F) of section 119.03 of the Revised Code, but does apply to any 6316
such rule that subsequently is adopted as a nonemergency rule 6317
under either of those divisions. 6318

The information or documentation submitted under division 6319
(D)(4) of this section may be in the form of a summary or index of 6320
available knowledge or information and shall consist of or be 6321
based upon the best available generally accepted knowledge or 6322
information in the appropriate fields, as determined by the agency 6323

that prepared the documentation. 6324

(E) The statement required under division (B) and the 6325
information or documentation required under division (D) of this 6326
section need not be prepared or submitted with regard to a 6327
proposed statute or rule, or an amendment to a rule, if the 6328
statute, rule, or amendment is procedural or budgetary in nature, 6329
or governs the organization or operation of a state agency, and 6330
will not affect the substantive rights or obligations of any 6331
person other than a state agency or an employee or contractor of a 6332
state agency. 6333

(F) The insufficiency, incompleteness, or inadequacy of a 6334
statement, information, documentation, or a summary of information 6335
or documentation provided in accordance with division (B) or (D) 6336
of this section shall not be grounds for invalidation of any 6337
statute, rule, or amendment to a rule. 6338

(G) This section applies only to the following: 6339

(1) Legislation and components of legislation dealing with 6340
environmental protection that are introduced in the general 6341
assembly after March 5, 1996; 6342

(2) Rules and rule amendments dealing with environmental 6343
protection that are filed with the joint committee on agency rule 6344
review in accordance with division (D) of section 111.15 or 6345
division (H) of section 119.03 of the Revised Code after March 5, 6346
1996. 6347

Sec. 121.40. (A) There is hereby created the Ohio community 6348
service council consisting of twenty-one voting members including 6349
the superintendent of public instruction or the superintendent's 6350
designee, the chancellor of the Ohio board of regents or the 6351
chancellor's designee, the director of youth services or the 6352
director's designee, the director of aging or the director's 6353

designee, the chairperson of the committee of the house of 6354
representatives dealing with education or the chairperson's 6355
designee, the chairperson of the committee of the senate dealing 6356
with education or the chairperson's designee, and fifteen members 6357
who shall be appointed by the governor with the advice and consent 6358
of the senate and who shall serve terms of office of three years. 6359
The appointees shall include educators, including teachers and 6360
administrators; representatives of youth organizations; students 6361
and parents; representatives of organizations engaged in volunteer 6362
program development and management throughout the state, including 6363
youth and conservation programs; and representatives of business, 6364
government, nonprofit organizations, social service agencies, 6365
veterans organizations, religious organizations, or philanthropies 6366
that support or encourage volunteerism within the state. The 6367
director of the governor's office of faith-based and community 6368
initiatives shall serve as a nonvoting ex officio member of the 6369
council. Members of the council shall receive no compensation, but 6370
shall be reimbursed for actual and necessary expenses incurred in 6371
the performance of their official duties. 6372

(B) The council shall appoint an executive director for the 6373
council, who shall be in the unclassified civil service. The 6374
executive director shall supervise the council's activities and 6375
report to the council on the progress of those activities. The 6376
executive director shall do all things necessary for the efficient 6377
and effective implementation of the duties of the council. 6378

The responsibilities assigned to the executive director do 6380
not relieve the members of the council from final responsibility 6381
for the proper performance of the requirements of this section. 6382

(C) The council or its designee shall do all of the 6383
following: 6384

(1) Employ, promote, supervise, and remove all employees as 6385

needed in connection with the performance of its duties under this 6386
section and may assign duties to those employees as necessary to 6387
achieve the most efficient performance of its functions, and to 6388
that end may establish, change, or abolish positions, and assign 6389
and reassign duties and responsibilities of any employee of the 6390
council. Personnel employed by the council who are subject to 6391
Chapter 4117. of the Revised Code shall retain all of their rights 6392
and benefits conferred pursuant to that chapter. Nothing in this 6393
chapter shall be construed as eliminating or interfering with 6394
Chapter 4117. of the Revised Code or the rights and benefits 6395
conferred under that chapter to public employees or to any 6396
bargaining unit. 6397

(2) Maintain its office in Columbus, and may hold sessions at 6398
any place within the state; 6399

(3) Acquire facilities, equipment, and supplies necessary to 6400
house the council, its employees, and files and records under its 6401
control, and to discharge any duty imposed upon it by law. The 6402
expense of these acquisitions shall be audited and paid for in the 6403
same manner as other state expenses. For that purpose, the council 6404
shall prepare and submit to the office of budget and management a 6405
budget for each biennium according to sections 101.532 and 107.03 6406
of the Revised Code. The budget submitted shall cover the costs of 6407
the council and its staff in the discharge of any duty imposed 6408
upon the council by law. The council shall not delegate any 6409
authority to obligate funds. 6410

(4) Pay its own payroll and other operating expenses from 6411
line items designated by the general assembly; 6412

(5) Retain its fiduciary responsibility as appointing 6413
authority. Any transaction instructions shall be certified by the 6414
appointing authority or its designee. 6415

(6) Establish the overall policy and management of the 6416

council in accordance with this chapter; 6417

(7) Assist in coordinating and preparing the state 6418
application for funds under sections 101 to 184 of the "National 6419
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 6420
U.S.C.A. 12411 to 12544, as amended, assist in administering and 6421
overseeing the "National and Community Service Trust Act of 1993," 6422
P.L. 103-82, 107 Stat. 785, and the americorps program in this 6423
state, and assist in developing objectives for a comprehensive 6424
strategy to encourage and expand community service programs 6425
throughout the state; 6426

(8) Assist the state board of education, school districts, 6427
the chancellor of the board of regents, and institutions of higher 6428
education in coordinating community service education programs 6429
through cooperative efforts between institutions and organizations 6430
in the public and private sectors; 6431

(9) Assist the departments of natural resources, youth 6432
services, aging, and job and family services in coordinating 6433
community service programs through cooperative efforts between 6434
institutions and organizations in the public and private sectors; 6435

(10) Suggest individuals and organizations that are available 6436
to assist school districts, institutions of higher education, and 6437
the departments of natural resources, youth services, aging, and 6438
job and family services in the establishment of community service 6439
programs and assist in investigating sources of funding for 6440
implementing these programs; 6441

(11) Assist in evaluating the state's efforts in providing 6442
community service programs using standards and methods that are 6443
consistent with any statewide objectives for these programs and 6444
provide information to the state board of education, school 6445
districts, the chancellor of the board of regents, institutions of 6446
higher education, and the departments of natural resources, youth 6447

services, aging, and job and family services to guide them in 6448
making decisions about these programs; 6449

(12) Assist the state board of education in complying with 6450
section 3301.70 of the Revised Code and the chancellor of the 6451
board of regents in complying with division (B)(2) of section 6452
3333.043 of the Revised Code; 6453

(13) Advise, assist, consult with, and cooperate with, by 6454
contract or otherwise, agencies and political subdivisions of this 6455
state in establishing a statewide system for volunteers pursuant 6456
to section 121.404 of the Revised Code. 6457

(D) ~~The department of aging council shall in writing enter~~ 6458
~~into an agreement with another state agency to serve as the~~ 6459
~~council's fiscal agent. Beginning on July 1, 1997, whenever~~ 6460
~~reference is made in any law, contract, or document to the~~ 6461
~~functions of the department of youth services as fiscal agent to~~ 6462
~~the council, the reference shall be deemed to refer to the~~ 6463
~~department of aging. The department of aging shall have no~~ 6464
~~responsibility for or obligation to the council prior to July 1,~~ 6465
~~1997. Any validation, cure, right, privilege, remedy, obligation,~~ 6466
~~or liability shall be retained by the council.~~ 6467

~~As used in this section, "fiscal agent" means technical~~ 6468
~~support and includes the following technical support services: The~~ 6469
~~fiscal agent shall be responsible for all the council's fiscal~~ 6470
~~matters and financial transactions, as specified in the agreement.~~ 6471
~~Services to be provided by the fiscal agent include, but are not~~ 6472
~~limited to, the following:~~ 6473

(1) Preparing and processing payroll and other personnel 6474
documents that the council executes as the appointing authority; ~~i~~ 6475
~~The department of aging shall not approve any payroll or other~~ 6476
~~personnel-related documents.~~ 6477

(2) Maintaining ledgers of accounts and reports of account 6478

balances, and monitoring budgets and allotment plans in 6479
consultation with the council.; ~~and The department shall not~~ 6480
~~approve any biennial budget, grant, expenditure, audit, or~~ 6481
~~fiscal related document.~~ 6482

(3) Performing other routine support services that the 6483
~~director of aging or the director's designee and the council or~~ 6484
~~its designee consider fiscal agent considers appropriate to~~ 6485
achieve efficiency. 6486

(E)(1) The council ~~or its designee, in conjunction and~~ 6487
consultation with the fiscal agent, has the following authority 6488
and responsibility relative to fiscal matters: 6489

(a) Sole authority to draw funds for any and all federal 6490
programs in which the council is authorized to participate; 6491

(b) Sole authority to expend funds from their accounts for 6492
programs and any other necessary expenses the council may incur 6493
and its subgrantees may incur; and 6494

(c) Responsibility to cooperate with and inform the 6495
~~department of aging as fiscal agent to ensure that the department~~ 6496
~~is fully apprised~~ of all financial transactions. 6497

(2) The council shall follow all state procurement, fiscal, 6498
human resources, statutory, and administrative rule requirements. 6499

(3) The ~~department of aging~~ fiscal agent shall determine fees 6500
to be charged to the council, which shall be in proportion to the 6501
services performed for the council. 6502

(4) The council shall pay fees owed to the ~~department of~~ 6503
~~aging~~ fiscal agent from a general revenue fund of the council or 6504
from any other fund from which the operating expenses of the 6505
council are paid. Any amounts set aside for a fiscal year for the 6506
payment of these fees shall be used only for the services 6507
performed for the council by the ~~department of aging~~ fiscal agent 6508

in that fiscal year. 6509

(F) The council may accept and administer grants from any 6510
source, public or private, to carry out any of the council's 6511
functions this section establishes. 6512

Sec. 121.401. (A) As used in this section and section 121.402 6513
of the Revised Code, "organization or entity" and "unsupervised 6514
access to a child" have the same meanings as in section 109.574 of 6515
the Revised Code. 6516

(B) The ~~governor's~~ Ohio community service council shall adopt 6517
a set of "recommended best practices" for organizations or 6518
entities to follow when one or more volunteers of the organization 6519
or entity have unsupervised access to one or more children or 6520
otherwise interact with one or more children. The "recommended 6521
best practices" shall focus on, but shall not be limited to, the 6522
issue of the safety of the children and, in addition, the 6523
screening and supervision of volunteers. The "recommended best 6524
practices" shall include as a recommended best practice that the 6525
organization or entity subject to a criminal records check 6526
performed by the bureau of criminal identification and 6527
investigation pursuant to section 109.57, section 109.572, or 6528
rules adopted under division (E) of section 109.57 of the Revised 6529
Code, all of the following: 6530

(1) All persons who apply to serve as a volunteer in a 6531
position in which the person will have unsupervised access to a 6532
child on a regular basis. 6533

(2) All volunteers who are in a position in which the person 6534
will have unsupervised access to a child on a regular basis and 6535
who the organization or entity has not previously subjected to a 6536
criminal records check performed by the bureau of criminal 6537
identification and investigation. 6538

(C) The set of "recommended best practices" required to be 6539
adopted by this section are in addition to the educational program 6540
required to be adopted under section 121.402 of the Revised Code. 6541

Sec. 121.402. (A) The ~~governor's~~ Ohio community service 6542
council shall establish and maintain an educational program that 6543
does all of the following: 6544

(1) Makes available to parents and guardians of children 6545
notice about the provisions of sections 109.574 to 109.577, 6546
section 121.401, and section 121.402 of the Revised Code and 6547
information about how to keep children safe when they are under 6548
the care, custody, or control of a person other than the parent or 6549
guardian; 6550

(2) Makes available to organizations and entities information 6551
regarding the best methods of screening and supervising 6552
volunteers, how to obtain a criminal records check of a volunteer, 6553
confidentiality issues relating to reports of criminal records 6554
checks, and record keeping regarding the reports; 6555

(3) Makes available to volunteers information regarding the 6556
possibility of being subjected to a criminal records check and 6557
displaying appropriate behavior to minors; 6558

(4) Makes available to children advice on personal safety and 6559
information on what action to take if someone takes inappropriate 6560
action towards a child. 6561

(B) The program shall begin making the materials described in 6562
this section available not later than ~~one year after the effective~~ 6563
~~date of this section~~ March 22, 2002. 6564

Sec. 122.05. (A) The director of development may, to carry 6565
out the purposes of division (E) of section 122.04 of the Revised 6566
Code: 6567

(1) Establish offices in foreign countries as the director 6568
considers appropriate and enter into leases of real property, 6569
buildings, and office space that are appropriate for these 6570
offices; 6571

(2) Appoint personnel, who shall be in the unclassified civil 6572
services, necessary to operate such offices and fix their 6573
compensation. The director may enter into contracts with foreign 6574
nationals to staff the foreign offices established under this 6575
section. 6576

(3) The director may establish United States dollar and 6577
foreign currency accounts for the payment of expenses related to 6578
the operation and maintenance of the offices established under 6579
this section. The director shall establish procedures acceptable 6580
to the director of budget and management for the conversion, 6581
transfer, and control of United States dollars and foreign 6582
currency. 6583

(4) Provide export promotion assistance to Ohio businesses 6584
and organize or support missions to foreign countries to promote 6585
export of Ohio products and services and to encourage foreign 6586
direct investment in Ohio. The director may charge fees to 6587
businesses receiving export assistance and to participants in 6588
foreign missions sufficient to recover the direct costs of those 6589
activities. The director shall adopt, as an internal management 6590
rule under section 111.15 of the Revised Code, a procedure for 6591
setting the fees and a schedule of fees for services commonly 6592
provided by the department. The procedure shall require the 6593
director to annually review the established fees. 6594

(5) Do all things necessary and appropriate for the operation 6595
of the state's foreign offices. 6596

(B) All contracts entered into under division (A)(2) of this 6597
section and any payments of expenses under division (A)(3) of this 6598

section related to the operation and maintenance of foreign 6599
offices established under this section may be paid in the 6600
appropriate foreign currency and are exempt from sections 127.16 6601
and 5147.07 and Chapters 124., 125., and 153. of the Revised Code. 6602

Sec. 122.051. There is hereby created in the state treasury 6603
the international trade cooperative projects fund. The fund shall 6604
consist of ~~moneys~~ all of the following: 6605

(A) Moneys received from private and nonprofit organizations 6606
involved in cooperative agreements related to import/export and 6607
direct foreign investment activities ~~and cash;~~ 6608

(B) Cash transfers from other state agencies or any state or 6609
local government to encourage, promote, and assist trade and 6610
commerce between this state and foreign nations, pursuant to 6611
section 122.05 and division (E) of section 122.04 of the Revised 6612
Code; and 6613

(C) Fees charged to businesses receiving export assistance 6614
and to participants in foreign missions to recover direct costs of 6615
those activities under division (A)(4) of section 122.05 of the 6616
Revised Code. 6617

Sec. 122.075. (A) As used in this section: 6618

(1) "Alternative fuel" means blended biodiesel ~~or~~, blended 6619
gasoline, or compressed air used in air-compression driven 6620
engines. 6621

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 6622
fuel that is derived from vegetable oils or animal fats, or any 6623
combination of those reagents, and that meets American society for 6624
testing and materials specification D6751-03a for biodiesel fuel 6625
(B100) blend stock distillate fuels. 6626

(3) "Diesel fuel" and "gasoline" have the same meanings as in 6627

section 5735.01 of the Revised Code. 6628

(4) "Ethanol" has the same meaning as in section 5733.46 of 6629
the Revised Code. 6630

(5) "Blended biodiesel" means diesel fuel containing at least 6631
twenty per cent biodiesel by volume. 6632

(6) "Blended gasoline" means gasoline containing at least 6633
eighty-five per cent ethanol by volume. 6634

(7) "Incremental cost" means either of the following: 6635

(a) The difference in cost between blended gasoline and 6636
gasoline containing ten per cent or less ethanol at the time that 6637
the blended gasoline is purchased; 6638

(b) The difference in cost between blended biodiesel and 6639
diesel fuel containing two per cent or less biodiesel at the time 6640
that the blended biodiesel is purchased. 6641

(B) For the purpose of improving the air quality in this 6642
state, the director of development shall establish an alternative 6643
fuel transportation grant program under which the director may 6644
make grants to businesses, nonprofit organizations, public school 6645
systems, or local governments for the purchase and installation of 6646
alternative fuel refueling or distribution facilities and 6647
terminals, for the purchase and use of alternative fuel, and to 6648
pay the costs of educational and promotional materials and 6649
activities intended for prospective alternative fuel consumers, 6650
fuel marketers, and others in order to increase the availability 6651
and use of alternative fuel. 6652

(C) The director, in consultation with the director of 6653
agriculture, shall adopt rules in accordance with Chapter 119. of 6654
the Revised Code that are necessary for the administration of the 6655
alternative fuel transportation grant program. The rules shall 6656
establish at least all of the following: 6657

- (1) An application form and procedures governing the application process for a grant under the program; 6658
6659
- (2) A procedure for prioritizing the award of grants under the program. The procedures shall give preference to all of the following: 6660
6661
6662
- (a) Publicly accessible refueling facilities; 6663
- (b) Entities seeking grants that have secured funding from other sources, including, but not limited to, private or federal grants; 6664
6665
6666
- (c) Entities that have presented compelling evidence of demand in the market in which the facilities or terminals will be located; 6667
6668
6669
- (d) Entities that have committed to utilizing purchased or installed facilities or terminals for the greatest number of years; 6670
6671
6672
- (e) Entities that will be purchasing or installing facilities or terminals for both blended biodiesel and blended gasoline. 6673
6674
- (3) A requirement that the maximum grant for the purchase and installation of an alternative fuel refueling or distribution facility or terminal be eighty per cent of the cost of the facility or terminal, except that at least twenty per cent of the total net cost of the facility or terminal shall be incurred by the grant recipient and not compensated for by any other source; 6675
6676
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6679
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- (4) A requirement that the maximum grant for the purchase of alternative fuel be eighty per cent of the incremental cost of the fuel; 6681
6682
6683
- (5) Any other criteria, procedures, or guidelines that the director determines are necessary to administer the program. 6684
6685
- (D) An applicant for a grant under this section that sells motor vehicle fuel at retail shall agree that if the applicant 6686
6687

receives a grant, the applicant will report to the director the 6688
gallon amounts of blended gasoline and blended biodiesel the 6689
applicant sells at retail in this state for a period of three 6690
years after the grant is awarded. 6691

The director shall enter into a written confidentiality 6692
agreement with the applicant regarding the gallon amounts sold as 6693
described in this division, and upon execution of the agreement 6694
this information is not a public record. 6695

(E) There is hereby created in the state treasury the 6696
alternative fuel transportation grant fund. The fund shall consist 6697
of money transferred to the fund under division (C) of section 6698
125.836 of the Revised Code, money that is appropriated to it by 6699
the general assembly, and money as may be specified by the general 6700
assembly from the advanced energy fund created by section 4928.61 6701
of the Revised Code. Money in the fund shall be used to make 6702
grants under the alternative fuel transportation grant program and 6703
by the director in the administration of that program. 6704

Sec. 122.08. (A) There is hereby created within the 6705
department of development an office to be known as the office of 6706
small business. The office shall be under the supervision of a 6707
manager appointed by the director of development. The manager 6708
shall be known as the Ohio small business ombudsperson. 6709

(B) The office and ombudsperson shall do all of the 6710
following: 6711

(1) Act as liaison between the small business community and 6712
state governmental agencies; 6713

(2) Furnish information and technical assistance to persons 6714
and small businesses concerning the establishment and maintenance 6715
of a small business, and concerning state laws and rules relevant 6716
to the operation of a small business. In conjunction with these 6717

duties, the office shall keep a record of all state agency rules 6718
affecting ~~individuals~~, small businesses, ~~or small organizations~~, 6719
as defined in section ~~121.24~~ 121.25 of the Revised Code, and the 6720
ombudsperson may testify before the joint committee on agency rule 6721
review concerning any proposed rule affecting ~~individuals~~, small 6722
businesses, ~~or small organizations~~. 6723

(3) Prepare and publish the small business register under 6724
section 122.081 of the Revised Code; 6725

(4) Receive complaints from small businesses concerning 6726
governmental activity, compile and analyze those complaints, and 6727
periodically make recommendations to the governor and the general 6728
assembly on changes in state laws or agency rules needed to 6729
eliminate burdensome and unproductive governmental regulation to 6730
improve the economic climate within which small businesses 6731
operate; 6732

(5) Receive complaints or questions from small businesses and 6733
direct those businesses to the appropriate governmental agency. 6734
If, within a reasonable period of time, a complaint is not 6735
satisfactorily resolved or a question is not satisfactorily 6736
answered, the office shall, on behalf of the small business, make 6737
every effort to secure a satisfactory result. For this purpose, 6738
the office may consult with any state governmental agency and may 6739
make any suggestion or request that seems appropriate. 6740

(6) Utilize, to the maximum extent possible, the printed and 6741
electronic media to disseminate information of current concern and 6742
interest to the small business community and to make known to 6743
small businesses the services available through the office. The 6744
office shall publish such books, pamphlets, and other printed 6745
materials, and shall participate in such trade association 6746
meetings, conventions, fairs, and other meetings involving the 6747
small business community, as the ~~manager~~ ombudsperson considers 6748
appropriate. 6749

(7) Prepare for inclusion in the department of development's annual report to the governor and general assembly, a description of the activities of the office and a report of the number of rules affecting ~~individuals, small businesses, and small organizations~~ that were filed with the office ombudsperson under ~~division (B)(2) of section 121.24~~ 121.253 of the Revised Code, during the preceding calendar year;

(8) Operate the Ohio first-stop business connection to assist individuals in identifying and preparing applications for business licenses, permits, and certificates and to serve as the central public distributor for all forms, applications, and other information related to business licensing. Each state agency, board, and commission shall cooperate in providing assistance, information, and materials to enable the connection to perform its duties under this division.

(9) Comply with section 121.255 of the Revised Code;

(10) Maintain and publicize a toll-free telephone number Ohio small businesses may call to reach the ombudsperson, who shall assist those small businesses in complying with state regulatory requirements;

(11) Interface with other agencies to facilitate the resolution of small business regulatory issues;

(12) Provide all necessary staff and support for the small business regulatory review board;

(13) Interface with small businesses in an effort to create and retain jobs in this state;

(14) Conduct an annual regulatory compliance audit to determine which, if any, rules pertaining to small businesses require duplicative reporting or recordkeeping of the same or substantially similar information for multiple regulatory entities;

(15) Conduct an annual assessment that identifies which rules 6781
have any adverse impact on small businesses; and 6782

(16) Prepare an annual report and submit it to the governor 6783
and the general assembly on or before the first day of January 6784
each year. 6785

The report shall contain the results of the audit conducted 6786
under division (B)(14) of this section, and shall make 6787
recommendations on how to minimize any adverse impact of rules 6788
identified under division (B)(15) of this section. 6789

(C) The office ~~may~~ shall, upon the request of a state agency, 6790
assist the agency with the preparation of any rule that will 6791
affect ~~individuals, small businesses, or small organizations.~~ The 6792
office shall train rule-making agency personnel on methods to be 6793
used under sections 121.252 and 121.253 of the Revised Code to 6794
conduct a cost-benefit analysis and prepare a cost-benefit report, 6795
and to conduct a regulatory flexibility analysis and prepare a 6796
regulatory flexibility report. 6797

(D) The director of development shall assign employees and 6798
furnish equipment and supplies to the office as the director 6799
considers necessary for the proper performance of the duties 6800
assigned to the office. 6801

Sec. 122.081. (A) The office of small business in the 6802
department of development shall prepare and publish a "small 6803
business register" or contract with any person as provided in this 6804
section to prepare and publish the register. The small business 6805
register shall contain the following information regarding each 6806
~~proposed~~ rule filed with the ~~office of small business~~ Ohio small 6807
business ombudsperson under ~~division (B)(2) of section 121.24~~ 6808
121.253 of the Revised Code: 6809

(1) The proposed title and administrative code rule number of 6810

the ~~proposed~~ rule; 6811

(2) A brief summary of the ~~proposed~~ rule; 6812

(3) The date on which the ~~proposed~~ rule was filed with the 6813
~~office of small business under division (B)(2) of section 121.24~~ 6814
~~of the Revised Code~~ ombudsperson; and 6815

(4) The name, address, and telephone number of the individual 6816
or office within the agency that ~~proposed~~ filed the rule ~~who has~~ 6817
~~been designated as being responsible for complying with division~~ 6818
~~(E) of section 121.24 of the Revised Code with regard to the~~ 6819
~~proposed rule.~~ 6820

(B) The small business register shall be published on a 6821
weekly basis. The information required under division (A) of this 6822
section shall be published in the register no later than two weeks 6823
after the ~~proposed~~ rule to which the information relates is filed 6824
with the ~~office of small business~~ ombudsperson under ~~division~~ 6825
~~(B)(2) of section 121.24~~ 121.254 of the Revised Code. The office 6826
of small business shall furnish the small business register, on a 6827
single copy or subscription basis, to any person who requests it 6828
and pays a single copy price or subscription rate fixed by the 6829
office. ~~The office shall furnish the chairmen of the standing~~ 6830
~~committees of the senate and house of representatives having~~ 6831
~~jurisdiction over individuals, small businesses, and small~~ 6832
~~organizations with free subscriptions to the small business~~ 6833
~~register.~~ 6834

(C) Upon the request of the office of small business, the 6835
director of administrative services shall, in accordance with the 6836
competitive selection procedure of Chapter 125. of the Revised 6837
Code, let a contract for the compilation, printing, and 6838
distribution of the small business register. 6839

(D) The office of small business shall adopt, and may amend 6840
or rescind, in accordance with Chapter 119. of the Revised Code, 6841

such rules as are necessary to enable it to properly carry out 6842
this section. 6843

Sec. 122.151. (A) An investor who proposes to make an 6844
investment of money in an Ohio entity may apply to an Edison 6845
center for a tax credit under this section. The Edison center 6846
shall prescribe the form of the application and any information 6847
that the investor must submit with the application. The investor 6848
shall include with the application a fee of two hundred dollars. 6849
The center, within three weeks after receiving the application, 6850
shall review it, determine whether the investor should be 6851
recommended for the tax credit, and send written notice of its 6852
initial determination to the industrial technology and enterprise 6853
advisory council and to the investor. If the center determines the 6854
investor should not be recommended for the tax credit, it shall 6855
include in the notice the reasons for the determination. Subject 6856
to divisions (C) and (D) of this section, an investor is eligible 6857
for a tax credit if all of the following requirements are met: 6858

(1) The investor's investment of money is in an Ohio entity 6859
engaged in a qualified trade or business. 6860

(2) The Ohio entity had less than two million five hundred 6861
thousand dollars of gross revenue during its most recently 6862
completed fiscal year or had a net book value of less than two 6863
million five hundred thousand dollars at the end of that fiscal 6864
year. 6865

(3) The investment takes the form of the purchase of common 6866
or preferred stock, a membership interest, a partnership interest, 6867
or any other ownership interest. 6868

(4) The amount of the investment for which the credit is 6869
being claimed does not exceed three hundred thousand dollars in 6870
the case of an investment in an EDGE business enterprise or in an 6871
Ohio entity located in a distressed area, or two hundred fifty 6872

thousand dollars in the case of an investment in any other Ohio 6873
entity. 6874

(5) The money invested is entirely at risk of loss, where 6875
repayment depends upon the success of the business operations of 6876
the Ohio entity. 6877

(6) No repayment of principal invested will be made for at 6878
least three years from the date the investment is made. 6879

(7) The annual combined amount of any dividend and interest 6880
payments to be made to the investor will not exceed ten per cent 6881
of the amount of the investment for at least three years from the 6882
date the investment is made. 6883

(8) The investor is not an employee with proprietary 6884
decision-making authority of the Ohio entity in which the 6885
investment of money is proposed, or related to such an individual. 6886
The Ohio entity is not an individual related to the investor. For 6887
purposes of this division, the industrial technology and 6888
enterprise advisory council shall define "an employee with 6889
proprietary decision-making authority." 6890

(9) The investor is not an insider. 6891

For the purposes of determining the net book value of an Ohio 6892
entity under division (A)(1) or (2) of this section, if the entity 6893
is a member of an affiliated group, the combined net book values 6894
of all of the members of that affiliated group shall be used. 6895

Nothing in division (A)(6) or (7) of this section limits or 6896
disallows the distribution to an investor in a pass-through entity 6897
of a portion of the entity's profits equal to the investor's 6898
federal, state, and local income tax obligations attributable to 6899
the investor's allocable share of the entity's profits. Nothing in 6900
division (A)(6) or (7) of this section limits or disallows the 6901
sale by an investor of part or all of the investor's interests in 6902
an Ohio entity by way of a public offering of shares in the Ohio 6903

entity. 6904

(B) A group of two but not more than twenty investors, each 6905
of whom proposes to make an investment of money in the same Ohio 6906
entity, may submit an application for tax credits under division 6907
(A) of this section. The group shall include with the application 6908
a fee of eight hundred dollars. The application shall identify 6909
each investor in the group and the amount of money each investor 6910
proposes to invest in the Ohio entity, and shall name a contact 6911
person for the group. The Edison center, within three weeks after 6912
receiving the application, shall review it, determine whether each 6913
investor of the group should be recommended for a tax credit under 6914
the conditions set forth in division (A) of this section, and send 6915
written notice of its determination to the industrial technology 6916
and enterprise advisory council and to the contact person. The 6917
center shall not recommend that a group of investors receive a tax 6918
credit unless each investor is eligible under those conditions. 6919
The center may disqualify from a group any investor who is not 6920
eligible under the conditions and recommend that the remaining 6921
group of investors receive the tax credit. If the center 6922
determines the group should not be recommended for the tax credit, 6923
it shall include in the notice the reasons for the determination. 6924

(C) The industrial technology and enterprise advisory council 6925
shall establish from among its members a three-person committee. 6926
Within four weeks after the council receives a notice of 6927
recommendation from an Edison center, the committee shall review 6928
the recommendation and issue a final determination of whether the 6929
investor or group is eligible for a tax credit under the 6930
conditions set forth in division (A) of this section. The 6931
committee may require the investor or group to submit additional 6932
information to support the application. The vote of at least two 6933
members of the committee is necessary for the issuance of a final 6934
determination or any other action of the committee. Upon making 6935

the final determination, the committee shall send written notice 6936
of approval or disapproval of the tax credit to the investor or 6937
group contact person, the director of development, and the Edison 6938
center. If the committee disapproves the tax credit, it shall 6939
include in the notice the reasons for the disapproval. 6940

(D)(1) The industrial technology and enterprise advisory 6941
council committee shall not approve more than one million five 6942
hundred thousand dollars of investments in any one Ohio entity. 6943
However, if a proposed investment of money in an Ohio entity has 6944
been approved but the investor does not actually make the 6945
investment, the committee may reassign the amount of that 6946
investment to another investor, as long as the total amount 6947
invested in the entity under this section does not exceed one 6948
million five hundred thousand dollars. 6949

If the one-million-five-hundred-thousand-dollar limit for an 6950
Ohio entity has not yet been reached and an application proposes 6951
an investment of money that would exceed the limit for that 6952
entity, the committee shall send written notice to the investor, 6953
or for a group, the contact person, that the investment cannot be 6954
approved as requested. Upon receipt of the notice, the investor or 6955
group may amend the application to propose an investment of money 6956
that does not exceed the limit. 6957

(2) Not more than ~~thirty~~ forty-five million dollars of tax 6958
credits shall be issued under sections 122.15 to 122.154 of the 6959
Revised Code. 6960

(E) If an investor makes an approved investment of less than 6961
two hundred fifty thousand dollars in any Ohio entity other than 6962
an EDGE business enterprise or in an Ohio entity located in a 6963
distressed area, the investor may apply for approval of another 6964
investment of money in that entity, as long as the total amount 6965
invested in that entity by the investor under this section does 6966
not exceed two hundred fifty thousand dollars. If an investor 6967

makes an approved investment of less than three hundred thousand 6968
dollars in an EDGE business enterprise or in an Ohio entity 6969
located in a distressed area, the investor may apply for approval 6970
of another investment of money in that entity, as long as the 6971
total amount invested in that entity by the investor under this 6972
section does not exceed three hundred thousand dollars. An 6973
investor who receives approval of an investment of money as part 6974
of a group may subsequently apply on an individual basis for 6975
approval of an additional investment of money in the Ohio entity. 6976

(F) The industrial technology and enterprise advisory council 6977
committee shall approve or disapprove tax credit applications 6978
under this section in the order in which they are received by the 6979
council. 6980

(G) The director of development may disapprove any 6981
application recommended by an Edison center and approved by the 6982
industrial technology and enterprise advisory council committee, 6983
or may disapprove a credit for which a tax credit certificate has 6984
been issued under section 122.152 of the Revised Code, if the 6985
director determines that the entity in which the applicant 6986
proposes to invest or has invested is not an Ohio entity eligible 6987
to receive investments that qualify for the credit. If the 6988
director disapproves an application, the director shall certify 6989
the action to the investor, the Edison center that recommended the 6990
application, the industrial technology and enterprise advisory 6991
council, and the tax commissioner, together with a written 6992
explanation of the reasons for the disapproval. If the director 6993
disapproves a tax credit after a tax credit certificate is issued, 6994
the investor shall not claim the credit for the taxable year that 6995
includes the day the director disapproves the credit, or for any 6996
subsequent taxable year. 6997

The director of development, in accordance with section 6998
111.15 of the Revised Code and with the advice of the industrial 6999

technology and enterprise advisory council, may adopt, amend, and 7000
rescind rules necessary to implement sections 122.15 to 122.154 of 7001
the Revised Code. 7002

(H) An Edison center shall use application fees received 7003
under this section only for the costs of administering sections 7004
122.15 to 122.154 of the Revised Code. 7005

Sec. 122.17. (A) As used in this section: 7006

~~(1) "Full time employee" means an individual who is employed 7007
for consideration for at least an average of thirty five hours a 7008
week, who renders any other standard of service generally accepted 7009
by custom or specified by contract as full time employment, or who 7010
is employed for consideration for such time or renders such 7011
service but is on family or medical leave under the federal Family 7012
and Medical Leave Act of 1993, Pub. L. No. 103-3, 107 Stat. 6, as 7013
amended, or on active duty reserve or Ohio national guard service. 7014~~

~~(2) "New employee" means one of the following: 7016~~

~~(a) A full time employee first employed by a taxpayer in the 7017
project that is the subject of the agreement after the taxpayer 7018
enters into a tax credit agreement with the tax credit authority 7019
under this section; 7020~~

~~(b) A full time employee first employed by a taxpayer in the 7021
project that is the subject of the tax credit after the tax credit 7022
authority approves a project for a tax credit under this section 7023
in a public meeting, as long as the taxpayer enters into the tax 7024
credit agreement prepared by the department of development after 7025
such meeting within sixty days after receiving the agreement from 7026
the department. If the taxpayer fails to enter into the agreement 7027
within sixty days, "new employee" has the same meaning as under 7028
division (A)(2)(a) of this section. A full time employee may be 7029~~

~~considered a "new employee" of a taxpayer, despite previously 7030
having been employed by a related member of the taxpayer, if all 7031
of the following apply: 7032~~

~~(i) The related member is a party to the tax credit agreement 7033
at the time the employee is first employed with the taxpayer; 7034~~

~~(ii) The related member will remain subject to the tax 7035
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 7036
under Chapter 5751. of the Revised Code for the remainder of the 7037
term of the tax credit, and the tax credit is taken against 7038
liability for that same tax through the remainder of the term of 7039
the tax credit; and 7040~~

~~(iii) The employee was considered a new employee of the 7041
related member prior to employment with the taxpayer. 7042~~

~~Under division (A)(2)(a) or (b) of this section, if the tax 7043
credit authority determines it appropriate, "new employee" also 7044
may include an employee re hired or called back from lay off to 7045
work in a new facility or on a new product or service established 7046
or produced by the taxpayer after entering into the agreement 7047
under this section or after the tax credit authority approves the 7048
tax credit in a public meeting. Except as otherwise provided in 7049
this paragraph, "new employee" does not include any employee of 7050
the taxpayer who was previously employed in this state by a 7051
related member of the taxpayer and whose employment was shifted to 7052
the taxpayer after the taxpayer entered into the tax credit 7053
agreement or after the tax credit authority approved the credit in 7054
a public meeting, or any employee of the taxpayer for which the 7055
taxpayer has been granted a certificate under division (B) of 7056
section 5709.66 of the Revised Code. However, if the taxpayer is 7057
engaged in the enrichment and commercialization of uranium or 7058
uranium products or is engaged in research and development 7059
activities related thereto and if the tax credit authority 7060
determines it appropriate, "new employee" may include an employee 7061~~

~~of the taxpayer who was previously employed in this state by a 7062
related member of the taxpayer and whose employment was shifted to 7063
the taxpayer after the taxpayer entered into the tax credit 7064
agreement or after the tax credit authority approved the credit in 7065
a public meeting. "New employee" does not include an employee of 7066
the taxpayer who is employed in an employment position that was 7067
relocated to a project from other operations of the taxpayer in 7068
this state or from operations of a related member of the taxpayer 7069
in this state. In addition, "new employee" does not include a 7070
child, grandchild, parent, or spouse, other than a spouse who is 7071
legally separated from the individual, of any individual who is an 7072
employee of the taxpayer and who has a direct or indirect 7073
ownership interest of at least five per cent in the profits, 7074
capital, or value of the taxpayer. Such ownership interest shall 7075
be determined in accordance with section 1563 of the Internal 7076
Revenue Code and regulations prescribed thereunder. 7077~~

~~(3) "New income Income tax revenue" means the total amount 7078
withheld under section 5747.06 of the Revised Code by the taxpayer 7079
during the taxable year, or during the calendar year that includes 7080
the tax period, from the compensation of ~~new employees for the tax~~ 7081
~~levied under Chapter 5747. of the Revised Code.~~ 7082~~

~~(4) "Related member" has the same meaning as under division 7084
(A)(6) of section 5733.042 of the Revised Code without regard to 7085
division (B) of that section each employee employed in the project 7086
to the extent the employee's withholdings are not used to 7087
determine the credit under section 122.171 of the Revised Code. 7088
"Income tax revenue" excludes amounts withheld before the day the 7089
taxpayer becomes eligible for the credit. 7090~~

~~(2) "Baseline income tax revenue" means income tax revenue 7091
except that the applicable withholding period is the twelve months 7092
immediately preceding the date the tax credit authority approves 7093~~

the taxpayer's application multiplied by the sum of one plus an 7094
annual pay increase factor to be determined by the tax credit 7095
authority. If the taxpayer becomes eligible for the credit after 7096
the first day of the taxpayer's taxable year or after the first 7097
day of the calendar year that includes the tax period, the 7098
taxpayer's baseline income tax revenue for the first such taxable 7099
or calendar year of credit eligibility shall be reduced in 7100
proportion to the number of days during the taxable or calendar 7101
year for which the taxpayer was not eligible for the credit. For 7102
subsequent taxable or calendar years, "baseline income tax 7103
revenue" equals the unreduced baseline income tax revenue for the 7104
preceding taxable or calendar year multiplied by the sum of one 7105
plus the pay increase factor. 7106

(3) "Excess income tax revenue" means income tax revenue 7107
minus baseline income tax revenue. 7108

(B) The tax credit authority may make grants under this 7109
section to foster job creation in this state. Such a grant shall 7110
take the form of a refundable credit allowed against the tax 7111
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 7112
under Chapter 5751. of the Revised Code. The credit shall be 7113
claimed for the taxable years or tax periods specified in the 7114
taxpayer's agreement with the tax credit authority under division 7115
(D) of this section. With respect to taxes imposed under section 7116
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 7117
credit shall be claimed in the order required under section 7118
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 7119
the credit available for a taxable year or for a calendar year 7120
that includes a tax period equals the ~~new~~ excess income tax 7121
revenue for that year multiplied by the percentage specified in 7122
the agreement with the tax credit authority. Any credit granted 7123
under this section against the tax imposed by section 5733.06 or 7124
5747.02 of the Revised Code, to the extent not fully utilized 7125

against such tax for taxable years ending prior to 2008, shall 7126
automatically be converted without any action taken by the tax 7127
credit authority to a credit against the tax levied under Chapter 7128
5751. of the Revised Code for tax periods beginning on or after 7129
July 1, 2008, provided that the person to whom the credit was 7130
granted is subject to such tax. The converted credit shall apply 7131
to those calendar years in which the remaining taxable years 7132
specified in the agreement end. 7133

(C) A taxpayer or potential taxpayer who proposes a project 7134
to create new jobs in this state may apply to the tax credit 7135
authority to enter into an agreement for a tax credit under this 7136
section. The director of development shall prescribe the form of 7137
the application. After receipt of an application, the authority 7138
may enter into an agreement with the taxpayer for a credit under 7139
this section if it determines all of the following: 7140

(1) The taxpayer's project will ~~create new jobs in this state~~ 7141
increase payroll and income tax revenue; 7142

(2) The taxpayer's project is economically sound and will 7143
benefit the people of this state by increasing opportunities for 7144
employment and strengthening the economy of this state; 7145

(3) Receiving the tax credit is a major factor in the 7146
taxpayer's decision to go forward with the project. 7147

(D) An agreement under this section shall include all of the 7148
following: 7149

(1) A detailed description of the project that is the subject 7150
of the agreement; 7151

(2) The term of the tax credit, which shall not exceed 7152
fifteen years, and the first taxable year, or first calendar year 7153
that includes a tax period, for which the credit may be claimed; 7154

(3) A requirement that the taxpayer shall maintain operations 7155

at the project location for at least ~~twice the number of years as~~ 7156
~~the term of the tax credit~~ the greater of seven years or the term 7157
of the credit plus three years; 7158

(4) The percentage, as determined by the tax credit 7159
authority, of ~~new~~ excess income tax revenue that will be allowed 7160
as the amount of the credit for each taxable year or for each 7161
calendar year that includes a tax period; 7162

(5) ~~A specific method for determining how many new employees~~ 7163
~~are employed during a taxable year or during a calendar year that~~ 7164
~~includes a tax period~~ The pay increase factor to be applied to the 7165
taxpayer's baseline income tax revenue; 7166

(6) A requirement that the taxpayer annually shall report to 7167
the director of development ~~the number of new employees, the new~~ 7168
~~income tax revenue withheld in connection with the new employees,~~ 7169
~~and any employment, tax withholding, investment, and other~~ 7170
information the director needs to perform the director's duties 7171
under this section; 7172

(7) A requirement that the director of development annually 7173
~~shall verify the amounts~~ review the information reported under 7174
division (D)(6) of this section, ~~and after doing so shall issue a~~ 7175
~~certificate to the taxpayer stating that the amounts have been~~ 7176
~~verified~~ and verify compliance with the agreement; if the taxpayer 7177
is in compliance, a requirement that the director issue a 7178
certificate to the taxpayer stating that the information has been 7179
verified and identifying the amount of the credit that may be 7180
claimed for the taxable or calendar year; 7181

(8)(a) ~~A provision requiring that the taxpayer, except as~~ 7182
~~otherwise provided in division (D)(8)(b) of this section, shall~~ 7183
~~not relocate employment positions from elsewhere in this state to~~ 7184
~~the project site that is the subject of the agreement for the~~ 7185
~~lesser of five years from the date the agreement is entered into~~ 7186

~~or the number of years the taxpayer is entitled to claim the tax credit.~~ 7187
7188

~~(b) The taxpayer may relocate employment positions from elsewhere in this state to the project site that is the subject of the agreement if the director of development determines both of the following:~~ 7189
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~~(i) That the site from which the employment positions would be relocated is inadequate to meet market and industry conditions, expansion plans, consolidation plans, or other business considerations affecting the taxpayer;~~ 7193
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~~(ii) That A provision providing that the taxpayer may not relocate a substantial number of employment positions from elsewhere in this state to the project location unless the director of development determines that the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated has been notified by the taxpayer of the relocation.~~ 7197
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For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position, ~~but the transfer of an individual employee from one political subdivision to another political subdivision shall not be considered a relocation of an employment position as long as the individual's employment position in the first political subdivision is refilled unless the employment position in the first political subdivision is replaced.~~ 7204
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(E) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term ~~shall take effect (1) in the taxable year immediately following the~~ 7213
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~~taxable year in which the authority amends the agreement or the 7218
director of development notifies the taxpayer in writing of such 7219
failure, or (2) in the first tax period beginning in the calendar 7220
year immediately following the calendar year in which the 7221
authority amends the agreement or the director notifies the 7222
taxpayer in writing of such failure. If the taxpayer fails to 7223
annually report any of the information required by division (D)(6) 7224
of this section within the time required by the director, the 7225
reduction of the percentage or term may take effect in the current 7226
taxable year. If the taxpayer relocates employment positions in 7227
violation of the provision required under division (D)(8)(a) of 7228
this section, the taxpayer shall not claim the tax credit under 7229
section 5733.0610 of the Revised Code for any tax years following 7230
the calendar year in which the relocation occurs, or shall not 7231
claim the tax credit under section 5725.32, 5729.032, or 5747.058 7232
of the Revised Code for the taxable year in which the relocation 7233
occurs and any subsequent taxable years, and shall not claim the 7234
tax credit under division (A) of section 5751.50 of the Revised 7235
Code for any tax period in the calendar year in which the 7236
relocation occurs and any subsequent tax periods may take effect 7237
in the current taxable or calendar year. 7238~~

(F) Projects that consist solely of point-of-final-purchase 7239
retail facilities are not eligible for a tax credit under this 7240
section. If a project consists of both point-of-final-purchase 7241
retail facilities and nonretail facilities, only the portion of 7242
the project consisting of the nonretail facilities is eligible for 7243
a tax credit and only the ~~new~~ excess income tax revenue from ~~new~~ 7244
~~employees~~ of the nonretail facilities shall be considered when 7245
computing the amount of the tax credit. If a warehouse facility is 7246
part of a point-of-final-purchase retail facility and supplies 7247
only that facility, the warehouse facility is not eligible for a 7248
tax credit. Catalog distribution centers are not considered 7249
point-of-final-purchase retail facilities for the purposes of this 7250

division, and are eligible for tax credits under this section. 7251

(G) Financial statements and other information submitted to 7252
the department of development or the tax credit authority by an 7253
applicant or recipient of a tax credit under this section, and any 7254
information taken for any purpose from such statements or 7255
information, are not public records subject to section 149.43 of 7256
the Revised Code. However, the chairperson of the authority may 7257
make use of the statements and other information for purposes of 7258
issuing public reports or in connection with court proceedings 7259
concerning tax credit agreements under this section. Upon the 7260
request of the tax commissioner or, if the applicant or recipient 7261
is an insurance company, upon the request of the superintendent of 7262
insurance, the chairperson of the authority shall provide to the 7263
commissioner or superintendent any statement or information 7264
submitted by an applicant or recipient of a tax credit in 7265
connection with the credit. The commissioner or superintendent 7266
shall preserve the confidentiality of the statement or 7267
information. 7268

(H) A taxpayer claiming a credit under this section shall 7269
submit to the tax commissioner or, if the taxpayer is an insurance 7270
company, to the superintendent of insurance, a copy of the 7271
director of development's certificate of verification under 7272
division (D)(7) of this section with the taxpayer's tax report or 7273
return for the taxable year or for the calendar year that includes 7274
the tax period. Failure to submit a copy of the certificate with 7275
the report or return does not invalidate a claim for a credit if 7276
the taxpayer submits a copy of the certificate to the commissioner 7277
or superintendent within sixty days after the commissioner or 7278
superintendent requests it. 7279

(I) The director of development, after consultation with the 7280
tax commissioner and the superintendent of insurance and in 7281
accordance with Chapter 119. of the Revised Code, shall adopt 7282

rules necessary to implement this section. The rules may provide 7283
for recipients of tax credits under this section to be charged 7284
fees to cover administrative costs of the tax credit program. The 7285
fees collected shall be credited to the tax incentive programs 7286
operating fund created in section 122.174 of the Revised Code. At 7287
the time the director gives public notice under division (A) of 7288
section 119.03 of the Revised Code of the adoption of the rules, 7289
the director shall submit copies of the proposed rules to the 7290
chairpersons of the standing committees on economic development in 7291
the senate and the house of representatives. 7292

(J) For the purposes of this section, a taxpayer may include 7293
a partnership, a corporation that has made an election under 7294
subchapter S of chapter one of subtitle A of the Internal Revenue 7295
Code, or any other business entity through which income flows as a 7296
distributive share to its owners. A partnership, S-corporation, or 7297
other such business entity may elect to pass the credit received 7298
under this section through to the persons to whom the income or 7299
profit of the partnership, S-corporation, or other entity is 7300
distributed. The election shall be made on the annual report 7301
required under division (D)(6) of this section. The election 7302
applies to and is irrevocable for the credit for which the report 7303
is submitted. If the election is made, the credit shall be 7304
apportioned among those persons in the same proportions as those 7305
in which the income or profit is distributed. 7306

(K) If the director of development determines that a taxpayer 7307
who has received a credit under this section is not complying with 7308
the requirement under division (D)(3) of this section, the 7309
director shall notify the tax credit authority of the 7310
noncompliance. After receiving such a notice, and after giving the 7311
taxpayer an opportunity to explain the noncompliance, the tax 7312
credit authority may require the taxpayer to refund to this state 7313
a portion of the credit in accordance with the following: 7314

(1) If the taxpayer maintained operations at the project 7315
location for at least one and one half times the number of years 7316
of the term of the tax credit, an amount not exceeding twenty five 7317
per cent of the sum of any previously allowed credits under this 7318
section; 7319

~~(2) If the taxpayer maintained operations at the project 7320
location for at least the number of years of the term of the tax 7321
credit, an amount not exceeding fifty per cent of the sum of any 7322
previously allowed credits under this section; 7323~~

~~(3) If the taxpayer maintained operations at the project 7324
location for less than the number of years of the term of the tax 7325
credit, an amount not exceeding one hundred per cent of the sum of 7326
any previously allowed credits under this section a period less 7327
than or equal to the term of the credit, an amount not exceeding 7328
one hundred per cent of the sum of any credits allowed and 7329
received under this section; 7330~~

(2) If the taxpayer maintained operations at the project 7331
location for a period longer than the term of the credit, but less 7332
than the greater of seven years or the term of the credit plus 7333
three years, an amount not exceeding seventy-five per cent of the 7334
sum of any credits allowed and received under this section. 7335

In determining the portion of the tax credit to be refunded 7336
to this state, the tax credit authority shall consider the effect 7337
of market conditions on the taxpayer's project and whether the 7338
taxpayer continues to maintain other operations in this state. 7339
After making the determination, the authority shall certify the 7340
amount to be refunded to the tax commissioner or superintendent of 7341
insurance, as appropriate. If the amount is certified to the 7342
commissioner, the commissioner shall make an assessment for that 7343
amount against the taxpayer under Chapter 5733., 5747., or 5751. 7344
of the Revised Code. If the amount is certified to the 7345
superintendent, the superintendent shall make an assessment for 7346

that amount against the taxpayer under Chapter 5725. or 5729. of 7347
the Revised Code. The time limitations on assessments under those 7348
chapters do not apply to an assessment under this division, but 7349
the commissioner or superintendent, as appropriate, shall make the 7350
assessment within one year after the date the authority certifies 7351
to the commissioner or superintendent the amount to be refunded. 7352

(L) On or before the ~~thirty-first~~ first day of ~~March~~ August 7353
each year, the director of development shall submit a report to 7354
the governor, the president of the senate, and the speaker of the 7355
house of representatives on the tax credit program under this 7356
section. The report shall include information on the number of 7357
agreements that were entered into under this section during the 7358
preceding calendar year, a description of the project that is the 7359
subject of each such agreement, and an update on the status of 7360
projects under agreements entered into before the preceding 7361
calendar year. 7362

(M) There is hereby created the tax credit authority, which 7363
consists of the director of development and four other members 7364
appointed as follows: the governor, the president of the senate, 7365
and the speaker of the house of representatives each shall appoint 7366
one member who shall be a specialist in economic development; the 7367
governor also shall appoint a member who is a specialist in 7368
taxation. Of the initial appointees, the members appointed by the 7369
governor shall serve a term of two years; the members appointed by 7370
the president of the senate and the speaker of the house of 7371
representatives shall serve a term of four years. Thereafter, 7372
terms of office shall be for four years. Initial appointments to 7373
the authority shall be made within thirty days after January 13, 7374
1993. Each member shall serve on the authority until the end of 7375
the term for which the member was appointed. Vacancies shall be 7376
filled in the same manner provided for original appointments. Any 7377
member appointed to fill a vacancy occurring prior to the 7378

expiration of the term for which the member's predecessor was 7379
appointed shall hold office for the remainder of that term. 7380
Members may be reappointed to the authority. Members of the 7381
authority shall receive their necessary and actual expenses while 7382
engaged in the business of the authority. The director of 7383
development shall serve as chairperson of the authority, and the 7384
members annually shall elect a vice-chairperson from among 7385
themselves. Three members of the authority constitute a quorum to 7386
transact and vote on the business of the authority. The majority 7387
vote of the membership of the authority is necessary to approve 7388
any such business, including the election of the vice-chairperson. 7389

The director of development may appoint a professional 7390
employee of the department of development to serve as the 7391
director's substitute at a meeting of the authority. The director 7392
shall make the appointment in writing. In the absence of the 7393
director from a meeting of the authority, the appointed substitute 7394
shall serve as chairperson. In the absence of both the director 7395
and the director's substitute from a meeting, the vice-chairperson 7396
shall serve as chairperson. 7397

(N) For purposes of the credits granted by this section 7398
against the taxes imposed under sections 5725.18 and 5729.03 of 7399
the Revised Code, "taxable year" means the period covered by the 7400
taxpayer's annual statement to the superintendent of insurance. 7401

Sec. 122.171. (A) As used in this section: 7402

(1) "Capital investment project" means a plan of investment 7403
at a project site for the acquisition, construction, renovation, 7404
or repair of buildings, machinery, or equipment, or for 7405
capitalized costs of basic research and new product development 7406
determined in accordance with generally accepted accounting 7407
principles, but does not include any of the following: 7408

(a) Payments made for the acquisition of personal property 7409

through operating leases; 7410

(b) Project costs paid before January 1, 2002; 7411

(c) Payments made to a related member as defined in section 7412
5733.042 of the Revised Code or to ~~an elected~~ a consolidated 7413
elected taxpayer or a combined taxpayer as defined in section 7414
5751.01 of the Revised Code. 7415

(2) "Eligible business" means a ~~business taxpayer and its~~ 7416
related members with Ohio operations satisfying all of the 7417
following: 7418

(a) ~~Employed an average of at least one thousand employees in~~ 7419
~~full-time employment positions at a project site during each of~~ 7420
~~the twelve months preceding the application for a tax credit under~~ 7421
~~this section; and~~ 7422

~~(b) On or after January 1, 2002, has made or has caused to be~~ 7423
~~made payments for the capital investment project, including~~ 7424
~~payments made by an unrelated third party entity as a result of a~~ 7425
~~lease of not less than twenty years in term, of either of the~~ 7426
~~following:~~ 7427

~~(i) At least two hundred~~ The taxpayer employs at least five 7428
hundred full-time equivalent employees at the time the tax credit 7429
authority grants the tax credit under this section; 7430

~~(b) The taxpayer makes or causes to be made payments for the~~ 7431
capital investment project of either of the following: 7432

~~(i) If the taxpayer is engaged at the project site primarily~~ 7433
as a manufacturer, at least fifty million dollars in the aggregate 7434
at the project site during a period of three consecutive calendar 7435
years, including the calendar year that includes a day of the 7436
taxpayer's taxable year or tax period with respect to which the 7437
credit is granted; 7438

~~(ii) If the average wage of all full-time employment~~ 7439

~~positions at the project site is greater than four hundred per 7440
cent of the federal minimum wage, at least one hundred taxpayer is 7441
engaged at the project site primarily in significant corporate 7442
administrative functions, as defined by the director of 7443
development by rule, at least twenty million dollars in the 7444
aggregate at the project site during a period of three consecutive 7445
calendar years including the calendar year that includes a day of 7446
the taxpayer's taxable year or tax period with respect to which 7447
the credit is granted. 7448~~

~~(c) Is engaged at the project site primarily as a 7449
manufacturer or is providing significant corporate administrative 7450
functions. If the investment under division (A)(2)(b) of this 7451
section was made by a third party entity as a result of a lease of 7452
not less than twenty years in term, the project must include 7453
headquarters operations that are part of a mixed use development 7454
that includes at least two of the following: office, hotel, 7455
research and development, or retail facilities. 7456~~

~~(d) Has The taxpayer had a capital investment project 7457
reviewed and approved by the tax credit authority as provided in 7458
divisions (C), (D), and (E) of this section. 7459~~

~~(3) "Full-time employment position" means a position of 7460
employment for consideration for at least an average of 7461
thirty five hours a week that has been filled for at least one 7462
hundred eighty days immediately preceding the filing of an 7463
application under this section and for at least one hundred eighty 7464
days during each taxable year or each calendar year that includes 7465
a tax period with respect to which the credit is granted, or is 7466
employed in such position for consideration for such time, but is 7467
on active duty reserve or Ohio national guard service equivalent 7468
employees" means the quotient obtained by dividing the total 7469
number of hours for which employees were compensated for 7470
employment in the project by two thousand eighty. "Full-time 7471~~

equivalent employees" shall exclude hours that are counted for a 7472
credit under section 122.17 of the Revised Code. 7473

(4) "Income tax revenue" means the total amount withheld 7474
under section 5747.06 of the Revised Code by the taxpayer during 7475
the taxable year, or during the calendar year that includes the 7476
tax period, from the compensation of all employees employed in the 7477
project whose hours of compensation are included in calculating 7478
the number of full-time equivalent employees. 7479

~~(4)(5)~~ "Manufacturer" has the same meaning as in section 7480
5739.011 of the Revised Code. 7481

~~(5)(6)~~ "Project site" means an integrated complex of 7482
facilities in this state, as specified by the tax credit authority 7483
under this section, within a fifteen-mile radius where a taxpayer 7484
is primarily operating as an eligible business. 7485

~~(6) "Applicable corporation" means a corporation satisfying~~ 7486
~~all of the following:~~ 7487

~~(a)(i) For the entire taxable year immediately preceding the~~ 7488
~~tax year, the corporation develops software applications primarily~~ 7489
~~to provide telecommunication billing and information services~~ 7490
~~through outsourcing or licensing to domestic or international~~ 7491
~~customers.~~ 7492

~~(ii) Sales and licensing of software generated at least six~~ 7493
~~hundred million dollars in revenue during the taxable year~~ 7494
~~immediately preceding the tax year the corporation is first~~ 7495
~~entitled to claim the credit provided under division (B) of this~~ 7496
~~section.~~ 7497

~~(b) For the entire taxable year immediately preceding the tax~~ 7498
~~year, the corporation or one or more of its related members~~ 7499
~~provides customer or employee care and technical support for~~ 7500
~~clients through one or more contact centers within this state, and~~ 7501
~~the corporation and its related members together have a daily~~ 7502

~~average, based on a three hundred sixty five day year, of at least 7503
five hundred thousand successful customer contacts through one or 7504
more of their contact centers, wherever located. 7505~~

~~(c) The corporation is eligible for the credit under division 7506
(B) of this section for the tax year. 7507~~

(7) "Related member" has the same meaning as in section 7508
5733.042 of the Revised Code as that section existed on the 7509
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 7510
general assembly, September 29, 1997. 7511

~~(8) "Successful customer contact" means a contact with an end 7512
user via telephone, including interactive voice recognition or 7513
similar means, where the contact culminates in a conversation or 7514
connection other than a busy signal or equipment busy. 7515~~

~~(9) "Telecommunications" means all forms of 7516
telecommunications service as defined in section 5739.01 of the 7517
Revised Code, and includes services in wireless, wireline, cable, 7518
broadband, internet protocol, and satellite. 7519~~

~~(10)(a) "Applicable difference" means the difference between 7520
the tax for the tax year under Chapter 5733. of the Revised Code 7521
applying the law in effect for that tax year, and the tax for that 7522
tax year if section 5733.042 of the Revised Code applied as that 7523
section existed on the effective date of its amendment by Am. Sub. 7524
H.B. 215 of the 122nd general assembly, September 29, 1997, 7525
subject to division (A)(10)(b) of this section. 7526~~

~~(b) If the tax rate set forth in division (B) of section 7527
5733.06 of the Revised Code for the tax year is less than eight 7528
and one half per cent, the tax calculated under division 7529
(A)(10)(a) of this section shall be computed by substituting a tax 7530
rate of eight and one half per cent for the rate set forth in 7531
division (B) of section 5733.06 of the Revised Code for the tax 7532
year. 7533~~

~~(c) If the resulting difference is negative, the applicable tax difference for the tax year shall be zero "Taxable year" includes, in the case of a domestic or foreign insurance company, the calendar year ending on the thirty-first day of December preceding the day the superintendent of insurance is required to certify to the treasurer of state under section 5725.20 or 5729.05 of the Revised Code the amount of taxes due from insurance companies.~~ 7534
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(B) The tax credit authority created under section 122.17 of the Revised Code may grant tax credits under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the recommendation of the director of budget and management, tax commissioner, the superintendent of insurance in the case of an insurance company, and director of development under division (C) of this section, the tax credit authority may grant to an eligible business a nonrefundable credit against the tax imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 of the Revised Code for a period up to fifteen taxable years and against the tax levied by Chapter 5751. of the Revised Code for a period of up to fifteen calendar years ~~provided, however, that if the project site is leased, the term of the tax credit cannot exceed the lesser of fifteen years or one half the term of the lease, including any permitted renewal periods. The credit shall be in an amount not exceeding seventy five per cent of the Ohio income tax withheld from the employees of the eligible business occupying full time employment positions at the project site during the calendar year that includes the last day of such business' taxable year or tax period with respect to which the credit is granted. The amount of the credit shall not be based on the Ohio income tax withheld from full time employees for a calendar year prior to the calendar year in which the minimum investment requirement referred to in division (A)(2)(b) of this section is completed. The credit amount~~ 7542
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for a taxable year or a calendar year that includes the tax period 7567
for which a credit may be claimed equals the income tax revenue 7568
for that year multiplied by the percentage specified in the 7569
agreement with the tax credit authority. The percentage may not 7570
exceed seventy-five per cent. The credit shall be claimed in the 7571
order required under section 5725.98, 5729.98, 5733.98, or 5747.98 7572
of the Revised Code. In determining the percentage and term of the 7573
credit, the tax credit authority shall consider both the number of 7574
full-time equivalent employees and the value of the capital 7575
investment project. The credit amount may not be based on the 7576
income tax revenue for a calendar year before the calendar year in 7577
which the tax credit authority specifies the tax credit is to 7578
begin, and the credit shall be claimed only for the taxable years 7579
or tax periods specified in the eligible business' agreement with 7580
the tax credit authority ~~under division (E) of this section, but~~ 7581
~~in.~~ In no event shall the credit be claimed for a taxable year or 7582
tax period terminating before the date specified in the agreement. 7583
Any credit granted under this section against the tax imposed by 7584
section 5733.06 or 5747.02 of the Revised Code, to the extent not 7585
fully utilized against such tax for taxable years ending prior to 7586
2008, shall automatically be converted without any action taken by 7587
the tax credit authority to a credit against the tax levied under 7588
Chapter 5751. of the Revised Code for tax periods beginning on or 7589
after July 1, 2008, provided that the person to whom the credit 7590
was granted is subject to such tax. The converted credit shall 7591
apply to those calendar years in which the remaining taxable years 7592
specified in the agreement end. 7593

~~The credit computed under this division is in addition to any~~ 7595
~~credit allowed under division (M) of this section, which the tax~~ 7596
~~credit authority may also include in the agreement.~~ 7597

Any unused portion of a tax credit may be carried forward for 7598

not more than three additional years after the year for which the
credit is granted.

(C) A taxpayer that proposes a capital investment project to
retain jobs in this state may apply to the tax credit authority to
enter into an agreement for a tax credit under this section. The
director of development shall prescribe the form of the
application. After receipt of an application, the authority shall
forward copies of the application to the director of budget and
management, the tax commissioner, the superintendent of insurance
in the case of an insurance company, and the director of
development, each of whom shall review the application to
determine the economic impact the proposed project would have on
the state and the affected political subdivisions and shall submit
a summary of their determinations and recommendations to the
authority.

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

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

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

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

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

~~(5) The political subdivisions in which the project is
located have agreed to provide substantial financial support to~~

~~the project.~~ 7630

(E) An agreement under this section shall include all of the 7631
following: 7632

(1) A detailed description of the project that is the subject 7633
of the agreement, including the amount of the investment, the 7634
period over which the investment has been or is being made, ~~and~~ 7635
the number of full-time ~~employment positions~~ equivalent employees 7636
at the project site. 7637

~~(2) The method of calculating the number of full-time 7638
employment positions as specified in division (A)(3) of this 7639
section. 7640~~

~~(3) The term and percentage of the tax credit, and the first 7641
year for which the credit may be claimed. 7642~~

~~(4), and the anticipated income tax revenue to be generated. 7643~~

(2) The term of the credit, the percentage of the tax credit, 7644
the maximum annual value of tax credits that may be allowed each 7645
year, and the first year for which the credit may be claimed. 7646

(3) A requirement that the taxpayer maintain operations at 7647
the project site for at least the greater of (a) the term of the 7648
credit plus three years, or (b) seven years. 7649

~~(5)(4) A requirement that the taxpayer retain a specified 7650
number of ~~full-time employment positions~~ full-time equivalent 7651
employees at the project site and within this state for the term 7652
of the credit, including a requirement that the taxpayer continue 7653
to employ at least ~~one thousand employees in full-time employment~~ 7654
~~positions at the project site during the entire term of any~~ 7655
~~agreement, subject to division (E)(7) of this section. 7656~~~~

~~(6) five hundred full-time equivalent employees during the 7657
entire term of the agreement. 7658~~

(5) A requirement that the taxpayer annually report to the 7659

director of development ~~the number of full time employment~~ 7660
~~positions subject to the credit, the amount of tax withheld from~~ 7661
~~employees in those positions, the amount of the payments made for~~ 7662
~~the employment, tax withholding, capital investment project, and~~ 7663
~~any other information the director needs to perform the director's~~ 7664
~~duties under this section.~~ 7665

~~(7)(6)~~ A requirement that the director of development 7666
annually review the annual reports of the taxpayer to verify the 7667
information reported under division (E)~~(6)(5)~~ of this section and 7668
compliance with the agreement. Upon verification, the director 7669
shall issue a certificate to the taxpayer stating that the 7670
information has been verified and identifying the amount of the 7671
credit for the taxable year or calendar year that includes the tax 7672
period. ~~Unless otherwise specified by the tax credit authority in~~ 7673
~~a resolution and included as part of the agreement, the director~~ 7674
~~shall not issue a certificate for any year in which the total~~ 7675
~~number of filled full time employment positions for each day of~~ 7676
~~the calendar year divided by three hundred sixty five is less than~~ 7677
~~ninety per cent of the full time employment positions specified in~~ 7678
~~division (E)(5) of this section. In determining the number of~~ 7679
full-time ~~employment positions~~ equivalent employees, no position 7680
shall be counted that is filled by an employee who is included in 7681
the calculation of a tax credit under section 122.17 of the 7682
Revised Code. 7683

~~(8)(a)~~ A provision requiring that the taxpayer, except as 7684
~~otherwise provided in division (E)(8)(b) of this section, shall~~ 7685
~~not relocate employment positions from elsewhere in this state to~~ 7686
~~the project site that is the subject of the agreement for the~~ 7687
~~lesser of five years from the date the agreement is entered into~~ 7688
~~or the number of years the taxpayer is entitled to claim the~~ 7689
~~credit.~~ 7690

~~(b)~~ The taxpayer may relocate employment positions from 7691

~~elsewhere in this state to the project site that is the subject of 7692
the agreement if the director of development determines both of 7693
the following: 7694~~

~~(i) That the site from which the employment positions would 7695
be relocated is inadequate to meet market and industry conditions, 7696
expansion plans, consolidation plans, or other business 7697
considerations affecting the taxpayer; 7698~~

~~(ii) That (7) A provision providing that the taxpayer may not 7699
relocate a substantial number of employment positions from 7700
elsewhere in this state to the project site unless the director of 7701
development determines that the taxpayer notified the legislative 7702
authority of the county, township, or municipal corporation from 7703
which the employment positions would be relocated has been 7704
notified of the relocation. 7705~~

For purposes of this section, the movement of an employment 7706
position from one political subdivision to another political 7707
subdivision shall be considered a relocation of an employment 7708
position unless the movement is confined to the project site. The 7709
transfer of an ~~individual employee~~ employment position from one 7710
political subdivision to another political subdivision shall not 7711
be considered a relocation of an employment position ~~as long as 7712
the individual's employment position in the first political 7713
subdivision is refilled. 7714~~

~~(9) if the employment position in the first political 7715
subdivision is replaced by another employment position. 7716~~

(8) A waiver by the taxpayer of any limitations periods 7717
relating to assessments or adjustments resulting from the 7718
taxpayer's failure to comply with the agreement. 7719

(F) If a taxpayer fails to meet or comply with any condition 7720
or requirement set forth in a tax credit agreement, the tax credit 7721
authority may amend the agreement to reduce the percentage or term 7722

of the credit. The reduction of the percentage or term ~~shall take~~ 7723
~~effect (1) in the taxable year immediately following the taxable~~ 7724
~~year in which the authority amends the agreement or the director~~ 7725
~~of development notifies the taxpayer in writing of such failure,~~ 7726
~~or (2) in the first tax period beginning in the calendar year~~ 7727
~~immediately following the calendar year in which the authority~~ 7728
~~amends the agreement or the director notifies the taxpayer in~~ 7729
~~writing of such failure. If the taxpayer fails to annually report~~ 7730
~~any of the information required by division (E)(6) of this section~~ 7731
~~within the time required by the director, the reduction of the~~ 7732
~~percentage or term may take effect in the current taxable year. If~~ 7733
~~the taxpayer relocates employment positions in violation of the~~ 7734
~~provision required under division (E)(8)(a) of this section, the~~ 7735
~~taxpayer shall not claim the tax credit under section 5733.0610 of~~ 7736
~~the Revised Code for any tax years following the calendar year in~~ 7737
~~which the relocation occurs, shall not claim the tax credit under~~ 7738
~~section 5747.058 of the Revised Code for the taxable year in which~~ 7739
~~the relocation occurs and any subsequent taxable years, and shall~~ 7740
~~not claim the tax credit under division (A) of section 5751.50 of~~ 7741
~~the Revised Code for the tax period in which the relocation occurs~~ 7742
~~and any subsequent tax periods may take effect in the current~~ 7743
~~taxable or calendar year.~~ 7744

(G) Financial statements and other information submitted to 7745
the department of development or the tax credit authority by an 7746
applicant for or recipient of a tax credit under this section, and 7747
any information taken for any purpose from such statements or 7748
information, are not public records subject to section 149.43 of 7749
the Revised Code. However, the chairperson of the authority may 7750
make use of the statements and other information for purposes of 7751
issuing public reports or in connection with court proceedings 7752
concerning tax credit agreements under this section. Upon the 7753
request of the tax commissioner, or the superintendent of 7754
insurance in the case of an insurance company, the chairperson of 7755

the authority shall provide to the commissioner or superintendent 7756
any statement or other information submitted by an applicant for 7757
or recipient of a tax credit in connection with the credit. The 7758
commissioner or superintendent shall preserve the confidentiality 7759
of the statement or other information. 7760

(H) A taxpayer claiming a tax credit under this section shall 7761
submit to the tax commissioner or, in the case of an insurance 7762
company, to the superintendent of insurance, a copy of the 7763
director of development's certificate of verification under 7764
division (E)~~(7)~~(6) of this section with the taxpayer's tax report 7765
or return for the taxable year or for the calendar year that 7766
includes the tax period. Failure to submit a copy of the 7767
certificate with the report or return does not invalidate a claim 7768
for a credit if the taxpayer submits a copy of the certificate to 7769
the commissioner or superintendent within sixty days after the 7770
commissioner or superintendent requests it. 7771

(I) For the purposes of this section, a taxpayer may include 7772
a partnership, a corporation that has made an election under 7773
subchapter S of chapter one of subtitle A of the Internal Revenue 7774
Code, or any other business entity through which income flows as a 7775
distributive share to its owners. A partnership, S-corporation, or 7776
other such business entity may elect to pass the credit received 7777
under this section through to the persons to whom the income or 7778
profit of the partnership, S-corporation, or other entity is 7779
distributed. The election shall be made on the annual report 7780
required under division (E)~~(6)~~(5) of this section. The election 7781
applies to and is irrevocable for the credit for which the report 7782
is submitted. If the election is made, the credit shall be 7783
apportioned among those persons in the same proportions as those 7784
in which the income or profit is distributed. 7785

(J) If the director of development determines that a taxpayer 7786
that received a tax credit under this section is not complying 7787

with the requirement under division (E)~~(4)~~(3) of this section, the 7788
director shall notify the tax credit authority of the 7789
noncompliance. After receiving such a notice, and after giving the 7790
taxpayer an opportunity to explain the noncompliance, the 7791
authority may terminate the agreement and require the taxpayer to 7792
refund to the state all or a portion of the credit claimed in 7793
previous years, as follows: 7794

(1) If the taxpayer maintained operations at the project site 7795
for less than or equal to the term of the credit, ~~the amount~~ 7796
~~required to be refunded shall not exceed the amount~~ an amount not 7797
to exceed one hundred per cent of the sum of any tax credits 7798
~~previously~~ allowed and received under this section. 7799

(2) If the taxpayer maintained operations at the project site 7800
longer than the term of the credit, but less than the greater of 7801
(a) the term of the credit plus three years, or (b) seven years, 7802
the amount required to be refunded shall not exceed ~~fifty~~ 7803
seventy-five per cent of the sum of any tax credits ~~previously~~ 7804
allowed and received under this section. 7805

In determining the portion of the credit to be refunded to 7806
this state, the authority shall consider the effect of market 7807
conditions on the taxpayer's project and whether the taxpayer 7808
continues to maintain other operations in this state. After making 7809
the determination, the authority shall certify the amount to be 7810
refunded to the tax commissioner. ~~The~~ or the superintendent of 7811
insurance. If the taxpayer is not an insurance company, the 7812
commissioner shall make an assessment for that amount against the 7813
taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. 7814
If the taxpayer is an insurance company, the superintendent of 7815
insurance shall make an assessment under section 5725.222 or 7816
5729.102 of the Revised Code. The time limitations on assessments 7817
under those chapters and sections do not apply to an assessment 7818
under this division, but the commissioner or superintendent shall 7819

make the assessment within one year after the date the authority 7820
certifies to the commissioner or superintendent the amount to be 7821
refunded. 7822

~~If the director of development determines that a taxpayer 7823
that received a tax credit under this section has reduced the 7824
number of employees agreed to under division (E)(5) of this 7825
section by more than ten per cent, the director shall notify the 7826
tax credit authority of the noncompliance. After receiving such 7827
notice, and after providing the taxpayer an opportunity to explain 7828
the noncompliance, the authority may amend the agreement to reduce 7829
the percentage or term of the tax credit. The reduction in the 7830
percentage or term shall take effect in the taxable year, or in 7831
the calendar year that includes the tax period, in which the 7832
authority amends the agreement. 7833~~

(K) The director of development, after consultation with the 7834
tax commissioner and the superintendent of insurance and in 7835
accordance with Chapter 119. of the Revised Code, shall adopt 7836
rules necessary to implement this section. The rules may provide 7837
for recipients of tax credits under this section to be charged 7838
fees to cover administrative costs of the tax credit program. The 7839
fees collected shall be credited to the tax incentive programs 7840
operating fund created in section 122.174 of the Revised Code. At 7841
the time the director gives public notice under division (A) of 7842
section 119.03 of the Revised Code of the adoption of the rules, 7843
the director shall submit copies of the proposed rules to the 7844
chairpersons of the standing committees on economic development in 7845
the senate and the house of representatives. 7846

(L) On or before the ~~thirty-first~~ first day of ~~March~~ August 7847
of each year, the director of development shall submit a report to 7848
the governor, the president of the senate, and the speaker of the 7849
house of representatives on the tax credit program under this 7850
section. The report shall include information on the number of 7851

agreements that were entered into under this section during the 7852
preceding calendar year, a description of the project that is the 7853
subject of each such agreement, and an update on the status of 7854
projects under agreements entered into before the preceding 7855
calendar year. 7856

~~(M)(1) A nonrefundable credit shall be allowed to an 7857
applicable corporation and its related members in an amount equal 7858
to the applicable difference. The credit is in addition to the 7859
credit granted to the corporation or related members under 7860
division (B) of this section. The credit is subject to divisions 7861
(B) to (E) and division (J) of this section. 7862~~

~~(2) A person qualifying as an applicable corporation under 7863
this section for a tax year does not necessarily qualify as an 7864
applicable corporation for any other tax year. No person is 7865
entitled to the credit allowed under division (M) of this section 7866
for the tax year immediately following the taxable year during 7867
which the person fails to meet the requirements in divisions 7868
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 7869
to the credit allowed under division (M) of this section for any 7870
tax year for which the person is not eligible for the credit 7871
provided under division (B) of this section. The aggregate amount 7872
of tax credits issued under this section during any calendar year 7873
for capital investment projects reviewed and approved by the tax 7874
credit authority may not exceed the following amounts: 7875~~

~~(1) For 2010, thirteen million dollars; 7876~~

~~(2) For 2011 through 2023, the amount of the limit for the 7877
preceding calendar year plus thirteen million dollars; 7878~~

~~(3) For 2024 and each year thereafter, one hundred 7879
ninety-five million dollars. 7880~~

~~The foregoing annual limitations do not apply to credits for 7881
capital investment projects approved by the tax credit authority 7882~~

before July 1, 2009. 7883

Sec. 122.40. (A) There is hereby created the development 7884
financing advisory council to assist in carrying out the programs 7885
created pursuant to sections 122.39 to 122.62 and Chapter 166. of 7886
the Revised Code. 7887

(B) The council shall consist of ~~seven~~ eight members 7888
appointed by the governor, with the advice and consent of the 7889
senate, who are selected for their knowledge of and experience in 7890
economic development financing, one member of the senate appointed 7891
by the president of the senate, one member of the house of 7892
representatives appointed by the speaker of the house of 7893
representatives, and the director of development or the director's 7894
designee. With respect to the council: 7895

(1) No more than four members of the council appointed by the 7896
governor shall be members of the same political party. 7897

(2) Each member shall hold office from the date of the 7898
member's appointment until the end of the term for which the 7899
member was appointed. 7900

(3) The terms of office for the ~~seven~~ eight members appointed 7901
by the governor shall be for five years commencing on the first 7902
day of January and ending on the thirty-first day of December. The 7903
~~seven~~ members appointed by the governor who are serving terms of 7904
office of seven years on December 30, 2004, shall continue to 7905
serve those terms, but their successors in office, including the 7906
filling of a vacancy occurring prior to the expiration of those 7907
terms, shall be appointed for terms of five years in accordance 7908
with this division. 7909

(4) Any member of the council is eligible for reappointment. 7910

(5) As a term of a member of the council appointed by the 7911
governor expires, the governor shall appoint a successor with the 7912

advice and consent of the senate. 7913

(6) Except as otherwise provided in division (B)(3) of this 7914
section, any member appointed to fill a vacancy occurring prior to 7915
the expiration of the term for which the member's predecessor was 7916
appointed shall hold office for the remainder of the predecessor's 7917
term. 7918

(7) Any member shall continue in office subsequent to the 7919
expiration date of the member's term until the member's successor 7920
takes office, or until a period of sixty days has elapsed, 7921
whichever occurs first. 7922

(8) Before entering upon duties as a member of the council, 7923
each member shall take an oath provided by Section 7 of Article 7924
XV, Ohio Constitution. 7925

(9) The governor may, at any time, remove any nonlegislative 7926
member pursuant to section 3.04 of the Revised Code. 7927

(10) Members of the council, notwithstanding section 101.26 7928
of the Revised Code with respect to members who are members of the 7929
general assembly, shall receive their necessary and actual 7930
expenses while engaged in the business of the council and shall be 7931
paid at the per diem rate of step 1, pay range 31, of section 7932
124.15 of the Revised Code. 7933

(11) Six members of the council constitute a quorum and the 7934
affirmative vote of six members is necessary for any action taken 7935
by the council. 7936

(12) In the event of the absence of a member appointed by the 7937
president of the senate or by the speaker of the house of 7938
representatives, the following persons may serve in the member's 7939
absence: the president of the senate or the speaker of the house, 7940
as the case may be, or a member of the senate or of the house of 7941
representatives, of the same political party as the development 7942
financing advisory council member, designated by the president of 7943

the senate or the speaker of the house. 7944

Sec. 122.603. (A)(1) Upon approval by the director of 7945
development and after entering into a participation agreement with 7946
the department of development, a participating financial 7947
institution making a capital access loan shall establish a program 7948
reserve account. The account shall be an interest-bearing account 7949
and shall contain only moneys deposited into it under the program 7950
and the interest payable on the moneys in the account. 7951

(2) All interest payable on the moneys in the program reserve 7952
account shall be added to the moneys and held as an additional 7953
loss reserve. The director may require that a portion or all of 7954
the accrued interest so held in the account be released to the 7955
department. If the director causes a release of accrued interest, 7956
the director shall deposit the released amount into the capital 7957
access loan program fund created in section 122.601 of the Revised 7958
Code. The director shall not require the release of that accrued 7959
interest more than twice in a fiscal year. 7960

(B) When a participating financial institution makes a 7961
capital access loan, it shall require the eligible business to pay 7962
to the participating financial institution a fee in an amount that 7963
is not less than one and one-half per cent, and not more than 7964
three per cent, of the principal amount of the loan. The 7965
participating financial institution shall deposit the fee into its 7966
program reserve account, and it also shall deposit into the 7967
account an amount of its own funds equal to the amount of the fee. 7968
The participating financial institution may recover from the 7969
eligible business all or part of the amount that the participating 7970
financial institution is required to deposit into the account 7971
under this division in any manner agreed to by the participating 7972
financial institution and the eligible business. 7973

(C) For each capital access loan made by a participating 7974

financial institution, the participating financial institution 7975
shall certify to the director, within a period specified by the 7976
director, that the participating financial institution has made 7977
the loan. The certification shall include the amount of the loan, 7978
the amount of the fee received from the eligible business, the 7979
amount of its own funds that the participating financial 7980
institution deposited into its program reserve account to reflect 7981
that fee, and any other information specified by the director. The 7982
certification also shall indicate if the eligible business 7983
receiving the capital access loan is a minority business 7984
enterprise as defined in section 122.71 of the Revised Code. 7985

(D)(1)(a) Upon receipt of each of the first three 7986
certifications from a participating financial institution made 7987
under division (C) of this section and subject to section 122.602 7988
of the Revised Code, the director shall disburse to the 7989
participating financial institution from the capital access loan 7990
program fund an amount equal to fifty per cent of the principal 7991
amount of the particular capital access loan for deposit into the 7992
participating financial institution's program reserve account. 7993
Thereafter, upon receipt of a certification from that 7994
participating financial institution made under division (C) of 7995
this section and subject to section 122.602 of the Revised Code, 7996
the director shall disburse to the participating financial 7997
institution from the capital access loan program fund an amount 7998
equal to ten per cent of the principal amount of the particular 7999
capital access loan for deposit into the participating financial 8000
institution's program reserve account. ~~The~~ 8001

(b) Notwithstanding division (D)(1)(a) of this section, and 8002
subject to section 122.602 of the Revised Code, upon receipt of 8003
any certification from a participating financial institution made 8004
under division (C) of this section with respect to a capital 8005
access loan made to an eligible business that is a minority 8006

business enterprise, the director shall disburse to the 8007
participating financial institution from the capital access loan 8008
program fund an amount equal to eighty per cent of the principal 8009
amount of the particular capital access loan for deposit into the 8010
participating financial institution's program reserve account. 8011

(2) The disbursement of moneys from the fund to a 8012
participating financial institution does not require approval from 8013
the controlling board. 8014

(E) If the amount in a program reserve account exceeds an 8015
amount equal to thirty-three per cent of a participating financial 8016
institution's outstanding capital access loans, the department may 8017
cause the withdrawal of the excess amount and the deposit of the 8018
withdrawn amount into the capital access loan program fund. 8019

(F)(1) The department may cause the withdrawal of the total 8020
amount in a participating financial institution's program reserve 8021
account if any of the following applies: 8022

(a) The financial institution is no longer eligible to 8023
participate in the program. 8024

(b) The participation agreement expires without renewal by 8025
the department or the financial institution. 8026

(c) The financial institution has no outstanding capital 8027
access loans. 8028

(d) The financial institution has not made a capital access 8029
loan within the preceding twenty-four months. 8030

(2) If the department causes a withdrawal under division 8031
(F)(1) of this section, the department shall deposit the withdrawn 8032
amount into the capital access loan program fund. 8033

Sec. 122.71. As used in sections 122.71 to 122.83 of the 8034
Revised Code: 8035

(A) "Financial institution" means any banking corporation, 8036
trust company, insurance company, savings and loan association, 8037
building and loan association, or corporation, partnership, 8038
federal lending agency, foundation, or other institution engaged 8039
in lending or investing funds for industrial or business purposes. 8040

(B) "Project" means any real or personal property connected 8041
with or being a part of an industrial, distribution, commercial, 8042
or research facility to be acquired, constructed, reconstructed, 8043
enlarged, improved, furnished, or equipped, or any combination 8044
thereof, with the aid provided under sections 122.71 to 122.83 of 8045
the Revised Code, for industrial, commercial, distribution, and 8046
research development of the state. 8047

(C) "Mortgage" means the lien imposed on a project by a 8048
mortgage on real property, or by financing statements on personal 8049
property, or a combination of a mortgage and financing statements 8050
when a project consists of both real and personal property. 8051

(D) "Mortgagor" means the principal user of a project or the 8052
person, corporation, partnership, or association unconditionally 8053
guaranteeing performance by the principal user of its obligations 8054
under the mortgage. 8055

(E)(1) "Minority business enterprise" means an individual who 8056
is a United States citizen and owns and controls a business, or a 8057
partnership, corporation, or joint venture of any kind that is 8058
owned and controlled by United States citizens, which citizen or 8059
citizens are residents of this state and are members of one of the 8060
following economically disadvantaged groups: Blacks or African 8061
Americans, American Indians, Hispanics or Latinos, and Asians. 8062

(2) "Owned and controlled" means that at least fifty-one per 8063
cent of the business, including corporate stock if a corporation, 8064
is owned by persons who belong to one or more of the groups set 8065
forth in division (E)(1) of this section, and that those owners 8066

have control over the management and day-to-day operations of the 8067
business and an interest in the capital, assets, and profits and 8068
losses of the business proportionate to their percentage of 8069
ownership. In order to qualify as a minority business enterprise, 8070
a business shall have been owned and controlled by those persons 8071
at least one year prior to being awarded a contract pursuant to 8072
this section. 8073

(F) "Community improvement corporation" means a corporation 8074
organized under Chapter 1724. of the Revised Code. 8075

(G) "Ohio development corporation" means a corporation 8076
organized under Chapter 1726. of the Revised Code. 8077

(H) "Minority contractors business assistance organization" 8078
means an entity engaged in the provision of management and 8079
technical business assistance to minority business enterprise 8080
entrepreneurs. 8081

(I) "Minority business supplier development council" means a 8082
nonprofit organization established as an affiliate of the national 8083
minority supplier development council. 8084

(J) "Regional economic development entity" means an entity 8085
that is under contract with the director of development to 8086
administer a loan program under this chapter in a particular area 8087
of the state. 8088

(K) "Community development corporation" means a corporation 8089
organized under Chapter 1702. of the Revised Code that consists of 8090
residents of the community and business and civic leaders and that 8091
has as a principal purpose one or more of the following: the 8092
revitalization and development of a low- to moderate-income 8093
neighborhood or community; the creation of jobs for low- to 8094
moderate-income residents; the development of commercial 8095
facilities and services; providing training, technical assistance, 8096
and financial assistance to small businesses; and planning, 8097

developing, or managing low-income housing or other community 8098
development activities. 8099

Sec. 122.751. The minority development financing advisory 8100
board or a regional economic development entity shall only 8101
consider an application for a loan from any applicant after a 8102
determination that the applicant is a community development 8103
corporation, or after a certification by the equal employment 8104
opportunity coordinator of the department of administrative 8105
services under division (B)(1) of section 123.151 of the Revised 8106
Code that the applicant is a minority business enterprise, or 8107
after a certification by the minority business supplier 8108
development council that the applicant is a minority business, and 8109
that the applicant satisfies all criteria regarding eligibility 8110
for assistance pursuant to section 122.76 of the Revised Code. 8111

Sec. 122.76. (A) The director of development, with 8112
controlling board approval, may lend funds to minority business 8113
enterprises and to community improvement corporations, Ohio 8114
development corporations, minority contractors business assistance 8115
organizations, and minority business supplier development councils 8116
for the purpose of loaning funds to minority business enterprises 8117
and for the purpose of procuring or improving real or personal 8118
property, or both, for the establishment, location, or expansion 8119
of industrial, distribution, commercial, or research facilities in 8120
the state, and to community development corporations that 8121
predominantly benefit minority business enterprises or are located 8122
in a census tract that has a population that is sixty per cent or 8123
more minority if the director determines, in the director's sole 8124
discretion, that all of the following apply: 8125

(1) The project is economically sound and will benefit the 8126
people of the state by increasing opportunities for employment, by 8127
strengthening the economy of the state, or expanding minority 8128

business enterprises. 8129

(2) The proposed minority business enterprise borrower is 8130
unable to finance the proposed project through ordinary financial 8131
channels at comparable terms. 8132

(3) The value of the project is or, upon completion, will be 8133
at least equal to the total amount of the money expended in the 8134
procurement or improvement of the project, and one or more 8135
financial institutions or other governmental entities have loaned 8136
not less than thirty per cent of that amount. 8137

(4) The amount to be loaned by the director will not exceed 8138
sixty per cent of the total amount expended in the procurement or 8139
improvement of the project. 8140

(5) The amount to be loaned by the director will be 8141
adequately secured by a first or second mortgage upon the project 8142
or by mortgages, leases, liens, assignments, or pledges on or of 8143
other property or contracts as the director requires, and such 8144
mortgage will not be subordinate to any other liens or mortgages 8145
except the liens securing loans or investments made by financial 8146
institutions referred to in division (A)(3) of this section, and 8147
the liens securing loans previously made by any financial 8148
institution in connection with the procurement or expansion of all 8149
or part of a project. 8150

(B) Any proposed minority business enterprise borrower 8151
submitting an application for assistance under this section shall 8152
not have defaulted on a previous loan from the director, and no 8153
full or limited partner, major shareholder, or holder of an equity 8154
interest of the proposed minority business enterprise borrower 8155
shall have defaulted on a loan from the director. 8156

(C) The proposed minority business enterprise borrower shall 8157
demonstrate to the satisfaction of the director that it is able to 8158
successfully compete in the private sector if it obtains the 8159

necessary financial, technical, or managerial support and that 8160
support is available through the director, the minority business 8161
development office of the department of development, or other 8162
identified and acceptable sources. In determining whether a 8163
minority business enterprise borrower will be able to successfully 8164
compete, the director may give consideration to such factors as 8165
the successful completion of or participation in courses of study, 8166
recognized by the board of regents as providing financial, 8167
technical, or managerial skills related to the operation of the 8168
business, by the economically disadvantaged individual, owner, or 8169
partner, and the prior success of the individual, owner, or 8170
partner in personal, career, or business activities, as well as to 8171
other factors identified by the director. 8172

(D) The director shall not lend funds for the purpose of 8173
procuring or improving motor vehicles or accounts receivable. 8174

Sec. 122.85. (A) As used in this section and in section 8175
5747.66 of the Revised Code: 8176

(1) "Allocated share" means the share of a qualifying 8177
investor's credit amount allocated as described in division (E) of 8178
this section. 8179

(2) "Base investment" means the amount of money invested by a 8180
qualifying investor in a tax credit-eligible production multiplied 8181
by the percentage that anticipated eligible production 8182
expenditures are of the total production budget that is expended, 8183
as determined under division (H) of this section. If the amount 8184
invested is three hundred thousand dollars or less, the base 8185
investment equals zero. 8186

(3) "Certificate owner" means a qualifying investor to which 8187
a tax credit certificate is issued or any other person to which a 8188
credit amount is allocated or transferred under this section. 8189

(4) "Company" means a corporation, partnership, limited liability company, or other form of business association. 8190
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(5) "Eligible production expenditures" means expenditures made in or after 2009 for goods or services consumed in this state, by a motion picture production company directly for the production of a tax credit-eligible production. "Eligible production expenditures" includes, but is not limited to, expenditures for resident and nonresident cast and crew wages and fringe benefits, accommodations, travel, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, the purchase or rental of facilities and equipment, and out-of-state goods purchased or leased and ultimately consumed in full or on a pro rata basis in this state. 8192
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(6) "Qualifying investor" means an individual or a partnership or other pass-through entity, as defined in section 5733.04 of the Revised Code, that invests money in a tax credit-eligible production. 8206
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(7) "Motion picture" means entertainment content created in whole or in part within this state, including feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming; sound recordings, videos, and music videos; interactive television; interactive games; videogames; commercials; infomercials; any format of digital media, including an interactive web site, created for distribution or exhibition to the general public; and any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in either a product or a motion picture by any means and media in any digital media format, film or videotape, provided the motion 8210
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picture qualifies as a motion picture. "Motion picture" does not 8222
include any television program created primarily as news, weather, 8223
or financial market reports, a production featuring current events 8224
or sporting events, an awards show or other gala event, a 8225
production whose sole purpose is fundraising, a long-form 8226
production that primarily markets a product or service, a 8227
production used for corporate training or in-house corporate 8228
advertising or other similar productions, any production for 8229
purposes of political advocacy, or any production for which 8230
records are required to be maintained under 18 U.S.C. 2257 with 8231
respect to sexually explicit content. 8232

(8) "Motion picture production company" means a company 8233
engaged in the business of producing motion pictures, but does not 8234
include any company that is in default on a loan made by the state 8235
or guaranteed by the state or that is owned, affiliated, or 8236
controlled, in whole or in part, by any company or person that is 8237
in default on a loan made by the state or a loan guaranteed by the 8238
state. 8239

(9) "Tax credit-eligible production" means a motion picture 8240
production, investment in which qualifies for tax credits under 8241
section 5747.66 of the Revised Code as certified by the director 8242
of development under division (B) of this section. 8243

(10) "Transfer agent" means a motion picture production 8244
company or another person designated by such a company under 8245
division (G) of this section. 8246

(B) For the purpose of encouraging the development of a 8247
strong capital base for motion picture productions in this state, 8248
the director of development, on or after January 1, 2009, but 8249
before January 1, 2014, may certify a motion picture produced by a 8250
motion picture production company as a tax credit-eligible 8251
production. In the case of a television series, the director may 8252
certify the production of each episode of the series as a separate 8253

tax credit-eligible production. If the director determines that 8254
the production of two or more commercials or videos are related 8255
parts of a distinct advertising, promotional, informational, or 8256
entertainment series or undertaking, the director may certify the 8257
productions as a single tax credit-eligible production for the 8258
purpose of computing the credit amounts under division (D) of this 8259
section. 8260

The director of development shall not certify a motion 8261
picture production as a tax credit-eligible production unless the 8262
motion picture production company and a financially responsible 8263
affiliate of the company formally agree to reimburse this state 8264
for the amount of tax credits allowed and claimed under section 8265
5747.66 of the Revised Code on the basis of expenditures that are 8266
certified under division (H) of this section but thereafter are 8267
determined not to qualify as eligible production expenditures. The 8268
reimbursement shall be in a form and amount acceptable to the 8269
director of development. For the purposes of this division, a 8270
financially responsible affiliate of a motion picture production 8271
company is a person related to the motion picture production 8272
company by direct or indirect ownership or control of a majority 8273
of the capital stock or other equity interests and that the 8274
director of development determines to be financially capable of 8275
reimbursing this state as required by this division. 8276

(C) A motion picture production company shall apply for 8277
certification of a motion picture as a tax credit-eligible 8278
production on a form and in the manner prescribed by the director. 8279
Every application shall include, at a minimum, all of the 8280
following information: 8281

(1) The name, address, and telephone number of the motion 8282
picture production company; 8283

(2) The name and telephone number of the company's contact 8284
person; 8285

<u>(3) A list of the scheduled first preproduction date through</u>	8286
<u>the scheduled last production date in Ohio;</u>	8287
<u>(4) The total production budget of the motion picture;</u>	8288
<u>(5) The amount expended in this state by the company directly</u>	8289
<u>for the production and the percentage that amount is of the total</u>	8290
<u>production budget of the motion picture;</u>	8291
<u>(6) The total percentage of principal photography of the</u>	8292
<u>motion picture being shot in Ohio;</u>	8293
<u>(7) The level of employment of cast and crew who reside in</u>	8294
<u>Ohio;</u>	8295
<u>(8) A synopsis of the script;</u>	8296
<u>(9) A creative elements list that includes the names of the</u>	8297
<u>principal cast and crew, and the producer and director.</u>	8298
<u>(D) Upon application by a qualifying investor, the director</u>	8299
<u>of development shall determine the qualifying investor's base</u>	8300
<u>investment, and shall issue a tax credit certificate to the</u>	8301
<u>qualifying investor. The director shall prescribe the form and</u>	8302
<u>manner of the application; the information or documentation</u>	8303
<u>required to be submitted with the application; and the form and</u>	8304
<u>manner of issuing the certificate. The director shall assign a</u>	8305
<u>unique identifying number to each tax credit certificate and shall</u>	8306
<u>record the certificate in a register devised and maintained by the</u>	8307
<u>director for that purpose. The certificate shall state the amount</u>	8308
<u>of the qualifying investor's base investment and the total amount</u>	8309
<u>of the credit allowed, which shall equal twenty-five per cent of</u>	8310
<u>the qualifying investor's base investment. Not more than one</u>	8311
<u>hundred million dollars in tax credit certificates may be issued</u>	8312
<u>per year, and not more than twenty-five million dollars in tax</u>	8313
<u>credit certificates may be issued per tax credit-eligible</u>	8314
<u>production.</u>	8315

The credit amount shall be determined under this division on 8316
the basis of the base investment and on the basis of the eligible 8317
production expenditures as finally determined under division (H) 8318
of this section. Once the eligible production expenditures are 8319
finally determined under that division, the credit amount is not 8320
subject to adjustment unless the base investment amount is 8321
adjusted or unless an error was committed in the computation of 8322
the credit amount. 8323

(E) If a qualifying investor is a pass-through entity as 8324
defined in section 5733.04 of the Revised Code, the pass-through 8325
entity may allocate the credit amount among persons with an equity 8326
interest in the entity in any proportion or manner provided in the 8327
partnership agreement or other governing instrument of the entity, 8328
notwithstanding any application of the principles of section 704 8329
of the Internal Revenue Code. Upon allocation, the persons to 8330
which the credit is allocated become the certificate owners of 8331
their respective allocated shares of the credit. The pass-through 8332
entity shall certify to the transfer agent the allocated share 8333
allocated to each such person and provide such information as is 8334
necessary to allow the transfer agent to provide the statements 8335
and certifications required under division (G) of this section. 8336

(F) Any certificate owner may transfer to any other person 8337
all or a portion of the credit amount owned by the certificate 8338
owner. Upon transfer, the transferee becomes the certificate owner 8339
of the credit amount transferred. The transferor shall notify the 8340
transfer agent of each transfer made by the transferor in 8341
accordance with rules prescribed by the director of development. 8342
The rules shall require the transferor to provide to the transfer 8343
agent the identity of the transferee and the unique identifying 8344
number assigned to the tax credit certificate that corresponds 8345
with the credit amount transferred. 8346

(G) Each motion picture production company that has a motion 8347

picture production certified as a tax credit-eligible production 8348
shall designate itself or another person as the transfer agent for 8349
the purpose of providing the statements and certifications 8350
required under this division. Upon making the designation, the 8351
motion picture production company shall provide notice of the 8352
designation to each certificate owner of a certificate issued with 8353
respect to investments made in the company's motion picture 8354
production. Before claiming a credit under section 5747.66 of the 8355
Revised Code, a certificate owner shall request from the transfer 8356
agent a statement certifying the certificate owner's share of the 8357
credit amount, and the transfer agent shall provide the statement 8358
to the certificate owner. The statement shall be in a form 8359
prescribed by the director of development. The transfer agent also 8360
shall provide a statement to the tax commissioner showing the 8361
identity of the certificate owner and the certificate owner's 8362
share of the credit amount. The statement shall be in a form 8363
prescribed by the tax commissioner. A tax credit may not be 8364
claimed by a certificate owner unless the transfer agent issues 8365
the statement to the certificate owner. 8366

(H) Each motion picture production company that has a motion 8367
picture production certified as a tax credit-eligible production 8368
shall engage, at the company's expense, an independent certified 8369
public accountant to examine the company's production expenditures 8370
to identify the expenditures that qualify as eligible production 8371
expenditures. The certified public accountant shall issue a report 8372
to the company and to the director of development certifying the 8373
company's eligible production expenditures and any other 8374
information required by the director. Upon receiving and examining 8375
the report, the director may disallow any expenditure the director 8376
determines is not an eligible production expense. If the director 8377
disallows an expenditure, the director, not later than thirty days 8378
after receiving the report, shall issue a written notice to the 8379
motion picture production company stating that the expenditure is 8380

disallowed, the reason for the disallowance, and the manner in 8381
which an appeal of the disallowance may be made. If the director 8382
does not issue the notice within the prescribed time, the eligible 8383
production expenditures certified by the certified public 8384
accountant's report are conclusively determined to be the eligible 8385
production expenditures on the basis of which base investments are 8386
determined and the credit is allowed under section 5747.66 of the 8387
Revised Code. 8388

The company, not later than thirty days after issuance of the 8389
notice, may appeal the disallowance by filing a notice of appeal 8390
with the director. If a notice of appeal is properly and timely 8391
filed, the director shall schedule a hearing on the appeal. The 8392
company shall be given the opportunity to present evidence and 8393
testimony at the hearing regarding the disallowed expenditures. 8394
The hearing may be continued from time to time as necessary. On 8395
the basis of evidence or testimony presented by the company, the 8396
director, within thirty days after the conclusion of the hearing, 8397
may revise or affirm the initial notice of disallowance of 8398
expenditures and issue a final notice to the company stating the 8399
revision or affirmation. The director's final notice is not 8400
appealable. 8401

(I)(1) No credit shall be allowed under section 5747.66 of 8402
the Revised Code on the basis of any expenditure unless the 8403
expenditure has been certified by a certified public accountant 8404
under division (H) of this section and has not been disallowed by 8405
the director of development under that division. 8406

(2) A credit shall not be disallowed under section 5747.66 of 8407
the Revised Code if, after the director of development issues the 8408
final notice under division (H) of this section, it is discovered 8409
that the credit is claimed on the basis of expenditures that do 8410
not qualify as eligible production expenditures but that were 8411
certified as eligible production expenditures by the certified 8412

public accountant and not disallowed by the director. 8413

(J) This state reserves the right to refuse the use of this 8414
state's name in the credits of any tax credit-eligible motion 8415
picture production. 8416

(K) The director of development shall adopt rules for the 8417
administration of this section, including rules governing the 8418
criteria for determining whether a motion picture production is a 8419
tax credit eligible production, which criteria shall be developed 8420
by the director in consultation with the tax commissioner; 8421
expenditures that qualify as eligible production expenditures; the 8422
form and manner of certifications by transfer agents; 8423
reimbursement requirements under division (B) of this section; and 8424
the appeal procedure under division (H) of this section. The rules 8425
shall be adopted under Chapter 119. of the Revised Code. 8426

Sec. 122.89. (A) The director of development may execute 8427
bonds as surety for minority businesses as principals, on 8428
contracts with the state, any political subdivision or 8429
instrumentality thereof, or any person as the obligee. The 8430
director as surety may exercise all the rights and powers of a 8431
company authorized by the department of insurance to execute bonds 8432
as surety but shall not be subject to any requirements of a surety 8433
company under Title XXXIX of the Revised Code nor to any rules of 8434
the department of insurance. 8435

(B) The director, with the advice of the minority development 8436
financing advisory board, shall adopt rules under Chapter 119. of 8437
the Revised Code establishing procedures for application for 8438
surety bonds by minority businesses and for review and approval of 8439
applications. The board shall review each application in 8440
accordance with the rules and, based on the bond worthiness of 8441
each applicant, shall refer all qualified applicants to the 8442
director. Based on the recommendation of the board, the director 8443

shall determine whether or not the applicant shall receive 8444
bonding. 8445

~~(C) The rules of the board shall provide that the minority 8446
business, in order to make an application for a bond to the 8447
director, shall submit documentation, as the director requires, to 8448
demonstrate either that a minority business shall have been denied 8449
a bond by two surety companies or that the minority business has 8450
applied to two surety companies for a bond and, at the expiration 8451
of sixty days after making the application, has neither received 8452
nor been denied a bond. 8453~~

~~(D)~~ The rules of the board shall require the minority 8454
business to pay a premium in advance for the bond to be 8455
established by the director, with the advice of the board after 8456
the director receives advice from the superintendent of insurance 8457
regarding the standard market rates for premiums for similar 8458
bonds. All premiums paid by minority businesses shall be paid into 8459
the minority business bonding program administrative and loss 8460
reserve fund. 8461

~~(E)~~(D) The rules of the board shall provide for a retainage 8462
of money paid to the minority business of fifteen per cent for a 8463
contract valued at more than fifty thousand dollars and for a 8464
retainage of twelve per cent for a contract valued at fifty 8465
thousand dollars or less. 8466

(E) The penal sum amounts of all outstanding bonds issued by 8467
the director shall not exceed the amount of moneys in the minority 8468
business bonding fund and available to the fund under division (B) 8469
of section 169.05 of the Revised Code. 8470

(F) The superintendent of insurance shall provide such 8471
technical and professional assistance as is considered necessary 8472
by the director, including providing advice regarding the standard 8473
market rates for bond premiums as described under division ~~(D)~~(C) 8474

of this section. 8475

(G) Notwithstanding any provision of the Revised Code to the 8476
contrary, a minority business may bid or enter into a contract 8477
with the state or with any instrumentality of the state without 8478
being required to provide a bond as follows: 8479

(1) For each first contract that a minority business enters 8480
into with the state or with any particular instrumentality of the 8481
state, the minority business may bid or enter into a contract 8482
valued at twenty-five thousand dollars or less without being 8483
required to provide a bond; 8484

(2) For each second contract that a minority business enters 8485
into with the state or with any particular instrumentality of the 8486
state, the minority business may bid or enter into a contract 8487
valued at fifty thousand dollars or less without being required to 8488
provide a bond; 8489

(3) For each third contract that a minority business enters 8490
into with the state or with any particular instrumentality of the 8491
state, the minority business may bid or enter into a contract 8492
valued at one hundred thousand dollars or less without being 8493
required to provide a bond; 8494

(4) For each fourth contract that a minority business enters 8495
into with the state or with any particular instrumentality of the 8496
state, the minority business may bid or enter into a contract 8497
valued at three hundred thousand dollars or less without being 8498
required to provide a bond; 8499

(5) For each fifth or subsequent contract that a minority 8500
business enters into with the state or with any particular 8501
instrumentality of the state, the minority business may bid or 8502
enter into a contract valued at six hundred thousand dollars or 8503
less without being required to provide a bond. 8504

(H) Notwithstanding any provision of the Revised Code to the 8505

contrary and except as provided in division (I) of this section, a 8506
minority business may bid or enter into a contract with any 8507
political subdivision of the state or with any instrumentality of 8508
a political subdivision without being required to provide a bond 8509
as follows: 8510

(1) For each first contract that a minority business enters 8511
into with any particular political subdivision of the state or 8512
with any particular instrumentality of a political subdivision, 8513
the minority business may bid or enter into a contract valued at 8514
twenty-five thousand dollars or less without being required to 8515
provide a bond; 8516

(2) For each second contract that a minority business enters 8517
into with any particular political subdivision of the state or 8518
with any particular instrumentality of a political subdivision, 8519
the minority business may bid or enter into a contract valued at 8520
fifty thousand dollars or less without being required to provide a 8521
bond; 8522

(3) For each third contract that a minority business enters 8523
into with any particular political subdivision of the state or 8524
with any particular instrumentality of a political subdivision, 8525
the minority business may bid or enter into a contract valued at 8526
one hundred thousand dollars or less without being required to 8527
provide a bond; 8528

(4) For each fourth contract that a minority business enters 8529
into with any particular political subdivision of the state or 8530
with any particular instrumentality of a political subdivision, 8531
the minority business may bid or enter into a contract valued at 8532
three hundred thousand dollars or less without being required to 8533
provide a bond; 8534

(5) For each fifth or subsequent contract that a minority 8535
business enters into with any particular political subdivision of 8536

the state or with any particular instrumentality of a political 8537
subdivision, the minority business may bid or enter into a 8538
contract valued at six hundred thousand dollars or less without 8539
being required to provide a bond. 8540

(I) Notwithstanding any provision of the Revised Code to the 8541
contrary, if a minority business has entered into two or more 8542
contracts with the state or with any instrumentality of the state, 8543
the minority business may bid or enter into a contract with a 8544
political subdivision of the state or with any instrumentality of 8545
a political subdivision valued at the level at which the minority 8546
business would qualify if entering into an additional contract 8547
with the state. 8548

Sec. 122.94. The director of the department of development 8549
shall: 8550

(A) Promulgate rules in accordance with Chapter 119. of the 8551
Revised Code for the conduct of the minority business development 8552
division's business and for carrying out the purposes of sections 8553
122.92 to 122.94 of the Revised Code; 8554

(B) Prepare an annual report to the governor and the general 8555
assembly on or before the first day of February of its activities 8556
for the preceding calendar year. ~~In addition to the submissions~~ 8557
~~required by section 101.68 of the Revised Code, the director shall~~ 8558
~~submit copies of the annual report to the chairmen of the standing~~ 8559
~~committees of the senate and house of representatives having~~ 8560
~~jurisdiction over individuals, small businesses, and small~~ 8561
~~organizations, as those terms are defined in section 121.24 of the~~ 8562
~~Revised Code.~~ 8563

Sec. 123.01. (A) The department of administrative services, 8564
in addition to those powers enumerated in Chapters 124. and 125. 8565
of the Revised Code and provided elsewhere by law, shall exercise 8566

the following powers: 8567

(1) To prepare, or contract to be prepared, by licensed 8568
engineers or architects, surveys, general and detailed plans, 8569
specifications, bills of materials, and estimates of cost for any 8570
projects, improvements, or public buildings to be constructed by 8571
state agencies that may be authorized by legislative 8572
appropriations or any other funds made available therefor, 8573
provided that the construction of the projects, improvements, or 8574
public buildings is a statutory duty of the department. This 8575
section does not require the independent employment of an 8576
architect or engineer as provided by section 153.01 of the Revised 8577
Code in the cases to which that section applies nor affect or 8578
alter the existing powers of the director of transportation. 8579

(2) To have general supervision over the construction of any 8580
projects, improvements, or public buildings constructed for a 8581
state agency and over the inspection of materials previous to 8582
their incorporation into those projects, improvements, or 8583
buildings; 8584

(3) To make contracts for and supervise the construction of 8585
any projects and improvements or the construction and repair of 8586
buildings under the control of a state agency, except contracts 8587
for the repair of buildings under the management and control of 8588
the departments of public safety, job and family services, mental 8589
health, mental retardation and developmental disabilities, 8590
rehabilitation and correction, and youth services, the bureau of 8591
workers' compensation, the rehabilitation services commission, and 8592
boards of trustees of educational and benevolent institutions and 8593
except contracts for the construction of projects that do not 8594
require the issuance of a building permit or the issuance of a 8595
certificate of occupancy and that are necessary to remediate 8596
conditions at a hazardous waste facility, solid waste facility, or 8597
other location at which the director of environmental protection 8598

has reason to believe there is a substantial threat to public 8599
health or safety or the environment. These contracts shall be made 8600
and entered into by the directors of public safety, job and family 8601
services, mental health, mental retardation and developmental 8602
disabilities, rehabilitation and correction, and youth services, 8603
the administrator of workers' compensation, the rehabilitation 8604
services commission, the boards of trustees of such institutions, 8605
and the director of environmental protection, respectively. All 8606
such contracts may be in whole or in part on unit price basis of 8607
maximum estimated cost, with payment computed and made upon actual 8608
quantities or units. 8609

(4) To prepare and suggest comprehensive plans for the 8610
development of grounds and buildings under the control of a state 8611
agency; 8612

(5) To acquire, by purchase, gift, devise, lease, or grant, 8613
all real estate required by a state agency, in the exercise of 8614
which power the department may exercise the power of eminent 8615
domain, in the manner provided by sections 163.01 to 163.22 of the 8616
Revised Code; 8617

(6) To make and provide all plans, specifications, and models 8618
for the construction and perfection of all systems of sewerage, 8619
drainage, and plumbing for the state in connection with buildings 8620
and grounds under the control of a state agency; 8621

(7) To erect, supervise, and maintain all public monuments 8622
and memorials erected by the state, except where the supervision 8623
and maintenance is otherwise provided by law; 8624

(8) To procure, by lease, storage accommodations for a state 8625
agency; 8626

(9) To lease or grant easements or licenses for unproductive 8627
and unused lands or other property under the control of a state 8628
agency. Such leases, easements, or licenses shall be granted for a 8629

period not to exceed fifteen years and shall be executed for the 8630
state by the director of administrative services and the governor 8631
and shall be approved as to form by the attorney general, provided 8632
that leases, easements, or licenses may be granted to any county, 8633
township, municipal corporation, port authority, water or sewer 8634
district, school district, library district, health district, park 8635
district, soil and water conservation district, conservancy 8636
district, or other political subdivision or taxing district, or 8637
any agency of the United States government, for the exclusive use 8638
of that agency, political subdivision, or taxing district, without 8639
any right of sublease or assignment, for a period not to exceed 8640
fifteen years, and provided that the director shall grant leases, 8641
easements, or licenses of university land for periods not to 8642
exceed twenty-five years for purposes approved by the respective 8643
university's board of trustees wherein the uses are compatible 8644
with the uses and needs of the university and may grant leases of 8645
university land for periods not to exceed forty years for purposes 8646
approved by the respective university's board of trustees pursuant 8647
to section 123.77 of the Revised Code. 8648

(10) To lease ~~office space in buildings~~ for the use of a 8649
state agency; 8650

(11) To have general supervision and care of the storerooms, 8651
offices, and buildings leased for the use of a state agency; 8652

(12) To exercise general custodial care of all real property 8653
of the state; 8654

(13) To assign and group together state offices in any city 8655
in the state and to establish, in cooperation with the state 8656
agencies involved, rules governing space requirements for office 8657
or storage use; 8658

(14) To lease for a period not to exceed forty years, 8659
pursuant to a contract providing for the construction thereof 8660

under a lease-purchase plan, buildings, structures, and other 8661
improvements for any public purpose, and, in conjunction 8662
therewith, to grant leases, easements, or licenses for lands under 8663
the control of a state agency for a period not to exceed forty 8664
years. The lease-purchase plan shall provide that at the end of 8665
the lease period, the buildings, structures, and related 8666
improvements, together with the land on which they are situated, 8667
shall become the property of the state without cost. 8668

(a) Whenever any building, structure, or other improvement is 8669
to be so leased by a state agency, the department shall retain 8670
either basic plans, specifications, bills of materials, and 8671
estimates of cost with sufficient detail to afford bidders all 8672
needed information or, alternatively, all of the following plans, 8673
details, bills of materials, and specifications: 8674

(i) Full and accurate plans suitable for the use of mechanics 8675
and other builders in the improvement; 8676

(ii) Details to scale and full sized, so drawn and 8677
represented as to be easily understood; 8678

(iii) Accurate bills showing the exact quantity of different 8679
kinds of material necessary to the construction; 8680

(iv) Definite and complete specifications of the work to be 8681
performed, together with such directions as will enable a 8682
competent mechanic or other builder to carry them out and afford 8683
bidders all needed information; 8684

(v) A full and accurate estimate of each item of expense and 8685
of the aggregate cost thereof. 8686

(b) The department shall give public notice, in such 8687
newspaper, in such form, and with such phraseology as the director 8688
of administrative services prescribes, published once each week 8689
for four consecutive weeks, of the time when and place where bids 8690
will be received for entering into an agreement to lease to a 8691

state agency a building, structure, or other improvement. The last 8692
publication shall be at least eight days preceding the day for 8693
opening the bids. The bids shall contain the terms upon which the 8694
builder would propose to lease the building, structure, or other 8695
improvement to the state agency. The form of the bid approved by 8696
the department shall be used, and a bid is invalid and shall not 8697
be considered unless that form is used without change, alteration, 8698
or addition. Before submitting bids pursuant to this section, any 8699
builder shall comply with Chapter 153. of the Revised Code. 8700

(c) On the day and at the place named for receiving bids for 8701
entering into lease agreements with a state agency, the director 8702
of administrative services shall open the bids and shall publicly 8703
proceed immediately to tabulate the bids upon duplicate sheets. No 8704
lease agreement shall be entered into until the bureau of workers' 8705
compensation has certified that the person to be awarded the lease 8706
agreement has complied with Chapter 4123. of the Revised Code, 8707
until, if the builder submitting the lowest and best bid is a 8708
foreign corporation, the secretary of state has certified that the 8709
corporation is authorized to do business in this state, until, if 8710
the builder submitting the lowest and best bid is a person 8711
nonresident of this state, the person has filed with the secretary 8712
of state a power of attorney designating the secretary of state as 8713
its agent for the purpose of accepting service of summons in any 8714
action brought under Chapter 4123. of the Revised Code, and until 8715
the agreement is submitted to the attorney general and the 8716
attorney general's approval is certified thereon. Within thirty 8717
days after the day on which the bids are received, the department 8718
shall investigate the bids received and shall determine that the 8719
bureau and the secretary of state have made the certifications 8720
required by this section of the builder who has submitted the 8721
lowest and best bid. Within ten days of the completion of the 8722
investigation of the bids, the department shall award the lease 8723
agreement to the builder who has submitted the lowest and best bid 8724

and who has been certified by the bureau and secretary of state as 8725
required by this section. If bidding for the lease agreement has 8726
been conducted upon the basis of basic plans, specifications, 8727
bills of materials, and estimates of costs, upon the award to the 8728
builder the department, or the builder with the approval of the 8729
department, shall appoint an architect or engineer licensed in 8730
this state to prepare such further detailed plans, specifications, 8731
and bills of materials as are required to construct the building, 8732
structure, or improvement. The department shall adopt such rules 8733
as are necessary to give effect to this section. The department 8734
may reject any bid. Where there is reason to believe there is 8735
collusion or combination among bidders, the bids of those 8736
concerned therein shall be rejected. 8737

(15) To acquire by purchase, gift, devise, or grant and to 8738
transfer, lease, or otherwise dispose of all real property 8739
required to assist in the development of a conversion facility as 8740
defined in section 5709.30 of the Revised Code as that section 8741
existed before its repeal by Amended Substitute House Bill 95 of 8742
the 125th general assembly; 8743

(16) To lease for a period not to exceed forty years, 8744
notwithstanding any other division of this section, the 8745
state-owned property located at 408-450 East Town Street, 8746
Columbus, Ohio, formerly the state school for the deaf, to a 8747
developer in accordance with this section. "Developer," as used in 8748
this section, has the same meaning as in section 123.77 of the 8749
Revised Code. 8750

Such a lease shall be for the purpose of development of the 8751
land for use by senior citizens by constructing, altering, 8752
renovating, repairing, expanding, and improving the site as it 8753
existed on June 25, 1982. A developer desiring to lease the land 8754
shall prepare for submission to the department a plan for 8755
development. Plans shall include provisions for roads, sewers, 8756

water lines, waste disposal, water supply, and similar matters to 8757
meet the requirements of state and local laws. The plans shall 8758
also include provision for protection of the property by insurance 8759
or otherwise, and plans for financing the development, and shall 8760
set forth details of the developer's financial responsibility. 8761

The department may employ, as employees or consultants, 8762
persons needed to assist in reviewing the development plans. Those 8763
persons may include attorneys, financial experts, engineers, and 8764
other necessary experts. The department shall review the 8765
development plans and may enter into a lease if it finds all of 8766
the following: 8767

(a) The best interests of the state will be promoted by 8768
entering into a lease with the developer; 8769

(b) The development plans are satisfactory; 8770

(c) The developer has established the developer's financial 8771
responsibility and satisfactory plans for financing the 8772
development. 8773

The lease shall contain a provision that construction or 8774
renovation of the buildings, roads, structures, and other 8775
necessary facilities shall begin within one year after the date of 8776
the lease and shall proceed according to a schedule agreed to 8777
between the department and the developer or the lease will be 8778
terminated. The lease shall contain such conditions and 8779
stipulations as the director considers necessary to preserve the 8780
best interest of the state. Moneys received by the state pursuant 8781
to this lease shall be paid into the general revenue fund. The 8782
lease shall provide that at the end of the lease period the 8783
buildings, structures, and related improvements shall become the 8784
property of the state without cost. 8785

~~(17) To lease to any person any tract of land owned by the 8786
state and under the control of the department, or any part of such 8787~~

~~a tract, for the purpose of drilling for or the pooling of oil or 8788
gas. Such a lease shall be granted for a period not exceeding 8789
forty years, with the full power to contract for, determine the 8790
conditions governing, and specify the amount the state shall 8791
receive for the purposes specified in the lease, and shall be 8792
prepared as in other cases. 8793~~

~~(18) To manage the use of space owned and controlled by the 8794
department, including space in property under the jurisdiction of 8795
the Ohio building authority, by doing all of the following: 8796~~

~~(a) Biennially implementing, by state agency location, a 8797
census of agency employees assigned space; 8798~~

~~(b) Periodically in the discretion of the director of 8799
administrative services: 8800~~

~~(i) Requiring each state agency to categorize the use of 8801
space allotted to the agency between office space, common areas, 8802
storage space, and other uses, and to report its findings to the 8803
department; 8804~~

~~(ii) Creating and updating a master space utilization plan 8805
for all space allotted to state agencies. The plan shall 8806
incorporate space utilization metrics. 8807~~

~~(iii) Conducting a cost-benefit analysis to determine the 8808
effectiveness of state-owned buildings; 8809~~

~~(iv) Assessing the alternatives associated with consolidating 8810
the commercial leases for buildings located in Columbus. 8811~~

~~(c) Commissioning a comprehensive space utilization and 8812
capacity study in order to determine the feasibility of 8813
consolidating existing commercially leased space used by state 8814
agencies into a new state-owned facility. 8815~~

~~(B) This section and section 125.02 of the Revised Code shall 8816
not interfere with any of the following: 8817~~

(1) The power of the adjutant general to purchase military 8818
supplies, or with the custody of the adjutant general of property 8819
leased, purchased, or constructed by the state and used for 8820
military purposes, or with the functions of the adjutant general 8821
as director of state armories; 8822

(2) The power of the director of transportation in acquiring 8823
rights-of-way for the state highway system, or the leasing of 8824
lands for division or resident district offices, or the leasing of 8825
lands or buildings required in the maintenance operations of the 8826
department of transportation, or the purchase of real property for 8827
garage sites or division or resident district offices, or in 8828
preparing plans and specifications for and constructing such 8829
buildings as the director may require in the administration of the 8830
department; 8831

(3) The power of the director of public safety and the 8832
registrar of motor vehicles to purchase or lease real property and 8833
buildings to be used solely as locations to which a deputy 8834
registrar is assigned pursuant to division (B) of section 4507.011 8835
of the Revised Code and from which the deputy registrar is to 8836
conduct the deputy registrar's business, the power of the director 8837
of public safety to purchase or lease real property and buildings 8838
to be used as locations for division or district offices as 8839
required in the maintenance of operations of the department of 8840
public safety, and the power of the superintendent of the state 8841
highway patrol in the purchase or leasing of real property and 8842
buildings needed by the patrol, to negotiate the sale of real 8843
property owned by the patrol, to rent or lease real property owned 8844
or leased by the patrol, and to make or cause to be made repairs 8845
to all property owned or under the control of the patrol; 8846

(4) The power of the division of liquor control in the 8847
leasing or purchasing of retail outlets and warehouse facilities 8848
for the use of the division; 8849

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

(6) The power of the director of environmental protection to enter into environmental covenants, to grant and accept easements, or to sell property pursuant to division (G) of section 3745.01 of the Revised Code.

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

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

Sec. 124.03. (A) The state personnel board of review shall exercise the following powers and perform the following duties:

(1) Hear appeals, as provided by law, of employees in the classified state service from final decisions of appointing authorities or the director of administrative services relative to reduction in pay or position, job abolishments, layoff, suspension, discharge, assignment or reassignment to a new or different position classification, or refusal of the director, or anybody authorized to perform the director's functions, to

reassign an employee to another classification or to reclassify 8881
the employee's position with or without a job audit under division 8882
(D) of section 124.14 of the Revised Code. As used in this 8883
division, "discharge" includes disability separations. 8884

The state personnel board of review may affirm, disaffirm, or 8885
modify the decisions of the appointing authorities or the 8886
director, as the case may be, and its decision is final. The 8887
~~board's~~ decisions of the state personnel board of review shall be 8888
consistent with the applicable classification specifications. 8889

The state personnel board of review shall not be deprived of 8890
jurisdiction to hear any appeal due to the failure of an 8891
appointing authority to file its decision with the board. Any 8892
final decision of an appointing authority or of the director not 8893
filed in the manner provided in this chapter shall be disaffirmed. 8894

The state personnel board of review may place an exempt 8895
employee, as defined in section 124.152 of the Revised Code, into 8896
a bargaining unit classification, if the state personnel board of 8897
review determines that the bargaining unit classification is the 8898
proper classification for that employee. Notwithstanding Chapter 8899
4117. of the Revised Code or instruments and contracts negotiated 8900
under it, such placements are at the ~~board's~~ discretion of the 8901
state personnel board of review. 8902

The mere failure of an employee's appointing authority to 8903
file a statement with the department of administrative services 8904
indicating that the employee is in the unclassified civil service, 8905
or the mere late filing of such a statement, does not prevent the 8906
state personnel board of review from determining that the employee 8907
is in the unclassified civil service. In determining whether an 8908
employee is in the unclassified civil service, the state personnel 8909
board of review shall consider the inherent nature of the duties 8910
of the employee's classification during the two-year period 8911
immediately preceding the appointing authority's appealable action 8912

relating to the employee. 8913

In any hearing before the state personnel board of review, 8914
including any hearing at which a record is taken that may be the 8915
basis of an appeal to a court, an employee may be represented by a 8916
person permitted to practice before the state personnel board of 8917
review who is not an attorney at law as long as the person does 8918
not receive any compensation from the employee for the 8919
representation. 8920

(2) Hear appeals, as provided by law, of appointing 8921
authorities from final decisions of the director relative to the 8922
classification or reclassification of any position in the 8923
classified state service under the jurisdiction of that appointing 8924
authority. The state personnel board of review may affirm, 8925
disaffirm, or modify the decisions of the director, and its 8926
decision is final. The ~~board's~~ decisions of the state personnel 8927
board of review shall be consistent with the applicable 8928
classification specifications. 8929

(3) Exercise the authority provided by section 124.40 of the 8930
Revised Code, for appointment, removal, and supervision of 8931
municipal and civil service township civil service commissions; 8932

(4) ~~Appoint a secretary, referees, examiners, and whatever~~ 8933
~~other~~ Utilize employees are necessary provided by the state 8934
employment relations board in the exercise of ~~its~~ the powers and 8935
performance of ~~its~~ the duties and functions. ~~The~~ of the state 8936
personnel board shall determine appropriate education and 8937
~~experience requirements for its secretary, referees, examiners,~~ 8938
~~and other employees and shall prescribe their duties. A referee or~~ 8939
~~examiner does not need to have been admitted to the practice of~~ 8940
~~law.~~ of review under this chapter; 8941

(5) Maintain a journal that shall be open to public 8942
inspection, in which it shall keep a record of all of its 8943

proceedings and of the vote of each of its members upon every 8944
action taken by it; 8945

(6) Adopt rules in accordance with Chapter 119. of the 8946
Revised Code relating to the procedure of the state personnel 8947
board of review in administering the laws it has the authority or 8948
duty to administer and for the purpose of invoking the 8949
jurisdiction of the state personnel board of review in hearing 8950
appeals of appointing authorities and employees in matters set 8951
forth in divisions (A)(1) and (2) of this section; 8952

(7) Subpoena and require the attendance and testimony of 8953
witnesses and the production of books, papers, public records, and 8954
other documentary evidence pertinent to any matter it has 8955
authority to investigate, inquire into, or hear in the same manner 8956
and to the same extent as provided by division (G) of section 8957
124.09 of the Revised Code. All witness fees shall be paid in the 8958
manner set forth in that division. 8959

(B) The state personnel board of review shall exist as a 8960
separate entity within the administrative structure of the state 8961
employment relations board. 8962

(C) The state personnel board of review shall be funded by 8963
general revenue fund appropriations. All moneys received by the 8964
state personnel board of review for copies of documents, rule 8965
books, and transcriptions shall be paid into the state treasury to 8966
the credit of the ~~transcript and other documents training,~~ 8967
~~publications, and grants~~ fund, ~~which is hereby created to defray~~ 8968
~~the cost of producing an administrative record in section 4117.24~~ 8969
of the Revised Code. 8970

Sec. 124.04. In addition to those powers enumerated in 8971
Chapters 123. and 125. of the Revised Code and as provided 8972
elsewhere by law, the powers, duties, and functions of the 8973
department of administrative services not specifically vested in 8974

and assigned to, or to be performed by, the state personnel board 8975
of review are hereby vested in and assigned to, and shall be 8976
performed by, the director of administrative services. These 8977
powers, duties, and functions shall include, but shall not be 8978
limited to, the following powers, duties, and functions: 8979

(A) To prepare, conduct, and grade all competitive 8980
examinations for positions in the classified state service; 8981

(B) To prepare, conduct, and grade all noncompetitive 8982
examinations for positions in the classified state service; 8983

(C) To prepare eligible lists containing the names of persons 8984
qualified for appointment to positions in the classified state 8985
service; 8986

(D) To prepare or amend, in accordance with section 124.14 of 8987
the Revised Code, specifications descriptive of duties, 8988
responsibilities, requirements, and desirable qualifications of 8989
the various classifications of positions in the state service; 8990

(E) To allocate and reallocate, upon the motion of the 8991
director or upon request of an appointing authority and in 8992
accordance with section 124.14 of the Revised Code, any position, 8993
office, or employment in the state service to the appropriate 8994
classification on the basis of the duties, responsibilities, 8995
requirements, and qualifications of that position, office, or 8996
employment; 8997

(F) To develop and conduct personnel recruitment services for 8998
positions in the state service; 8999

(G) To conduct research on specifications, classifications, 9000
and salaries of positions in the state service; 9001

(H) To develop and conduct personnel training programs, 9002
including supervisory training programs and best practices plans, 9003
and to develop merit hiring processes, in cooperation with 9004

appointing authorities;	9005
(I) To include periodically in communications sent to state employees both of the following:	9006 9007
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	9008 9009 9010
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	9011 9012 9013
(J) To enter into agreements with universities and colleges for in-service training of officers and employees in the civil service and to assist appointing authorities in recruiting qualified applicants;	9014 9015 9016 9017
(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees;	9018 9019 9020 9021 9022
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications;	9023 9024 9025 9026 9027 9028 9029
(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary;	9030 9031 9032 9033
(N) To delegate any of the powers, functions, or duties	9034

granted or assigned to the director under this chapter to any 9035
political subdivision with the concurrence of the legislative 9036
authority of the political subdivision. 9037

(O) To administer a state equal employment opportunity 9038
program. 9039

(P) To develop customer service performance standards for 9040
officers and employees of state agencies under section 124.95 of 9041
the Revised Code. 9042

Sec. 124.07. (A) The director of administrative services 9043
shall appoint examiners, inspectors, clerks, and other assistants 9044
as necessary to carry out sections 124.01 to 124.64 of the Revised 9045
Code. The director may designate persons in or out of the service 9046
of the state to serve as examiners or assistants under the 9047
director's direction. An examiner or assistant shall receive the 9048
compensation for each day actually and necessarily spent in the 9049
discharge of duties as an examiner or assistant that the director 9050
determines; provided that, if the examiner or assistant is in the 9051
service of the state or any political subdivision of the state, it 9052
shall be a part of the examiner's or assistant's official duties 9053
to render those services in connection with an examination without 9054
extra compensation. 9055

(B) Each state agency shall pay the cost of the services and 9056
facilities furnished to it by the department of administrative 9057
services that are necessary to provide and maintain payroll 9058
services as prescribed in section 125.21 of the Revised Code and 9059
state merit standards as prescribed in sections 124.01 to 124.64 9060
of the Revised Code for the agency. If a state-supported college 9061
or university or a municipal corporation chooses to use the 9062
services and facilities furnished by the department that are 9063
necessary to provide and maintain the services and standards so 9064
prescribed, the state-supported college or university or municipal 9065

corporation shall pay the cost of the services and facilities that 9066
the department furnishes to it. The charges against a state 9067
agency, a state-supported college or university, or a municipal 9068
corporation shall be computed on a reasonable cost basis in 9069
accordance with procedures prescribed by the director of budget 9070
and management. Any moneys the department receives from a state 9071
agency, a state-supported college or university, or a municipal 9072
corporation under this division that are in excess of the amount 9073
necessary to pay the cost of furnishing the department's services 9074
and facilities during any fiscal year shall be either refunded to 9075
or credited for the ensuing fiscal year to the state agency, the 9076
state-supported college or university, or the municipal 9077
corporation. 9078

(C) The director of administrative services may enter into an 9079
agreement with any county, municipal corporation, or other 9080
political subdivision to furnish services and facilities of the 9081
department in the administration of a merit program or other 9082
functions related to human resources that include, but are not 9083
limited to, providing competitive examinations for positions in 9084
the classified service. The agreement shall provide that the 9085
department shall be reimbursed for the reasonable costs of those 9086
services and facilities as determined by the director. 9087

(D) All moneys received by the department as reimbursement 9088
for ~~payroll~~, a merit program, or other human resources services 9089
performed and facilities furnished under this section, such as 9090
competitive examinations administered, shall be paid into the 9091
state treasury to the credit of the human resources services fund, 9092
which is hereby created. 9093

(E) In counties of the state in which are located cities 9094
having municipal civil service commissions, the director of 9095
administrative services may designate the municipal civil service 9096
commission of the largest city within the county as the director's 9097

agent for the purpose of carrying out the provisions of sections 9098
124.01 to 124.64 of the Revised Code, within the county, that the 9099
director designates. Each municipal civil service commission 9100
designated as an agent of the director shall render to the 9101
director, at the end of each month, an itemized statement of the 9102
cost incurred by the commission for work done as the agent of the 9103
director, and the director, after approving that statement, shall 9104
pay the total amount of it to the treasurer of the municipal 9105
corporation in the same manner as other expenses of the department 9106
of administrative services. 9107

(F) The director of administrative services and the 9108
examiners, inspectors, clerks, and assistants referred to in this 9109
section shall receive, in addition to their salaries, 9110
reimbursement for necessary traveling and other expenses incurred 9111
in the actual discharge of their official duties. The director may 9112
also incur the necessary expenses for stationery, printing, and 9113
other supplies incident to the business of the department. 9114

Sec. 124.134. (A) Each full-time permanent state employee 9115
paid in accordance with section 124.152 of the Revised Code and 9116
those employees listed in divisions (B)(2) and (4) of section 9117
124.14 of the Revised Code, ~~after service of one year, shall have~~ 9118
~~earned and will be due upon the attainment of the first year of~~ 9119
~~employment, and annually thereafter, eighty hours of vacation~~ 9120
~~leave with full pay. One year of service shall be computed on the~~ 9121
~~basis of twenty six biweekly pay periods. A full-time permanent~~ 9122
~~state employee with five or more years of service shall have~~ 9123
~~earned and is entitled to one hundred twenty hours of vacation~~ 9124
~~leave with full pay. A full-time permanent state employee with ten~~ 9125
~~or more years of service shall have earned and is entitled to one~~ 9126
~~hundred sixty hours of vacation leave with full pay. A full-time~~ 9127
~~permanent state employee with fifteen or more years of service~~ 9128
~~shall have earned and is entitled to one hundred eighty hours of~~ 9129

~~vacation leave with full pay. A full time permanent state employee 9130
with twenty or more years of service shall have earned and is 9131
entitled to two hundred hours of vacation leave with full pay. A 9132
full time permanent state employee with twenty five or more years 9133
of service shall have earned and is entitled to two hundred forty 9134
hours of vacation leave with full pay. Such vacation leave shall 9135
accrue to the employee at the rate of three and one tenth hours 9136
each biweekly period for those entitled to eighty hours per year; 9137
four and six tenths hours each biweekly period for those entitled 9138
to one hundred twenty hours per year; six and two tenths hours 9139
each biweekly period for those entitled to one hundred sixty hours 9140
per year; six and nine tenths hours each biweekly period for those 9141
entitled to one hundred eighty hours per year; seven and 9142
seven tenths hours each biweekly period for those entitled to two 9143
hundred hours per year; and nine and two tenths hours each 9144
biweekly period for those entitled to two hundred forty hours per 9145
year shall be credited with vacation leave with full pay according 9146
to length of service and accruing at a corresponding rate per 9147
biweekly pay period, as follows: 9148~~

<u>Length of Service</u>	<u>Accrual Rate Per Pay Period</u>	9149
<u>Less than 4 years</u>	<u>3.1 hours</u>	9150
<u>4 but less than 9 years</u>	<u>4.6 hours</u>	9151
<u>9 but less than 14 years</u>	<u>6.2 hours</u>	9152
<u>14 but less than 19 years</u>	<u>6.9 hours</u>	9153
<u>19 but less than 24 years</u>	<u>7.7 hours</u>	9154
<u>24 years or more</u>	<u>9.2 hours</u>	9155

Fifty-two weeks equal one year of service. 9156

The amount of an employee's service shall be determined in 9157
accordance with the standard specified in section 9.44 of the 9158
Revised Code. Credit for prior service, including an increased 9159
vacation accrual rate and longevity supplement, shall take effect 9160
during the first pay period that begins immediately following the 9161

date the director of administrative services approves granting 9162
credit for that prior service. No employee, other than an employee 9163
who submits proof of prior service within ninety days after the 9164
date of the employee's hiring, shall receive any amount of 9165
vacation leave for the period prior to the date of the director's 9166
approval of the grant of credit for prior service. 9167

Part-time permanent employees who are paid in accordance with 9168
section 124.152 of the Revised Code and full-time permanent 9169
employees subject to this section who are in active pay status for 9170
less than eighty hours in a pay period shall earn vacation leave 9171
on a prorated basis. The ratio between the hours worked and the 9172
vacation hours earned by these classes of employees shall be the 9173
same as the ratio between the hours worked and the vacation hours 9174
earned by a full-time permanent employee with the same amount of 9175
service as provided for in this section. 9176

Vacation leave is not available for use until it appears on 9177
the employee's earning statement and the compensation described in 9178
the earning statement is available to the employee. An employee 9179
may begin using accrued vacation leave upon completion of the 9180
employee's initial probation period. 9181

(B) Employees granted leave under this section shall forfeit 9182
their right to take or to be paid for any vacation leave to their 9183
credit which is in excess of the accrual for three years. Any 9184
excess leave shall be eliminated from the employees' leave 9185
balance. If an employee's vacation leave credit is at, or will 9186
reach in the immediately following pay period, the maximum of the 9187
accrual for three years and the employee has been denied the use 9188
of vacation leave during the immediately preceding twelve months, 9189
the employee, at the employee's request, shall be paid in a pay 9190
period for the vacation leave the employee was denied, up to the 9191
maximum amount the employee would be entitled to be paid for in 9192
any pay period. An employee is not entitled to receive payment for 9193

vacation leave denied in any pay period in which the employee's 9194
vacation leave credit is not at, or will not reach in the 9195
immediately following pay period, the maximum of accrual for three 9196
years. Any vacation leave for which an employee receives payment 9197
shall be deducted from the employee's vacation leave balance. 9198
Payment shall not be made for any leave accrued in the same 9199
calendar year in which the payment is made. 9200

(C) Upon separation from state service, an employee granted 9201
leave under this section is entitled to compensation at the 9202
employee's current rate of pay for all unused vacation leave 9203
accrued under this section or section 124.13 of the Revised Code 9204
to the employee's credit. In case of transfer of an employee from 9205
one state agency to another, the employee shall retain the accrued 9206
and unused vacation leave. In case of the death of an employee, 9207
the unused vacation leave shall be paid in accordance with section 9208
2113.04 of the Revised Code, or to the employee's estate. An 9209
employee serving in a temporary work level who is eligible to 9210
receive compensation under this division shall be compensated at 9211
the base rate of pay of the employee's normal classification. 9212

Sec. 124.14. (A)(1) The director of administrative services 9213
shall establish, and may modify or rescind, by rule, a job 9214
classification plan for all positions, offices, and employments 9215
the salaries of which are paid in whole or in part by the state. 9216
The director shall group jobs within a classification so that the 9217
positions are similar enough in duties and responsibilities to be 9218
described by the same title, to have the same pay assigned with 9219
equity, and to have the same qualifications for selection applied. 9220
The director shall, by rule, assign a classification title to each 9221
classification within the classification plan. However, the 9222
director shall consider in establishing classifications, including 9223
classifications with parenthetical titles, and assigning pay 9224
ranges such factors as duties performed only on one shift, special 9225

skills in short supply in the labor market, recruitment problems, 9226
separation rates, comparative salary rates, the amount of training 9227
required, and other conditions affecting employment. The director 9228
shall describe the duties and responsibilities of the class, 9229
establish the qualifications for being employed in each position 9230
in the class, and file with the secretary of state a copy of 9231
specifications for all of the classifications. The director shall 9232
file new, additional, or revised specifications with the secretary 9233
of state before they are used. 9234

The director shall, by rule, assign each classification, 9235
either on a statewide basis or in particular counties or state 9236
institutions, to a pay range established under section 124.15 or 9237
section 124.152 of the Revised Code. The director may assign a 9238
classification to a pay range on a temporary basis for a period of 9239
six months. The director may establish, by rule adopted under 9240
Chapter 119. of the Revised Code, experimental classification 9241
plans for some or all employees paid directly by warrant of the 9242
director of budget and management. The rule shall include 9243
specifications for each classification within the plan and shall 9244
specifically address compensation ranges, and methods for 9245
advancing within the ranges, for the classifications, which may be 9246
assigned to pay ranges other than the pay ranges established under 9247
section 124.15 or 124.152 of the Revised Code. 9248

(2) The director of administrative services may reassign to a 9249
proper classification those positions that have been assigned to 9250
an improper classification. If the compensation of an employee in 9251
such a reassigned position exceeds the maximum rate of pay for the 9252
employee's new classification, the employee shall be placed in pay 9253
step X and shall not receive an increase in compensation until the 9254
maximum rate of pay for that classification exceeds the employee's 9255
compensation. 9256

(3) The director may reassign an exempt employee, as defined 9257

in section 124.152 of the Revised Code, to a bargaining unit 9258
classification if the director determines that the bargaining unit 9259
classification is the proper classification for that employee. 9260
Notwithstanding Chapter 4117. of the Revised Code or instruments 9261
and contracts negotiated under it, these placements are at the 9262
director's discretion. 9263

(4) The director shall, by rule, assign related 9264
classifications, which form a career progression, to a 9265
classification series. The director shall, by rule, assign each 9266
classification in the classification plan a five-digit number, the 9267
first four digits of which shall denote the classification series 9268
to which the classification is assigned. When a career progression 9269
encompasses more than ten classifications, the director shall, by 9270
rule, identify the additional classifications belonging to a 9271
classification series. The additional classifications shall be 9272
part of the classification series, notwithstanding the fact that 9273
the first four digits of the number assigned to the additional 9274
classifications do not correspond to the first four digits of the 9275
numbers assigned to other classifications in the classification 9276
series. 9277

(5) The director, ~~in accordance with rules adopted under~~ 9278
~~Chapter 119. of the Revised Code, shall establish, and may~~ 9279
establish, modify, or rescind, a classification plan for county 9280
agencies that elect not to use the services and facilities of a 9281
county personnel department. The director shall establish any such 9282
classification plan by means of rules adopted under Chapter 119. 9283
of the Revised Code. The rules shall include a methodology for the 9284
establishment of titles unique to county agencies, the use of 9285
state classification titles and classification specifications for 9286
common positions, the criteria for a county to meet in 9287
establishing its own classification plan, and the establishment of 9288
what constitutes a classification series for county agencies. The 9289

director may assess a county agency that chooses to use the 9290
classification plan a usage fee the director determines. All usage 9291
fees the department of administrative services receives shall be 9292
paid into the state treasury to the credit of the human resources 9293
fund created in section 124.07 of the Revised Code. 9294

(B) Division (A) of this section and sections 124.15 and 9295
124.152 of the Revised Code do not apply to the following persons, 9296
positions, offices, and employments: 9297

(1) Elected officials; 9298

(2) Legislative employees, employees of the legislative 9299
service commission, employees in the office of the governor, 9300
employees who are in the unclassified civil service and exempt 9301
from collective bargaining coverage in the office of the secretary 9302
of state, auditor of state, treasurer of state, and attorney 9303
general, and employees of the supreme court; 9304

(3) Employees of a county children services board that 9305
establishes compensation rates under section 5153.12 of the 9306
Revised Code; 9307

(4) Any position for which the authority to determine 9308
compensation is given by law to another individual or entity; 9309

(5) Employees of the bureau of workers' compensation whose 9310
compensation the administrator of workers' compensation 9311
establishes under division (B) of section 4121.121 of the Revised 9312
Code. 9313

(C) The director may employ a consulting agency to aid and 9314
assist the director in carrying out this section. 9315

(D)(1) When the director proposes to modify a classification 9316
or the assignment of classes to appropriate pay ranges, the 9317
director shall send written notice of the proposed rule to the 9318
appointing authorities of the affected employees thirty days 9319

before a hearing on the proposed rule. The appointing authorities 9320
shall notify the affected employees regarding the proposed rule. 9321
The director also shall send those appointing authorities notice 9322
of any final rule that is adopted within ten days after adoption. 9323

(2) When the director proposes to reclassify any employee so 9324
that the employee is adversely affected, the director shall give 9325
to the employee affected and to the employee's appointing 9326
authority a written notice setting forth the proposed new 9327
classification, pay range, and salary. Upon the request of any 9328
classified employee who is not serving in a probationary period, 9329
the director shall perform a job audit to review the 9330
classification of the employee's position to determine whether the 9331
position is properly classified. The director shall give to the 9332
employee affected and to the employee's appointing authority a 9333
written notice of the director's determination whether or not to 9334
reclassify the position or to reassign the employee to another 9335
classification. An employee or appointing authority desiring a 9336
hearing shall file a written request for the hearing with the 9337
state personnel board of review within thirty days after receiving 9338
the notice. The board shall set the matter for a hearing and 9339
notify the employee and appointing authority of the time and place 9340
of the hearing. The employee, the appointing authority, or any 9341
authorized representative of the employee who wishes to submit 9342
facts for the consideration of the board shall be afforded 9343
reasonable opportunity to do so. After the hearing, the board 9344
shall consider anew the reclassification and may order the 9345
reclassification of the employee and require the director to 9346
assign the employee to such appropriate classification as the 9347
facts and evidence warrant. As provided in division (A)(1) of 9348
section 124.03 of the Revised Code, the board may determine the 9349
most appropriate classification for the position of any employee 9350
coming before the board, with or without a job audit. The board 9351
shall disallow any reclassification or reassignment classification 9352

of any employee when it finds that changes have been made in the 9353
duties and responsibilities of any particular employee for 9354
political, religious, or other unjust reasons. 9355

(E)(1) Employees of each county department of job and family 9356
services shall be paid a salary or wage established by the board 9357
of county commissioners. The provisions of section 124.18 of the 9358
Revised Code concerning the standard work week apply to employees 9359
of county departments of job and family services. A board of 9360
county commissioners may do either of the following: 9361

(a) Notwithstanding any other section of the Revised Code, 9362
supplement the sick leave, vacation leave, personal leave, and 9363
other benefits of any employee of the county department of job and 9364
family services of that county, if the employee is eligible for 9365
the supplement under a written policy providing for the 9366
supplement; 9367

(b) Notwithstanding any other section of the Revised Code, 9368
establish alternative schedules of sick leave, vacation leave, 9369
personal leave, or other benefits for employees not inconsistent 9370
with the provisions of a collective bargaining agreement covering 9371
the affected employees. 9372

(2) Division (E)(1) of this section does not apply to 9373
employees for whom the state employment relations board 9374
establishes appropriate bargaining units pursuant to section 9375
4117.06 of the Revised Code, except in either of the following 9376
situations: 9377

(a) The employees for whom the state employment relations 9378
board establishes appropriate bargaining units elect no 9379
representative in a board-conducted representation election. 9380

(b) After the state employment relations board establishes 9381
appropriate bargaining units for such employees, all employee 9382
organizations withdraw from a representation election. 9383

(F)(1) Notwithstanding any contrary provision of sections 9384
124.01 to 124.64 of the Revised Code, the board of trustees of 9385
each state university or college, as defined in section 3345.12 of 9386
the Revised Code, shall carry out all matters of governance 9387
involving the officers and employees of the university or college, 9388
including, but not limited to, the powers, duties, and functions 9389
of the department of administrative services and the director of 9390
administrative services specified in this chapter. Officers and 9391
employees of a state university or college shall have the right of 9392
appeal to the state personnel board of review as provided in this 9393
chapter. 9394

(2) Each board of trustees shall adopt rules under section 9395
111.15 of the Revised Code to carry out the matters of governance 9396
described in division (F)(1) of this section. Until the board of 9397
trustees adopts those rules, a state university or college shall 9398
continue to operate pursuant to the applicable rules adopted by 9399
the director of administrative services under this chapter. 9400

(G)(1) Each board of county commissioners may, by a 9401
resolution adopted by a majority of its members, establish a 9402
county personnel department to exercise the powers, duties, and 9403
functions specified in division (G) of this section. As used in 9404
division (G) of this section, "county personnel department" means 9405
a county personnel department established by a board of county 9406
commissioners under division (G)(1) of this section. 9407

(2)(a) Each board of county commissioners, by a resolution 9408
adopted by a majority of its members, may designate the county 9409
personnel department of the county to exercise the powers, duties, 9410
and functions ~~of the department of administrative services and the~~ 9411
~~director of administrative services~~ specified in sections 124.01 9412
to 124.64 and Chapter 325. of the Revised Code with regard to 9413
employees in the service of the county, except for the powers and 9414
duties of the state personnel board of review, which powers and 9415

duties shall not be construed as having been modified or 9416
diminished in any manner by division (G)(2) of this section, with 9417
respect to the employees for whom the board of county 9418
commissioners is the appointing authority or co-appointing 9419
authority. ~~The board of county commissioners shall deliver a 9420
certified copy of the resolution to the director of administrative 9421
services not later than ten working days after the resolution is 9422
adopted, and the director shall inform the board in a writing sent 9423
by certified mail of the date of receipt of the copy of the 9424
resolution.~~ 9425

(b) ~~Upon the director's receipt of the copy of the 9426
resolution, the powers, duties, and functions referred to in 9427
division (G)(2)(a) of this section that may be exercised shall be 9428
vested in and assigned to the county personnel department with 9429
respect to the employees for whom the board of county 9430
commissioners is the appointing authority or co-appointing 9431
authority.~~ 9432

~~(e)~~ Nothing in division (G)(2) of this section shall be 9433
construed to limit the right of any employee who possesses the 9434
right of appeal to the state personnel board of review to continue 9435
to possess that right of appeal. 9436

~~(d)~~(c) Any board of county commissioners that has established 9437
a county personnel department may contract with the department of 9438
administrative services, another political subdivision, or an 9439
appropriate public or private entity to provide competitive 9440
testing services or other appropriate services. 9441

(3) After the county personnel department of a county has 9442
~~assumed the powers, duties, and functions of the department of 9443
administrative services and the director of administrative 9444
services~~ been established as described in division (G)(2) of this 9445
section, any elected official, board, agency, or other appointing 9446
authority of that county, upon written notification to the 9447

~~director county personnel department~~, may elect to use the 9448
services and facilities of the county personnel department. Upon 9449
~~the acceptance by the director of that written notification~~ 9450
receipt of the notification by the county personnel department, 9451
the county personnel department shall exercise the powers, duties, 9452
and functions ~~of the department of administrative services and the~~ 9453
~~director~~ as described in division (G)(2) of this section with 9454
respect to the employees of that elected official, board, agency, 9455
or other appointing authority. ~~The director shall inform the~~ 9456
~~elected official, board, agency, or other appointing authority in~~ 9457
~~a writing sent by certified mail of the date of acceptance of that~~ 9458
~~written notification. Except for those employees under the~~ 9459
~~jurisdiction of the county personnel department, the director~~ 9460
~~shall continue to exercise these powers, duties, and functions~~ 9461
~~with respect to employees of the county.~~ 9462

(4) ~~When at least two years have passed since the creation of~~ 9463
~~a county personnel department, a Each board of county~~ 9464
commissioners, by a resolution adopted by a majority of its 9465
members, may disband the county personnel department ~~and return to~~ 9466
~~the department of administrative services for the administration~~ 9467
~~of sections 124.01 to 124.64 and Chapter 325. of the Revised Code.~~ 9468
~~The board shall deliver a certified copy of the resolution to the~~ 9469
~~director of administrative services not later than ten working~~ 9470
~~days after the resolution is adopted, and the director shall~~ 9471
~~inform the board in a writing sent by certified mail of the date~~ 9472
~~of receipt of the copy of the resolution. Upon the director's~~ 9473
~~receipt of the copy of the resolution, all powers, duties, and~~ 9474
~~functions previously vested in and assigned to the county~~ 9475
~~personnel department shall return to the director.~~ 9476

(5) ~~When at least two years have passed since electing to use~~ 9477
~~the services and facilities of a county personnel department, an~~ 9478
Any elected official, board, agency, or appointing authority of a 9479

county may return to the department of administrative services for 9480
the administration of sections 124.01 to 124.64 and Chapter 325- 9481
of the Revised Code. The elected official, board, agency, or 9482
appointing authority shall send the director of administrative 9483
services a certified copy of the resolution that states its 9484
decision to return to the department of administrative services' 9485
jurisdiction, and the director shall inform the elected official, 9486
board, agency, or appointing authority in a writing sent by 9487
certified mail of the date of receipt of the copy of the 9488
resolution. Upon the director's receipt of the copy of the 9489
resolution, all powers, duties, and functions previously vested in 9490
and assigned to the county personnel department with respect to 9491
the employees of that elected official, board, agency, or 9492
appointing authority shall return to the director and its 9493
involvement with a county personnel department upon actual receipt 9494
by the department of a certified copy of the notification that 9495
contains the decision to no longer participate. 9496

(6) The director of administrative services may, by rule 9497
adopted in accordance with Chapter 119. of the Revised Code, ~~shall~~ 9498
prescribe criteria and procedures for ~~granting to each county~~ 9499
~~personnel department the powers, duties, and functions of the~~ 9500
~~department of administrative services and the director as~~ 9501
~~described in division (G)(2) of this section with respect to the~~ 9502
~~employees of an elected official, board, agency, or other~~ 9503
~~appointing authority or co-appointing authority. The rules shall~~ 9504
~~cover the following criteria and procedures:~~ 9505

~~(a) The notification to the department of administrative~~ 9506
~~services that an elected official, board, agency, or other~~ 9507
~~appointing authority of a county has elected to use the services~~ 9508
~~and facilities of the county personnel department; the following:~~ 9509

~~(b)(a) A requirement that each county personnel department,~~ 9510
in carrying out its duties, adhere to merit system principles with 9511

regard to employees of county departments of job and family 9512
services, child support enforcement agencies, and public child 9513
welfare agencies so that there is no threatened loss of federal 9514
funding for these agencies, and a requirement that the county be 9515
financially liable to the state for any loss of federal funds due 9516
to the action or inaction of the county personnel department. The 9517
costs associated with audits conducted to monitor compliance with 9518
division (G)(6)(~~b~~)(a) of this section shall be ~~borne equally by~~ 9519
reimbursed to the department of administrative services and the 9520
county as determined by the director. All money the department 9521
receives for these audits shall be paid into the state treasury to 9522
the credit of the human resources fund created in section 124.07 9523
of the Revised Code. 9524

~~(c) The termination of services and facilities rendered by 9525
the department of administrative services, to include rate 9526
adjustments, time periods for termination, and other related 9527
matters;~~ 9528

~~(d)(b) Authorization for the director of administrative 9529
services to conduct periodic audits and reviews of county 9530
personnel departments to guarantee the uniform application of ~~this~~ 9531
~~granting of the director's powers, duties, and functions exercised~~ 9532
pursuant to division (G)(2)(a) of this section. The costs of the 9533
audits and reviews shall be ~~borne equally by~~ reimbursed to the 9534
department of administrative services ~~and~~ as determined by the 9535
director by the county for which the services are performed. All 9536
money the department receives shall be paid into the state 9537
treasury to the credit of the human resources fund created in 9538
section 124.07 of the Revised Code. 9539~~

~~(e) The dissemination of audit findings under division 9540
(G)(6)(d) of this section, any appeals process relating to adverse 9541
findings by the department, and the methods whereby the county 9542
personnel program will revert to the authority of the director of 9543~~

~~administrative services due to misuse or nonuniform application of 9544
the authority granted to the county under division (G)(2) or (3) 9545
of this section. 9546~~

(H) The director of administrative services shall establish 9547
the rate and method of compensation for all employees who are paid 9548
directly by warrant of the director of budget and management and 9549
who are serving in positions that the director of administrative 9550
services has determined impracticable to include in the state job 9551
classification plan. This division does not apply to elected 9552
officials, legislative employees, employees of the legislative 9553
service commission, employees who are in the unclassified civil 9554
service and exempt from collective bargaining coverage in the 9555
office of the secretary of state, auditor of state, treasurer of 9556
state, and attorney general, employees of the courts, employees of 9557
the bureau of workers' compensation whose compensation the 9558
administrator of workers' compensation establishes under division 9559
(B) of section 4121.121 of the Revised Code, or employees of an 9560
appointing authority authorized by law to fix the compensation of 9561
those employees. 9562

(I) The director shall set the rate of compensation for all 9563
intermittent, seasonal, temporary, emergency, and casual employees 9564
in the service of the state who are not considered public 9565
employees under section 4117.01 of the Revised Code. Those 9566
employees are not entitled to receive employee benefits. This rate 9567
of compensation shall be equitable in terms of the rate of 9568
employees serving in the same or similar classifications. This 9569
division does not apply to elected officials, legislative 9570
employees, employees of the legislative service commission, 9571
employees who are in the unclassified civil service and exempt 9572
from collective bargaining coverage in the office of the secretary 9573
of state, auditor of state, treasurer of state, and attorney 9574
general, employees of the courts, employees of the bureau of 9575

workers' compensation whose compensation the administrator 9576
establishes under division (B) of section 4121.121 of the Revised 9577
Code, or employees of an appointing authority authorized by law to 9578
fix the compensation of those employees. 9579

Sec. 124.15. (A) Board and commission members appointed prior 9580
to July 1, 1991, shall be paid a salary or wage in accordance with 9581
the following schedules of rates: 9582

Schedule B 9583

Pay Ranges and Step Values 9584

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	9586
Annually	11897.60	12292.80	12688.00	13124.80	9587
	Step 5	Step 6			9588
Hourly	6.52	6.75			9589
Annually	13561.60	14040.00			9590
	Step 1	Step 2	Step 3	Step 4	9591
24 Hourly	6.00	6.20	6.41	6.63	9592
Annually	12480.00	12896.00	13332.80	13790.40	9593
	Step 5	Step 6			9594
Hourly	6.87	7.10			9595
Annually	14289.60	14768.00			9596
	Step 1	Step 2	Step 3	Step 4	9597
25 Hourly	6.31	6.52	6.75	6.99	9598
Annually	13124.80	13561.60	14040.00	14539.20	9599
	Step 5	Step 6			9600
Hourly	7.23	7.41			9601
Annually	15038.40	15412.80			9602
	Step 1	Step 2	Step 3	Step 4	9603
26 Hourly	6.63	6.87	7.10	7.32	9604
Annually	13790.40	14289.60	14768.00	15225.60	9605
	Step 5	Step 6			9606

	Hourly	7.53	7.77			9607
	Annually	15662.40	16161.60			9608
		Step 1	Step 2	Step 3	Step 4	9609
27	Hourly	6.99	7.23	7.41	7.64	9610
	Annually	14534.20	15038.40	15412.80	15891.20	9611
		Step 5	Step 6	Step 7		9612
	Hourly	7.88	8.15	8.46		9613
	Annually	16390.40	16952.00	17596.80		9614
		Step 1	Step 2	Step 3	Step 4	9615
28	Hourly	7.41	7.64	7.88	8.15	9616
	Annually	15412.80	15891.20	16390.40	16952.00	9617
		Step 5	Step 6	Step 7		9618
	Hourly	8.46	8.79	9.15		9619
	Annually	17596.80	18283.20	19032.00		9620
		Step 1	Step 2	Step 3	Step 4	9621
29	Hourly	7.88	8.15	8.46	8.79	9622
	Annually	16390.40	16952.00	17596.80	18283.20	9623
		Step 5	Step 6	Step 7		9624
	Hourly	9.15	9.58	10.01		9625
	Annually	19032.00	19926.40	20820.80		9626
		Step 1	Step 2	Step 3	Step 4	9627
30	Hourly	8.46	8.79	9.15	9.58	9628
	Annually	17596.80	18283.20	19032.00	19926.40	9629
		Step 5	Step 6	Step 7		9630
	Hourly	10.01	10.46	10.99		9631
	Annually	20820.80	21756.80	22859.20		9632
		Step 1	Step 2	Step 3	Step 4	9633
31	Hourly	9.15	9.58	10.01	10.46	9634
	Annually	19032.00	19962.40	20820.80	21756.80	9635
		Step 5	Step 6	Step 7		9636
	Hourly	10.99	11.52	12.09		9637
	Annually	22859.20	23961.60	25147.20		9638
		Step 1	Step 2	Step 3	Step 4	9639

32	Hourly	10.01	10.46	10.99	11.52	9640
	Annually	20820.80	21756.80	22859.20	23961.60	9641
		Step 5	Step 6	Step 7	Step 8	9642
	Hourly	12.09	12.68	13.29	13.94	9643
	Annually	25147.20	26374.40	27643.20	28995.20	9644
		Step 1	Step 2	Step 3	Step 4	9645
33	Hourly	10.99	11.52	12.09	12.68	9646
	Annually	22859.20	23961.60	25147.20	26374.40	9647
		Step 5	Step 6	Step 7	Step 8	9648
	Hourly	13.29	13.94	14.63	15.35	9649
	Annually	27643.20	28995.20	30430.40	31928.00	9650
		Step 1	Step 2	Step 3	Step 4	9651
34	Hourly	12.09	12.68	13.29	13.94	9652
	Annually	25147.20	26374.40	27643.20	28995.20	9653
		Step 5	Step 6	Step 7	Step 8	9654
	Hourly	14.63	15.35	16.11	16.91	9655
	Annually	30430.40	31928.00	33508.80	35172.80	9656
		Step 1	Step 2	Step 3	Step 4	9657
35	Hourly	13.29	13.94	14.63	15.35	9658
	Annually	27643.20	28995.20	30430.40	31928.00	9659
		Step 5	Step 6	Step 7	Step 8	9660
	Hourly	16.11	16.91	17.73	18.62	9661
	Annually	33508.80	35172.80	36878.40	38729.60	9662
		Step 1	Step 2	Step 3	Step 4	9663
36	Hourly	14.63	15.35	16.11	16.91	9664
	Annually	30430.40	31928.00	33508.80	35172.80	9665
		Step 5	Step 6	Step 7	Step 8	9666
	Hourly	17.73	18.62	19.54	20.51	9667
	Annually	36878.40	38729.60	40643.20	42660.80	9668
	Schedule C					9669
		Pay Range and Values				9670
	Range	Minimum		Maximum		9671
41	Hourly	10.44		15.72		9672

	Annually	21715.20	32697.60	9673
42	Hourly	11.51	17.35	9674
	Annually	23940.80	36088.00	9675
43	Hourly	12.68	19.12	9676
	Annually	26374.40	39769.60	9677
44	Hourly	13.99	20.87	9678
	Annually	29099.20	43409.60	9679
45	Hourly	15.44	22.80	9680
	Annually	32115.20	47424.00	9681
46	Hourly	17.01	24.90	9682
	Annually	35380.80	51792.00	9683
47	Hourly	18.75	27.18	9684
	Annually	39000.00	56534.40	9685
48	Hourly	20.67	29.69	9686
	Annually	42993.60	61755.20	9687
49	Hourly	22.80	32.06	9688
	Annually	47424.00	66684.80	9689

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 9690
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(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 9692
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(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of 9695
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the employee's compensation. An appointing authority that appoints 9705
employees in the service of the state, with the approval of the 9706
director of administrative services and the director of budget and 9707
management, may establish payments to employees for uniforms, 9708
tools, equipment, and other requirements of the department and 9709
payments for the maintenance of them. 9710

The director of administrative services may review collective 9711
bargaining agreements entered into under Chapter 4117. of the 9712
Revised Code that cover employees in the service of the state and 9713
determine whether certain benefits or payments provided to the 9714
employees covered by those agreements should also be provided to 9715
employees in the service of the state who are exempt from 9716
collective bargaining coverage and are paid in accordance with 9717
section 124.152 of the Revised Code or are listed in division 9718
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 9719
the review, the director of administrative services, with the 9720
approval of the director of budget and management, may provide to 9721
some or all of these employees any payment or benefit, except for 9722
salary, contained in such a collective bargaining agreement even 9723
if it is similar to a payment or benefit already provided by law 9724
to some or all of these employees. Any payment or benefit so 9725
provided shall not exceed the highest level for that payment or 9726
benefit specified in such a collective bargaining agreement. The 9727
director of administrative services shall not provide, and the 9728
director of budget and management shall not approve, any payment 9729
or benefit to such an employee under this division unless the 9730
payment or benefit is provided pursuant to a collective bargaining 9731
agreement to a state employee who is in a position with similar 9732
duties as, is supervised by, or is employed by the same appointing 9733
authority as, the employee to whom the benefit or payment is to be 9734
provided. 9735

As used in this division, "payment or benefit already 9736

provided by law" includes, but is not limited to, bereavement, 9737
personal, vacation, administrative, and sick leave, disability 9738
benefits, holiday pay, and pay supplements provided under the 9739
Revised Code, but does not include wages or salary. 9740

(E) New employees paid in accordance with schedule B of 9741
division (A) of this section or schedule E-1 of section 124.152 of 9742
the Revised Code shall be employed at the minimum rate established 9743
for the range unless otherwise provided. Employees with 9744
qualifications that are beyond the minimum normally required for 9745
the position and that are determined by the director to be 9746
exceptional may be employed in, or may be transferred or promoted 9747
to, a position at an advanced step of the range. Further, in time 9748
of a serious labor market condition when it is relatively 9749
impossible to recruit employees at the minimum rate for a 9750
particular classification, the entrance rate may be set at an 9751
advanced step in the range by the director of administrative 9752
services. This rate may be limited to geographical regions of the 9753
state. Appointments made to an advanced step under the provision 9754
regarding exceptional qualifications shall not affect the step 9755
assignment of employees already serving. However, anytime the 9756
hiring rate of an entire classification is advanced to a higher 9757
step, all incumbents of that classification being paid at a step 9758
lower than that being used for hiring, shall be advanced beginning 9759
at the start of the first pay period thereafter to the new hiring 9760
rate, and any time accrued at the lower step will be used to 9761
calculate advancement to a succeeding step. If the hiring rate of 9762
a classification is increased for only a geographical region of 9763
the state, only incumbents who work in that geographical region 9764
shall be advanced to a higher step. When an employee in the 9765
unclassified service changes from one state position to another or 9766
is appointed to a position in the classified service, or if an 9767
employee in the classified service is appointed to a position in 9768
the unclassified service, the employee's salary or wage in the new 9769

position shall be determined in the same manner as if the employee 9770
were an employee in the classified service. When an employee in 9771
the unclassified service who is not eligible for step increases is 9772
appointed to a classification in the classified service under 9773
which step increases are provided, future step increases shall be 9774
based on the date on which the employee last received a pay 9775
increase. If the employee has not received an increase during the 9776
previous year, the date of the appointment to the classified 9777
service shall be used to determine the employee's annual step 9778
advancement eligibility date. In reassigning any employee to a 9779
classification resulting in a pay range increase or to a new pay 9780
range as a result of a promotion, an increase pay range 9781
adjustment, or other classification change resulting in a pay 9782
range increase, the director shall assign such employee to the 9783
step in the new pay range that will provide an increase of 9784
approximately four per cent if the new pay range can accommodate 9785
the increase. When an employee is being assigned to a 9786
classification or new pay range as the result of a class plan 9787
change, if the employee has completed a probationary period, the 9788
employee shall be placed in a step no lower than step two of the 9789
new pay range. If the employee has not completed a probationary 9790
period, the employee may be placed in step one of the new pay 9791
range. Such new salary or wage shall become effective on such date 9792
as the director determines. 9793

(F) If employment conditions and the urgency of the work 9794
require such action, the director of administrative services may, 9795
upon the application of a department head, authorize payment at 9796
any rate established within the range for the class of work, for 9797
work of a casual or intermittent nature or on a project basis. 9798
Payment at such rates shall not be made to the same individual for 9799
more than three calendar months in any one calendar year. Any such 9800
action shall be subject to the approval of the director of budget 9801
and management as to the availability of funds. This section and 9802

sections 124.14 and 124.152 of the Revised Code do not repeal any 9803
authority of any department or public official to contract with or 9804
fix the compensation of professional persons who may be employed 9805
temporarily for work of a casual nature or for work on a project 9806
basis. 9807

(G)(1) Except as provided in ~~division~~ divisions (G)(2) and 9808
(3) of this section, each state employee paid in accordance with 9809
schedule B of this section or schedule E-1 of section 124.152 of 9810
the Revised Code shall be eligible for advancement to succeeding 9811
steps in the range for the employee's class or grade according to 9812
the schedule established in this division. Beginning on the first 9813
day of the pay period within which the employee completes the 9814
prescribed probationary period in the employee's classification 9815
with the state, each employee shall receive an automatic salary 9816
adjustment equivalent to the next higher step within the pay range 9817
for the employee's class or grade. 9818

~~Each~~ Except as provided in divisions (G)(2) and (3) of this 9819
section, each employee paid in accordance with schedule E-1 of 9820
section 124.152 of the Revised Code shall be eligible to advance 9821
to the next higher step until the employee reaches the top step in 9822
the range for the employee's class or grade, if the employee has 9823
maintained satisfactory performance in accordance with criteria 9824
established by the employee's appointing authority. Those step 9825
advancements shall not occur more frequently than once in any 9826
twelve-month period. 9827

~~When an employee is promoted or reassigned to a higher pay~~ 9828
~~range, the employee's step indicator shall return to "0" or be~~ 9829
~~adjusted to account for a probationary period, as appropriate.~~ 9830
When an employee is promoted, the step entry date shall be set to 9831
account for a probationary period. When an employee is reassigned 9832
to a higher pay range, the step entry date shall be set to allow 9833
an employee who is not at the highest step of the range to receive 9834

a step advancement one year from the reassignment date. Step 9835
advancement shall not be affected by demotion. A promoted employee 9836
shall advance to the next higher step of the pay range on the 9837
first day of the pay period in which the required probationary 9838
period is completed. Step advancement shall become effective at 9839
the beginning of the pay period within which the employee attains 9840
the necessary length of service. Time spent on authorized leave of 9841
absence shall be counted for this purpose. 9842

If determined to be in the best interest of the state 9843
service, the director of administrative services may, either 9844
statewide or in selected agencies, adjust the dates on which 9845
annual step advancements are received by employees paid in 9846
accordance with schedule E-1 of section 124.152 of the Revised 9847
Code. 9848

~~(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of~~ 9849
~~this section, there~~ There shall be a moratorium on annual step 9850
advancements under division (G)(1) of this section ~~from the pay~~ 9851
~~period beginning June 29, 2003~~ June 21, 2009, through ~~the pay~~ 9852
~~period ending June 25, 2005~~ June 20, 2011. Step advancements shall 9853
resume with the pay period beginning ~~June 26, 2005~~ June 21, 2011. 9854
Upon the resumption of step advancements, there shall be no 9855
retroactive step advancements for the period the moratorium was in 9856
effect. The moratorium shall not affect an employee's performance 9857
evaluation schedule. 9858

~~(ii) During the moratorium under division (G)(2)(a)(i) of~~ 9859
~~this section, an employee who is hired or promoted and serves a~~ 9860
~~probationary period in the employee's new position shall advance~~ 9861
~~to the next step in the employee's pay range upon successful~~ 9862
~~completion of the employee's probationary period. Thereafter, the~~ 9863
~~employee is subject to the moratorium.~~ An employee who begins a 9864
probationary period before June 21, 2009, shall advance to the 9865
next step in the employee's pay range at the end of probation, and 9866

then become subject to the moratorium. An employee who is hired, 9867
promoted, or reassigned to a higher pay range between June 21, 9868
2009, through June 20, 2011, shall not advance to the next step in 9869
the employee's pay range until the next anniversary of the 9870
employee's date of hire, promotion, or reassignment that occurs on 9871
or after June 21, 2011. 9872

(b) The moratorium under division (G)(2)(a)~~(i)~~ of this 9873
section shall apply to the employees of the secretary of state, 9874
the auditor of state, the treasurer of state, and the attorney 9875
general, who are subject to this section unless the secretary of 9876
state, the auditor of state, the treasurer of state, or the 9877
attorney general decides to exempt the office's employees from the 9878
moratorium and so notifies the director of administrative services 9879
in writing on or before ~~July 1, 2003~~ July 1, 2009. 9880

(3) Employees in intermittent positions shall be employed at 9881
the minimum rate established for the pay range for their 9882
classification and are not eligible for step advancements. 9883

(H) Employees in appointive managerial or professional 9884
positions paid in accordance with schedule C of this section or 9885
schedule E-2 of section 124.152 of the Revised Code may be 9886
appointed at any rate within the appropriate pay range. This rate 9887
of pay may be adjusted higher or lower within the respective pay 9888
range at any time the appointing authority so desires as long as 9889
the adjustment is based on the employee's ability to successfully 9890
administer those duties assigned to the employee. Salary 9891
adjustments shall not be made more frequently than once in any 9892
six-month period under this provision to incumbents holding the 9893
same position and classification. 9894

(I) When an employee is assigned to duty outside this state, 9895
the employee may be compensated, upon request of the department 9896
head and with the approval of the director of administrative 9897
services, at a rate not to exceed fifty per cent in excess of the 9898

employee's current base rate for the period of time spent on that 9899
duty. 9900

(J) Unless compensation for members of a board or commission 9901
is otherwise specifically provided by law, the director of 9902
administrative services shall establish the rate and method of 9903
payment for members of boards and commissions pursuant to the pay 9904
schedules listed in section 124.152 of the Revised Code. 9905

(K) Regular full-time employees in positions assigned to 9906
classes within the instruction and education administration series 9907
under the rules of the director of administrative services, except 9908
certificated employees on the instructional staff of the state 9909
school for the blind or the state school for the deaf, whose 9910
positions are scheduled to work on the basis of an academic year 9911
rather than a full calendar year, shall be paid according to the 9912
pay range assigned by such rules but only during those pay periods 9913
included in the academic year of the school where the employee is 9914
located. 9915

(1) Part-time or substitute teachers or those whose period of 9916
employment is other than the full academic year shall be 9917
compensated for the actual time worked at the rate established by 9918
this section. 9919

(2) Employees governed by this division are exempt from 9920
sections 124.13 and 124.19 of the Revised Code. 9921

(3) Length of service for the purpose of determining 9922
eligibility for step advancements as provided by division (G) of 9923
this section and for the purpose of determining eligibility for 9924
longevity pay supplements as provided by division (E) of section 9925
124.181 of the Revised Code shall be computed on the basis of one 9926
full year of service for the completion of each academic year. 9927

(L) The superintendent of the state school for the deaf and 9928
the superintendent of the state school for the blind shall, 9929

subject to the approval of the superintendent of public 9930
instruction, carry out both of the following: 9931

(1) Annually, between the first day of April and the last day 9932
of June, establish for the ensuing fiscal year a schedule of 9933
hourly rates for the compensation of each certificated employee on 9934
the instructional staff of that superintendent's respective school 9935
constructed as follows: 9936

(a) Determine for each level of training, experience, and 9937
other professional qualification for which an hourly rate is set 9938
forth in the current schedule, the per cent that rate is of the 9939
rate set forth in such schedule for a teacher with a bachelor's 9940
degree and no experience. If there is more than one such rate for 9941
such a teacher, the lowest rate shall be used to make the 9942
computation. 9943

(b) Determine which six city, local, and exempted village 9944
school districts with territory in Franklin county have in effect 9945
on, or have adopted by, the first day of April for the school year 9946
that begins on the ensuing first day of July, teacher salary 9947
schedules with the highest minimum salaries for a teacher with a 9948
bachelor's degree and no experience; 9949

(c) Divide the sum of such six highest minimum salaries by 9950
ten thousand five hundred sixty; 9951

(d) Multiply each per cent determined in division (L)(1)(a) 9952
of this section by the quotient obtained in division (L)(1)(c) of 9953
this section; 9954

(e) One hundred five per cent of each product thus obtained 9955
shall be the hourly rate for the corresponding level of training, 9956
experience, or other professional qualification in the schedule 9957
for the ensuing fiscal year. 9958

(2) Annually, assign each certificated employee on the 9959
instructional staff of the superintendent's respective school to 9960

an hourly rate on the schedule that is commensurate with the 9961
employee's training, experience, and other professional 9962
qualifications. 9963

If an employee is employed on the basis of an academic year, 9964
the employee's annual salary shall be calculated by multiplying 9965
the employee's assigned hourly rate times one thousand seven 9966
hundred sixty. If an employee is not employed on the basis of an 9967
academic year, the employee's annual salary shall be calculated in 9968
accordance with the following formula: 9969

(a) Multiply the number of days the employee is required to 9970
work pursuant to the employee's contract by eight; 9971

(b) Multiply the product of division (L)(2)(a) of this 9972
section by the employee's assigned hourly rate. 9973

Each employee shall be paid an annual salary in biweekly 9974
installments. The amount of each installment shall be calculated 9975
by dividing the employee's annual salary by the number of biweekly 9976
installments to be paid during the year. 9977

Sections 124.13 and 124.19 of the Revised Code do not apply 9978
to an employee who is paid under this division. 9979

As used in this division, "academic year" means the number of 9980
days in each school year that the schools are required to be open 9981
for instruction with pupils in attendance. Upon completing an 9982
academic year, an employee paid under this division shall be 9983
deemed to have completed one year of service. An employee paid 9984
under this division is eligible to receive a pay supplement under 9985
division (L)(1), (2), or (3) of section 124.181 of the Revised 9986
Code for which the employee qualifies, but is not eligible to 9987
receive a pay supplement under division (L)(4) or (5) of that 9988
section. An employee paid under this division is eligible to 9989
receive a pay supplement under division (L)(6) of section 124.181 9990
of the Revised Code for which the employee qualifies, except that 9991

the supplement is not limited to a maximum of five per cent of the 9992
employee's regular base salary in a calendar year. 9993

(M) Division (A) of this section does not apply to "exempt 9994
employees," as defined in section 124.152 of the Revised Code, who 9995
are paid under that section. 9996

Notwithstanding any other provisions of this chapter, when an 9997
employee transfers between bargaining units or transfers out of or 9998
into a bargaining unit, the director of administrative services 9999
shall establish the employee's compensation and adjust the maximum 10000
leave accrual schedule as the director deems equitable. 10001

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 10002
and (3) of this section, each exempt employee shall be paid a 10003
salary or wage in accordance with schedule E-1 or schedule E-2 of 10004
division (B), ~~(C), or (D)~~ of this section, ~~as applicable.~~ 10005

(2) Each exempt employee who holds a position in the 10006
unclassified civil service pursuant to division (A)(26) or (30) of 10007
section 124.11 of the Revised Code may be paid a salary or wage in 10008
accordance with schedule E-1, schedule E-1 for step seven only, or 10009
schedule E-2 of division (B), or (C), ~~(D), (E), (F), or (G)~~ of 10010
this section, as applicable. 10011

(3)(a) Except as provided in division (A)(3)(b) of this 10012
section, each exempt employee who was paid a salary or wage at 10013
step 7 in the employee's pay range on June 28, 2003, in accordance 10014
with the applicable schedule E-1 of former section 124.152 of the 10015
Revised Code and who continued to be so paid on June 29, 2003, 10016
shall be paid a salary or wage in the corresponding pay range in 10017
schedule E-1 for step seven only of division ~~(E), (F), or (G)~~ (C) 10018
of this section, ~~as applicable,~~ for as long as the employee 10019
remains in the position the employee held as of July 1, 2003. 10020

(b) Except as provided in division (A)(3)(c) of this section, 10021

if an exempt employee who is being paid a salary or wage in 10022
accordance with schedule E-1 for step seven only of division ~~(E)~~, 10023
~~(F)~~, or ~~(G)~~ (C) of this section, ~~as applicable~~, moves to another 10024
position, the employee shall not receive a salary or wage for that 10025
position or any other position in the future in accordance with 10026
that schedule. 10027

(c) If an exempt employee who is being paid a salary or wage 10028
in accordance with schedule E-1 for step seven only of division 10029
~~(E)~~, ~~(F)~~, or ~~(G)~~ (C) of this section, ~~as applicable~~, moves to 10030
another position assigned to pay range 12 or above, the appointing 10031
authority may assign the employee to be paid a salary or wage in 10032
the appropriate pay range for that position in accordance with the 10033
~~applicable~~ schedule E-1 for step seven only of division (C) of 10034
this section, provided that the appointing authority so notifies 10035
the director of administrative services in writing at the time the 10036
employee is appointed to that position. 10037

~~(B) Beginning on the first day of the pay period that 10038
includes July 1, 2006, each exempt employee who must be paid in 10039
accordance with schedule E-1 or schedule E-2 of this section shall 10040
be paid a salary or wage in accordance with the following schedule 10041
of rates: 10042~~

~~Schedule E-1 10043~~

~~Pay Ranges and Step Values 10044~~

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			10047
	Annually	19552	20426	21299	22214			10048
2	Hourly	11.40	11.88	12.40	12.94			10049
	Annually	23712	24710	25792	26915			10050
3	Hourly	11.94	12.48	13.03	13.60			10051
	Annually	24835	25958	27102	28288			10052
4	Hourly	12.54	13.10	13.72	14.34			10053

	Annually	26083	27248	28538	29827		10054	
5	Hourly	13.15	13.75	14.34	14.97		10055	
	Annually	27352	28600	29827	31138		10056	
6	Hourly	13.86	14.43	15.07	15.69		10057	
	Annually	28829	30014	31346	32635		10058	
7	Hourly	14.72	15.27	15.88	16.44	17.08	10059	
	Annually	30618	31762	33030	34195	35526	10060	
8	Hourly	15.56	16.24	16.95	17.71	18.46	10061	
	Annually	32365	33779	35256	36837	38397	10062	
9	Hourly	16.60	17.46	18.32	19.23	20.21	10063	
	Annually	34528	36317	38106	39998	42037	10064	
10	Hourly	17.91	18.89	19.90	21.05	22.18	10065	
	Annually	37253	39291	41392	43784	46134	10066	
11	Hourly	19.50	20.64	21.84	23.06	24.38	10067	
	Annually	40560	42931	45427	47965	50710	10068	
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	10069
	Annually	44741	47258	49795	52562	55494	58510	10070
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	10071
	Annually	49317	52021	54891	57824	61069	64397	10072
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	10073
	Annually	54246	57304	60382	63690	67288	71032	10074
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	10075
	Annually	59571	62920	66477	70138	74027	78104	10076
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	10077
	Annually	65686	69326	73154	77251	81515	86174	10078
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	10079
	Annually	72384	76378	80662	85114	89856	94869	10080
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	10081
	Annually	79768	84178	88920	93808	99008	104541	10082
	Schedule E-2						10083	
	Range			Minimum		Maximum	10084	
41	Hourly			16.23		34.77	10085	
	Annually			33758		72322	10086	

42	Hourly	17.89	38.41	10087
	Annually	37211	79893	10088
43	Hourly	19.70	42.30	10089
	Annually	40976	87984	10090
44	Hourly	21.73	46.21	10091
	Annually	45198	96117	10092
45	Hourly	24.01	50.44	10093
	Annually	49941	104915	10094
46	Hourly	26.43	55.13	10095
	Annually	54974	114670	10096
47	Hourly	29.14	60.16	10097
	Annually	60611	125133	10098
48	Hourly	32.14	65.65	10099
	Annually	66851	136552	10100
49	Hourly	35.44	70.89	10101
	Annually	73715	147451	10102

~~(C) Beginning on the first day of the pay period that~~ 10103
~~includes July 1, 2007, each exempt employee who must be paid in~~ 10104
~~accordance with schedule E 1 or schedule E 2 of this section shall~~ 10105
~~be paid a salary or wage in accordance with the following schedule~~ 10106
~~of rates:~~ 10107

~~Schedule E 1~~ 10108

~~Pay Ranges and Step Values~~ 10109

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.73	10.16	10.60	11.05			10112
	Annually	20238	21133	22048	22984			10113
2	Hourly	11.80	12.30	12.83	13.39			10114
	Annually	24544	25584	26686	27851			10115
3	Hourly	12.36	12.92	13.49	14.08			10116
	Annually	25709	26874	28059	29286			10117
4	Hourly	12.98	13.56	14.20	14.84			10118

	Annually	26998	28205	29536	30867			10119
5	Hourly	13.61	14.23	14.84	15.49			10120
	Annually	28309	29598	30867	32219			10121
6	Hourly	14.35	14.94	15.60	16.24			10122
	Annually	29848	31075	32448	33779			10123
7	Hourly	15.24	15.80	16.44	17.02	17.68		10124
	Annually	31699	32864	34195	35402	36774		10125
8	Hourly	16.10	16.81	17.54	18.33	19.11		10126
	Annually	33488	34965	36483	38126	39749		10127
9	Hourly	17.18	18.07	18.96	19.90	20.92		10128
	Annually	35734	37586	39437	41392	43514		10129
10	Hourly	18.54	19.55	20.60	21.79	22.96		10130
	Annually	38563	40664	42848	45323	47757		10131
11	Hourly	20.18	21.36	22.60	23.87	25.23		10132
	Annually	41974	44429	47008	49650	52478		10133
12	Hourly	22.26	23.52	24.78	26.15	27.61	29.11	10134
	Annually	46301	48922	51542	54392	57429	60549	10135
13	Hourly	24.54	25.89	27.31	28.77	30.39	32.04	10136
	Annually	51043	53851	56805	59842	63211	66643	10137
14	Hourly	26.99	28.51	30.05	31.69	33.48	35.35	10138
	Annually	56139	59301	62504	65915	69638	73528	10139
15	Hourly	29.64	31.31	33.08	34.90	36.84	38.86	10140
	Annually	61651	65125	68806	72592	76627	80829	10141
16	Hourly	32.69	34.50	36.40	38.44	40.56	42.88	10142
	Annually	67995	71760	75712	79955	84365	89190	10143
17	Hourly	36.02	38.01	40.14	42.35	44.71	47.21	10144
	Annually	74922	79061	83491	88088	92997	98197	10145
18	Hourly	39.69	41.89	44.25	46.68	49.27	52.02	10146
	Annually	82555	87131	92040	97094	102482	108202	10147
	Schedule E-2							10148
	Range			Minimum		Maximum		10149
41	Hourly			16.23		35.99		10150
	Annually			33758		74859		10151

42	Hourly	17.89	39.75	10152
	Annually	37211	82680	10153
43	Hourly	19.70	43.78	10154
	Annually	40976	91062	10155
44	Hourly	21.73	47.83	10156
	Annually	45198	99486	10157
45	Hourly	24.01	52.21	10158
	Annually	49941	108597	10159
46	Hourly	26.43	57.06	10160
	Annually	54974	118685	10161
47	Hourly	29.14	62.27	10162
	Annually	60611	129522	10163
48	Hourly	32.14	67.95	10164
	Annually	66851	141336	10165
49	Hourly	35.44	73.37	10166
	Annually	73715	152610	10167

(D) Beginning on the first day of the pay period that 10168
includes July 1, 2008, each exempt employee who must be paid in 10169
accordance with schedule E-1 or schedule E-2 of this section shall 10170
be paid a salary or wage in accordance with the following schedule 10171
of rates: 10172

Schedule E-1 10173

Pay Ranges and Step Values 10174

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	10.07	10.52	10.97	11.44			10177
	Annually	20946	21882	22818	23795			10178
2	Hourly	12.21	12.73	13.28	13.86			10179
	Annually	25397	26478	27622	28829			10180
3	Hourly	12.79	13.37	13.96	14.57			10181
	Annually	26603	27810	29037	30306			10182
4	Hourly	13.43	14.03	14.70	15.36			10183

	Annually	27934	29182	30576	31949			10184
5	Hourly	14.09	14.73	15.36	16.03			10185
	Annually	29307	30638	31949	33342			10186
6	Hourly	14.85	15.46	16.15	16.81			10187
	Annually	30888	32157	33592	34965			10188
7	Hourly	15.77	16.35	17.02	17.62	18.30		10189
	Annually	32802	34008	35402	36650	38064		10190
8	Hourly	16.66	17.40	18.15	18.97	19.78		10191
	Annually	34653	36192	37752	39458	41142		10192
9	Hourly	17.78	18.70	19.62	20.60	21.65		10193
	Annually	36982	38896	40810	42848	45032		10194
10	Hourly	19.19	20.23	21.32	22.55	23.76		10195
	Annually	39915	42078	44346	46904	49421		10196
11	Hourly	20.89	22.11	23.39	24.71	26.11		10197
	Annually	43451	45989	48651	51397	54309		10198
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	10199
	Annually	47923	50627	53352	56306	59446	62670	10200
13	Hourly	25.40	26.80	28.27	29.78	31.45	33.16	10201
	Annually	52832	55744	58802	61942	65416	68973	10202
14	Hourly	27.93	29.51	31.10	32.80	34.65	36.59	10203
	Annually	58094	61381	64688	68224	72072	76107	10204
15	Hourly	30.68	32.41	34.24	36.12	38.13	40.22	10205
	Annually	63814	67413	71219	75130	79310	83658	10206
16	Hourly	33.83	35.71	37.67	39.79	41.98	44.38	10207
	Annually	70366	74277	78354	82763	87318	92310	10208
17	Hourly	37.28	39.34	41.54	43.83	46.27	48.86	10209
	Annually	77542	81827	86403	91166	96242	101629	10210
18	Hourly	41.08	43.36	45.80	48.31	50.99	53.84	10211
	Annually	85446	90189	95264	100485	106059	111987	10212
	Schedule E-2							10213
	Range			Minimum		Maximum		10214
41	Hourly			16.23		37.25		10215
	Annually			33758		77480		10216

42	Hourly	17.89	41.14	10217
	Annually	37211	85571	10218
43	Hourly	19.70	45.31	10219
	Annually	40976	94245	10220
44	Hourly	21.73	49.50	10221
	Annually	45198	102960	10222
45	Hourly	24.01	54.04	10223
	Annually	49941	112403	10224
46	Hourly	26.43	59.06	10225
	Annually	54974	122845	10226
47	Hourly	29.14	64.45	10227
	Annually	60611	134056	10228
48	Hourly	32.14	70.33	10229
	Annually	66851	146286	10230
49	Hourly	35.44	75.94	10231
	Annually	73715	157955	10232
	(E) Beginning on the first day of the pay period that			10233
	includes July 1, 2006, each exempt employee who must be paid in			10234
	accordance with schedule E-1 for step seven only shall be paid a			10235
	salary or wage in accordance with the following schedule of rates:			10236
	Schedule E-1 for Step Seven Only			10237
	Pay Ranges and Step Seven Values			10238
	Range			10239
12	Hourly	29.68		10240
	Annually	61734		10241
13	Hourly	32.66		10242
	Annually	67933		10243
14	Hourly	36.01		10244
	Annually	74901		10245
15	Hourly	39.61		10246
	Annually	82389		10247
16	Hourly	43.70		10248

	Annually	90896	10249
17	Hourly	48.13	10250
	Annually	100110	10251
18	Hourly	53.02	10252
	Annually	110282	10253
	(F) Beginning on the first day of the pay period that		10254
	includes July 1, 2007, each exempt employee who must be paid in		10255
	accordance with schedule E-1 for step seven only shall be paid a		10256
	salary or wage in accordance with the following schedule of rates:		10257
	Schedule E-1 for Step Seven Only		10258
	Pay Ranges and Step Values		10259
	Range		10260
12	Hourly	30.72	10261
	Annually	63898	10262
13	Hourly	33.80	10263
	Annually	70304	10264
14	Hourly	37.27	10265
	Annually	77522	10266
15	Hourly	41.00	10267
	Annually	85280	10268
16	Hourly	45.23	10269
	Annually	94078	10270
17	Hourly	49.81	10271
	Annually	103605	10272
18	Hourly	54.88	10273
	Annually	114150	10274
	(G)(C) Beginning on the first day of the pay period that		10275
	includes July 1, 2008, each exempt employee who must be paid in		10276
	accordance with salary schedule E-1 for step seven only shall be		10277
	paid a salary or wage in accordance with the following schedule of		10278
	rates:		10279
	Schedule E-1 for Step Seven Only		10280

		Pay Ranges and Step Values	
			10281
	Range		10282
12	Hourly	31.80	10283
	Annually	66144	10284
13	Hourly	34.98	10285
	Annually	72758	10286
14	Hourly	38.57	10287
	Annually	80226	10288
15	Hourly	42.44	10289
	Annually	88275	10290
16	Hourly	46.81	10291
	Annually	97365	10292
17	Hourly	51.55	10293
	Annually	107224	10294
18	Hourly	56.80	10295
	Annually	118144	10296

~~(H)~~(D) As used in this section, "exempt employee" means a permanent full-time or permanent part-time employee paid directly by warrant of the director of budget and management whose position is included in the job classification plan established under division (A) of section 124.14 of the Revised Code but who is not considered a public employee for the purposes of Chapter 4117. of the Revised Code. As used in this section, "exempt employee" also includes a permanent full-time or permanent part-time employee of the secretary of state, auditor of state, treasurer of state, or attorney general who has not been placed in an appropriate bargaining unit by the state employment relations board.

Sec. 124.18. (A) Forty hours shall be the standard work week for all employees whose salary or wage is paid in whole or in part by the state or by any state-supported college or university. When any employee whose salary or wage is paid in whole or in part by the state or by any state-supported college or university is

required by an authorized administrative authority to be in an 10313
active pay status more than forty hours in any calendar week, the 10314
employee shall be compensated for such time over forty hours, 10315
except as otherwise provided in this section, at one and one-half 10316
times the employee's regular rate of pay. The use of sick leave or 10317
any leave used in lieu of sick leave shall not be considered to be 10318
active pay status for the purposes of earning overtime or 10319
compensatory time by employees whose wages are paid directly by 10320
warrant of the director of budget and management. A flexible-hours 10321
employee is not entitled to compensation for overtime work unless 10322
the employee's authorized administrative authority required the 10323
employee to be in active pay status for more than forty hours in a 10324
calendar week, regardless of the number of hours the employee 10325
works on any day in the same calendar week. 10326

Such compensation for overtime work shall be paid no later 10327
than at the conclusion of the next succeeding pay period. 10328

If the employee elects to take compensatory time off in lieu 10329
of overtime pay for any overtime worked, such compensatory time 10330
shall be granted by the employee's administrative superior, on a 10331
time and one-half basis, at a time mutually convenient to the 10332
employee and the administrative superior. Compensatory time is not 10333
available for use until it appears on the employee's earning 10334
statement and the compensation described in the earning statement 10335
is available to the employee. 10336

An employee may accrue compensatory time to a maximum of two 10337
hundred forty hours, except that public safety employees and other 10338
employees who meet the criteria established in the "Federal Fair 10339
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 10340
as amended, may accrue a maximum of four hundred eighty hours of 10341
compensatory time. An employee shall be paid at the employee's 10342
regular rate of pay for any hours of compensatory time accrued in 10343
excess of these maximum amounts if the employee has not used the 10344

compensatory time within ~~one~~ three hundred ~~eighty~~ sixty-five days 10345
after it is granted, if the employee transfers to another agency 10346
of the state, or if a change in the employee's status exempts the 10347
employee from the payment of overtime compensation. Upon the 10348
termination of employment, any employee with accrued but unused 10349
compensatory time shall be paid for that time at a rate that is 10350
the greater of the employee's final regular rate of pay or the 10351
employee's average regular rate of pay during the employee's last 10352
three years of employment with the state. 10353

No overtime, as described in this section, can be paid unless 10354
it has been authorized by the authorized administrative authority. 10355
Employees may be exempted from the payment of compensation as 10356
required by this section only under the criteria for exemption 10357
from the payment of overtime compensation established in the 10358
"Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 10359
U.S.C.A. 207, 213, as amended. With the approval of the director 10360
of administrative services, the appointing authority may establish 10361
a policy to grant compensatory time or to pay compensation to 10362
state employees who are exempt from overtime compensation. With 10363
the approval of the board of county commissioners, a county human 10364
services department may establish a policy to grant compensatory 10365
time or to pay compensation to employees of the department who are 10366
exempt from overtime compensation. 10367

(B)(1) An employee, whose salary or wage is paid in whole or 10368
in part by the state, shall be paid for the holidays declared in 10369
section 124.19 of the Revised Code and shall not be required to 10370
work on those holidays, unless, in the opinion of the employee's 10371
responsible administrative authority, failure to work on those 10372
holidays would impair the public service. ~~An~~ 10373

(2) An employee paid directly by warrant of the director of 10374
budget and management who is scheduled to work on a holiday the 10375
first day of January, the commemoration of memorial day, the 10376

fourth day of July, the fourth Thursday in November, or the 10377
twenty-fifth day of December and who does not report to work the 10378
day before, the day of, or the day after the holiday due to an 10379
illness of the employee or of a member of the employee's immediate 10380
family shall not receive holiday pay as provided by this division, 10381
unless the employee can provide documentation of extenuating 10382
circumstances that prohibited the employee from so reporting to 10383
work. ~~An~~ If the employee works a shift between the employee's 10384
scheduled shift and the holiday, the employee shall be paid for 10385
the holiday. 10386

(3) An employee also shall not be paid for a holiday unless 10387
the employee was in active pay status on the scheduled work day 10388
immediately preceding the holiday, except that an employee need 10389
not be in active pay status on that work day in order to be paid 10390
for the holiday if the employee is participating in a mandatory or 10391
voluntary cost savings day under section 124.392 of the Revised 10392
Code. 10393

~~(2)~~(4) If any of the holidays declared in section 124.19 of 10394
the Revised Code falls on Saturday, the Friday immediately 10395
preceding shall be observed as the holiday. If any of the holidays 10396
declared in section 124.19 of the Revised Code falls on Sunday, 10397
the Monday immediately succeeding shall be observed as the 10398
holiday. Employees whose work schedules are based on the 10399
requirements of a seven-days-a-week work operation shall observe 10400
holidays on the actual days specified in section 124.19 of the 10401
Revised Code. 10402

~~(3)~~(5) If an employee's work schedule is other than Monday 10403
through Friday, the employee shall be entitled to eight hours of 10404
holiday pay for holidays observed on the employee's day off 10405
regardless of the day of the week on which they are observed. 10406

~~(4)~~(6) A full-time permanent employee is entitled to a 10407
minimum of eight hours of pay for each holiday regardless of the 10408

employee's work shift and work schedule. A flexible-hours 10409
employee, who is normally scheduled to work in excess of eight 10410
hours on a day on which a holiday falls, either shall be required 10411
to work an alternate schedule for that week or shall receive 10412
additional holiday pay for the hours the employee is normally 10413
scheduled to work. Such an alternate schedule may require a 10414
flexible-hours employee to work five shifts consisting of eight 10415
hours each during the week including the holiday, and, in that 10416
case, the employee shall receive eight hours of holiday pay for 10417
the day the holiday is observed. 10418

~~(5) Part time (7) Except as provided under section 124.392 of 10419
the Revised Code, part-time permanent employees shall receive four 10420
hours of holiday pay on a pro-rated basis, based upon the daily 10421
average of actual hours worked, excluding overtime hours worked, 10422
in the previous calendar quarter. The figure shall be calculated 10423
for the preceding calendar quarter on the first day of January, 10424
April, July, and October of each year regardless of the employee's 10425
work shift and work schedule. 10426~~

~~(6)(8) When an employee who is eligible for overtime pay 10427
under this section is required by the employee's responsible 10428
administrative authority to work on the day observed as a holiday, 10429
the employee shall be entitled to pay for such time worked at one 10430
and one-half times the employee's regular rate of pay in addition 10431
to the employee's regular pay, or to be granted compensatory time 10432
off at time and one-half thereafter, at the employee's option. 10433
Payment at such rate shall be excluded in the calculation of hours 10434
in active pay status. 10435~~

(C) Each appointing authority may designate the number of 10436
employees in an agency who are flexible-hours employees. The 10437
appointing authority may establish for each flexible-hours 10438
employee a specified minimum number of hours to be worked each day 10439
that is consistent with the "Federal Fair Labor Standards Act of 10440

1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 10441

(D) This section shall be uniformly administered for 10442
employees as defined in section 124.01 of the Revised Code and by 10443
the personnel departments of state-supported colleges and 10444
universities for employees of state-supported colleges and 10445
universities. If employees are not paid directly by warrant of the 10446
director of budget and management, the political subdivision shall 10447
determine whether the use of sick leave shall be considered to be 10448
active pay status for purposes of those employees earning overtime 10449
or compensatory time. 10450

(E) Policies relating to the payment of overtime pay or the 10451
granting of compensatory time off shall be adopted by the chief 10452
administrative officer of the house of representatives for 10453
employees of the house of representatives, by the clerk of the 10454
senate for employees of the senate, and by the director of the 10455
legislative service commission for all other legislative 10456
employees. 10457

(F) As used in this section, "regular rate of pay" means the 10458
base rate of pay an employee receives plus any pay supplements 10459
received pursuant to section 124.181 of the Revised Code. 10460

Sec. 124.181. (A) Except as provided in ~~division~~ divisions 10461
(M) and (P) of this section, any employee paid in accordance with 10462
schedule B of section 124.15 or schedule E-1 or schedule E-1 for 10463
step seven only of section 124.152 of the Revised Code is eligible 10464
for the pay supplements provided in this section upon application 10465
by the appointing authority substantiating the employee's 10466
qualifications for the supplement and with the approval of the 10467
director of administrative services except as provided in division 10468
(E) of this section. 10469

(B)(1) Except as provided in section 124.183 of the Revised 10470
Code, in computing any of the pay supplements provided in this 10471

section for an employee paid in accordance with schedule B of 10472
section 124.15 of the Revised Code, the classification salary base 10473
shall be the minimum hourly rate of the pay range, provided in 10474
that section, in which the employee is assigned at the time of 10475
computation. 10476

(2) Except as provided in section 124.183 of the Revised 10477
Code, in computing any of the pay supplements provided in this 10478
section for an employee paid in accordance with schedule E-1 of 10479
section 124.152 of the Revised Code, the classification salary 10480
base shall be the minimum hourly rate of the pay range, provided 10481
in that section, in which the employee is assigned at the time of 10482
computation. 10483

(3) Except as provided in section 124.183 of the Revised 10484
Code, in computing any of the pay supplements provided in this 10485
section for an employee paid in accordance with schedule E-1 for 10486
step seven only of section 124.152 of the Revised Code, the 10487
classification salary base shall be the minimum hourly rate in the 10488
corresponding pay range, provided in schedule E-1 of that section, 10489
to which the employee is assigned at the time of the computation. 10490

(C) The effective date of any pay supplement, except as 10491
provided in section 124.183 of the Revised Code or unless 10492
otherwise provided in this section, shall be determined by the 10493
director. 10494

(D) The director shall, by rule, establish standards 10495
regarding the administration of this section. 10496

(E)(1) Except as otherwise provided in this division, 10497
beginning on the first day of the pay period within which the 10498
employee completes five years of total service with the state 10499
government or any of its political subdivisions, each employee in 10500
positions paid in accordance with schedule B of section 124.15 of 10501
the Revised Code or in accordance with schedule E-1 or schedule 10502

E-1 for step seven only of section 124.152 of the Revised Code 10503
shall receive an automatic salary adjustment equivalent to two and 10504
one-half per cent of the classification salary base, to the 10505
nearest whole cent. Each employee shall receive thereafter an 10506
annual adjustment equivalent to one-half of one per cent of the 10507
employee's classification salary base, to the nearest whole cent, 10508
for each additional year of qualified employment until a maximum 10509
of ten per cent of the employee's classification salary base is 10510
reached. The granting of longevity adjustments shall not be 10511
affected by promotion, demotion, or other changes in 10512
classification held by the employee, nor by any change in pay 10513
range for the employee's class or grade. Longevity pay adjustments 10514
shall become effective at the beginning of the pay period within 10515
which the employee completes the necessary length of service, 10516
except that when an employee requests credit for prior service, 10517
the effective date of the prior service credit and of any 10518
longevity adjustment shall be the first day of the pay period 10519
following approval of the credit by the director of administrative 10520
services. No employee, other than an employee who submits proof of 10521
prior service within ninety days after the date of the employee's 10522
hiring, shall receive any longevity adjustment for the period 10523
prior to the director's approval of a prior service credit. Time 10524
spent on authorized leave of absence shall be counted for this 10525
purpose. 10526

(2) An employee who has retired in accordance with the 10527
provisions of any retirement system offered by the state and who 10528
is employed by the state or any political subdivision of the state 10529
on or after June 24, 1987, shall not have prior service with the 10530
state or any political subdivision of the state counted for the 10531
purpose of determining the amount of the salary adjustment 10532
provided under this division. 10533

(3) There shall be a moratorium on employees' receipt under 10534

this division of credit for service with the state government or 10535
any of its political subdivisions during the period from July 1, 10536
2003, through June 30, 2005. In calculating the number of years of 10537
total service under this division, no credit shall be included for 10538
service during the moratorium. The moratorium shall apply to the 10539
employees of the secretary of state, the auditor of state, the 10540
treasurer of state, and the attorney general, who are subject to 10541
this section unless the secretary of state, the auditor of state, 10542
the treasurer of state, or the attorney general decides to exempt 10543
the office's employees from the moratorium and so notifies the 10544
director of administrative services in writing on or before July 10545
1, 2003. 10546

If an employee is exempt from the moratorium, receives credit 10547
for a period of service during the moratorium, and takes a 10548
position with another entity in the state government or any of its 10549
political subdivisions, either during or after the moratorium, and 10550
if that entity's employees are or were subject to the moratorium, 10551
the employee shall continue to retain the credit. However, if the 10552
moratorium is in effect upon the taking of the new position, the 10553
employee shall cease receiving additional credit as long as the 10554
employee is in the position, until the moratorium expires. 10555

(F) When an exceptional condition exists that creates a 10556
temporary or a permanent hazard for one or more positions in a 10557
class paid in accordance with schedule B of section 124.15 of the 10558
Revised Code or in accordance with schedule E-1 or schedule E-1 10559
for step seven only of section 124.152 of the Revised Code, a 10560
special hazard salary adjustment may be granted for the time the 10561
employee is subjected to the hazardous condition. All special 10562
hazard conditions shall be identified for each position and 10563
incidence from information submitted to the director on an 10564
appropriate form provided by the director and categorized into 10565
standard conditions of: some unusual hazard not common to the 10566

class; considerable unusual hazard not common to the class; and 10567
exceptional hazard not common to the class. 10568

(1) A hazardous salary adjustment of five per cent of the 10569
employee's classification salary base may be applied in the case 10570
of some unusual hazardous condition not common to the class for 10571
those hours worked, or a fraction of those hours worked, while the 10572
employee was subject to the unusual hazard condition. 10573

(2) A hazardous salary adjustment of seven and one-half per 10574
cent of the employee's classification salary base may be applied 10575
in the case of some considerable hazardous condition not common to 10576
the class for those hours worked, or a fraction of those hours 10577
worked, while the employee was subject to the considerable hazard 10578
condition. 10579

(3) A hazardous salary adjustment of ten per cent of the 10580
employee's classification salary base may be applied in the case 10581
of some exceptional hazardous condition not common to the class 10582
for those hours worked, or a fraction of those hours worked, when 10583
the employee was subject to the exceptional hazard condition. 10584

(4) Each claim for temporary hazard pay shall be submitted as 10585
a separate payment and shall be subject to an administrative audit 10586
by the director as to the extent and duration of the employee's 10587
exposure to the hazardous condition. 10588

(G) When a full-time employee whose salary or wage is paid 10589
directly by warrant of the director of budget and management and 10590
who also is eligible for overtime under the "Fair Labor Standards 10591
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 10592
ordered by the appointing authority to report back to work after 10593
termination of the employee's regular work schedule and the 10594
employee reports, the employee shall be paid for such time. The 10595
employee shall be entitled to four hours at the employee's total 10596
rate of pay or overtime compensation for the actual hours worked, 10597

whichever is greater. This division does not apply to work that is 10598
a continuation of or immediately preceding an employee's regular 10599
work schedule. 10600

(H) When a certain position or positions paid in accordance 10601
with schedule B of section 124.15 of the Revised Code or in 10602
accordance with schedule E-1 or schedule E-1 for step seven only 10603
of section 124.152 of the Revised Code require the ability to 10604
speak or write a language other than English, a special pay 10605
supplement may be granted to attract bilingual individuals, to 10606
encourage present employees to become proficient in other 10607
languages, or to retain qualified bilingual employees. The 10608
bilingual pay supplement provided in this division may be granted 10609
in the amount of five per cent of the employee's classification 10610
salary base for each required foreign language and shall remain in 10611
effect as long as the bilingual requirement exists. 10612

(I) The director of administrative services may establish a 10613
shift differential for employees. The differential shall be paid 10614
to employees in positions working in other than the regular or 10615
first shift. In those divisions or agencies where only one shift 10616
prevails, no shift differential shall be paid regardless of the 10617
hours of the day that are worked. The director and the appointing 10618
authority shall designate which positions shall be covered by this 10619
division. 10620

(J) Whenever an employee is assigned to work in a higher 10621
level position for a continuous period of more than two weeks but 10622
no more than two years because of a vacancy, the employee's pay 10623
may be established at a rate that is approximately four per cent 10624
above the employee's current base rate for the period the employee 10625
occupies the position, provided that this temporary occupancy is 10626
approved by the director. Employees paid under this division shall 10627
continue to receive any of the pay supplements due them under 10628
other divisions of this section based on the step one base rate 10629

for their normal classification. 10630

(K) If a certain position, or positions, within a class paid 10631
in accordance with schedule B of section 124.15 of the Revised 10632
Code or in accordance with schedule E-1 or schedule E-1 for step 10633
seven only of section 124.152 of the Revised Code are mandated by 10634
state or federal law or regulation or other regulatory agency or 10635
other certification authority to have special technical 10636
certification, registration, or licensing to perform the functions 10637
which are under the mandate, a special professional achievement 10638
pay supplement may be granted. This special professional 10639
achievement pay supplement shall not be granted when all 10640
incumbents in all positions in a class require a license as 10641
provided in the classification description published by the 10642
department of administrative services; to licensees where no 10643
special or extensive training is required; when certification is 10644
granted upon completion of a stipulated term of in-service 10645
training; when an appointing authority has required certification; 10646
or any other condition prescribed by the director. 10647

(1) Before this supplement may be applied, evidence as to the 10648
requirement must be provided by the agency for each position 10649
involved, and certification must be received from the director as 10650
to the director's concurrence for each of the positions so 10651
affected. 10652

(2) The professional achievement pay supplement provided in 10653
this division shall be granted in an amount up to ten per cent of 10654
the employee's classification salary base and shall remain in 10655
effect as long as the mandate exists. 10656

(L) Those employees assigned to teaching supervisory, 10657
principal, assistant principal, or superintendent positions who 10658
have attained a higher educational level than a basic bachelor's 10659
degree may receive an educational pay supplement to remain in 10660
effect as long as the employee's assignment and classification 10661

remain the same. 10662

(1) An educational pay supplement of two and one-half per cent of the employee's classification salary base may be applied upon the achievement of a bachelor's degree plus twenty quarter hours of postgraduate work. 10663
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(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree. 10667
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(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work. 10670
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(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher. 10674
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(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher. 10677
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(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year. 10680
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(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these 10687
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employees to range appropriately, but not necessarily uniformly, 10693
for each classification title requiring a licensed physician, in 10694
accordance with a schedule approved by the state controlling 10695
board. The individual salary levels recommended for each such 10696
physician employed shall be approved by the director. 10697
Notwithstanding section 124.11 of the Revised Code, such personnel 10698
are in the unclassified civil service. 10699

(2) The director of administrative services may approve 10700
supplementary compensation for the director of health, if the 10701
director is a licensed physician, in accordance with a 10702
supplementary compensation schedule approved under division (M)(1) 10703
of this section or in accordance with another supplementary 10704
compensation schedule the director of administrative services 10705
considers appropriate. The supplementary compensation shall not 10706
exceed twenty per cent of the director of health's base rate of 10707
pay. 10708

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 10709
117.42, and 131.02 of the Revised Code, the state shall not 10710
institute any civil action to recover and shall not seek 10711
reimbursement for overpayments made in violation of division (E) 10712
of this section or division (C) of section 9.44 of the Revised 10713
Code for the period starting after June 24, 1987, and ending on 10714
October 31, 1993. 10715

(O) Employees of the office of the treasurer of state who are 10716
exempt from collective bargaining coverage may be granted a merit 10717
pay supplement of up to one and one-half per cent of their step 10718
rate. The rate at which this supplement is granted shall be based 10719
on performance standards established by the treasurer of state. 10720
Any supplements granted under this division shall be administered 10721
on an annual basis. 10722

(P) Intermittent employees appointed under section 124.30 of 10723
the Revised Code are not eligible for the pay supplements provided 10724

by this section. 10725

Sec. 124.183. (A) As used in this section, "active payroll" 10726
means ~~when an employee is actively working; on military, workers'~~ 10727
~~compensation, occupational injury, or disability leave; or on an~~ 10728
~~approved leave of absence~~ conditions under which an employee is in 10729
active pay status or eligible to receive pay for an approved leave 10730
of absence including, but not limited to, occupational injury 10731
leave, disability leave, or workers' compensation. 10732

(B) ~~(1) Each permanent employee paid in accordance with~~ 10733
~~schedule E 1 of section 124.152 of the Revised Code who was~~ 10734
~~appointed on or before March 6, 2003, and remains continuously on~~ 10735
~~the active payroll through November 14, 2004, shall receive a~~ 10736
~~one-time pay supplement. The supplement shall be a two per cent~~ 10737
~~lump sum payment that is based on the annualization of the top~~ 10738
~~step of the pay range in schedule E 1 that the employee is in on~~ 10739
~~November 14, 2004.~~ 10740

~~(2) Each permanent employee paid in accordance with schedule~~ 10741
~~E 1 for step seven only of section 124.152 of the Revised Code who~~ 10742
~~was appointed on or before March 6, 2003, and remains continuously~~ 10743
~~on the active payroll through November 14, 2004, shall receive a~~ 10744
~~one-time pay supplement. The supplement shall be a two per cent~~ 10745
~~lump sum payment that is based on the annualization of step 6 of~~ 10746
~~the pay range in schedule E 1 of section 124.152 of the Revised~~ 10747
~~Code that corresponds with the pay range in schedule E 1 for step~~ 10748
~~seven only that the employee is in on November 14, 2004.~~ 10749

~~(3) Each permanent employee paid under schedule E 2 of~~ 10750
~~section 124.152 of the Revised Code who was appointed on or before~~ 10751
~~March 6, 2003, and remains continuously on the active payroll~~ 10752
~~through November 14, 2004, shall receive a one-time pay~~ 10753
~~supplement. The supplement shall be a two per cent lump sum~~ 10754
~~payment that is based upon the annualization of the maximum hourly~~ 10755

~~rate of the pay range in schedule E 2 that the employee is in on 10756
November 14, 2004. 10757~~

~~(C) Each permanent employee who is exempt from collective 10758
bargaining, is not covered by division (B) of this section, was 10759
appointed on or before March 6, 2003, and remains continuously on 10760
the active payroll through November 14, 2004, shall receive a 10761
one-time pay supplement. The supplement shall be a two per cent 10762
lump sum payment that is based upon the annualization of the base 10763
rate of the employee's pay on November 14, 2004. 10764~~

~~(D) A part-time employee who is eligible to receive a 10765
one-time pay supplement under division (B) or (C) of this section 10766
shall have the employee's one-time pay supplement pro-rated based 10767
on the number of hours worked in the twenty-six pay periods prior 10768
to November 14, 2004. 10769~~

~~An employee who is eligible to receive a one-time pay 10770
supplement under division (B) or (C) of this section and was on a 10771
voluntary leave of absence shall have the employee's one-time pay 10772
supplement pro-rated based on the number of hours worked in the 10773
twenty-six pay periods prior to November 14, 2004. 10774~~

~~(E) A one-time pay supplement under this section shall be 10775
paid in the employee's first paycheck in December of 2004. 10776~~

~~(F) This section applies only to employees who are eligible 10777
to receive personal leave under section 124.386 of the Revised 10778
Code, except as otherwise provided in division (E) of this 10779
section. 10780~~

~~(C)(1) Employees who are in active payroll status on July 30, 10781
2011, shall receive a one-time pay supplement in the earnings 10782
statements they receive on August 26, 2011. Full-time employees 10783
shall receive a one-time pay supplement equivalent to thirty-two 10784
hours of personal leave or a one-time pay supplement equivalent to 10785
half the hours of personal leave the employee lost during the 10786~~

moratorium under division (A) of section 124.386 of the Revised Code, whichever is less. Part-time employees shall receive a one-time pay supplement equivalent to sixteen hours of personal leave. 10787
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(2) Employees who are not in active payroll status on July 30, 2011, due to military leave or an absence taken under the federal Family and Medical Leave Act are eligible to receive the one-time pay supplement. 10791
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(D) Notwithstanding any provision of law to the contrary, a one-time pay supplement under this section shall not be subject to withholding for deposit into any state retirement system. Notwithstanding any provision of law to the contrary, a one-time pay supplement under this section shall not be used for calculation purposes in determining an employee's retirement benefits in any state retirement system. 10795
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~~(G)(1) This section does not apply to employees of the general assembly, legislative agencies, or the supreme court.~~ 10802
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~~(2)(E) This section does not apply to employees of the supreme court, the general assembly, the legislative service commission, the secretary of state, the auditor of state, the treasurer of state, or the attorney general unless the supreme court, the general assembly, the legislative service commission, the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides that the office's employees should be eligible for the one-time pay supplement and so notifies participated in the moratorium under division (H) or (I) of section 124.386 of the Revised Code and notifies the director of administrative services in writing on or before July 1, 2004 June 1, 2011, of the decision to participate in the one-time pay supplement. Written notice under this division shall be signed by the appointing authority for employees of the supreme court, general assembly, or legislative service commission, as the case~~ 10804
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may be. 10819

Sec. 124.23. (A) All applicants for positions and places in 10820
the classified service shall be subject to examination, except for 10821
applicants for positions as professional or certified service and 10822
paraprofessional employees of county boards of mental retardation 10823
and developmental disabilities, who shall be hired in the manner 10824
provided in section 124.241 of the Revised Code. 10825

(B) Any examination administered under this section shall be 10826
public and be open to all citizens of the United States and those 10827
persons who have legally declared their intentions of becoming 10828
United States citizens, ~~within certain limitations to be~~ 10829
~~determined by.~~ For examinations administered for positions in the 10830
service of the state, the director of administrative services may 10831
determine certain limitations as to citizenship, age, experience, 10832
education, health, habit, and moral character. ~~Any~~ 10833

(C) Any person who has completed service in the uniformed 10834
services, who has been honorably discharged from the uniformed 10835
services or transferred to the reserve with evidence of 10836
satisfactory service, and who is a resident of this state and any 10837
member of the national guard or a reserve component of the armed 10838
forces of the United States who has completed more than one 10839
hundred eighty days of active duty service pursuant to an 10840
executive order of the president of the United States or an act of 10841
the congress of the United States may file with the director a 10842
certificate of service or honorable discharge, and, upon this 10843
filing, the person shall receive additional credit of twenty per 10844
cent of the person's total grade given in the regular examination 10845
in which the person receives a passing grade. 10846

As used in this division, "service in the uniformed services" 10847
and "uniformed services" have the same meanings as in the 10848
"Uniformed Services Employment and Reemployment Rights Act of 10849

1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 10850

~~(C)~~(D) An examination may include an evaluation of such 10851
factors as education, training, capacity, knowledge, manual 10852
dexterity, and physical or psychological fitness. An examination 10853
shall consist of one or more tests in any combination. Tests may 10854
be written, oral, physical, demonstration of skill, or an 10855
evaluation of training and experiences and shall be designed to 10856
fairly test the relative capacity of the persons examined to 10857
discharge the particular duties of the position for which 10858
appointment is sought. Tests may include structured interviews, 10859
assessment centers, work simulations, examinations of knowledge, 10860
skills, and abilities, and any other acceptable testing methods. 10861
If minimum or maximum requirements are established for any 10862
examination, they shall be specified in the examination 10863
announcement. 10864

~~(D)~~(E) The director of administrative services shall have 10865
control of all examinations administered for positions in the 10866
service of the state and all other examinations the director 10867
administers as provided in section 124.07 of the Revised Code, 10868
except as otherwise provided in sections 124.01 to 124.64 of the 10869
Revised Code. ~~No~~ 10870

(F) No questions in any examination shall relate to political 10871
or religious opinions or affiliations. No credit for seniority, 10872
efficiency, or any other reason shall be added to an applicant's 10873
examination grade unless the applicant achieves at least the 10874
minimum passing grade on the examination without counting that 10875
extra credit. 10876

~~(E)~~(G) Except as otherwise provided in sections 124.01 to 10877
124.64 of the Revised Code, the director of administrative 10878
services shall give reasonable notice of the time, place, and 10879
general scope of every competitive examination for appointment ~~to~~ 10880
a position in the civil service that the director administers for 10881

positions in the service of the state. The director shall send 10882
written, printed, or electronic notices of every examination to be 10883
conducted for positions in the ~~state~~ classified civil service of 10884
the state to each agency of the type the director of job and 10885
family services specifies and, in the case of a county in which no 10886
such agency is located, to the clerk of the court of common pleas 10887
of that county and to the clerk of each city located within that 10888
county. Those notices shall be posted in conspicuous public places 10889
in the designated agencies or the courthouse, and city hall of the 10890
cities, of the counties in which no designated agency is located 10891
for at least two weeks preceding any examination involved, and in 10892
a conspicuous place in the office of the director of 10893
administrative services for at least two weeks preceding any 10894
examination involved. In case of examinations limited by the 10895
director to a district, county, city, or department, the director 10896
shall provide by rule for adequate publicity of an examination in 10897
the district, county, city, or department within which competition 10898
is permitted. 10899

Sec. 124.27. (A) The head of a department, office, or 10900
institution, in which a position in the classified service is to 10901
be filled, shall notify the director of administrative services of 10902
the fact, and the director shall, except as otherwise provided in 10903
this section and sections 124.30 and 124.31 of the Revised Code, 10904
certify to the appointing authority the names and addresses of the 10905
ten candidates standing highest on the eligible list for the class 10906
or grade to which the position belongs, except that the director 10907
may certify less than ten names if ten names are not available. 10908
When less than ten names are certified to an appointing authority, 10909
appointment from that list shall not be mandatory. When a position 10910
in the classified service in the department of mental health or 10911
the department of mental retardation and developmental 10912
disabilities is to be filled, the director of administrative 10913

services shall make such certification to the appointing authority 10914
within seven working days of the date the eligible list is 10915
requested. 10916

(B) The appointing authority shall notify the director of a 10917
position in the classified service to be filled, and the 10918
appointing authority shall fill the vacant position by appointment 10919
of one of the ten persons certified by the director. If more than 10920
one position is to be filled, the director may certify a group of 10921
names from the eligible list, and the appointing authority shall 10922
appoint in the following manner: beginning at the top of the list, 10923
each time a selection is made, it must be from one of the first 10924
ten candidates remaining on the list who is willing to accept 10925
consideration for the position. If an eligible list becomes 10926
exhausted, and until a new list can be created, or when no 10927
eligible list for a position exists, names may be certified from 10928
eligible lists most appropriate for the group or class in which 10929
the position to be filled is classified. A person who is certified 10930
from an eligible list more than three times to the same appointing 10931
authority for the same or similar positions may be omitted from 10932
future certification to that appointing authority, provided that 10933
certification for a temporary appointment shall not be counted as 10934
one of those certifications. Every person who qualifies for 10935
veteran's preference under section 124.23 of the Revised Code, who 10936
is a resident of this state, and whose name is on the eligible 10937
list for a position shall be entitled to preference in original 10938
appointments to any such competitive position in the civil service 10939
of the state and its civil divisions over all other persons 10940
eligible for those appointments and standing on the relevant 10941
eligible list with a rating equal to that of the person qualifying 10942
for veteran's preference. Appointments to all positions in the 10943
classified service, that are not filled by promotion, transfer, or 10944
reduction, as provided in sections 124.01 to 124.64 of the Revised 10945
Code and the rules of the director prescribed under those 10946

sections, shall be made only from those persons whose names are 10947
certified to the appointing authority, and no employment, except 10948
as provided in those sections, shall be otherwise given in the 10949
classified service of this state or any political subdivision of 10950
the state. 10951

(C) All original and promotional appointments, including 10952
appointments made pursuant to section 124.30 of the Revised Code, 10953
but not intermittent appointments, shall be for a probationary 10954
period, not less than sixty days nor more than one year, to be 10955
fixed by the rules of the director, except as provided in section 10956
124.231 of the Revised Code, and except for original appointments 10957
to a police department as a police officer or to a fire department 10958
as a firefighter which shall be for a probationary period of one 10959
year. No appointment or promotion is final until the appointee has 10960
satisfactorily served the probationary period. If the service of 10961
the probationary employee is unsatisfactory, the employee may be 10962
removed or reduced at any time during the probationary period. If 10963
the appointing authority decides to remove a probationary employee 10964
in the service of the state, the appointing authority shall 10965
communicate to the director the reason for that decision. A 10966
probationary employee duly removed or reduced in position for 10967
unsatisfactory service does not have the right to appeal the 10968
removal or reduction under section 124.34 of the Revised Code. 10969

Sec. 124.321. (A) Whenever it becomes necessary for an 10970
appointing authority to reduce its work force, the appointing 10971
authority shall lay off employees or abolish their positions in 10972
accordance with sections 124.321 to 124.327 of the Revised Code 10973
and. If the affected work force is in the service of the state, 10974
the reduction shall also be in compliance with the rules of the 10975
director of administrative services. 10976

(B)(1) Employees may be laid off as a result of a lack of 10977

funds within an appointing authority. For appointing authorities 10978
that employ persons whose salary or wage is paid by warrant of the 10979
director of budget and management, the director of budget and 10980
management shall be responsible for determining, consistent with 10981
the rules adopted under division (B)(3) of this section, whether a 10982
lack of funds exists. For appointing authorities that employ 10983
persons whose salary or wage is paid other than by warrant of the 10984
director of budget and management, the appointing authority itself 10985
shall determine whether a lack of funds exists ~~and shall file a~~ 10986
~~statement of rationale and supporting documentation with the~~ 10987
~~director of administrative services prior to sending the layoff~~ 10988
~~notice.~~ 10989

(2) As used in this division, a "lack of funds" means an 10990
appointing authority has a current or projected deficiency of 10991
funding to maintain current, or to sustain projected, levels of 10992
staffing and operations. This section does not require any 10993
transfer of money between funds in order to offset a deficiency or 10994
projected deficiency of funding for programs funded by the federal 10995
government, special revenue accounts, or proprietary accounts. 10996
Whenever a program receives funding through a grant or similar 10997
mechanism, a lack of funds shall be presumed for the positions 10998
assigned to and the employees who work under the grant or similar 10999
mechanism if, for any reason, the funding is reduced or withdrawn. 11000

(3) The director of budget and management shall adopt rules, 11002
under Chapter 119. of the Revised Code, for agencies whose 11003
employees are paid by warrant of the director of budget and 11004
management, for determining whether a lack of funds exists. 11005

(C)(1) Employees may be laid off as a result of lack of work 11006
within an appointing authority. For appointing authorities whose 11007
employees are paid by warrant of the director of budget and 11008
management, the director of administrative services shall 11009

determine, consistent with the rules adopted under division (F) of 11010
this section, whether a lack of work exists. All other appointing 11011
authorities shall themselves determine whether a lack of work 11012
exists ~~and shall file a statement of rationale and supporting~~ 11013
~~documentation with the director of administrative services prior~~ 11014
~~to sending the layoff notice.~~ 11015

(2) As used in this division, a "lack of work" means an 11016
appointing authority has a current or projected decrease in 11017
workload that requires a reduction of current or projected 11018
staffing levels in its organization or structure. The 11019
determination of a lack of work shall indicate the current or 11020
projected decrease in workload and whether the current or 11021
projected staffing levels of the appointing authority will be 11022
excessive. 11023

(D)(1) Employees may be laid off as a result of abolishment 11024
of positions. As used in this division, "abolishment" means the 11025
deletion of a position or positions from the organization or 11026
structure of an appointing authority. 11027

For purposes of this division, an appointing authority may 11028
abolish positions for any one or any combination of the following 11029
reasons: as a result of a reorganization for the efficient 11030
operation of the appointing authority, for reasons of economy, or 11031
for lack of work. 11032

(2)(a) Reasons of economy permitting an appointing authority 11033
to abolish a position and to lay off the holder of that position 11034
under this division shall be determined at the time the appointing 11035
authority proposes to abolish the position. The reasons of economy 11036
shall be based on the appointing authority's estimated amount of 11037
savings with respect to salary, benefits, and other matters 11038
associated with the abolishment of the position, except that the 11039
reasons of economy associated with the position's abolishment 11040
instead may be based on the appointing authority's estimated 11041

amount of savings with respect to salary and benefits only, if: 11042

(i) Either the appointing authority's operating appropriation 11043
has been reduced by an executive or legislative action, or the 11044
appointing authority has a current or projected deficiency in 11045
funding to maintain current or projected levels of staffing and 11046
operations; and 11047

(ii) In the case of a position in the service of the state, 11048
it files a notice of the position's abolishment with the director 11049
of administrative services within one year of the occurrence of 11050
the applicable circumstance described in division (D)(2)(a)(i) of 11051
this section. 11052

(b) The following principles apply when a circumstance 11053
described in division (D)(2)(a)(i) of this section would serve to 11054
authorize an appointing authority to abolish a position and to lay 11055
off the holder of the position under this division based on the 11056
appointing authority's estimated amount of savings with respect to 11057
salary and benefits only: 11058

(i) The position's abolishment shall be done in good faith 11059
and not as a subterfuge for discipline. 11060

(ii) If a circumstance affects a specific program only, the 11061
appointing authority only may abolish a position within that 11062
program. 11063

(iii) If a circumstance does not affect a specific program 11064
only, the appointing authority may identify a position that it 11065
considers appropriate for abolishment based on the reasons of 11066
economy. 11067

(3) Each appointing authority shall determine itself whether 11068
any position should be abolished. An appointing authority 11069
abolishing any position in the service of the state shall file a 11070
statement of rationale and supporting documentation with the 11071
director of administrative services prior to sending the notice of 11072

abolishment. 11073

If an abolishment results in a reduction of the work force, 11074
the appointing authority shall follow the procedures for laying 11075
off employees, subject to the following modifications: 11076

(a) The employee whose position has been abolished shall have 11077
the right to fill an available vacancy within the employee's 11078
classification. 11079

(b) If the employee whose position has been abolished has 11080
more retention points than any other employee serving in the same 11081
classification, the employee with the fewest retention points 11082
shall be displaced. 11083

(c) If the employee whose position has been abolished has the 11084
fewest retention points in the classification, the employee shall 11085
have the right to fill an available vacancy in a lower 11086
classification in the classification series. 11087

(d) If the employee whose position has been abolished has the 11088
fewest retention points in the classification, the employee shall 11089
displace the employee with the fewest retention points in the next 11090
or successively lower classification in the classification series. 11091

(E) Notwithstanding any contrary provision of the 11092
displacement procedure described in section 124.324 of the Revised 11093
Code for employees to displace other employees during a layoff, 11094
the director of administrative services or a county appointing 11095
authority may establish a paper lay-off process under which 11096
employees who are to be laid off or displaced may be required, 11097
before the date of their paper layoff, to preselect their options 11098
for displacing other employees. 11099

(F) The director of administrative services shall adopt rules 11100
under Chapter 119. of the Revised Code for the determination of 11101
lack of work within an appointing authority, for the abolishment 11102
of positions by an appointing authority, and for the 11103

implementation of this section as it relates to positions in the 11104
service of the state. 11105

Sec. 124.324. (A) A laid-off employee has the right to 11106
displace the employee with the fewest retention points in the 11107
following order: 11108

(1) Within the classification from which the employee was 11109
laid off; 11110

(2) Within the classification series from which the employee 11111
was laid off; 11112

(3) Within the classification the employee held immediately 11113
prior to holding the classification from which the employee was 11114
laid off, except that the employee may not displace employees in a 11115
classification if the employee does not meet the minimum 11116
qualifications of the classification or if the employee last held 11117
the classification more than three years prior to the date on 11118
which the employee was laid off. 11119

If, after exercising displacement rights, an employee is 11120
subject to further layoff action, the employee's displacement 11121
rights shall be in accordance with the classification from which 11122
the employee was first laid off. 11123

The director of administrative services shall verify the 11124
calculation of the retention points of all employees in the 11125
service of the state in an affected classification in accordance 11126
with section 124.325 of the Revised Code. 11127

(B) Following the order of layoff, an employee laid off in 11128
the classified civil service shall displace another employee 11129
within the same appointing authority or independent institution 11130
and layoff jurisdiction in the following manner: 11131

(1) Each laid-off employee possessing more retention points 11132
shall displace the employee with the fewest retention points in 11133

the next lower classification or successively lower classification 11134
in the same classification series. 11135

(2) Any employee displaced by an employee possessing more 11136
retention points shall displace the employee with the fewest 11137
retention points in the next lower classification or successively 11138
lower classification in the same classification series. This 11139
process shall continue, if necessary, until the employee with the 11140
fewest retention points in the lowest classification of the 11141
classification series of the same appointing authority or 11142
independent institution has been reached and, if necessary, laid 11143
off. 11144

(C) Employees shall notify the appointing authority of their 11145
intention to exercise their displacement rights, within five days 11146
after receiving notice of layoff. This division does not apply if 11147
the director of administrative services has established a paper 11148
lay-off process pursuant to division (E) of section 124.321 of the 11149
Revised Code that includes a different notification requirement 11150
for employees exercising their displacement rights under that 11151
process. 11152

(D) No employee shall displace an employee for whose position 11153
or classification there are certain position-specific minimum 11154
qualifications, as established by the appointing authority and 11155
reviewed for validity by the department of administrative 11156
services, or as established by bona fide occupational 11157
qualification, unless the employee desiring to displace another 11158
employee possesses the requisite position-specific minimum 11159
qualifications for the position or classification. 11160

(E) If an employee exercising displacement rights must 11161
displace an employee in another county within the same layoff 11162
district, the displacement shall not be construed to be a 11163
transfer. 11164

(F) The director of administrative services shall adopt rules 11165
under Chapter 119. of the Revised Code for the implementation of 11166
this section as it relates to positions in the service of the 11167
state. 11168

Sec. 124.325. (A) Retention points to reflect the length of 11169
continuous service and efficiency in service for all employees 11170
affected by a layoff shall be verified by the director of 11171
administrative services for positions in the service of the state. 11172

(B) An employee's length of continuous service will be 11173
carried from one layoff jurisdiction to another so long as no 11174
break in service occurs between transfers or appointments. 11175

(C) If two or more employees have an identical number of 11176
retention points, employees having the shortest period of 11177
continuous service shall be laid off first. 11178

(D)(1) As used in this division, "affected employee" means a 11179
city employee who becomes a county employee, or a county employee 11180
who becomes a city employee, as the result of any of the 11181
following: 11182

(a) The merger of a city and a county office; 11183

(b) The merger of city and county functions or duties; 11184

(c) The transfer of functions or duties between a city and 11185
county. 11186

(2) For purposes of this section, the new employer of any 11187
affected employee shall treat the employee's prior service with a 11188
former employer as if it had been served with the new employer. 11189

(E) The director of administrative services shall adopt rules 11190
in accordance with Chapter 119. of the Revised Code to establish a 11191
system for the assignment of retention points for each employee in 11192
the service of the state in a classification affected by a layoff 11193
and for determining, in those instances where employees in the 11194

service of the state have identical retention points, which 11195
employee shall be laid off first. 11196

Sec. 124.34. (A) The tenure of every officer or employee in 11197
the classified service of the state and the counties, civil 11198
service townships, cities, city health districts, general health 11199
districts, and city school districts of the state, holding a 11200
position under this chapter, shall be during good behavior and 11201
efficient service. No officer or employee shall be reduced in pay 11202
or position, fined, suspended, or removed, or have the officer's 11203
or employee's longevity reduced or eliminated, except as provided 11204
in section 124.32 of the Revised Code, and for incompetency, 11205
inefficiency, dishonesty, drunkenness, immoral conduct, 11206
insubordination, discourteous treatment of the public, neglect of 11207
duty, violation of any policy or work rule of the officer's or 11208
employee's appointing authority, violation of this chapter or the 11209
rules of the director of administrative services or the 11210
commission, any other failure of good behavior, any other acts of 11211
misfeasance, malfeasance, or nonfeasance in office, or conviction 11212
of a felony. The denial of a one-time pay supplement or a bonus to 11213
an officer or employee is not a reduction in pay for purposes of 11214
this section. 11215

This section does not apply to any modifications or 11216
reductions in pay authorized by section 124.392 of the Revised 11217
Code. 11218

An appointing authority may require an employee who is 11219
suspended to report to work to serve the suspension. An employee 11220
serving a suspension in this manner shall continue to be 11221
compensated at the employee's regular rate of pay for hours 11222
worked. The disciplinary action shall be recorded in the 11223
employee's personnel file in the same manner as other disciplinary 11224
actions and has the same effect as a suspension without pay for 11225

the purpose of recording disciplinary actions. 11226

A finding by the appropriate ethics commission, based upon a 11227
preponderance of the evidence, that the facts alleged in a 11228
complaint under section 102.06 of the Revised Code constitute a 11229
violation of Chapter 102., section 2921.42, or section 2921.43 of 11230
the Revised Code may constitute grounds for dismissal. Failure to 11231
file a statement or falsely filing a statement required by section 11232
102.02 of the Revised Code may also constitute grounds for 11233
dismissal. The tenure of an employee in the career professional 11234
service of the department of transportation is subject to section 11235
5501.20 of the Revised Code. 11236

Conviction of a felony is a separate basis for reducing in 11237
pay or position, suspending, or removing an officer or employee, 11238
even if the officer or employee has already been reduced in pay or 11239
position, suspended, or removed for the same conduct that is the 11240
basis of the felony. An officer or employee may not appeal to the 11241
state personnel board of review or the commission any disciplinary 11242
action taken by an appointing authority as a result of the 11243
officer's or employee's conviction of a felony. If an officer or 11244
employee removed under this section is reinstated as a result of 11245
an appeal of the removal, any conviction of a felony that occurs 11246
during the pendency of the appeal is a basis for further 11247
disciplinary action under this section upon the officer's or 11248
employee's reinstatement. 11249

A person convicted of a felony immediately forfeits the 11250
person's status as a classified employee in any public employment 11251
on and after the date of the conviction for the felony. If an 11252
officer or employee is removed under this section as a result of 11253
being convicted of a felony or is subsequently convicted of a 11254
felony that involves the same conduct that was the basis for the 11255
removal, the officer or employee is barred from receiving any 11256
compensation after the removal notwithstanding any modification or 11257

disaffirmance of the removal, unless the conviction for the felony 11258
is subsequently reversed or annulled. 11259

Any person removed for conviction of a felony is entitled to 11260
a cash payment for any accrued but unused sick, personal, and 11261
vacation leave as authorized by law. If subsequently reemployed in 11262
the public sector, the person shall qualify for and accrue these 11263
forms of leave in the manner specified by law for a newly 11264
appointed employee and shall not be credited with prior public 11265
service for the purpose of receiving these forms of leave. 11266

As used in this division, "felony" means any of the 11267
following: 11268

(1) A felony that is an offense of violence as defined in 11269
section 2901.01 of the Revised Code; 11270

(2) A felony that is a felony drug abuse offense as defined 11271
in section 2925.01 of the Revised Code; 11272

(3) A felony under the laws of this or any other state or the 11273
United States that is a crime of moral turpitude; 11274

(4) A felony involving dishonesty, fraud, or theft; 11275

(5) A felony that is a violation of section 2921.05, 2921.32, 11276
or 2921.42 of the Revised Code. 11277

(B) In case of a reduction, a suspension of forty or more 11278
work hours in the case of an employee exempt from the payment of 11279
overtime compensation, a suspension of twenty-four or more work 11280
hours in the case of an employee required to be paid overtime 11281
compensation, a fine of forty or more hours' pay in the case of an 11282
employee exempt from the payment of overtime compensation, a fine 11283
of twenty-four or more hours' pay in the case of an employee 11284
required to be paid overtime compensation, or removal, except for 11285
the reduction or removal of a probationary employee, the 11286
appointing authority shall serve the employee with a copy of the 11287

order of reduction, fine, suspension, or removal, which order 11288
shall state the reasons for the action. 11289

Within ten days following the date on which the order is 11290
served or, in the case of an employee in the career professional 11291
service of the department of transportation, within ten days 11292
following the filing of a removal order, the employee, except as 11293
otherwise provided in this section, may file an appeal of the 11294
order in writing with the state personnel board of review or the 11295
commission. For purposes of this section, the date on which an 11296
order is served is the date of hand delivery of the order or the 11297
date of delivery of the order by certified United States mail, 11298
whichever occurs first. If an appeal is filed, the board or 11299
commission shall forthwith notify the appointing authority and 11300
shall hear, or appoint a trial board to hear, the appeal within 11301
thirty days from and after its filing with the board or 11302
commission. The board, commission, or trial board may affirm, 11303
disaffirm, or modify the judgment of the appointing authority. 11304
However, in an appeal of a removal order based upon a violation of 11305
a last chance agreement, the board, commission, or trial board may 11306
only determine if the employee violated the agreement and thus 11307
affirm or disaffirm the judgment of the appointing authority. 11308

In cases of removal or reduction in pay for disciplinary 11309
reasons, either the appointing authority or the officer or 11310
employee may appeal from the decision of the state personnel board 11311
of review or the commission, and any such appeal shall be to the 11312
court of common pleas of the county in which the appointing 11313
authority is located, or to the court of common pleas of Franklin 11314
county, as provided by section 119.12 of the Revised Code. 11315

(C) In the case of the suspension for any period of time, or 11316
a fine, demotion, or removal, of a chief of police, a chief of a 11317
fire department, or any member of the police or fire department of 11318
a city or civil service township, who is in the classified civil 11319

service, the appointing authority shall furnish the chief or 11320
member with a copy of the order of suspension, fine, demotion, or 11321
removal, which order shall state the reasons for the action. The 11322
order shall be filed with the municipal or civil service township 11323
civil service commission. Within ten days following the filing of 11324
the order, the chief or member may file an appeal, in writing, 11325
with the commission. If an appeal is filed, the commission shall 11326
forthwith notify the appointing authority and shall hear, or 11327
appoint a trial board to hear, the appeal within thirty days from 11328
and after its filing with the commission, and it may affirm, 11329
disaffirm, or modify the judgment of the appointing authority. An 11330
appeal on questions of law and fact may be had from the decision 11331
of the commission to the court of common pleas in the county in 11332
which the city or civil service township is situated. The appeal 11333
shall be taken within thirty days from the finding of the 11334
commission. 11335

(D) A violation of division (A)(7) of section 2907.03 of the 11336
Revised Code is grounds for termination of employment of a 11337
nonteaching employee under this section. 11338

(E) As used in this section, "last chance agreement" means an 11339
agreement signed by both an appointing authority and an officer or 11340
employee of the appointing authority that describes the type of 11341
behavior or circumstances that, if it occurs, will automatically 11342
lead to removal of the officer or employee without the right of 11343
appeal to the state personnel board of review or the appropriate 11344
commission. 11345

Sec. 124.381. Each (A)(1)(a) An employee in the service of 11346
the state may be eligible to receive salary continuation not to 11347
exceed four hundred eighty hours at the employee's total rate of 11348
pay for absence as a result of injury incurred during the 11349
performance of, or arising out of, state employment. When an 11350

eligible employee's absence as a result of such an injury extends 11351
beyond four hundred eighty hours, the employee immediately becomes 11352
subject to sections 124.382 and 124.385 of the Revised Code 11353
regarding sick leave and disability leave benefits. 11354

An employee is ineligible to receive salary continuation 11355
until the date of implementation is established in the rules 11356
adopted under division (C)(1) of this section. 11357

(b) Employees of the secretary of state, auditor of state, 11358
treasurer of state, attorney general, supreme court, general 11359
assembly, or legislative service commission are not subject to 11360
division (A)(1)(a) of this section unless the relevant appointing 11361
authority notifies the director of administrative services in 11362
writing of the intent to have all of the appointing authority's 11363
employees participate in salary continuation. The relevant 11364
appointing authority also may discontinue salary continuation for 11365
all of its employees by providing written notice of the 11366
discontinuation to the director. 11367

Participation in salary continuation is subject to rules 11368
adopted under division (C)(1) of this section. 11369

(2) Each employee of the department of rehabilitation and 11370
correction, the department of mental health, the department of 11371
mental retardation and developmental disabilities, ~~or the Ohio~~ 11372
~~veteran's home agency~~ department of veterans services, or each 11373
employee of the department of education who works at the Ohio 11374
schools for the deaf and blind, and each employee of the 11375
department of youth services as established in division (A) of 11376
section 124.14 of the Revised Code who ~~suffers bodily injury~~ 11377
~~inflicted by an inmate, patient, client, youth, or student in the~~ 11378
~~facilities~~ sustains a qualifying physical condition inflicted by a 11379
ward of these agencies during the time the employee is lawfully 11380
carrying out the assigned duties of the employee's position shall 11381
be paid occupational injury leave at the employee's total rate of 11382

pay during the period the employee is disabled as a result of that 11383
injury qualifying physical condition, but in no case to exceed ~~one~~ 11384
~~hundred twenty work days~~ nine hundred sixty hours, in lieu of 11385
workers' compensation. Pay made according to this ~~section~~ division 11386
shall not be charged to the employee's accumulation of sick leave 11387
credit. In any case when an employee's disability as a result of 11388
such a qualifying physical condition extends beyond nine hundred 11389
sixty hours, the employee immediately becomes subject to sections 11390
124.382 and 124.385 of the Revised Code regarding sick leave and 11391
disability leave benefits. 11392

(B) An employee who is receiving salary continuation or 11393
occupational injury leave under division (A)(1) or (2) of this 11394
section is not eligible for other paid leave, including holiday 11395
pay, while receiving benefits under either division. While an 11396
employee is receiving salary continuation or occupational injury 11397
leave under division (A)(1) or (2) of this section, vacation leave 11398
credit ceases to accrue to the employee under section 124.134 of 11399
the Revised Code, but sick leave credit and personal leave credit 11400
continue to accrue to the employee under sections 124.382 and 11401
124.386 of the Revised Code. 11402

(C)(1) The director of administrative services shall adopt 11403
rules for the administration of both the salary continuation 11404
program and the occupational injury leave program. The rules shall 11405
include, but not be limited to, provisions for determining a 11406
disability, for filing a claim for leave under this section, and 11407
for allowing or denying claims for the leave. 11408

~~During the time an employee is receiving injury compensation~~ 11409
~~as provided in this section, the employee shall be exempt from the~~ 11410
~~accumulation of vacation leave credit under section 124.134 of the~~ 11411
~~Revised Code but shall continue to receive sick leave credit and~~ 11412
~~personal leave credit under sections 124.382 and 124.386 of the~~ 11413
~~Revised Code.~~ 11414

~~In any case when an employee's disability, as covered by this section, extends beyond one hundred twenty work days, the employee shall immediately become subject to sections 124.382 and 124.385 of the Revised Code regarding sick leave and disability leave benefits.~~

(2) The director also may adopt rules for the payment of health benefits while an employee is on workers' compensation leave.

(D) An appointing authority may apply to the director of administrative services to grant salary continuation under division (A)(1) of this section or occupational injury leave in accordance with under division (A)(2) of this section to law enforcement personnel employed by the agency.

Sec. 124.382. (A) As used in this section and sections 124.383, 124.386, 124.387, and 124.388 of the Revised Code:

(1) "Pay period" means the fourteen-day period of time during which the payroll is accumulated, as determined by the director of administrative services.

(2) "Active pay status" means the conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, personal leave, bereavement leave, and administrative leave.

(3) "No pay status" means the conditions under which an employee is ineligible to receive pay and includes, but is not limited to, leave without pay, leave of absence, and disability leave.

(4) "Disability leave" means the leave granted pursuant to section 124.385 of the Revised Code.

(5) "Full-time permanent employee" means an employee whose regular hours of duty total eighty hours in a pay period in a

state agency and whose appointment is not for a limited period of 11445
time. 11446

(6) "Base rate of pay" means the rate of pay established 11447
under schedule B or C of section 124.15 of the Revised Code or 11448
under schedule E-1, schedule E-1 for step seven only, or schedule 11449
E-2 of section 124.152 of the Revised Code, plus any supplement 11450
provided under section 124.181 of the Revised Code, plus any 11451
supplements enacted into law which are added to schedule B or C of 11452
section 124.15 of the Revised Code or to schedule E-1, schedule 11453
E-1 for step seven only, or schedule E-2 of section 124.152 of the 11454
Revised Code. 11455

(7) "Part-time permanent employee" means an employee whose 11456
regular hours of duty total less than eighty hours in a pay period 11457
in a state agency and whose appointment is not for a limited 11458
period of time. 11459

(B) Each full-time permanent and part-time permanent employee 11460
whose salary or wage is paid directly by warrant of the director 11461
of budget and management shall be credited with sick leave of 11462
three and one-tenth hours for each completed eighty hours of 11463
service, excluding overtime hours worked. Sick leave is not 11464
available for use until it appears on the employee's earning 11465
statement and the compensation described in the earning statement 11466
is available to the employee. 11467

(C) Any sick leave credit provided pursuant to division (B) 11468
of this section, remaining as of the last day of the pay period 11469
preceding the first paycheck the employee receives in December, 11470
shall be converted pursuant to section 124.383 of the Revised 11471
Code. 11472

(D) Employees may use sick leave, provided a credit balance 11473
is available, upon approval of the responsible administrative 11474
officer of the employing unit, for absence due to personal 11475

illness, pregnancy, injury, exposure to contagious disease that 11476
could be communicated to other employees, and illness, injury, or 11477
death in the employee's immediate family. When sick leave is used, 11478
it shall be deducted from the employee's credit on the basis of 11479
absence from previously scheduled work in such increments of an 11480
hour and at such a compensation rate as the director of 11481
administrative services determines. The appointing authority of 11482
each employing unit may require an employee to furnish a 11483
satisfactory, signed statement to justify the use of sick leave. 11484

If, after having utilized the credit provided by this 11485
section, an employee utilizes sick leave that was accumulated 11486
prior to November 15, 1981, compensation for such sick leave used 11487
shall be at a rate as the director determines. 11488

(E)(1) The previously accumulated sick leave balance of an 11489
employee who has been separated from the public service, for which 11490
separation payments pursuant to section 124.384 of the Revised 11491
Code have not been made, shall be placed to the employee's credit 11492
upon the employee's reemployment in the public service, if the 11493
reemployment takes place within ten years of the date on which the 11494
employee was last terminated from public service. 11495

(2) The previously accumulated sick leave balance of an 11496
employee who has separated from a school district shall be placed 11497
to the employee's credit upon the employee's appointment as an 11498
unclassified employee of the state department of education, if all 11499
of the following apply: 11500

(a) The employee accumulated the sick leave balance while 11501
employed by the school district. 11502

(b) The employee did not receive any separation payments for 11503
the sick leave balance. 11504

(c) The employee's employment with the department takes place 11505
within ten years after the date on which the employee separated 11506

from the school district. 11507

(F) An employee who transfers from one public agency to 11508
another shall be credited with the unused balance of the 11509
employee's accumulated sick leave. 11510

(G) The director of administrative services shall establish 11511
procedures to uniformly administer this section. No sick leave may 11512
be granted to a state employee upon or after the employee's 11513
retirement or termination of employment. 11514

(H) As used in this division, "active payroll" means 11515
conditions under which an employee is in active pay status or 11516
eligible to receive pay for an approved leave of absence, 11517
including, but not limited to, occupational injury leave, 11518
disability leave, or workers' compensation. 11519

(1) Employees who are in active payroll status on June 18, 11520
2011, shall receive a one-time credit of additional sick leave in 11521
the pay period that begins on July 1, 2011. Full-time employees 11522
shall receive a one-time credit of thirty-two hours of additional 11523
sick leave or a credit of additional sick leave equivalent to half 11524
the hours of personal leave the employee lost during the 11525
moratorium under division (A) of section 124.386 of the Revised 11526
Code, whichever is less. Part-time employees shall receive a 11527
one-time credit of sixteen hours of additional sick leave. 11528

(2) Employees who are not in active payroll status due to 11529
military leave or an absence taken in accordance with the federal 11530
"Family and Medical Leave Act" are eligible to receive the 11531
one-time additional sick leave credit. 11532

(3) The one-time additional sick leave credit does not apply 11533
to employees of the supreme court, general assembly, legislative 11534
service commission, secretary of state, auditor of state, 11535
treasurer of state, or attorney general unless the supreme court, 11536
general assembly, legislative service commission, secretary of 11537

state, auditor of state, treasurer of state, or attorney general 11538
participated in the moratorium under division (H) or (I) of 11539
section 124.386 of the Revised Code and notifies in writing the 11540
director of administrative services on or before June 1, 2011, of 11541
the decision to participate in the one-time additional sick leave 11542
credit. Written notice under this division shall be signed by the 11543
appointing authority for employees of the supreme court, general 11544
assembly, or legislative service commission, as the case may be. 11545

Sec. 124.385. (A) An employee is eligible for disability 11546
leave benefits under this section if the employee has completed 11547
one year of continuous state service immediately prior to the date 11548
of the disability and if any of the following applies: 11549

(1) The employee is a full-time permanent employee and is 11550
eligible for sick leave credit pursuant to division (B) of section 11551
124.382 of the Revised Code. 11552

(2) The employee is a part-time permanent employee who has 11553
worked at least fifteen hundred hours within the twelve-month 11554
period immediately preceding the date of disability and is 11555
eligible for sick leave credit under division (B) of section 11556
124.382 of the Revised Code. 11557

(3) The employee is a full-time permanent or part-time 11558
permanent employee, is on disability leave or leave of absence for 11559
medical reasons, and would be eligible for sick leave credit 11560
pursuant to division (B) of section 124.382 of the Revised Code 11561
except that the employee is in no pay status due to the employee's 11562
medical condition. 11563

(B) The director of administrative services, by rule adopted 11564
in accordance with Chapter 119. of the Revised Code, shall 11565
establish a disability leave program. The rule shall include, but 11566
shall not be limited to, the following: 11567

- (1) Procedures to be followed for determining disability; 11568
- (2) Provisions for the allowance of disability leave due to illness or injury; 11569
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- (3) Provisions for the continuation of service credit for employees granted disability leave, including service credit towards retirement, as provided by the applicable statute; 11571
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- (4) The establishment of a minimum level of benefit and of a waiting period before benefits begin; 11574
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- (5) Provisions setting a maximum length of benefit and requiring that employees eligible to apply for disability retirement shall do so prior to completing the first six months of their period of disability. The director's rules shall indicate those employees required to apply for disability retirement. If an employee is approved to receive disability retirement, the employee shall receive the retirement benefit and a supplement payment that equals a percentage of the employee's base rate of pay and that, when added to the retirement benefit, equals no more than the percentage of pay received by employees after the first six months of disability. This supplemental payment shall not be considered earnable salary, compensation, or salary, and is not subject to contributions, under Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code. 11576
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- (6) Provisions that allow employees to utilize available sick leave, personal leave, compensatory time, or vacation leave balances to supplement the benefits payable under this section. The balances used to supplement the benefits, plus any amount contributed by the state as provided in division (D) of this section, shall be paid at the employee's base rate of pay in an amount sufficient to give employees up to one hundred per cent of pay for time on disability. 11590
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- (7) Procedures for appealing denial of payment of a claim, 11598

including the following: 11599

(a) A maximum of thirty days to file an appeal by the 11600
employee; 11601

(b) A maximum of fifteen days for the parties to select a 11602
third-party opinion pursuant to division (F) of this section, 11603
unless an extension is agreed to by the parties; 11604

(c) A maximum of thirty days for the third party to render an 11605
opinion. 11606

(8) Provisions for approving leave of absence for medical 11607
reasons where an employee is in no pay status because the employee 11608
has used all the employee's sick leave, personal leave, vacation 11609
leave, and compensatory time; 11610

(9) Provisions for precluding the payment of benefits if the 11611
injury for which the benefits are sought is covered by a workers' 11612
compensation plan; 11613

(10) Provisions for precluding the payment of benefits in 11614
order to ensure that benefits are provided in a consistent manner. 11615

(C) Except as provided in division (B)(6) of this section, 11616
time off for an employee granted disability leave is not 11617
chargeable to any other leave granted by other sections of the 11618
Revised Code. 11619

(D) While an employee is on an approved disability leave, the 11620
employer's and employee's share of health, life, and other 11621
insurance benefits shall be paid by the state, and the retirement 11622
contribution shall be paid as follows: 11623

(1) The employer's share shall be paid by the state. 11624

(2) For the first three months, the employee's share shall be 11625
paid by the employee. 11626

(3) After the first three months, the employee's share shall 11627
be paid by the state. 11628

(E) The approval for disability leave shall be made by the 11629
director, upon recommendation by the appointing authority. The 11630
director may delegate to any appointing authority the authority to 11631
approve disability benefits for a standard recovery period. 11632

(F) If a request for disability leave is denied based on a 11633
medical determination, the director shall obtain a medical opinion 11634
from a third party. The decision of the third party is binding. 11635

(G) The rule adopted by the director under division (B) of 11636
this section shall not deny disability leave benefits for an 11637
illness or injury to an employee who is a veteran of the United 11638
States armed forces because the employee contracted the illness or 11639
received the injury in the course of or as a result of military 11640
service and the illness or injury is or may be covered by a 11641
compensation plan administered by the United States department of 11642
veterans affairs. 11643

Sec. 124.386. (A) Each full-time permanent employee paid in 11644
accordance with section 124.152 of the Revised Code and those 11645
full-time permanent employees listed in divisions (B)(2) and (4) 11646
of section 124.14 of the Revised Code shall be credited with 11647
thirty-two hours of personal leave each year. Each part-time 11648
permanent employee paid in accordance with section 124.152 of the 11649
Revised Code and those part-time permanent employees listed in 11650
divisions (B)(2) and (4) of section 124.14 of the Revised Code 11651
shall receive a pro-rated personal leave credit as determined by 11652
rule of the director of administrative services. The credit shall 11653
be made to each eligible employee in the first pay the employee 11654
receives in December. Employees, upon giving reasonable notice to 11655
the responsible administrative officer of the appointing 11656
authority, may use personal leave for absence due to mandatory 11657
court appearances, legal or business matters, family emergencies, 11658
unusual family obligations, medical appointments, weddings, 11659

religious holidays not listed in section 124.19 of the Revised Code, or any other matter of a personal nature. Personal leave may not be used on a holiday when an employee is scheduled to work.

Personal leave is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee.

There shall be a moratorium on personal leave accrual beginning with the credit employees would have received in December 2009, except as otherwise provided in divisions (H)(1) and (2) of this section. Personal leave accrual shall resume with employees receiving credit in December 2011 and there shall be no retroactive grant of credit for the period the moratorium was in effect.

(B) When personal leave is used, it shall be deducted from the unused balance of the employee's personal leave on the basis of absence in such increments of an hour as the director of administrative services determines. Compensation for personal leave shall be equal to the employee's base rate of pay.

(C) A newly appointed full-time permanent employee or a ~~nonfull-time~~ non-full-time employee who receives a full-time permanent appointment shall be credited with personal leave of thirty-two hours, less one and two-tenths hours for each pay period that has elapsed following the first paycheck the employee receives in December, until the first day of the pay period during which the appointment was effective.

(D) The director of administrative services shall allow employees to elect one of the following options with respect to the unused balance of personal leave:

(1) Carry forward the balance. The maximum credit that shall be available to an employee at any one time is forty hours.

(2) Convert the balance to accumulated sick leave, to be used

in the manner provided by section 124.382 of the Revised Code; 11691

(3) Receive a cash benefit. The cash benefit shall equal one 11692
hour of the employee's base rate of pay for every hour of unused 11693
credit that is converted. An employee serving in a temporary work 11694
level who elects to convert unused personal leave to cash shall do 11695
so at the base rate of pay of the employee's normal 11696
classification. Such cash benefit shall not be subject to 11697
contributions to any of the retirement systems, either by the 11698
employee or the employer. 11699

There shall be a moratorium on the payment for conversion of 11700
unused personal leave until December 2011, except as otherwise 11701
provided in divisions (H)(1) and (2) of this section. 11702

(E) A full-time permanent employee who separates from state 11703
service or becomes ineligible to be credited with leave under this 11704
section shall receive a reduction of personal leave credit of one 11705
and two-tenths hours for each pay period that remains beginning 11706
with the first pay period following the date of separation or the 11707
effective date of the employee's ineligibility until the pay 11708
period preceding the next base pay period. After calculation of 11709
the reduction of an employee's personal leave credit, the employee 11710
is entitled to compensation for any remaining personal leave 11711
credit at the employee's current base rate of pay. If the 11712
reduction results in a number of hours less than zero, the cash 11713
equivalent value of such number of hours shall be deducted from 11714
any compensation that remains payable to the employee, or from the 11715
cash conversion value of any vacation or sick leave that remains 11716
credited to the employee. An employee serving in a temporary work 11717
level who is eligible to receive compensation under this section 11718
shall be compensated at the base rate of pay of the employee's 11719
normal classification. 11720

(F) An employee who transfers from one public agency to 11721
another public agency in which the employee is eligible for the 11722

credit provided under this section shall be credited with the 11723
unused balance of personal leave. 11724

(G) The director of administrative services shall establish 11725
procedures to uniformly administer this section. No personal leave 11726
may be granted to a state employee upon or after retirement or 11727
termination of employment. 11728

(H)(1) The moratoria imposed under divisions (A) and (D)(3) 11729
of this section shall apply to employees of the secretary of 11730
state, auditor of state, treasurer of state, and attorney general 11731
who are subject to this section unless the secretary of state, 11732
auditor of state, treasurer of state, or attorney general decides 11733
to exempt the office's employees from the moratoria and so 11734
notifies the director of administrative services in writing on or 11735
before July 1, 2009. 11736

(2) The moratoria imposed under divisions (A) and (D)(3) of 11737
this section do not apply to employees of the supreme court, the 11738
general assembly, and the legislative service commission who are 11739
subject to this section, unless the supreme court, general 11740
assembly, or legislative service commission decides to include 11741
those employees in the moratoria and so notifies the director of 11742
administrative services in writing on or before July 1, 2009. 11743
Written notice shall be signed by the appointing authority for 11744
employees of the supreme court, general assembly, or legislative 11745
service commission as the case may be. 11746

Sec. 124.392. (A) As used in this section, ~~"exempt:~~ 11747

(1) "Exempt employee" has the same meaning as in section 11748
124.152 of the Revised Code. 11749

(2) "Fiscal emergency" means a fiscal emergency declared by 11750
the governor under section 126.05 of the Revised Code. 11751

(B) The director of administrative services may establish a 11752

voluntary cost savings program for exempt employees. The 11753

(C) The director of administrative services shall establish a 11754
mandatory cost savings program applicable to exempt employees. 11755
Subject to division (C)(1) of this section, the program may 11756
include, but is not limited to, a loss of pay or loss of holiday 11757
pay as determined by the director. The program may be administered 11758
differently among exempt employees based on their classifications, 11759
appointment categories, appointing authorities, or other relevant 11760
distinctions. 11761

(1) Each full-time exempt employee shall participate in the 11762
program for a total of eighty hours of mandatory cost savings in 11763
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 11764
employee shall participate in the program by not receiving holiday 11765
pay during both fiscal year 2010 and fiscal year 2011. Each 11766
employee of the secretary of state, auditor of state, treasurer of 11767
state, and attorney general shall participate in the program 11768
unless the secretary of state, auditor of state, treasurer of 11769
state, or attorney general decides to exempt the officer's 11770
employees from the program and so notifies the director of 11771
administrative services in writing on or before July 1, 2009. 11772

(2) After June 30, 2011, the director of administrative 11773
services, in consultation with the director of budget and 11774
management, may implement mandatory cost savings days applicable 11775
to exempt employees in the event of a fiscal emergency. Each 11776
employee of the secretary of state, auditor of state, treasurer of 11777
state, and attorney general shall participate in the mandatory 11778
cost savings days unless the secretary of state, auditor of state, 11779
treasurer of state, or attorney general decides to exempt the 11780
officer's employees from the mandatory cost savings days and so 11781
notifies the director of administrative services in the manner the 11782
director of administrative services prescribes by rule adopted 11783
under this section. 11784

(D) The director shall adopt rules in accordance with Chapter 11785
119. of the Revised Code to provide for the administration of the 11786
~~program~~ mandatory cost savings program and days. 11787

(E) The cost savings fund is hereby created in the state 11788
treasury. Savings accrued through employee participation in the 11789
mandatory cost savings program and in mandatory cost savings days 11790
shall be allocated to the fund. The fund may be used to pay 11791
employees who participated in the mandatory cost savings program 11792
or in mandatory cost savings days. Any investment earnings of the 11793
fund shall be credited to the fund. 11794

Sec. 124.393. (A) As used in this section: 11795

(1) "County exempt employee" means a permanent full-time or 11796
permanent part-time county employee who is not subject to a 11797
collective bargaining agreement between a public employer and an 11798
exclusive representative. 11799

(2) "Fiscal emergency" means any of the following: 11800

(a) A fiscal emergency declared by the governor under section 11801
126.05 of the Revised Code. 11802

(b) Lack of funds as defined in section 124.321 of the 11803
Revised Code. 11804

(c) Reasons of economy as described in section 124.321 of the 11805
Revised Code. 11806

(B)(1) A county appointing authority may establish a 11807
mandatory cost savings program applicable to its county exempt 11808
employees. Each county exempt employee shall participate in the 11809
program of mandatory cost savings for not more than eighty hours, 11810
as determined by the appointing authority, in each of state fiscal 11811
years 2010 and 2011. The program may include, but is not limited 11812
to, a loss of pay or loss of holiday pay. The program may be 11813
administered differently among employees based on their 11814

classifications, appointment categories, or other relevant 11815
distinctions. 11816

(2) After June 30, 2011, a county appointing authority may 11817
implement mandatory cost savings days as described in division 11818
(B)(1) of this section that apply to its county exempt employees 11819
in the event of a fiscal emergency. 11820

(C) A county appointing authority shall issue guidelines 11821
concerning how the appointing authority will implement the cost 11822
savings program. 11823

Sec. 124.81. (A) Except as provided in division ~~(E)~~(F) of 11824
this section, the department of administrative services in 11825
consultation with the superintendent of insurance shall negotiate 11826
with and, in accordance with the competitive selection procedures 11827
of Chapter 125. of the Revised Code, contract with one or more 11828
insurance companies authorized to do business in this state, for 11829
the issuance of one of the following: 11830

(1) A policy of group life insurance covering all state 11831
employees who are paid directly by warrant of the state auditor, 11832
including elected state officials; 11833

(2) A combined policy, or coordinated policies of one or more 11834
insurance companies or healthinsuring corporations in combination 11835
with one or more insurance companies providing group life and 11836
health, medical, hospital, dental, or surgical insurance, or any 11837
combination thereof, covering all such employees; 11838

(3) A policy that may include, but is not limited to, 11839
hospitalization, surgical, major medical, dental, vision, and 11840
medical care, disability, hearing aids, prescription drugs, group 11841
life, life, sickness, and accident insurance, group legal 11842
services, or a combination of the above benefits for some or all 11843
of the employees paid in accordance with section 124.152 of the 11844

Revised Code and for some or all of the employees listed in 11845
divisions (B)(2) and (4) of section 124.14 of the Revised Code, 11846
and their immediate dependents. 11847

(B) The department of administrative services in consultation 11848
with the superintendent of insurance shall negotiate with and, in 11849
accordance with the competitive selection procedures of Chapter 11850
125. of the Revised Code, contract with one or more insurance 11851
companies authorized to do business in this state, for the 11852
issuance of a policy of group life insurance covering all 11853
municipal and county court judges. The amount of such coverage 11854
shall be an amount equal to the aggregate salary set forth for 11855
each municipal court judge in sections 141.04 and 1901.11 of the 11856
Revised Code, and set forth for each county court judge in 11857
sections 141.04 and 1907.16 of the Revised Code. On and after the 11858
effective date of the policy of group life insurance coverage, a 11859
municipal or county court judge is ineligible for life insurance 11860
coverage from a county or other political subdivision. 11861

(C) If a state employee uses all accumulated sick leave and 11862
then goes on an extended medical disability, the policyholder 11863
shall continue at no cost to the employee the coverage of the 11864
group life insurance for such employee for the period of such 11865
extended leave, but not beyond three years. 11866

~~(C)~~(D) If a state employee insured under a group life 11867
insurance policy as provided in division (A) of this section is 11868
laid off pursuant to section 124.32 of the Revised Code, such 11869
employee by request to the policyholder, made no later than the 11870
effective date of the layoff, may elect to continue the employee's 11871
group life insurance for the one-year period through which the 11872
employee may be considered to be on laid-off status by paying the 11873
policyholder through payroll deduction or otherwise twelve times 11874
the monthly premium computed at the existing average rate for the 11875
group life case for the amount of the employee's insurance 11876

thereunder at the time of the employee's layoff. The policyholder 11877
shall pay the premiums to the insurance company at the time of the 11878
next regular monthly premium payment for the actively insured 11879
employees and furnish the company appropriate data as to such 11880
laid-off employees. At the time an employee receives written 11881
notice of a layoff, the policyholder shall also give such employee 11882
written notice of the opportunity to continue group life insurance 11883
in accordance with this division. When such laid-off employee is 11884
reinstated for active work before the end of the one-year period, 11885
the employee shall be reclassified as insured again as an active 11886
employee under the group and appropriate refunds for the number of 11887
full months of unearned premium payment shall be made by the 11888
policyholder. 11889

~~(D)~~(E) This section does not affect the conversion rights of 11890
an insured employee when the employee's group insurance terminates 11891
under the policy. 11892

~~(E)~~(F) Notwithstanding division (A) of this section, the 11893
department may provide benefits equivalent to those that may be 11894
paid under a policy issued by an insurance company, or the 11895
department may, to comply with a collectively bargained contract, 11896
enter into an agreement with a jointly administered trust fund 11897
which receives contributions pursuant to a collective bargaining 11898
agreement entered into between this state, or any of its political 11899
subdivisions, and any collective bargaining representative of the 11900
employees of this state or any political subdivision for the 11901
purpose of providing for self-insurance of all risk in the 11902
provision of fringe benefits similar to those that may be paid 11903
pursuant to division (A) of this section, and the jointly 11904
administered trust fund may provide through the self-insurance 11905
method specific fringe benefits as authorized by the rules of the 11906
board of trustees of the jointly administered trust fund. Amounts 11907
from the fund may be used to pay direct and indirect costs that 11908

are attributable to consultants or a third-party administrator and 11909
that are necessary to administer this section. Benefits provided 11910
under this section include, but are not limited to, 11911
hospitalization, surgical care, major medical care, disability, 11912
dental care, vision care, medical care, hearing aids, prescription 11913
drugs, group life insurance, sickness and accident insurance, 11914
group legal services, or a combination of the above benefits, for 11915
the employees and their immediate dependents. 11916

~~(F)~~(G) Notwithstanding any other provision of the Revised 11917
Code, any public employer, including the state, and any of its 11918
political subdivisions, including, but not limited to, any county, 11919
county hospital, municipal corporation, township, park district, 11920
school district, state institution of higher education, public or 11921
special district, state agency, authority, commission, or board, 11922
or any other branch of public employment, and any collective 11923
bargaining representative of employees of the state or any 11924
political subdivision may agree in a collective bargaining 11925
agreement that any mutually agreed fringe benefit including, but 11926
not limited to, hospitalization, surgical care, major medical 11927
care, disability, dental care, vision care, medical care, hearing 11928
aids, prescription drugs, group life insurance, sickness and 11929
accident insurance, group legal services, or a combination 11930
thereof, for employees and their dependents be provided through a 11931
mutually agreed upon contribution to a jointly administered trust 11932
fund. Amounts from the fund may be used to pay direct and indirect 11933
costs that are attributable to consultants or a third-party 11934
administrator and that are necessary to administer this section. 11935
The amount, type, and structure of fringe benefits provided under 11936
this division is subject to the determination of the board of 11937
trustees of the jointly administered trust fund. Notwithstanding 11938
any other provision of the Revised Code, competitive bidding does 11939
not apply to the purchase of fringe benefits for employees under 11940
this division through a jointly administered trust fund. 11941

Sec. 124.821. The health care spending account fund is hereby 11942
created in the state treasury. The director of administrative 11943
services shall use money in the fund to make payments with regard 11944
to the participation of state employees in flexible spending 11945
accounts for certain nonreimbursed medical and dental expenses 11946
under section 125 of the Internal Revenue Code. All investment 11947
earnings on money in the fund shall be credited to the fund. 11948

Sec. 124.822. The dependent care spending account fund is 11949
hereby created in the state treasury. The director of 11950
administrative services shall use money in the fund to make 11951
payments with regard to the participation of state employees in 11952
flexible spending accounts for work-related dependent care 11953
expenses under section 125 of the Internal Revenue Code. All 11954
investment earnings on money in the fund shall be credited to the 11955
fund. 11956

Sec. 124.86. There is hereby created in the state treasury 11957
the employee educational development fund, to be used to pay the 11958
state administrative costs of any education program undertaken 11959
pursuant to specific collective bargaining agreements identified 11960
in uncodified law governing expenditure of the fund. The director 11961
of administrative services shall establish, and shall obtain the 11962
approval of the director of budget and management for, a charge 11963
for each such program that is sufficient only to recover those 11964
costs. All money collected from such a charge shall be deposited 11965
to the credit of the fund, and all interest earned on the fund 11966
shall accrue to the fund. The director of administrative services 11967
shall administer the fund in accordance with the respective 11968
collective bargaining agreements and may adopt rules for the 11969
purpose of this administration. 11970

Sec. 124.95. (A) As used in this section, "state agency" has 11971

the meaning defined in section 1.60 of the Revised Code, but does 11972
not include any court or judicial agency, the general assembly or 11973
any legislative agency, or the controlling board. 11974

(B) On or before January 1, 2010, the director of 11975
administrative services, under division (A) of section 124.09 of 11976
the Revised Code, shall develop and adopt rules, and thereafter 11977
may amend or rescind rules, that establish customer service 11978
performance standards for officers and employees of state 11979
agencies, but not for officers who are elected. The performance 11980
standards shall be specific to the various positions in each state 11981
agency and shall be based on the duties, responsibilities, 11982
requirements, and qualifications of the positions. The performance 11983
standards shall be applied to and used in conducting each 11984
employee's annual performance review. 11985

The director shall solicit recommendations concerning 11986
improving customer service from human resource professionals, and, 11987
before adopting rules under this section, shall consider the 11988
recommendations that are submitted. 11989

Sec. 125.11. (A) Subject to division (B) of this section, 11990
contracts awarded pursuant to a reverse auction under section 11991
125.072 of the Revised Code or pursuant to competitive sealed 11992
bidding, including contracts awarded under section 125.081 of the 11993
Revised Code, shall be awarded to the lowest responsive and 11994
responsible bidder on each item in accordance with section 9.312 11995
of the Revised Code. When the contract is for meat products as 11996
defined in section 918.01 of the Revised Code or poultry products 11997
as defined in section 918.21 of the Revised Code, only those bids 11998
received from vendors offering products from establishments on the 11999
current list of meat and poultry vendors established and 12000
maintained by the director of administrative services under 12001
section 125.17 of the Revised Code shall be eligible for 12002

acceptance. The department of administrative services may accept 12003
or reject any or all bids in whole or by items, except that when 12004
the contract is for services or products available from a 12005
qualified nonprofit agency pursuant to sections 125.60 to 125.6012 12006
or 4115.31 to 4115.35 of the Revised Code, the contract shall be 12007
awarded to that agency. 12008

(B) Prior to awarding a contract under division (A) of this 12009
section, the department of administrative services or the state 12010
agency responsible for evaluating a contract for the purchase of 12011
products shall evaluate the bids received according to the 12012
criteria and procedures established pursuant to divisions (C)(1) 12013
and (2) of section 125.09 of the Revised Code for determining if a 12014
product is produced or mined in the United States and if a product 12015
is produced or mined in this state. The department or other state 12016
agency shall first remove bids that offer products that have not 12017
been or that will not be produced or mined in the United States. 12018
From among the remaining bids, the department or other state 12019
agency shall select the lowest responsive and responsible bid, in 12020
accordance with section 9.312 of the Revised Code, from among the 12021
bids that offer products that have been produced or mined in this 12022
state where sufficient competition can be generated within this 12023
state to ensure that compliance with these requirements will not 12024
result in an excessive price for the product or acquiring a 12025
disproportionately inferior product. If there are ~~two~~ four or more 12026
qualified bids that offer products that have been produced or 12027
mined in this state, it shall be deemed that there is sufficient 12028
competition to prevent an excessive price for the product or the 12029
acquiring of a disproportionately inferior product. 12030

(C) Division (B) of this section applies to contracts for 12031
which competitive bidding is waived by the controlling board. 12032

(D) Division (B) of this section does not apply to the 12033

purchase by the division of liquor control of spirituous liquor. 12034

(E) The director of administrative services shall publish in 12035
the form of a model act for use by counties, townships, municipal 12036
corporations, or any other political subdivision described in 12037
division (B) of section 125.04 of the Revised Code, a system of 12038
preferences for products mined and produced in this state and in 12039
the United States and for Ohio-based contractors. The model act 12040
shall reflect substantial equivalence to the system of preferences 12041
in purchasing and public improvement contracting procedures under 12042
which the state operates pursuant to this chapter and section 12043
153.012 of the Revised Code. To the maximum extent possible, 12044
consistent with the Ohio system of preferences in purchasing and 12045
public improvement contracting procedures, the model act shall 12046
incorporate all of the requirements of the federal "Buy America 12047
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 12048
the rules adopted under that act. 12049

Before and during the development and promulgation of the 12050
model act, the director shall consult with appropriate statewide 12051
organizations representing counties, townships, and municipal 12052
corporations so as to identify the special requirements and 12053
concerns these political subdivisions have in their purchasing and 12054
public improvement contracting procedures. The director shall 12055
promulgate the model act by rule adopted pursuant to Chapter 119. 12056
of the Revised Code and shall revise the act as necessary to 12057
reflect changes in this chapter or section 153.012 of the Revised 12058
Code. 12059

The director shall make available copies of the model act, 12060
supporting information, and technical assistance to any township, 12061
county, or municipal corporation wishing to incorporate the 12062
provisions of the act into its purchasing or public improvement 12063
contracting procedure. 12064

Sec. 125.18. (A) There is hereby established the office of 12065
information technology within the department of administrative 12066
services. The office shall be under the supervision of a state 12067
chief information officer to be appointed by the director of 12068
administrative services and subject to removal at the pleasure of 12069
the director. The chief information officer is an assistant 12070
director of administrative services. 12071

(B) Under the direction of the director of administrative 12072
services, the state chief information officer shall lead, oversee, 12073
and direct state agency activities related to information 12074
technology development and use. In that regard, the state chief 12075
information officer shall do all of the following: 12076

(1) Coordinate and superintend statewide efforts to promote 12077
common use and development of technology by state agencies. The 12078
office of information technology shall establish policies and 12079
standards that govern and direct state agency participation in 12080
statewide programs and initiatives. 12081

(2) Establish policies and standards for the acquisition and 12082
use of common information technology by state agencies, including, 12083
but not limited to, hardware, software, technology services, and 12084
security, and the extension of the service life of information 12085
technology systems, with which state agencies shall comply; 12086

(3) Establish criteria and review processes to identify state 12087
agency information technology projects or purchases that require 12088
alignment or oversight. As appropriate, the department of 12089
administrative services shall provide the governor and the 12090
director of budget and management with notice and advice regarding 12091
the appropriate allocation of resources for those projects. The 12092
state chief information officer may require state agencies to 12093
provide, and may prescribe the form and manner by which they must 12094
provide, information to fulfill the state chief information 12095

officer's alignment and oversight role;	12096
(4) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;	12097 12098 12099
(5) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(4) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;	12100 12101 12102 12103 12104
(6) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures;	12105 12106 12107 12108
<u>(7) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;</u>	12109 12110 12111
<u>(8) Establish policies for the reduction of printing and the use of electronic records by state agencies;</u>	12112 12113
<u>(9) Establish policies for the reduction of energy consumption by state agencies.</u>	12114 12115
(C)(1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the state chief information officer. The chief information security officer may require that each state agency update its information technology security strategic plan annually as determined by the state chief information officer.	12116 12117 12118 12119 12120 12121 12122 12123
(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have prepared a	12124 12125

privacy impact statement for that system. 12126

(D) When a state agency requests a purchase of information 12127
technology supplies or services under Chapter 125. of the Revised 12128
Code, the state chief information officer may review and reject 12129
the requested purchase for noncompliance with information 12130
technology direction, plans, policies, standards, or 12131
project-alignment criteria. 12132

(E) The office of information technology may operate 12133
technology services for state agencies in accordance with this 12134
chapter. 12135

(F) With the approval of the director of administrative 12136
services, the office of information technology may establish 12137
cooperative agreements with federal and local government agencies 12138
and state agencies that are not under the authority of the 12139
governor for the provision of technology services and the 12140
development of technology projects. 12141

(G) As used in this section: 12142

(1) "Personal information" has the same meaning as in section 12143
149.45 of the Revised Code. 12144

(2) "State agency" means every organized body, office, or 12145
agency established by the laws of the state for the exercise of 12146
any function of state government, other than any state-supported 12147
institution of higher education, the office of the auditor of 12148
state, treasurer of state, secretary of state, or attorney 12149
general, the adjutant general's department, the bureau of workers' 12150
compensation, the industrial commission, the public employees 12151
retirement system, the Ohio police and fire pension fund, the 12152
state teachers retirement system, the school employees retirement 12153
system, the state highway patrol retirement system, the general 12154
assembly or any legislative agency, or the courts or any judicial 12155
agency. 12156

Sec. 125.181. The director of administrative services shall 12157
establish the state information technology investment board within 12158
the department of administrative services. The board shall consist 12159
of representatives from various state elective offices and state 12160
agencies, including the office of budget and management. The board 12161
shall identify and recommend to the state chief information 12162
officer opportunities for consolidation and cost-savings measures 12163
relating to information technology. Members of the board are not 12164
entitled to compensation for their services. 12165

Sec. 125.182. The state-sanctioned public notice web site 12166
service provider shall publish on the state-sanctioned public 12167
notice web site a notice that is submitted to the service provider 12168
and that is required to be published by a provision of a statute 12169
or rule. The service provider shall collect from the responsible 12170
party submitting the notice a fee for posting the notice on the 12171
state-sanctioned public notice web site. 12172

The service provider shall set the fee, not to exceed ten 12173
dollars. The fee initially set may not thereafter be increased 12174
until two years have elapsed. The service provider shall publish 12175
the amount of the fee on the web site. 12176

Sec. 125.183. The office of information technology shall 12177
select a web site service provider to establish, operate, and 12178
maintain, and to fund the operation, establishment, and 12179
maintenance of, the state-sanctioned public notice web site. The 12180
provider shall have all the following qualifications: 12181

(A) Possesses appropriate hardware infrastructure and 12182
intellectual property for feasible processes deploying a 12183
state-sanctioned and national web site with appropriate methods 12184
for communicating with the courts of this state; 12185

(B) Possesses sufficient minimal capital resources to 12186

establish and ensure smooth and uninterrupted ongoing operation of 12187
the state-sanctioned public notice web site; 12188

(C) Provides a reasonable plan for implementing the 12189
state-sanctioned public notice web site so that notices required 12190
to be published by a statute or rule may be posted and published 12191
on the state-sanctioned public notice web site with reasonable 12192
ease; 12193

(D) Demonstrates, and is capable of implementing, the 12194
technology necessary for the state-sanctioned public notice web 12195
site at no cost to the state; 12196

(E) Employs personnel, in number and by qualification, who 12197
are necessary to ensure smooth transmission of data to and the 12198
posting and publication of notices on the state-sanctioned public 12199
notice web site; 12200

(F) Posts a bond in an amount to be determined by the office 12201
of information technology that is sufficient to guarantee 12202
operation of the state-sanctioned public notice web site as the 12203
public interest requires. 12204

The service provider shall bear the costs of establishing, 12205
operating, and maintaining the state-sanctioned public notice web 12206
site. The state neither has nor may assume liability for those 12207
costs. 12208

Sec. 125.184. In establishing, maintaining, and operating the 12209
state-sanctioned public notice web site, the web site service 12210
provider shall do all of the following: 12211

(A) Use a domain name for the web site that will be easily 12212
recognizable and remembered by and understandable to users of the 12213
web site; 12214

(B) Maintain the web site so that it is fully accessible to 12215
and searchable by members of the public at all times; 12216

<u>(C) Not charge a fee to a person who accesses, searches, or otherwise uses the web site;</u>	12217
	12218
<u>(D) Ensure that notices displayed on the web site conform to the requirements that would apply to the notices as if they were being published in a newspaper or other publication, as directed in the relevant provision of the statute or rule;</u>	12219
	12220
	12221
	12222
<u>(E) Ensure that notices continue to be displayed on the web site for not less than the length of time required by the relevant provision of the statute or rule;</u>	12223
	12224
	12225
<u>(F) Devise and display on the web site a form that may be downloaded and used to request publication of a notice on the web site;</u>	12226
	12227
	12228
<u>(G) Charge responsible parties submitting notices for publication on the web site only the fee fixed by the service provider;</u>	12229
	12230
	12231
<u>(H) Enable responsible parties to submit notices and requests for their publication and to pay the fee charged therefor on-line;</u>	12232
	12233
<u>(I) Maintain an archive of notices that no longer are displayed on the web site;</u>	12234
	12235
<u>(J) Enable notices, both those currently displayed and those archived, to be accessed by key word, by party name, by case number, by county, and by other useful identifiers;</u>	12236
	12237
	12238
<u>(K) Maintain adequate systemic security and backup features, and develop and maintain a contingency plan for coping with and recovering from power outages, systemic failures, and other unforeseeable difficulties;</u>	12239
	12240
	12241
	12242
<u>(L) Maintain the web site in such a manner that it will not infringe legally protected interests, so that vulnerability of the web site to interruption because of litigation or the threat of litigation is reduced;</u>	12243
	12244
	12245
	12246

(M) Submit a status report to the secretary of state twice 12247
annually that demonstrates compliance with the statutory 12248
requirements governing publication of notices; 12249

(N) Submit to a quality review, if the director of the office 12250
of information technology requests. 12251

The service provider shall bear the expense of maintaining 12252
the state-sanctioned public notice web site domain name. 12253

In the course of a quality review, the director of the office 12254
of information technology is entitled to, and the service provider 12255
shall provide, full access to the hardware and software used by, 12256
and the technical and informational operations of, the service 12257
provider that relate to operation and maintenance of the 12258
state-sanctioned public notice web site. 12259

Sec. 125.20. (A) Within one hundred eighty days after the 12260
effective date of this section, the director of administrative 12261
services shall establish an electronic site accessible through the 12262
internet to publish the following: 12263

(1) A database containing each state employee's year-to-date 12264
gross pay and pay from the most recent pay period. The database 12265
shall contain searchable fields including the name of the agency, 12266
position title, and employee name. 12267

(2) A database containing agency expenditures for goods and 12268
services that shall contain searchable fields including the name 12269
of the agency, expenditure amount, category of good or service for 12270
which an expenditure is made, and contractor or vendor name; 12271

(3) A database containing tax credits issued by the director 12272
of development to business entities that shall contain searchable 12273
fields, including the name under which the tax credit is known, 12274
the name of the entity receiving the credit, and the county in 12275
which the credit recipient's principal place of business in this 12276

state is located. 12277

(B) Daily, each executive agency shall provide to the 12278
department of administrative services information to be published 12279
in the databases under division (A) of this section. The director 12280
of administrative services may adopt rules governing the means by 12281
which information is submitted and databases are updated. 12282

Sec. 125.831. As used in sections 125.831 to 125.834 of the 12283
Revised Code: 12284

(A) "Alternative fuel" means any of the following fuels used 12285
in a motor vehicle: 12286

(1) E85 blend fuel; 12287

(2) Blended biodiesel; 12288

(3) Natural gas; 12289

(4) Liquefied petroleum gas; 12290

(5) Hydrogen; 12291

(6) Compressed air; 12292

(7) Any power source, including electricity; 12293

~~(7)~~(8) Any fuel not described in divisions (A)(1) to ~~(6)~~(7) 12294
of this section that the United States department of energy 12295
determines, by final rule, to be substantially not petroleum, and 12296
that would yield substantial energy security and environmental 12297
benefits. 12298

(B) "Biodiesel" means a mono-alkyl ester combustible liquid 12299
fuel that is derived from vegetable oils or animal fats, or any 12300
combination of those reagents that meets the American society for 12301
testing and materials specification for biodiesel fuel (B100) 12302
blend stock distillate fuels and any other standards that the 12303
director of administrative services adopts by rule. 12304

(C) "Blended biodiesel" means a blend of biodiesel with 12305
petroleum based diesel fuel in which the resultant product 12306
contains not less than twenty per cent biodiesel that meets the 12307
American society for testing and materials specification for 12308
blended diesel fuel and any other standards that the director of 12309
administrative services adopts by rule. 12310

(D) "Diesel fuel" means any liquid fuel that is capable of 12311
use in discrete form or as a blend component in the operation of 12312
engines of the diesel type. 12313

(E) "E85 blend fuel" means fuel containing eighty-five per 12314
cent or more ethanol as defined in section 5733.46 of the Revised 12315
Code or containing any other percentage of not less than seventy 12316
per cent ethanol if the United States department of energy 12317
determines, by rule, that the lower percentage is necessary to 12318
provide for the requirements of cold start, safety, or vehicle 12319
functions, and that meets the American society for testing and 12320
materials specification for E85 blend fuel and any other standards 12321
that the director of administrative services adopts by rule. 12322

(F) "Law enforcement officer" means an officer, agent, or 12323
employee of a state agency upon whom, by statute, a duty to 12324
conserve the peace or to enforce all or certain laws is imposed 12325
and the authority to arrest violators is conferred, within the 12326
limits of that statutory duty and authority, but does not include 12327
such an officer, agent, or employee if that duty and authority is 12328
location specific. 12329

(G)(1) "Motor vehicle" means any automobile, car minivan, 12330
cargo van, passenger van, sport utility vehicle, or pickup truck 12331
with a gross vehicle weight of under twelve thousand pounds. 12332

(2) "Motor vehicle" does not include, except for the purposes 12333
of division (C) of section 125.832 of the Revised Code, any 12334
vehicle described in division (G)(1) of this section that is used 12335

by a law enforcement officer and law enforcement agency or any 12336
vehicle that is so described and that is equipped with specialized 12337
equipment that is not normally found in such a vehicle and that is 12338
used to carry out a state agency's specific and specialized duties 12339
and responsibilities. 12340

(H) "Specialized equipment" does not include standard mobile 12341
radios with no capabilities other than voice communication, 12342
exterior and interior lights, or roof-mounted caution lights. 12343

(I) "State agency" means every organized body, office, board, 12344
authority, commission, or agency established by the laws of the 12345
state for the exercise of any governmental or quasi-governmental 12346
function of state government regardless of the funding source for 12347
that entity, other than any state institution of higher education, 12348
the office of the governor, lieutenant governor, auditor of state, 12349
treasurer of state, secretary of state, or attorney general, the 12350
general assembly or any legislative agency, the courts or any 12351
judicial agency, or any state retirement system or retirement 12352
program established by or referenced in the Revised Code. 12353

(J) "State institution of higher education" has the same 12354
meaning as in section 3345.011 of the Revised Code. 12355

Sec. 126.05. On or before the tenth day of each month, the 12356
director of budget and management shall furnish to the governor 12357
statements in such form as the governor requires showing the 12358
condition of the general revenue fund. The statements shall 12359
provide a summary of the status of appropriations to enable the 12360
governor to exercise and maintain effective supervision and 12361
control over the expenditures of the state. The director shall 12362
also furnish statements the governor requests showing the 12363
condition of any other fund. 12364

If the governor ascertains that the available revenue 12365
receipts and balances for the general revenue fund for the current 12366

fiscal year will in all probability be less than the 12367
appropriations for the year, ~~he~~ the governor shall issue such 12368
orders to the state agencies as will prevent their expenditures 12369
and incurred obligations from exceeding such revenue receipts and 12370
balances. 12371

If the governor ascertains that the available revenue 12372
receipts and balances for any fund other than the general revenue 12373
fund for the current fiscal year will in all probability be less 12374
than the appropriations for the year, ~~he~~ the governor may issue 12375
such orders to the state agencies as will prevent their 12376
expenditures and incurred obligations from exceeding such revenue 12377
receipts and balances. 12378

If the governor determines that the available revenue 12379
receipts and balances in any fund or across funds will likely be 12380
less than the appropriations for the year, the governor may 12381
declare a fiscal emergency and may issue such orders as necessary 12382
to the director of budget and management to reduce expenditures, 12383
or to the director of administrative services to implement 12384
personnel actions consistent therewith, including, but not limited 12385
to, mandatory cost savings days under section 124.392 of the 12386
Revised Code. 12387

As used in this section, "expenditures and incurred 12388
obligations" includes all moneys expended or obligated pursuant to 12389
appropriations by the general assembly that are calculated and 12390
distributed pursuant to a distribution formula in law. 12391

Sec. 126.10. No certificate of participation or any similar 12392
debt instrument may be obtained or entered into by the state 12393
without the prior approval of the general assembly. 12394

Sec. 126.35. (A) The director of budget and management shall 12395
draw warrants against the treasurer of state pursuant to all 12396

requests for payment that the director has approved under section 12397
126.07 of the Revised Code. 12398

(B) ~~Unless the director of job and family services has~~ 12399
~~provided for the making of payments~~ a cash assistance payment is 12400
to be made by electronic benefit transfer, ~~if a financial~~ 12401
~~institution and account have been designated by the participant or~~ 12402
~~recipient,~~ payment by the director of budget and management to a 12403
participant in the Ohio works first program pursuant to Chapter 12404
5107. of the Revised Code ~~or,~~ a recipient of disability financial 12405
assistance pursuant to Chapter 5115. of the Revised Code, or a 12406
recipient of cash assistance provided under the refugee assistance 12407
program established under section 5101.49 of the Revised Code 12408
shall be made by direct deposit to the account of the participant 12409
or recipient in the financial institution designated under section 12410
329.03 of the Revised Code. Payment by the director of budget and 12411
management to a recipient of benefits distributed through the 12412
medium of electronic benefit transfer pursuant to section 5101.33 12413
of the Revised Code shall be by electronic benefit transfer. 12414
Payment by the director of budget and management as compensation 12415
to an employee of the state who has, pursuant to section 124.151 12416
of the Revised Code, designated a financial institution and 12417
account for the direct deposit of such payments shall be made by 12418
direct deposit to the account of the employee. Payment to any 12419
other payee who has designated a financial institution and account 12420
for the direct deposit of such payment may be made by direct 12421
deposit to the account of the payee in the financial institution 12422
as provided in section 9.37 of the Revised Code. Accounts 12423
maintained by the director of budget and management or the 12424
director's agent in a financial institution for the purpose of 12425
effectuating payment by direct deposit or electronic benefit 12426
transfer shall be maintained in accordance with section 135.18 of 12427
the Revised Code. 12428

(C) All other payments from the state treasury shall be made 12429
by paper warrants or by direct deposit payable to the respective 12430
payees. The director of budget and management may mail the paper 12431
warrants to the respective payees or distribute them through other 12432
state agencies, whichever the director determines to be the better 12433
procedure. 12434

(D) If the average per transaction cost the director of 12435
budget and management incurs in making direct deposits for a state 12436
agency exceeds the average per transaction cost the director 12437
incurs in drawing paper warrants for all public offices during the 12438
same period of time, the director may certify the difference in 12439
cost and the number of direct deposits for the agency to the 12440
director of administrative services. The director of 12441
administrative services shall reimburse the director of budget and 12442
management for such additional costs and add the amount to the 12443
processing charge assessed upon the state agency. 12444

Sec. 126.50. As used in sections 126.50, 126.501, 126.502, 12445
126.503, 126.504, 126.505, 126.506, and 126.507 of the Revised 12446
Code: 12447

(A) "Critical services" means a service provided by the state 12448
the deferral or cancellation of which would cause at least one of 12449
the following: 12450

(1) An immediate risk to the health, safety, or welfare of 12451
the citizens of the state; 12452

(2) A undermining of activity aimed at creating or retaining 12453
jobs in the state; 12454

(3) An interference with the receipt of revenue to the state 12455
or the realization of savings to the state. 12456

"Critical services" does not mean a deferral or cancellation 12457
of a service provided by the state that would result in 12458

inconvenience, sustainable delay, or other similar compromise to 12459
the normal provision of state-provided services. 12460

(B) "State agency" has the same meaning as in section 1.60 of 12461
the Revised Code, but does not include the elected state officers, 12462
the general assembly or any legislative agency, a court or any 12463
judicial agency, or a state institution of higher education. 12464
12465

Sec. 126.501. By November 1, 2009, each state agency shall 12466
submit to the general assembly and the director of budget and 12467
management a spending plan that outlines a thirty per cent overall 12468
reduction in spending on supplies and services for fiscal years 12469
2010 and 2011. Each spending plan shall address any potential 12470
savings, lack of savings, or costs that may be realized by each of 12471
the following strategies: 12472

(A) Gaining approval from the state agency's director or the 12473
director's designee for any purchase of supplies or services 12474
costing one thousand dollars or more. 12475

(B) Renegotiating, if not otherwise prohibited, contracts 12476
entered into before July 1, 2009, and especially those contracts 12477
in which a vendor is willing to reduce costs by fifteen per cent 12478
or more while maintaining substantial equivalency on other terms. 12479

(C) With the approval of the director of administrative 12480
services, allowing contracts for critical services that are up for 12481
renewal to expire and be rebid. 12482

(D) With the approval of the director of budget and 12483
management, cancelling all contracts entered into before July 1, 12484
2009, that are supported by noncapital funds. 12485

(E) Cooperatively purchasing supplies and services with other 12486
state agencies. 12487

(F) Using other state agencies to provide needed services. 12488

(G) Purchasing equipment and furniture in compliance with any control-on-equipment directive issued by the office of budget and management. 12489
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(H) Reducing parking expenses, including expenses for purchased and leased spaces for state agency employees, spaces for fleet vehicles, and spaces and parking reimbursement for state agency employees on agency business. The spending plan shall include a review of a loss of efficiency or other benefits related to the reduction in parking expenses. 12492
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By December 1, 2009, the director of budget and management shall issue guidance to each state agency on which spending plan strategies the agency is expected to implement for fiscal years 2010 and 2011. 12498
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Sec. 126.502. By the first day of February of each odd-numbered year, beginning in 2011, the director of each state agency shall submit to the general assembly and the director of budget and management a spending plan for purchasing supplies and services for the following two fiscal years. Each spending plan shall address any potential savings, lack of savings, or costs that may be realized by each of the strategies enumerated in section 126.501 of the Revised Code. 12502
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By the first day of March of each odd-numbered year, beginning in 2011, the director of budget and management shall issue guidance to each state agency on which spending plan strategies the agency is expected to implement for the following two fiscal years. 12510
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Sec. 126.503. All state agencies shall control nonessential travel expenses by doing all of the following: 12515
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(A) Complying with any travel directives issued by the director of budget and management; 12517
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(B) Reducing the mileage reimbursement rate for collective bargaining unit employees to ten cents below the rate set for state agency employees by rule of the director of budget and management under division (B) of section 126.31 of the Revised Code; 12519
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(C) Using, when possible, the online travel authorization and expense reimbursement process; 12524
12525

(D) Conducting meetings, whenever possible and in compliance with section 121.22 of the Revised Code, using conference calls, teleconferences, webinars, or other technology tools; 12526
12527
12528

(E) Using fleet vehicles for official state travel whenever possible; and 12529
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(F) Limiting mileage reimbursement to four thousand miles per year for each state agency employee. 12531
12532

The director of budget and management shall not reimburse any state agency employee for unauthorized travel expenses. 12533
12534

Sec. 126.504. (A) Each state agency shall use the interoffice mailing service provided by the department of administrative services for all mail deliveries to other state agencies located within a reasonable distance. 12535
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(B) By October 1, 2009, each state agency shall direct all major printing, copying, mail preparation, and related services through the department of administrative services and shall eliminate any internal operations providing those services. 12539
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Sec. 126.505. (A) Each state agency shall comply with any purchasing standardization and strategic sourcing policy directives issued by the director of administrative services. 12543
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12545

(B) Each state agency shall comply with any control-on-equipment directives issued by the director of budget 12546
12547

and management. The director shall issue and revise as necessary 12548
control-on-equipment directives that apply to all furniture and 12549
equipment purchases. 12550

Sec. 126.506. (A) Each state agency shall participate in 12551
information technology consolidation projects implemented by the 12552
state chief information officer under section 125.18 of the 12553
Revised Code. 12554

(B) At the direction of and in the format specified by the 12555
director of administrative services, each state agency shall 12556
maintain a list of information technology assets possessed by the 12557
agency and associated costs related to those assets. 12558

Sec. 126.507. In consultation with the director of budget and 12559
management, the director of administrative services shall monitor 12560
the implementation of spending plan strategies by state agencies 12561
and shall report to the governor and the general assembly 12562
semiannually regarding the effectiveness of the implemented 12563
strategies and any unintended consequences of implemented 12564
strategies. The report to the general assembly shall be made under 12565
section 101.68 of the Revised Code. 12566

Sec. 127.16. (A) Upon the request of either a state agency or 12567
the director of budget and management and after the controlling 12568
board determines that an emergency or a sufficient economic reason 12569
exists, the controlling board may approve the making of a purchase 12570
without competitive selection as provided in division (B) of this 12571
section. 12572

(B) Except as otherwise provided in this section, no state 12573
agency, using money that has been appropriated to it directly, 12574
shall: 12575

(1) Make any purchase from a particular supplier, that would 12576

amount to fifty thousand dollars or more when combined with both 12577
the amount of all disbursements to the supplier during the fiscal 12578
year for purchases made by the agency and the amount of all 12579
outstanding encumbrances for purchases made by the agency from the 12580
supplier, unless the purchase is made by competitive selection or 12581
with the approval of the controlling board; 12582

(2) Lease real estate from a particular supplier, if the 12583
lease would amount to seventy-five thousand dollars or more when 12584
combined with both the amount of all disbursements to the supplier 12585
during the fiscal year for real estate leases made by the agency 12586
and the amount of all outstanding encumbrances for real estate 12587
leases made by the agency from the supplier, unless the lease is 12588
made by competitive selection or with the approval of the 12589
controlling board. 12590

(C) Any person who authorizes a purchase in violation of 12591
division (B) of this section shall be liable to the state for any 12592
state funds spent on the purchase, and the attorney general shall 12593
collect the amount from the person. 12594

(D) Nothing in division (B) of this section shall be 12595
construed as: 12596

(1) A limitation upon the authority of the director of 12597
transportation as granted in sections 5501.17, 5517.02, and 12598
5525.14 of the Revised Code; 12599

(2) Applying to medicaid provider agreements under Chapter 12600
5111. of the Revised Code or payments or provider agreements under 12601
the disability medical assistance program established under 12602
Chapter 5115. of the Revised Code; 12603

(3) Applying to the purchase of examinations from a sole 12604
supplier by a state licensing board under Title XLVII of the 12605
Revised Code; 12606

(4) Applying to entertainment contracts for the Ohio state 12607

fair entered into by the Ohio expositions commission, provided 12608
that the controlling board has given its approval to the 12609
commission to enter into such contracts and has approved a total 12610
budget amount for such contracts as agreed upon by commission 12611
action, and that the commission causes to be kept itemized records 12612
of the amounts of money spent under each contract and annually 12613
files those records with the clerk of the house of representatives 12614
and the clerk of the senate following the close of the fair; 12615

(5) Limiting the authority of the chief of the division of 12616
mineral resources management to contract for reclamation work with 12617
an operator mining adjacent land as provided in section 1513.27 of 12618
the Revised Code; 12619

(6) Applying to investment transactions and procedures of any 12620
state agency, except that the agency shall file with the board the 12621
name of any person with whom the agency contracts to make, broker, 12622
service, or otherwise manage its investments, as well as the 12623
commission, rate, or schedule of charges of such person with 12624
respect to any investment transactions to be undertaken on behalf 12625
of the agency. The filing shall be in a form and at such times as 12626
the board considers appropriate. 12627

(7) Applying to purchases made with money for the per cent 12628
for arts program established by section 3379.10 of the Revised 12629
Code; 12630

(8) Applying to purchases made by the rehabilitation services 12631
commission of services, or supplies, that are provided to persons 12632
with disabilities, or to purchases made by the commission in 12633
connection with the eligibility determinations it makes for 12634
applicants of programs administered by the social security 12635
administration; 12636

(9) Applying to payments by the department of job and family 12637
services under section 5111.13 of the Revised Code for group 12638

health plan premiums, deductibles, coinsurance, and other	12639
cost-sharing expenses;	12640
(10) Applying to any agency of the legislative branch of the	12641
state government;	12642
(11) Applying to agreements or contracts entered into under	12643
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	12644
Revised Code;	12645
(12) Applying to purchases of services by the adult parole	12646
authority under section 2967.14 of the Revised Code or by the	12647
department of youth services under section 5139.08 of the Revised	12648
Code;	12649
(13) Applying to dues or fees paid for membership in an	12650
organization or association;	12651
(14) Applying to purchases of utility services pursuant to	12652
section 9.30 of the Revised Code;	12653
(15) Applying to purchases made in accordance with rules	12654
adopted by the department of administrative services of motor	12655
vehicle, aviation, or watercraft fuel, or emergency repairs of	12656
such vehicles;	12657
(16) Applying to purchases of tickets for passenger air	12658
transportation;	12659
(17) Applying to purchases necessary to provide public	12660
notifications required by law or to provide notifications of job	12661
openings;	12662
(18) Applying to the judicial branch of state government;	12663
(19) Applying to purchases of liquor for resale by the	12664
division of liquor control;	12665
(20) Applying to purchases of motor courier and freight	12666
services made in accordance with department of administrative	12667
services rules;	12668

(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	12669 12670 12671 12672
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	12673 12674 12675
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	12676 12677
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	12678 12679 12680 12681
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	12682 12683 12684
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	12685 12686 12687 12688 12689
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	12690 12691 12692
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	12693 12694 12695
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the	12696 12697 12698

Revised Code. The director shall keep an itemized accounting of 12699
unclaimed funds collected by those persons and amounts paid to 12700
them for their services. 12701

(30) Applying to purchases made by a state institution of 12702
higher education in accordance with the terms of a contract 12703
between the vendor and an inter-university purchasing group 12704
comprised of purchasing officers of state institutions of higher 12705
education; 12706

(31) Applying to the department of job and family services' 12707
purchases of health assistance services under the children's 12708
health insurance program part I provided for under section 5101.50 12709
of the Revised Code, the children's health insurance program part 12710
II provided for under section 5101.51 of the Revised Code, or the 12711
children's health insurance program part III provided for under 12712
section 5101.52 of the Revised Code, or the children's buy-in 12713
program provided for under sections 5101.5211 to 5101.5216 of the 12714
Revised Code; 12715

(32) Applying to payments by the attorney general from the 12716
reparations fund to hospitals and other emergency medical 12717
facilities for performing medical examinations to collect physical 12718
evidence pursuant to section 2907.28 of the Revised Code; 12719

(33) Applying to contracts with a contracting authority or 12720
administrative receiver under division (B) of section 5126.056 of 12721
the Revised Code; 12722

(34) Applying to ~~reimbursements paid to the United States~~ 12723
~~department of veterans affairs for pharmaceutical and patient~~ 12724
~~supply purchases made on behalf of the Ohio veterans' home agency~~ 12725
purchases of goods and services by the department of veterans 12726
services in accordance with the terms of contracts entered into by 12727
the United States department of veterans affairs; 12728

~~(35) Applying to agreements entered into with terminal~~ 12729

distributors of dangerous drugs under section 173.79 of the	12730
Revised Code;	12731
(36) (35) Applying to payments by the superintendent of the	12732
bureau of criminal identification and investigation to the federal	12733
bureau of investigation for criminal records checks pursuant to	12734
section 109.572 of the Revised Code.	12735
(E) When determining whether a state agency has reached the	12736
cumulative purchase thresholds established in divisions (B)(1) and	12737
(2) of this section, all of the following purchases by such agency	12738
shall not be considered:	12739
(1) Purchases made through competitive selection or with	12740
controlling board approval;	12741
(2) Purchases listed in division (D) of this section;	12742
(3) For the purposes of the threshold of division (B)(1) of	12743
this section only, leases of real estate.	12744
(F) As used in this section, "competitive selection,"	12745
"purchase," "supplies," and "services" have the same meanings as	12746
in section 125.01 of the Revised Code.	12747
Sec. 131.33. (A) No state agency shall incur an obligation	12748
which exceeds the agency's current appropriation authority.	12749
Unexpended <u>Except as provided in division (D) of this section,</u>	12750
<u>unexpended</u> balances of appropriations shall, at the close of the	12751
period for which the appropriations are made, revert to the funds	12752
from which the appropriations were made, except that the director	12753
of budget and management shall transfer such unexpended balances	12754
from the first fiscal year to the second fiscal year of an	12755
agency's appropriations to the extent necessary for voided	12756
warrants to be reissued pursuant to division (C) of section 126.37	12757
of the Revised Code.	12758
Except as provided in this section, appropriations made to a	12759

specific fiscal year shall be expended only to pay liabilities 12760
incurred within that fiscal year. 12761

(B) All payrolls shall be charged to the allotments of the 12762
fiscal quarters in which the applicable payroll vouchers are 12763
certified by the director of budget and management in accordance 12764
with section 126.07 of the Revised Code. As used in this ~~section~~ 12765
division, "payrolls" means any payment made in accordance with 12766
section 125.21 of the Revised Code. 12767

(C) Legal liabilities from prior fiscal years for which there 12768
is no reappropriation authority shall be discharged from the 12769
unencumbered balances of current appropriations. 12770

(D)(1) Federal grant funds obligated by the department of job 12771
and family services for financial allocations to county family 12772
services agencies and local workforce investment boards may, at 12773
the discretion of the director of job and family services, be 12774
available for expenditure for the duration of the federal grant 12775
period of obligation and liquidation, as follows: 12776

(a) At the end of the state fiscal year, all unexpended 12777
county family services agency and local workforce investment board 12778
financial allocations obligated from federal grant funds may 12779
continue to be valid for expenditure during subsequent state 12780
fiscal years. 12781

(b) The financial allocations described in division (D)(1)(a) 12782
of this section shall be reconciled at the end of the federal 12783
grant period of availability or as required by federal law, 12784
regardless of the state fiscal year of the appropriation. 12785

(2) The director of job and family services may adopt rules 12786
in accordance with section 111.15 of the Revised Code, as if they 12787
were internal management rules, as necessary to implement division 12788
(D) of this section. 12789

(3) As used in division (D) of this section: 12790

(a) "County family services agency" has the same meaning as 12791
in section 307.981 of the Revised Code. 12792

(b) "Local workforce investment board" means a local 12793
workforce investment board established under section 117 of the 12794
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832, 12795
as amended. 12796

Sec. 131.38. (A) As used in this section, "segregated 12797
custodial fund" means a fund of a state agency that is established 12798
by law that consists of moneys, claims, bonds, notes, other 12799
obligations, stocks, and other securities, receipts or other 12800
evidences of ownership, and other intangible assets that is 12801
neither required to be kept in the custody of the treasurer of 12802
state nor required to be part of the state treasury. 12803

(B) A state agency that possesses, controls, maintains, or 12804
holds a segregated custodial fund or otherwise evidences ownership 12805
of the contents of a segregated custodial fund shall provide to 12806
the director of budget and management a report related to such 12807
fund by the first day of May of each fiscal year. The report shall 12808
be in such form and contain such information as the director 12809
requires. 12810

Sec. 133.06. (A) A school district shall not incur, without a 12811
vote of the electors, net indebtedness that exceeds an amount 12812
equal to one-tenth of one per cent of its tax valuation, except as 12813
provided in divisions (G) and (H) of this section and in division 12814
(C) of section 3313.372 of the Revised Code, or as prescribed in 12815
section 3318.052 or 3318.44 of the Revised Code, or as provided in 12816
division (J) of this section. 12817

(B) Except as provided in divisions (E), (F), and (I) of this 12818
section, a school district shall not incur net indebtedness that 12819
exceeds an amount equal to nine per cent of its tax valuation. 12820

(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an amount equal to four per cent of its tax valuation, unless the superintendent of public instruction, acting under policies adopted by the state board of education, and the tax commissioner, acting under written policies of the commissioner, consent to the submission. A request for the consents shall be made at least one hundred five days prior to the election at which the question is to be submitted.

The superintendent of public instruction shall certify to the district the superintendent's and the tax commissioner's decisions within thirty days after receipt of the request for consents.

If the electors do not approve the issuance of securities at the election for which the superintendent of public instruction and tax commissioner consented to the submission of the question, the school district may submit the same question to the electors on the date that the next special election may be held under section 3501.01 of the Revised Code without submitting a new request for consent. If the school district seeks to submit the same question at any other subsequent election, the district shall first submit a new request for consent in accordance with this division.

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;

(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section,

under division (E) of this section;	12852
(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;	12853 12854 12855 12856
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the Revised Code;	12857 12858 12859
(5) Debt incurred under section 3313.374 of the Revised Code;	12860
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	12861 12862 12863
(7) Debt incurred under section 3318.042 of the Revised Code.	12864
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	12865 12866
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	12867 12868 12869
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	12870 12871
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	12872 12873 12874 12875
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	12876 12877 12878
(a) A history of and a projection of the growth of the student population;	12879 12880

(b) The history of and a projection of the growth of the tax valuation;	12881 12882
(c) The projected needs;	12883
(d) The estimated cost of permanent improvements proposed to meet such projected needs.	12884 12885
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	12886 12887 12888
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	12889 12890 12891
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than three per cent per year. The findings and certification of the superintendent shall be conclusive.	12892 12893 12894 12895 12896 12897 12898 12899
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	12900 12901 12902 12903
(a) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;	12904 12905 12906 12907 12908 12909
(b) Nine per cent of the sum of its tax valuation plus an	12910

amount that is the product of multiplying that tax valuation by 12911
the percentage, determined by the superintendent of public 12912
instruction, by which that tax valuation is projected to increase 12913
during the next ten years. 12914

(F) A school district may issue securities for emergency 12915
purposes, in a principal amount that does not exceed an amount 12916
equal to three per cent of its tax valuation, as provided in this 12917
division. 12918

(1) A board of education, by resolution, may declare an 12919
emergency if it determines both of the following: 12920

(a) School buildings or other necessary school facilities in 12921
the district have been wholly or partially destroyed, or condemned 12922
by a constituted public authority, or that such buildings or 12923
facilities are partially constructed, or so constructed or planned 12924
as to require additions and improvements to them before the 12925
buildings or facilities are usable for their intended purpose, or 12926
that corrections to permanent improvements are necessary to remove 12927
or prevent health or safety hazards. 12928

(b) Existing fiscal and net indebtedness limitations make 12929
adequate replacement, additions, or improvements impossible. 12930

(2) Upon the declaration of an emergency, the board of 12931
education may, by resolution, submit to the electors of the 12932
district pursuant to section 133.18 of the Revised Code the 12933
question of issuing securities for the purpose of paying the cost, 12934
in excess of any insurance or condemnation proceeds received by 12935
the district, of permanent improvements to respond to the 12936
emergency need. 12937

(3) The procedures for the election shall be as provided in 12938
section 133.18 of the Revised Code, except that: 12939

(a) The form of the ballot shall describe the emergency 12940
existing, refer to this division as the authority under which the 12941

emergency is declared, and state that the amount of the proposed securities exceeds the limitations prescribed by division (B) of this section;

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least seventy-five days prior to the election;

(c) The county auditor shall advise and, not later than sixty-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than sixty days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G) The board of education may contract with an architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, and debt service, and estimates of the amounts by which energy consumption and resultant operational and maintenance costs, as defined by the

Ohio school facilities commission, would be reduced. 12973

If the board finds after receiving the report that the amount 12974
of money the district would spend on such installations, 12975
modifications, or remodeling is not likely to exceed the amount of 12976
money it would save in energy and resultant operational and 12977
maintenance costs over the ensuing fifteen years, the board may 12978
submit to the commission a copy of its findings and a request for 12979
approval to incur indebtedness to finance the making or 12980
modification of installations or the remodeling of buildings for 12981
the purpose of significantly reducing energy consumption. 12982

If the commission determines that the board's findings are 12983
reasonable, it shall approve the board's request. Upon receipt of 12984
the commission's approval, the district may issue securities 12985
without a vote of the electors in a principal amount not to exceed 12986
nine-tenths of one per cent of its tax valuation for the purpose 12987
of making such installations, modifications, or remodeling, but 12988
the total net indebtedness of the district without a vote of the 12989
electors incurred under this and all other sections of the Revised 12990
Code, except section 3318.052 of the Revised Code, shall not 12991
exceed one per cent of the district's tax valuation. 12992

So long as any securities issued under division (G) of this 12993
section remain outstanding, the board of education shall monitor 12994
the energy consumption and resultant operational and maintenance 12995
costs of buildings in which installations or modifications have 12996
been made or remodeling has been done pursuant to division (G) of 12997
this section and shall maintain and annually update a report 12998
documenting the reductions in energy consumption and resultant 12999
operational and maintenance cost savings attributable to such 13000
installations, modifications, or remodeling. The report shall be 13001
certified by an architect or engineer independent of any person 13002
that provided goods or services to the board in connection with 13003
the energy conservation measures that are the subject of the 13004

report. The resultant operational and maintenance cost savings 13005
shall be certified by the school district treasurer. The report 13006
shall be made available to the commission upon request. 13007

(H) With the consent of the superintendent of public 13008
instruction, a school district may incur without a vote of the 13009
electors net indebtedness that exceeds the amounts stated in 13010
divisions (A) and (G) of this section for the purpose of paying 13011
costs of permanent improvements, if and to the extent that both of 13012
the following conditions are satisfied: 13013

(1) The fiscal officer of the school district estimates that 13014
receipts of the school district from payments made under or 13015
pursuant to agreements entered into pursuant to section 725.02, 13016
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 13017
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 13018
Code, or distributions under division (C) of section 5709.43 of 13019
the Revised Code, or any combination thereof, are, after 13020
accounting for any appropriate coverage requirements, sufficient 13021
in time and amount, and are committed by the proceedings, to pay 13022
the debt charges on the securities issued to evidence that 13023
indebtedness and payable from those receipts, and the taxing 13024
authority of the district confirms the fiscal officer's estimate, 13025
which confirmation is approved by the superintendent of public 13026
instruction; 13027

(2) The fiscal officer of the school district certifies, and 13028
the taxing authority of the district confirms, that the district, 13029
at the time of the certification and confirmation, reasonably 13030
expects to have sufficient revenue available for the purpose of 13031
operating such permanent improvements for their intended purpose 13032
upon acquisition or completion thereof, and the superintendent of 13033
public instruction approves the taxing authority's confirmation. 13034

The maximum maturity of securities issued under division (H) 13035
of this section shall be the lesser of twenty years or the maximum 13036

maturity calculated under section 133.20 of the Revised Code. 13037

(I) A school district may incur net indebtedness by the 13038
issuance of securities in accordance with the provisions of this 13039
chapter in excess of the limit specified in division (B) or (C) of 13040
this section when necessary to raise the school district portion 13041
of the basic project cost and any additional funds necessary to 13042
participate in a project under Chapter 3318. of the Revised Code, 13043
including the cost of items designated by the Ohio school 13044
facilities commission as required locally funded initiatives and 13045
the cost for site acquisition. The school facilities commission 13046
shall notify the superintendent of public instruction whenever a 13047
school district will exceed either limit pursuant to this 13048
division. 13049

(J) A school district whose portion of the basic project cost 13050
of its classroom facilities project under sections 3318.01 to 13051
3318.20 of the Revised Code is greater than or equal to one 13052
hundred million dollars may incur without a vote of the electors 13053
net indebtedness in an amount up to two per cent of its tax 13054
valuation through the issuance of general obligation securities in 13055
order to generate all or part of the amount of its portion of the 13056
basic project cost if the controlling board has approved the 13057
school facilities commission's conditional approval of the project 13058
under section 3318.04 of the Revised Code. The school district 13059
board and the Ohio school facilities commission shall include the 13060
dedication of the proceeds of such securities in the agreement 13061
entered into under section 3318.08 of the Revised Code. No state 13062
moneys shall be released for a project to which this section 13063
applies until the proceeds of any bonds issued under this section 13064
that are dedicated for the payment of the school district portion 13065
of the project are first deposited into the school district's 13066
project construction fund. 13067

Sec. 133.20. (A) This section applies to bonds that are 13068
general obligation Chapter 133. securities. If the bonds are 13069
payable as to principal by provision for annual installments, the 13070
period of limitations on their last maturity, referred to as their 13071
maximum maturity, shall be measured from a date twelve months 13072
prior to the first date on which provision for payment of 13073
principal is made. If the bonds are payable as to principal by 13074
provision for semiannual installments, the period of limitations 13075
on their last maturity shall be measured from a date six months 13076
prior to the first date on which provision for payment of 13077
principal is made. 13078

(B) Bonds issued for the following permanent improvements or 13079
for permanent improvements for the following purposes shall have 13080
maximum maturities not exceeding the number of years stated: 13081

(1) Fifty years: 13082

(a) The clearance and preparation of real property for 13083
redevelopment as an urban redevelopment project; 13084

(b) Acquiring, constructing, widening, relocating, enlarging, 13085
extending, and improving a publicly owned railroad or line of 13086
railway or a light or heavy rail rapid transit system, including 13087
related bridges, overpasses, underpasses, and tunnels, but not 13088
including rolling stock or equipment; 13089

(c) Pursuant to section 307.675 of the Revised Code, 13090
constructing or repairing a bridge using long life expectancy 13091
material for the bridge deck, and purchasing, installing, and 13092
maintaining any performance equipment to monitor the physical 13093
condition of a bridge so constructed or repaired. Additionally, 13094
the average maturity of the bonds shall not exceed the expected 13095
useful life of the bridge deck as determined by the county 13096
engineer under that section. 13097

(2) Forty years:	13098
(a) General waterworks or water system permanent improvements, including buildings, water mains, or other structures and facilities in connection therewith;	13099 13100 13101
(b) Sewers or sewage treatment or disposal works or facilities, including fireproof buildings or other structures in connection therewith;	13102 13103 13104
(c) Storm water drainage, surface water, and flood prevention facilities.	13105 13106
(3) Thirty-five years:	13107
(a) An arena, a convention center, or a combination of an arena and convention center under section 307.695 of the Revised Code;	13108 13109 13110
(b) Sports facilities.	13111
(4) Thirty years:	13112
(a) Municipal recreation, excluding recreational equipment;	13113
(b) Urban redevelopment projects;	13114
(c) Acquisition of real property, <u>except as provided in division (F) of this section</u> ;	13115 13116
(d) Street or alley lighting purposes or relocating overhead wires, cables, and appurtenant equipment underground.	13117 13118
(5) Twenty years: constructing, reconstructing, widening, opening, improving, grading, draining, paving, extending, or changing the line of roads, highways, expressways, freeways, streets, sidewalks, alleys, or curbs and gutters, and related bridges, viaducts, overpasses, underpasses, grade crossing eliminations, service and access highways, and tunnels.	13119 13120 13121 13122 13123 13124
(6) Fifteen years:	13125
(a) Resurfacing roads, highways, streets, or alleys;	13126

(b) Alarm, telegraph, or other communications systems for	13127
police or fire departments or other emergency services;	13128
(c) Passenger buses used for mass transportation;	13129
(d) Energy conservation measures as authorized by section	13130
133.06 of the Revised Code.	13131
(7) Ten years:	13132
(a) Water meters;	13133
(b) Fire department apparatus and equipment;	13134
(c) Road rollers and other road construction and servicing	13135
vehicles;	13136
(d) Furniture, equipment, and furnishings;	13137
(e) Landscape planting and other site improvements;	13138
(f) Playground, athletic, and recreational equipment and	13139
apparatus;	13140
(g) Energy conservation measures as authorized by section	13141
505.264 of the Revised Code.	13142
(8) Five years: New motor vehicles other than those described	13143
in any other division of this section and those for which	13144
provision is made in other provisions of the Revised Code.	13145
(C) Bonds issued for any permanent improvements not within	13146
the categories set forth in division (B) of this section shall	13147
have maximum maturities of from five to thirty years as the fiscal	13148
officer estimates is the estimated life or period of usefulness of	13149
those permanent improvements. Bonds issued under section 133.51 of	13150
the Revised Code for purposes other than permanent improvements	13151
shall have the maturities, not to exceed forty years, that the	13152
taxing authority shall specify. Bonds issued for energy	13153
conservation measures under section 307.041 of the Revised Code	13154
shall have maximum maturities not exceeding the lesser of the	13155

average life of the energy conservation measures as detailed in 13156
the energy conservation report prepared under that section or 13157
thirty years. 13158

(D) Securities issued under section 505.265 of the Revised 13159
Code shall mature not later than December 31, 2035. 13160

(E) A securities issue for one purpose may include permanent 13161
improvements within two or more categories under divisions (B) and 13162
(C) of this section. The maximum maturity of such a bond issue 13163
shall not exceed the average number of years of life or period of 13164
usefulness of the permanent improvements as measured by the 13165
weighted average of the amounts expended or proposed to be 13166
expended for the categories of permanent improvements. 13167

(F) Securities issued by a school district to acquire or 13168
construct real property shall have a maximum maturity longer than 13169
thirty years, but not longer than forty years, if the school 13170
district's fiscal officer estimates the real property's useful 13171
life to be longer than thirty years, and certifies that estimate 13172
to the board of education. 13173

Sec. 135.03. Any national bank, any bank doing business under 13174
authority granted by the superintendent of financial institutions, 13175
or any bank doing business under authority granted by the 13176
regulatory authority of another state of the United States, 13177
~~located in this state and any bank as defined by section 1101.01~~ 13178
~~of the Revised Code, subject to inspection by the superintendent~~ 13179
~~of financial institutions,~~ is eligible to become a public 13180
depository, subject to sections 135.01 to 135.21 of the Revised 13181
Code. No bank shall receive or have on deposit at any one time 13182
public moneys, including public moneys as defined in section 13183
135.31 of the Revised Code, in an aggregate amount in excess of 13184
thirty per cent of its total assets, as shown in its latest report 13185
to the ~~superintendent of financial institutions or~~ comptroller of 13186

the currency, the superintendent of financial institutions, the 13187
federal deposit insurance corporation, or the board of governors 13188
of the federal reserve system. 13189

~~Any domestic association as defined in section 1151.01 of the~~ 13190
~~Revised Code, or any savings bank as defined in section 1161.01 of~~ 13191
~~the Revised Code,~~ federal savings association, any savings and 13192
loan association or savings bank doing business under authority 13193
granted by the superintendent of financial institutions, or any 13194
savings and loan association or savings bank doing business under 13195
authority granted by the regulatory authority of another state of 13196
the United States, located in this state, and authorized to accept 13197
deposits is eligible to become a public depository, subject to 13198
sections 135.01 to 135.21 of the Revised Code. No ~~domestic~~ savings 13199
association, savings and loan association, or savings bank shall 13200
receive or have on deposit at any one time public moneys, 13201
including public moneys as defined in section 135.31 of the 13202
Revised Code, in an aggregate amount in excess of thirty per cent 13203
of its total assets, as shown in its latest report to the 13204
~~superintendent of financial institutions or federal home loan bank~~ 13205
~~board~~ office of thrift supervision, the superintendent of 13206
financial institutions, the federal deposit insurance corporation, 13207
or the board of governors of the federal reserve system. 13208

Sec. 135.06. Each eligible institution desiring to be a 13209
public depository of the inactive deposits of the public moneys of 13210
the state or of the inactive deposits of the public moneys of the 13211
subdivision shall, not more than thirty days prior to the date 13212
fixed by section 135.12 of the Revised Code for the designation of 13213
such public depositories, make application therefor in writing to 13214
the proper governing board. Such application shall specify the 13215
maximum amount of such public moneys which the applicant desires 13216
to receive and have on deposit as an inactive deposit at any one 13217
time during the period covered by the designation, provided that, 13218

~~where such applicant is a bank,~~ it shall not apply for more than 13219
thirty per cent of its total assets as revealed by its latest 13220
report to the superintendent of ~~banks or~~ financial institutions, 13221
the comptroller of the currency, ~~and provided that where such~~ 13222
~~applicant is a building and loan association, it shall not apply~~ 13223
~~for more than thirty per cent of its total assets as revealed by~~ 13224
~~its latest report to the superintendent of building and loan~~ 13225
~~associations or the federal home loan bank board~~ the office of 13226
thrift supervision, the federal deposit insurance corporation, or 13227
the board of governors of the federal reserve system, and the rate 13228
of interest which the applicant, ~~whether it be a bank or a~~ 13229
~~building and loan association,~~ will pay thereon, subject to the 13230
limitations of sections 135.01 to 135.21 of the Revised Code. Each 13231
application shall be accompanied by a financial statement of the 13232
applicant, under oath of its cashier, treasurer, or other officer, 13233
in such detail as to show the capital funds of the applicant, as 13234
of the date of its latest report to the superintendent ~~of banks,~~ 13235
~~superintendent of building and loan associations, federal home~~ 13236
~~loan bank board, or~~ of financial institutions, the comptroller of 13237
the currency, the office of thrift supervision, the federal 13238
deposit insurance corporation, or the board of governors of the 13239
federal reserve system, and adjusted to show any changes therein 13240
made prior to the date of the application. Such application may be 13241
combined with an application for designation as a public 13242
depository of active deposits, interim deposits, or both. 13243
13244

Sec. 135.08. Each eligible institution desiring to be a 13245
public depository of interim deposits of the public moneys of the 13246
state or of the interim deposits of the public moneys of the 13247
subdivision shall, not more than thirty days prior to the date 13248
fixed by section 135.12 of the Revised Code for the designation of 13249
public depositories, make application therefor in writing to the 13250

proper governing board. Such application shall specify the maximum 13251
amount of such public moneys which the applicant desires to 13252
receive and have on deposit as interim deposits at any one time 13253
during the period covered by the designation, provided that, ~~where~~ 13254
~~such applicant is a bank,~~ it shall not apply for more than thirty 13255
per cent of its total assets as revealed by its latest report to 13256
the superintendent of ~~banks or~~ financial institutions, the 13257
comptroller of the currency, ~~and provided that where such~~ 13258
~~applicant is a building and loan association, it shall not apply~~ 13259
~~for more than thirty per cent of its total assets as revealed by~~ 13260
~~its latest report to the superintendent of building and loan~~ 13261
~~associations or the federal home loan bank board~~ the office of 13262
thrift supervision, the federal deposit insurance corporation, or 13263
the board of governors of the federal reserve system, and the rate 13264
of interest which the applicant, ~~whether it be a bank or a~~ 13265
~~building and loan association,~~ will pay thereon, subject to the 13266
limitations of sections 135.01 to 135.21 of the Revised Code. 13267

Each application shall be accompanied by a financial 13268
statement of the applicant, under oath of its cashier, treasurer, 13269
or other officer, in such detail as to show the capital funds of 13270
the applicant, as of the date of its latest report to the 13271
superintendent of ~~banks, superintendent of building and loan~~ 13272
~~associations, federal home loan bank board, or~~ financial 13273
institutions, the comptroller of the currency, the office of 13274
thrift supervision, the federal deposit insurance corporation, or 13275
the board of governors of the federal reserve system, and adjusted 13276
to show any changes therein made prior to the date of the 13277
application. Such application may be combined with an application 13278
for designation as a public depository of inactive deposits, 13279
active deposits, or both. 13280

Sec. 135.32. (A) Any national bank, any bank doing business 13281
under authority granted by the superintendent of financial 13282

institutions, or any bank doing business under authority granted 13283
by the regulatory authority of another state of the United States, 13284
located in this state ~~and any bank as defined in section 1101.01~~ 13285
~~of the Revised Code, subject to inspection by the superintendent~~ 13286
~~of financial institutions,~~ is eligible to become a public 13287
depository, subject to sections 135.31 to 135.40 of the Revised 13288
Code. No bank shall receive or have on deposit at any one time 13289
public moneys, including public moneys as defined in section 13290
135.01 of the Revised Code, in an aggregate amount in excess of 13291
thirty per cent of its total assets, as shown in its latest report 13292
to the ~~superintendent of financial institutions or~~ comptroller of 13293
the currency, the superintendent of financial institutions, the 13294
federal deposit insurance corporation, or the board of governors 13295
of the federal reserve system. 13296

(B) ~~Any domestic association as defined in section 1151.01 of~~ 13297
~~the Revised Code, or any savings bank as defined in section~~ 13298
~~1161.01 of the Revised Code,~~ federal savings association, any 13299
savings and loan association or savings bank doing business under 13300
authority granted by the superintendent of financial institutions, 13301
or any savings and loan association or savings bank doing business 13302
under authority granted by the regulatory authority of another 13303
state of the United States, located in this state, and authorized 13304
to accept deposits is eligible to become a public depository, 13305
subject to sections 135.31 to 135.40 of the Revised Code. No 13306
~~domestic~~ savings association, savings and loan association, or 13307
savings bank shall receive or have on deposit at any one time 13308
public moneys, including public moneys as defined in section 13309
135.01 of the Revised Code, in an aggregate amount in excess of 13310
thirty per cent of its total assets, as shown in its latest report 13311
to the ~~superintendent of financial institutions or federal home~~ 13312
~~loan bank board~~ the office of thrift supervision, the 13313
superintendent of financial institutions, the federal deposit 13314
insurance corporation, or the board of governors of the federal 13315

reserve system. 13316

Sec. 141.04. (A) The annual salaries of the chief justice of 13317
the supreme court and of the justices and judges named in this 13318
section payable from the state treasury are as follows, rounded to 13319
the nearest fifty dollars: 13320

(1) For the chief justice of the supreme court, the following 13321
amounts effective in the following years: 13322

(a) Beginning January 1, 2000, one hundred twenty-four 13323
thousand nine hundred dollars; 13324

(b) Beginning January 1, 2001, one hundred twenty-eight 13325
thousand six hundred fifty dollars; 13326

(c) After 2001, the amount determined under division (E)(1) 13327
of this section. 13328

(2) For the justices of the supreme court, the following 13329
amounts effective in the following years: 13330

(a) Beginning January 1, 2000, one hundred seventeen thousand 13331
two hundred fifty dollars; 13332

(b) Beginning January 1, 2001, one hundred twenty thousand 13333
seven hundred fifty dollars; 13334

(c) After 2001, the amount determined under division (E)(1) 13335
of this section. 13336

(3) For the judges of the courts of appeals, the following 13337
amounts effective in the following years: 13338

(a) Beginning January 1, 2000, one hundred nine thousand two 13339
hundred fifty dollars; 13340

(b) Beginning January 1, 2001, one hundred twelve thousand 13341
five hundred fifty dollars; 13342

(c) After 2001, the amount determined under division (E)(1) 13343

of this section. 13344

(4) For the judges of the courts of common pleas, the 13345
following amounts effective in the following years: 13346

(a) Beginning January 1, 2000, one hundred thousand five 13347
hundred dollars, reduced by an amount equal to the annual 13348
compensation paid to that judge from the county treasury pursuant 13349
to section 141.05 of the Revised Code; 13350

(b) Beginning January 1, 2001, one hundred three thousand 13351
five hundred dollars, reduced by an amount equal to the annual 13352
compensation paid to that judge from the county treasury pursuant 13353
to section 141.05 of the Revised Code; 13354

(c) After 2001, the aggregate annual salary amount determined 13355
under division (E)(2) of this section reduced by an amount equal 13356
to the annual compensation paid to that judge from the county 13357
treasury pursuant to section 141.05 of the Revised Code. 13358

(5) For the full-time judges of a municipal court or the 13359
part-time judges of a municipal court of a territory having a 13360
population of more than fifty thousand, the following amounts 13361
effective in the following years, which amounts shall be in 13362
addition to all amounts received pursuant to divisions (B)(1)(a) 13363
and (2) of section 1901.11 of the Revised Code from municipal 13364
corporations and counties: 13365

(a) Beginning January 1, 2000, thirty-two thousand six 13366
hundred fifty dollars; 13367

(b) Beginning January 1, 2001, thirty-five thousand five 13368
hundred dollars; 13369

(c) After 2001, the amount determined under division (E)(3) 13370
of this section. 13371

(6) For judges of a municipal court designated as part-time 13372
judges by section 1901.08 of the Revised Code, other than 13373

part-time judges to whom division (A)(5) of this section applies, 13374
and for judges of a county court, the following amounts effective 13375
in the following years, which amounts shall be in addition to any 13376
amounts received pursuant to division (A) of section 1901.11 of 13377
the Revised Code from municipal corporations and counties or 13378
pursuant to division (A) of section 1907.16 of the Revised Code 13379
from counties: 13380

(a) Beginning January 1, 2000, eighteen thousand eight 13381
hundred dollars; 13382

(b) Beginning January 1, 2001, twenty thousand four hundred 13383
fifty dollars; 13384

(c) After 2001, the amount determined under division (E)(4) 13385
of this section. 13386

(B) Except as provided in section 1901.121 of the Revised 13387
Code, except as otherwise provided in this division, and except 13388
for the compensation to which the judges described in division 13389
(A)(5) of this section are entitled pursuant to divisions 13390
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 13391
annual salary of the chief justice of the supreme court and of 13392
each justice or judge listed in division (A) of this section shall 13393
be paid in equal monthly installments from the state treasury. If 13394
the chief justice of the supreme court or any justice or judge 13395
listed in division (A)(2), (3), or (4) of this section delivers a 13396
written request to be paid biweekly to the administrative director 13397
of the supreme court prior to the first day of January of any 13398
year, the annual salary of the chief justice or the justice or 13399
judge that is listed in division (A)(2), (3), or (4) of this 13400
section shall be paid, during the year immediately following the 13401
year in which the request is delivered to the administrative 13402
director of the supreme court, biweekly from the state treasury. 13403

(C) Upon the death of the chief justice or a justice of the 13404

supreme court during that person's term of office, an amount shall 13405
be paid in accordance with section 2113.04 of the Revised Code, or 13406
to that person's estate. The amount shall equal the amount of the 13407
salary that the chief justice or justice would have received 13408
during the remainder of the unexpired term or an amount equal to 13409
the salary of office for two years, whichever is less. 13410

(D) Neither the chief justice of the supreme court nor any 13411
justice or judge of the supreme court, the court of appeals, the 13412
court of common pleas, or the probate court shall hold any other 13413
office of trust or profit under the authority of this state or the 13414
United States. 13415

(E)(1) Each ~~calendar~~ year from 2002 through 2008, the annual 13416
salaries of the chief justice of the supreme court and of the 13417
justices and judges named in divisions (A)(2) and (3) of this 13418
section shall be increased by an amount equal to the adjustment 13419
percentage for that year multiplied by the compensation paid the 13420
preceding year pursuant to division (A)(1), (2), or (3) of this 13421
section. 13422

(2) Each ~~calendar~~ year from 2002 through 2008, the aggregate 13423
annual salary payable under division (A)(4) of this section to the 13424
judges named in that division shall be increased by an amount 13425
equal to the adjustment percentage for that year multiplied by the 13426
aggregate compensation paid the preceding year pursuant to 13427
division (A)(4) of this section and section 141.05 of the Revised 13428
Code. 13429

(3) Each ~~calendar~~ year from 2002 through 2008, the salary 13430
payable from the state treasury under division (A)(5) of this 13431
section to the judges named in that division shall be increased by 13432
an amount equal to the adjustment percentage for that year 13433
multiplied by the aggregate compensation paid the preceding year 13434
pursuant to division (A)(5) of this section and division (B)(1)(a) 13435
of section 1901.11 of the Revised Code. 13436

(4) Each ~~calendar~~ year from 2002 through 2008, the salary payable from the state treasury under division (A)(6) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(6) of this section and division (A) of section 1901.11 of the Revised Code from municipal corporations and counties or division (A) of section 1907.16 of the Revised Code from counties.

(F) In addition to the salaries payable pursuant to this section, the chief justice of the supreme court and the justices of the supreme court shall be entitled to a vehicle allowance of five hundred dollars per month, payable from the state treasury. The allowance shall be increased on the first day of January of each odd numbered year by an amount equal to the percentage increase, if any, in the consumer price index for the immediately preceding twenty-four month period for which information is available.

(G) As used in this section:

(1) The "adjustment percentage" for a year is the lesser of the following:

(a) Three per cent;

(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent.

(2) "Consumer price index" has the same meaning as in section 101.27 of the Revised Code.

(3) "Salary" does not include any portion of the cost, premium, or charge for health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, covering

the chief justice of the supreme court or a justice or judge named 13468
in this section and paid on the chief justice's or the justice's 13469
or judge's behalf by a governmental entity. 13470

Sec. 145.012. (A) "Public employee," as defined in division 13471
(A) of section 145.01 of the Revised Code, does not include any 13472
person: 13473

(1) Who is employed by a private, temporary-help service and 13474
performs services under the direction of a public employer or is 13475
employed on a contractual basis as an independent contractor under 13476
a personal service contract with a public employer; 13477

(2) Who is an emergency employee serving on a temporary basis 13478
in case of fire, snow, earthquake, flood, or other similar 13479
emergency; 13480

(3) Who is employed in a program established pursuant to the 13481
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 13482
1501; 13483

(4) Who is an appointed member of either the motor vehicle 13484
salvage dealers board or the motor vehicle dealer's board whose 13485
rate and method of payment are determined pursuant to division (J) 13486
of section 124.15 of the Revised Code; 13487

(5) Who is employed as an election worker and paid less than 13488
five hundred dollars per calendar year for that service; 13489

(6) Who is employed as a firefighter in a position requiring 13490
satisfactory completion of a firefighter training course approved 13491
under former section 3303.07 or section 4765.55 of the Revised 13492
Code or conducted under section 3737.33 of the Revised Code except 13493
for the following: 13494

(a) Any firefighter who has elected under section 145.013 of 13495
the Revised Code to remain a contributing member of the public 13496
employees retirement system; 13497

(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;

(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system.

(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate;

(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;

(9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code;

(10) Who is a member of the unemployment compensation advisory council.

(B) No inmate of a correctional institution operated by the department of rehabilitation and correction, no patient in a hospital for the mentally ill or criminally insane operated by the department of mental health, no resident in an institution for the mentally retarded operated by the department of mental retardation and developmental disabilities, no resident admitted as a patient of a veterans' home operated under Chapter 5907. of the Revised Code, and no resident of a county home shall be considered as a public employee for the purpose of establishing membership or calculating service credit or benefits under this chapter. Nothing in this division shall be construed to affect any service credit attained by any person who was a public employee before becoming

an inmate, patient, or resident at any institution listed in this 13529
division, or the payment of any benefit for which such a person or 13530
such a person's beneficiaries otherwise would be eligible. 13531

13532

Sec. 145.298. (A) As used in this section: 13533

(1) "State employing unit" means an employing unit described 13534
in division (A)(2) of section 145.297 of the Revised Code. 13535

(2) "State institution" means a state correctional facility, 13536
a state institution for the mentally ill, or a state institution 13537
for the care, treatment, and training of the mentally retarded. 13538

(B) ~~In~~ (1) Prior to July 1, 2009, in the event of a proposal 13539
to close a state institution or lay off, within a six-month 13540
period, a number of persons employed at an institution that equals 13541
or exceeds the lesser of fifty or ten per cent of the persons 13542
employed at the institution, the employing unit responsible for 13543
the institution's operation shall establish a retirement incentive 13544
plan for persons employed at the institution. 13545

(2) On and after July 1, 2009, in the event of a proposal to 13546
close a state institution or lay off, within a six-month period, a 13547
number of persons employed at an institution that equals or 13548
exceeds the lesser of two hundred or thirty per cent of the 13549
persons employed at the institution, the employing unit 13550
responsible for the institution's operation shall establish a 13551
retirement incentive plan for persons employed at the institution. 13552

(C) ~~In~~ (1) Prior to July 1, 2009, in the event of a proposal, 13553
other than a ~~proposal~~ the proposals described in division (B) of 13554
this section, to lay off, within a six-month period, a number of 13555
employees of a state employing unit that equals or exceeds the 13556
lesser of fifty or ten per cent of the employing unit's employees, 13557
the employing unit shall establish a retirement incentive plan for 13558

employees of the employing unit. 13559

(2) On and after July 1, 2009, in the event of a proposal, 13560
other than the proposals described in division (B) of this 13561
section, to lay off, within a six-month period, a number of 13562
employees of a state employing unit that equals or exceeds the 13563
lesser of two hundred or thirty per cent of the employing unit's 13564
employees, the employing unit shall establish a retirement 13565
incentive plan for employees of the employing unit. 13566

(D)(1) A retirement incentive plan established under this 13567
section shall be consistent with the requirements of section 13568
145.297 of the Revised Code, except as provided in division (D)(2) 13569
of this section and except that the plan shall go into effect at 13570
the time the layoffs or proposed closings are announced and shall 13571
remain in effect until the date of the layoffs or closings. 13572

(2) A retirement incentive plan established under this 13573
section due to the proposed closing of a state institution by the 13574
department of mental health prior to July 1, 1997, shall be 13575
consistent with the requirements of section 145.297 of the Revised 13576
Code, except as follows: 13577

(a) The employing unit shall purchase at least three years of 13578
service credit for each participating employee, except that it 13579
shall not purchase more service credit than the amount allowed by 13580
division (D) of section 145.297 of the Revised Code; 13581

(b) The plan shall go into effect at the time the proposed 13582
closing is announced and shall remain in effect at least until the 13583
date of the closing. 13584

(3) If the employing unit already has a retirement incentive 13585
plan in effect, the plan shall remain in effect at least until the 13586
date of the layoffs or closings. The employing unit may revise the 13587
existing plan to provide greater benefits, but if it revises the 13588
plan, it shall give written notice of the changes to all employees 13589

who have elected to participate in the original plan, and it shall 13590
provide the greater benefits to all employees who participate in 13591
the plan, whether their elections to participate were made before 13592
or after the date of the revision. 13593

Sec. 148.02. The Ohio public employees deferred compensation 13594
board shall be comprised of a member of the house of 13595
representatives and a member of the senate, who shall not be of 13596
the same political party, each to be appointed to serve at the 13597
pleasure of the member's respective leadership, and the members of 13598
the public employees retirement board as constituted by section 13599
145.04 of the Revised Code, who are hereby created as a separate 13600
legal entity for the purpose of administering a deferred 13601
compensation system for all eligible employees. The public 13602
employees retirement board may utilize its employees and property 13603
in the administration of the system on behalf of the Ohio public 13604
employees deferred compensation board, in consideration of a 13605
reasonable service charge to be applied in a nondiscriminatory 13606
manner to all amounts of compensation deferred under this system. 13607

The Ohio public employees deferred compensation board may 13608
exercise the same powers granted by section 145.09 of the Revised 13609
Code necessary to its functions. The attorney general shall be the 13610
legal adviser of the board. The Ohio public employees deferred 13611
compensation receiving account shall be in the custody of the 13612
treasurer of state, but shall not be part of the state treasury. 13613

Sec. 148.04. (A) The Ohio public employees deferred 13614
compensation board shall initiate, plan, expedite, and, subject to 13615
an appropriate assurance of the approval of the internal revenue 13616
service, promulgate and offer to all eligible employees, and 13617
thereafter administer on behalf of all participating employees and 13618
continuing members, and alter as required, a program for deferral 13619
of compensation, including a reasonable number of options to the 13620

employee for the investment of deferred funds, ~~including life~~ 13621
~~insurance, annuities, variable annuities, pooled investment funds~~ 13622
~~managed by the board, or other forms of investment approved by the~~ 13623
~~board,~~ always in such form as will assure the desired tax 13624
treatment of such funds. The members of the board are the trustees 13625
of any deferred funds and shall discharge their duties with 13626
respect to the funds solely in the interest of and for the 13627
exclusive benefit of participating employees, continuing members, 13628
and their beneficiaries. With respect to such deferred funds, 13629
section 148.09 of the Revised Code shall apply to claims against 13630
participating employees or continuing members and their employers. 13631

(B) The Ohio public employees deferred compensation program 13632
shall provide informational materials and acknowledgment forms to 13633
employers required to comply with division (C) of this section. 13634

(C)(1) Whenever an individual becomes employed in a position 13635
paid by warrant of the director of budget and management, the 13636
individual's employer shall do both of the following at the time 13637
the employee completes the employee's initial employment 13638
paperwork: 13639

(a) Provide to the employee materials provided by the Ohio 13640
public employees deferred compensation program under division (B) 13641
of this section regarding the benefits of long-term savings 13642
through deferred compensation; 13643

(b) Secure, in writing or by electronic means, the employee's 13644
acknowledgment form regarding the employee's desire to participate 13645
or not participate in a deferred compensation program offered by 13646
the board. 13647

An election regarding participation under this section shall 13648
be made in such manner and form as is prescribed by the Ohio 13649
public employees deferred compensation program and shall be filed 13650
with the program. 13651

The employer shall forward each acknowledgment form completed 13652
under this division to the deferred compensation program not later 13653
than forty-five days after the date on which the employee's 13654
employment begins. 13655

(2) Every employer of an eligible employee shall contract 13656
with the employee upon the employee's application for 13657
participation in a deferred compensation program offered by the 13658
board. ~~Every retirement system serving an eligible employee shall~~ 13659
~~serve as collection agent for compensation deferred by any of its~~ 13660
~~members and account for and deliver such sums to the board.~~ 13661

~~(C)~~(D) The board shall, subject to any applicable contract 13662
provisions, undertake to obtain as favorable conditions of tax 13663
treatment as possible, both in the initial programs and any 13664
permitted alterations of them or additions to them, as to such 13665
matters as terms of distribution, designation of beneficiaries, 13666
withdrawal upon disability, financial hardship, or termination of 13667
public employment, and other optional provisions. 13668

~~(D)~~(E) In no event shall the total of the amount of deferred 13669
compensation to be set aside under a deferred compensation program 13670
and the employee's nondeferred income for any year exceed the 13671
total annual salary or compensation under the existing salary 13672
schedule or classification plan applicable to the employee in that 13673
year. 13674

Such a deferred compensation program shall be in addition to 13675
any retirement or any other benefit program provided by law for 13676
employees of this state. The board shall adopt rules pursuant to 13677
Chapter 119. of the Revised Code to provide any necessary 13678
standards or conditions for the administration of its programs, 13679
including any limits on the portion of a participating employee's 13680
compensation that may be deferred in order to avoid adverse 13681
treatment of the program by the internal revenue service or the 13682
occurrence of deferral, withholding, or other deductions in excess 13683

of the compensation available for any pay period. 13684

Any income deferred under such a plan shall continue to be 13685
included as regular compensation for the purpose of computing the 13686
contributions to and benefits from the retirement system of such 13687
employee. Any sum so deferred shall not be included in the 13688
computation of any federal and state income taxes withheld on 13689
behalf of any such employee. 13690

~~(E)~~(F) This section does not limit the authority of any 13691
municipal corporation, county, township, park district, 13692
conservancy district, sanitary district, health district, public 13693
library, county law library, public institution of higher 13694
education, or school district to provide separate authorized plans 13695
or programs for deferring compensation of their officers and 13696
employees in addition to the program for the deferral of 13697
compensation offered by the board. Any municipal corporation, 13698
township, public institution of higher education, or school 13699
district that offers such plans or programs shall include a 13700
reasonable number of options to its officers or employees for the 13701
investment of the deferred funds, including annuities, variable 13702
annuities, regulated investment trusts, or other forms of 13703
investment approved by the municipal corporation, township, public 13704
institution of higher education, or school district, that will 13705
assure the desired tax treatment of the funds. 13706

Sec. 148.05. (A)(1) As used in this division, "personal 13707
history record" means information maintained by the Ohio public 13708
employees deferred compensation board on an individual who is a 13709
participating employee or continuing member that includes the 13710
address, telephone number, social security number, record of 13711
contributions, records of benefits, correspondence with the Ohio 13712
public employees deferred compensation program, or other 13713
information the board determines to be confidential. 13714

(2) The records of the board shall be open to public 13715
inspection, except that the following shall be excluded, except 13716
with the written authorization of the individual concerned: 13717

(a) Information pertaining to an individual's participant 13718
account; 13719

(b) The individual's personal history record. 13720

(B)(1) All medical reports, records, and recommendations of a 13721
participating employee or a continuing member that are in the 13722
possession of the board are privileged. 13723

(2) All tax information of a participating employee, 13724
continuing member, or former participant or member that is in the 13725
possession of the board shall be confidential to the extent the 13726
information is confidential under Title LVII or any other 13727
provision of the Revised Code. 13728

(C) Notwithstanding the exceptions to public inspection in 13729
division (A)(2) of this section, the board may furnish the 13730
following information: 13731

(1) If a participating employee, continuing member, or former 13732
participant or member is subject to an order issued under section 13733
2907.15 of the Revised Code or is convicted of or pleads guilty to 13734
a violation of section 2921.41 of the Revised Code, on written 13735
request of a prosecutor as defined in section 2935.01 of the 13736
Revised Code, the board shall furnish to the prosecutor the 13737
information requested from the individual's personal history 13738
record or participant account. 13739

(2) Pursuant to a court or administrative order issued 13740
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 13741
Code, the board shall furnish to a court or child support 13742
enforcement agency the information required under that section. 13743

(3) Pursuant to an administrative subpoena issued by a state 13744

agency, the board shall furnish the information required by the 13745
subpoena. 13746

(4) The board shall comply with orders issued under section 13747
3105.87 of the Revised Code. 13748

(D) A statement that contains information obtained from the 13749
program's records that is signed by the executive director or the 13750
director's designee and to which the board's official seal is 13751
affixed, or copies of the program's records to which the signature 13752
and seal are attached, shall be received as true copies of the 13753
board's records in any court or before any officer of this state. 13754
13755

Sec. 149.308. There is hereby created in the state treasury 13756
the Ohio historical society income tax contribution fund, which 13757
shall consist of money contributed to it under section 5747.113 of 13758
the Revised Code and of contributions made directly to it. Any 13759
person may contribute directly to the fund in addition to or 13760
independently of the income tax refund contribution system 13761
established in section 5747.113 of the Revised Code. 13762

The Ohio historical society shall use money credited to the 13763
fund in furtherance of the public functions with which the society 13764
is charged under section 149.30 of the Revised Code. 13765

Sec. 149.43. (A) As used in this section: 13766

(1) "Public record" means records kept by any public office, 13767
including, but not limited to, state, county, city, village, 13768
township, and school district units, and records pertaining to the 13769
delivery of educational services by an alternative school in this 13770
state kept by the nonprofit or for-profit entity operating the 13771
alternative school pursuant to section 3313.533 of the Revised 13772
Code. "Public record" does not mean any of the following: 13773

(a) Medical records; 13774

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	13775 13776 13777
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	13778 13779 13780
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	13781 13782 13783
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	13784 13785 13786 13787 13788 13789
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	13790 13791 13792
(g) Trial preparation records;	13793
(h) Confidential law enforcement investigatory records;	13794
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	13795 13796
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	13797 13798
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	13799 13800 13801 13802
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department	13803 13804

of youth services to the department of rehabilitation and	13805
correction pursuant to section 5139.05 of the Revised Code;	13806
(m) Intellectual property records;	13807
(n) Donor profile records;	13808
(o) Records maintained by the department of job and family	13809
services pursuant to section 3121.894 of the Revised Code;	13810
(p) Peace officer, parole officer, prosecuting attorney,	13811
assistant prosecuting attorney, correctional employee, youth	13812
services employee, firefighter, or EMT , <u>or investigator of the</u>	13813
<u>bureau of criminal identification and investigation</u> residential	13814
and familial information;	13815
(q) In the case of a county hospital operated pursuant to	13816
Chapter 339. of the Revised Code or a municipal hospital operated	13817
pursuant to Chapter 749. of the Revised Code, information that	13818
constitutes a trade secret, as defined in section 1333.61 of the	13819
Revised Code;	13820
(r) Information pertaining to the recreational activities of	13821
a person under the age of eighteen;	13822
(s) Records provided to, statements made by review board	13823
members during meetings of, and all work products of a child	13824
fatality review board acting under sections 307.621 to 307.629 of	13825
the Revised Code, <u>and child fatality review data submitted by the</u>	13826
<u>child fatality review board to the department of health or a</u>	13827
<u>national child death review database</u> , other than the report	13828
prepared pursuant to <u>division (A) of</u> section 307.626 of the	13829
Revised Code;	13830
(t) Records provided to and statements made by the executive	13831
director of a public children services agency or a prosecuting	13832
attorney acting pursuant to section 5153.171 of the Revised Code	13833
other than the information released under that section;	13834

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;

(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

(z) Records listed in section 5101.29 of the Revised Code.

(aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably

promised; 13865

(b) Information provided by an information source or witness 13866
to whom confidentiality has been reasonably promised, which 13867
information would reasonably tend to disclose the source's or 13868
witness's identity; 13869

(c) Specific confidential investigatory techniques or 13870
procedures or specific investigatory work product; 13871

(d) Information that would endanger the life or physical 13872
safety of law enforcement personnel, a crime victim, a witness, or 13873
a confidential information source. 13874

(3) "Medical record" means any document or combination of 13875
documents, except births, deaths, and the fact of admission to or 13876
discharge from a hospital, that pertains to the medical history, 13877
diagnosis, prognosis, or medical condition of a patient and that 13878
is generated and maintained in the process of medical treatment. 13879

(4) "Trial preparation record" means any record that contains 13880
information that is specifically compiled in reasonable 13881
anticipation of, or in defense of, a civil or criminal action or 13882
proceeding, including the independent thought processes and 13883
personal trial preparation of an attorney. 13884

(5) "Intellectual property record" means a record, other than 13885
a financial or administrative record, that is produced or 13886
collected by or for faculty or staff of a state institution of 13887
higher learning in the conduct of or as a result of study or 13888
research on an educational, commercial, scientific, artistic, 13889
technical, or scholarly issue, regardless of whether the study or 13890
research was sponsored by the institution alone or in conjunction 13891
with a governmental body or private concern, and that has not been 13892
publicly released, published, or patented. 13893

(6) "Donor profile record" means all records about donors or 13894
potential donors to a public institution of higher education 13895

except the names and reported addresses of the actual donors and 13896
the date, amount, and conditions of the actual donation. 13897

(7) "Peace officer, parole officer, prosecuting attorney, 13898
assistant prosecuting attorney, correctional employee, youth 13899
services employee, firefighter, ~~or~~ EMT, or investigator of the 13900
bureau of criminal identification and investigation residential 13901
and familial information" means any information that discloses any 13902
of the following about a peace officer, parole officer, 13903
prosecuting attorney, assistant prosecuting attorney, correctional 13904
employee, youth services employee, firefighter, ~~or~~ EMT, or 13905
investigator of the bureau of criminal identification and 13906
investigation: 13907

(a) The address of the actual personal residence of a peace 13908
officer, parole officer, assistant prosecuting attorney, 13909
correctional employee, youth services employee, firefighter, ~~or~~ 13910
EMT, or an investigator of the bureau of criminal identification 13911
and investigation, except for the state or political subdivision 13912
in which the peace officer, parole officer, assistant prosecuting 13913
attorney, correctional employee, youth services employee, 13914
firefighter, ~~or~~ EMT, or investigator of the bureau of criminal 13915
identification and investigation resides; 13916

(b) Information compiled from referral to or participation in 13917
an employee assistance program; 13918

(c) The social security number, the residential telephone 13919
number, any bank account, debit card, charge card, or credit card 13920
number, or the emergency telephone number of, or any medical 13921
information pertaining to, a peace officer, parole officer, 13922
prosecuting attorney, assistant prosecuting attorney, correctional 13923
employee, youth services employee, firefighter, ~~or~~ EMT, or 13924
investigator of the bureau of criminal identification and 13925
investigation; 13926

(d) The name of any beneficiary of employment benefits, 13927
including, but not limited to, life insurance benefits, provided 13928
to a peace officer, parole officer, prosecuting attorney, 13929
assistant prosecuting attorney, correctional employee, youth 13930
services employee, firefighter, ~~or~~ EMT, or investigator of the 13931
bureau of criminal identification and investigation by the peace 13932
officer's, parole officer's, prosecuting attorney's, assistant 13933
prosecuting attorney's, correctional employee's, youth services 13934
employee's, firefighter's, ~~or~~ EMT's, or investigator of the bureau 13935
of criminal identification and investigation's employer; 13936

(e) The identity and amount of any charitable or employment 13937
benefit deduction made by the peace officer's, parole officer's, 13938
prosecuting attorney's, assistant prosecuting attorney's, 13939
correctional employee's, youth services employee's, firefighter's, 13940
~~or~~ EMT's, or investigator of the bureau of criminal identification 13941
and investigation's employer from the peace officer's, parole 13942
officer's, prosecuting attorney's, assistant prosecuting 13943
attorney's, correctional employee's, youth services employee's, 13944
firefighter's, ~~or~~ EMT's, or investigator of the bureau of criminal 13945
identification and investigation's compensation unless the amount 13946
of the deduction is required by state or federal law; 13947

(f) The name, the residential address, the name of the 13948
employer, the address of the employer, the social security number, 13949
the residential telephone number, any bank account, debit card, 13950
charge card, or credit card number, or the emergency telephone 13951
number of the spouse, a former spouse, or any child of a peace 13952
officer, parole officer, prosecuting attorney, assistant 13953
prosecuting attorney, correctional employee, youth services 13954
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 13955
criminal identification and investigation; 13956

(g) A photograph of a peace officer who holds a position or 13957
has an assignment that may include undercover or plain clothes 13958

positions or assignments as determined by the peace officer's 13959
appointing authority. 13960

As used in divisions (A)(7) and (B)(9) of this section, 13961
"peace officer" has the same meaning as in section 109.71 of the 13962
Revised Code and also includes the superintendent and troopers of 13963
the state highway patrol; it does not include the sheriff of a 13964
county or a supervisory employee who, in the absence of the 13965
sheriff, is authorized to stand in for, exercise the authority of, 13966
and perform the duties of the sheriff. 13967

As used in divisions (A)(7) and (B)(5) of this section, 13968
"correctional employee" means any employee of the department of 13969
rehabilitation and correction who in the course of performing the 13970
employee's job duties has or has had contact with inmates and 13971
persons under supervision. 13972

As used in divisions (A)(7) and (B)(5) of this section, 13973
"youth services employee" means any employee of the department of 13974
youth services who in the course of performing the employee's job 13975
duties has or has had contact with children committed to the 13976
custody of the department of youth services. 13977

As used in divisions (A)(7) and (B)(9) of this section, 13978
"firefighter" means any regular, paid or volunteer, member of a 13979
lawfully constituted fire department of a municipal corporation, 13980
township, fire district, or village. 13981

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 13982
means EMTs-basic, EMTs-I, and paramedics that provide emergency 13983
medical services for a public emergency medical service 13984
organization. "Emergency medical service organization," 13985
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 13986
section 4765.01 of the Revised Code. 13987

As used in divisions (A)(7) and (B)(9) of this section, 13988
"investigator of the bureau of criminal identification and 13989

investigation" has the meaning defined in section 2903.11 of the 13990
Revised Code. 13991

(8) "Information pertaining to the recreational activities of 13992
a person under the age of eighteen" means information that is kept 13993
in the ordinary course of business by a public office, that 13994
pertains to the recreational activities of a person under the age 13995
of eighteen years, and that discloses any of the following: 13996

(a) The address or telephone number of a person under the age 13997
of eighteen or the address or telephone number of that person's 13998
parent, guardian, custodian, or emergency contact person; 13999

(b) The social security number, birth date, or photographic 14000
image of a person under the age of eighteen; 14001

(c) Any medical record, history, or information pertaining to 14002
a person under the age of eighteen; 14003

(d) Any additional information sought or required about a 14004
person under the age of eighteen for the purpose of allowing that 14005
person to participate in any recreational activity conducted or 14006
sponsored by a public office or to use or obtain admission 14007
privileges to any recreational facility owned or operated by a 14008
public office. 14009

(9) "Community control sanction" has the same meaning as in 14010
section 2929.01 of the Revised Code. 14011

(10) "Post-release control sanction" has the same meaning as 14012
in section 2967.01 of the Revised Code. 14013

(11) "Redaction" means obscuring or deleting any information 14014
that is exempt from the duty to permit public inspection or 14015
copying from an item that otherwise meets the definition of a 14016
"record" in section 149.011 of the Revised Code. 14017

(12) "Designee" and "elected official" have the same meanings 14018
as in section 109.43 of the Revised Code. 14019

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by

informing the requester of the manner in which records are 14053
maintained by the public office and accessed in the ordinary 14054
course of the public office's or person's duties. 14055

(3) If a request is ultimately denied, in part or in whole, 14056
the public office or the person responsible for the requested 14057
public record shall provide the requester with an explanation, 14058
including legal authority, setting forth why the request was 14059
denied. If the initial request was provided in writing, the 14060
explanation also shall be provided to the requester in writing. 14061
The explanation shall not preclude the public office or the person 14062
responsible for the requested public record from relying upon 14063
additional reasons or legal authority in defending an action 14064
commenced under division (C) of this section. 14065

(4) Unless specifically required or authorized by state or 14066
federal law or in accordance with division (B) of this section, no 14067
public office or person responsible for public records may limit 14068
or condition the availability of public records by requiring 14069
disclosure of the requester's identity or the intended use of the 14070
requested public record. Any requirement that the requester 14071
disclose the requestor's identity or the intended use of the 14072
requested public record constitutes a denial of the request. 14073

(5) A public office or person responsible for public records 14074
may ask a requester to make the request in writing, may ask for 14075
the requester's identity, and may inquire about the intended use 14076
of the information requested, but may do so only after disclosing 14077
to the requester that a written request is not mandatory and that 14078
the requester may decline to reveal the requester's identity or 14079
the intended use and when a written request or disclosure of the 14080
identity or intended use would benefit the requester by enhancing 14081
the ability of the public office or person responsible for public 14082
records to identify, locate, or deliver the public records sought 14083
by the requester. 14084

(6) If any person chooses to obtain a copy of a public record 14085
in accordance with division (B) of this section, the public office 14086
or person responsible for the public record may require that 14087
person to pay in advance the cost involved in providing the copy 14088
of the public record in accordance with the choice made by the 14089
person seeking the copy under this division. The public office or 14090
the person responsible for the public record shall permit that 14091
person to choose to have the public record duplicated upon paper, 14092
upon the same medium upon which the public office or person 14093
responsible for the public record keeps it, or upon any other 14094
medium upon which the public office or person responsible for the 14095
public record determines that it reasonably can be duplicated as 14096
an integral part of the normal operations of the public office or 14097
person responsible for the public record. When the person seeking 14098
the copy makes a choice under this division, the public office or 14099
person responsible for the public record shall provide a copy of 14100
it in accordance with the choice made by the person seeking the 14101
copy. Nothing in this section requires a public office or person 14102
responsible for the public record to allow the person seeking a 14103
copy of the public record to make the copies of the public record. 14104

(7) Upon a request made in accordance with division (B) of 14105
this section and subject to division (B)(6) of this section, a 14106
public office or person responsible for public records shall 14107
transmit a copy of a public record to any person by United States 14108
mail or by any other means of delivery or transmission within a 14109
reasonable period of time after receiving the request for the 14110
copy. The public office or person responsible for the public 14111
record may require the person making the request to pay in advance 14112
the cost of postage if the copy is transmitted by United States 14113
mail or the cost of delivery if the copy is transmitted other than 14114
by United States mail, and to pay in advance the costs incurred 14115
for other supplies used in the mailing, delivery, or transmission. 14116

Any public office may adopt a policy and procedures that it 14117
will follow in transmitting, within a reasonable period of time 14118
after receiving a request, copies of public records by United 14119
States mail or by any other means of delivery or transmission 14120
pursuant to this division. A public office that adopts a policy 14121
and procedures under this division shall comply with them in 14122
performing its duties under this division. 14123

In any policy and procedures adopted under this division, a 14124
public office may limit the number of records requested by a 14125
person that the office will transmit by United States mail to ten 14126
per month, unless the person certifies to the office in writing 14127
that the person does not intend to use or forward the requested 14128
records, or the information contained in them, for commercial 14129
purposes. For purposes of this division, "commercial" shall be 14130
narrowly construed and does not include reporting or gathering 14131
news, reporting or gathering information to assist citizen 14132
oversight or understanding of the operation or activities of 14133
government, or nonprofit educational research. 14134

(8) A public office or person responsible for public records 14135
is not required to permit a person who is incarcerated pursuant to 14136
a criminal conviction or a juvenile adjudication to inspect or to 14137
obtain a copy of any public record concerning a criminal 14138
investigation or prosecution or concerning what would be a 14139
criminal investigation or prosecution if the subject of the 14140
investigation or prosecution were an adult, unless the request to 14141
inspect or to obtain a copy of the record is for the purpose of 14142
acquiring information that is subject to release as a public 14143
record under this section and the judge who imposed the sentence 14144
or made the adjudication with respect to the person, or the 14145
judge's successor in office, finds that the information sought in 14146
the public record is necessary to support what appears to be a 14147
justiciable claim of the person. 14148

(9) Upon written request made and signed by a journalist on 14149
or after December 16, 1999, a public office, or person responsible 14150
for public records, having custody of the records of the agency 14151
employing a specified peace officer, parole officer, prosecuting 14152
attorney, assistant prosecuting attorney, correctional employee, 14153
youth services employee, firefighter, ~~or~~ EMT, or investigator of 14154
the bureau of criminal identification and investigation shall 14155
disclose to the journalist the address of the actual personal 14156
residence of the peace officer, parole officer, prosecuting 14157
attorney, assistant prosecuting attorney, correctional employee, 14158
youth services employee, firefighter, ~~or~~ EMT, or investigator of 14159
the bureau of criminal identification and investigation and, if 14160
the peace officer's, parole officer's, prosecuting attorney's, 14161
assistant prosecuting attorney's, correctional employee's, youth 14162
services employee's, firefighter's, ~~or~~ EMT's, or investigator of 14163
the bureau of criminal identification and investigation's spouse, 14164
former spouse, or child is employed by a public office, the name 14165
and address of the employer of the peace officer's, parole 14166
officer's, prosecuting attorney's, assistant prosecuting 14167
attorney's, correctional employee's, youth services employee's, 14168
firefighter's, ~~or~~ EMT's, or investigator of the bureau of criminal 14169
identification and investigation's spouse, former spouse, or 14170
child. The request shall include the journalist's name and title 14171
and the name and address of the journalist's employer and shall 14172
state that disclosure of the information sought would be in the 14173
public interest. 14174

As used in this division, "journalist" means a person engaged 14175
in, connected with, or employed by any news medium, including a 14176
newspaper, magazine, press association, news agency, or wire 14177
service, a radio or television station, or a similar medium, for 14178
the purpose of gathering, processing, transmitting, compiling, 14179
editing, or disseminating information for the general public. 14180

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(1) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

If a requestor transmits a written request by hand delivery or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requestor shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.

The amount of statutory damages shall be fixed at one hundred

dollars for each business day during which the public office or 14213
person responsible for the requested public records failed to 14214
comply with an obligation in accordance with division (B) of this 14215
section, beginning with the day on which the requester files a 14216
mandamus action to recover statutory damages, up to a maximum of 14217
one thousand dollars. The award of statutory damages shall not be 14218
construed as a penalty, but as compensation for injury arising 14219
from lost use of the requested information. The existence of this 14220
injury shall be conclusively presumed. The award of statutory 14221
damages shall be in addition to all other remedies authorized by 14222
this section. 14223

The court may reduce an award of statutory damages or not 14224
award statutory damages if the court determines both of the 14225
following: 14226

(a) That, based on the ordinary application of statutory law 14227
and case law as it existed at the time of the conduct or 14228
threatened conduct of the public office or person responsible for 14229
the requested public records that allegedly constitutes a failure 14230
to comply with an obligation in accordance with division (B) of 14231
this section and that was the basis of the mandamus action, a 14232
well-informed public office or person responsible for the 14233
requested public records reasonably would believe that the conduct 14234
or threatened conduct of the public office or person responsible 14235
for the requested public records did not constitute a failure to 14236
comply with an obligation in accordance with division (B) of this 14237
section; 14238

(b) That a well-informed public office or person responsible 14239
for the requested public records reasonably would believe that the 14240
conduct or threatened conduct of the public office or person 14241
responsible for the requested public records would serve the 14242
public policy that underlies the authority that is asserted as 14243
permitting that conduct or threatened conduct. 14244

(2)(a) If the court issues a writ of mandamus that orders the public office or the person responsible for the public record to comply with division (B) of this section and determines that the circumstances described in division (C)(1) of this section exist, the court shall determine and award to the relator all court costs.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C)(2)(c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C)(2)(c) of this section when either of the following applies:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law

and case law as it existed at the time of the conduct or 14276
threatened conduct of the public office or person responsible for 14277
the requested public records that allegedly constitutes a failure 14278
to comply with an obligation in accordance with division (B) of 14279
this section and that was the basis of the mandamus action, a 14280
well-informed public office or person responsible for the 14281
requested public records reasonably would believe that the conduct 14282
or threatened conduct of the public office or person responsible 14283
for the requested public records did not constitute a failure to 14284
comply with an obligation in accordance with division (B) of this 14285
section; 14286

(ii) That a well-informed public office or person responsible 14287
for the requested public records reasonably would believe that the 14288
conduct or threatened conduct of the public office or person 14289
responsible for the requested public records as described in 14290
division (C)(2)(c)(i) of this section would serve the public 14291
policy that underlies the authority that is asserted as permitting 14292
that conduct or threatened conduct. 14293

(D) Chapter 1347. of the Revised Code does not limit the 14294
provisions of this section. 14295

(E)(1) To ensure that all employees of public offices are 14296
appropriately educated about a public office's obligations under 14297
division (B) of this section, all elected officials or their 14298
appropriate designees shall attend training approved by the 14299
attorney general as provided in section 109.43 of the Revised 14300
Code. In addition, all public offices shall adopt a public records 14301
policy in compliance with this section for responding to public 14302
records requests. In adopting a public records policy under this 14303
division, a public office may obtain guidance from the model 14304
public records policy developed and provided to the public office 14305
by the attorney general under section 109.43 of the Revised Code. 14306
Except as otherwise provided in this section, the policy may not 14307

limit the number of public records that the public office will 14308
make available to a single person, may not limit the number of 14309
public records that it will make available during a fixed period 14310
of time, and may not establish a fixed period of time before it 14311
will respond to a request for inspection or copying of public 14312
records, unless that period is less than eight hours. 14313

(2) The public office shall distribute the public records 14314
policy adopted by the public office under division (E)(1) of this 14315
section to the employee of the public office who is the records 14316
custodian or records manager or otherwise has custody of the 14317
records of that office. The public office shall require that 14318
employee to acknowledge receipt of the copy of the public records 14319
policy. The public office shall create a poster that describes its 14320
public records policy and shall post the poster in a conspicuous 14321
place in the public office and in all locations where the public 14322
office has branch offices. The public office may post its public 14323
records policy on the internet web site of the public office if 14324
the public office maintains an internet web site. A public office 14325
that has established a manual or handbook of its general policies 14326
and procedures for all employees of the public office shall 14327
include the public records policy of the public office in the 14328
manual or handbook. 14329

(F)(1) The bureau of motor vehicles may adopt rules pursuant 14330
to Chapter 119. of the Revised Code to reasonably limit the number 14331
of bulk commercial special extraction requests made by a person 14332
for the same records or for updated records during a calendar 14333
year. The rules may include provisions for charges to be made for 14334
bulk commercial special extraction requests for the actual cost of 14335
the bureau, plus special extraction costs, plus ten per cent. The 14336
bureau may charge for expenses for redacting information, the 14337
release of which is prohibited by law. 14338

(2) As used in division (F)(1) of this section: 14339

(a) "Actual cost" means the cost of depleted supplies, 14340
records storage media costs, actual mailing and alternative 14341
delivery costs, or other transmitting costs, and any direct 14342
equipment operating and maintenance costs, including actual costs 14343
paid to private contractors for copying services. 14344

(b) "Bulk commercial special extraction request" means a 14345
request for copies of a record for information in a format other 14346
than the format already available, or information that cannot be 14347
extracted without examination of all items in a records series, 14348
class of records, or data base by a person who intends to use or 14349
forward the copies for surveys, marketing, solicitation, or resale 14350
for commercial purposes. "Bulk commercial special extraction 14351
request" does not include a request by a person who gives 14352
assurance to the bureau that the person making the request does 14353
not intend to use or forward the requested copies for surveys, 14354
marketing, solicitation, or resale for commercial purposes. 14355

(c) "Commercial" means profit-seeking production, buying, or 14356
selling of any good, service, or other product. 14357

(d) "Special extraction costs" means the cost of the time 14358
spent by the lowest paid employee competent to perform the task, 14359
the actual amount paid to outside private contractors employed by 14360
the bureau, or the actual cost incurred to create computer 14361
programs to make the special extraction. "Special extraction 14362
costs" include any charges paid to a public agency for computer or 14363
records services. 14364

(3) For purposes of divisions (F)(1) and (2) of this section, 14365
"surveys, marketing, solicitation, or resale for commercial 14366
purposes" shall be narrowly construed and does not include 14367
reporting or gathering news, reporting or gathering information to 14368
assist citizen oversight or understanding of the operation or 14369
activities of government, or nonprofit educational research. 14370

Sec. 149.45. (A) As used in this section:	14371
(1) "Personal information" means any of the following:	14372
(a) An individual's social security number;	14373
(b) An individual's federal tax identification number;	14374
(c) An individual's driver's license number or state identification number;	14375 14376
(d) An individual's checking account number, savings account number, or credit card number.	14377 14378
(2) "Public record" and "peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT, <u>or</u> <u>investigator of the bureau of criminal identification and</u> <u>investigation</u> residential and familial information" have the same meanings as in section 149.43 of the Revised Code.	14379 14380 14381 14382 14383 14384
(3) "Truncate" means to redact all but the last four digits of an individual's social security number.	14385 14386
(B)(1) No public office or person responsible for a public office's public records shall make available to the general public on the internet any document that contains an individual's social security number without otherwise redacting, encrypting, or truncating the social security number.	14387 14388 14389 14390 14391
(2) A public office or person responsible for a public office's public records that prior to the effective date of this section made available to the general public on the internet any document that contains an individual's social security number shall redact, encrypt, or truncate the social security number from that document.	14392 14393 14394 14395 14396 14397
(3) Divisions (B)(1) and (2) of this section do not apply to documents that are only accessible through the internet with a	14398 14399

password. 14400

(C)(1) An individual may request that a public office or a 14401
person responsible for a public office's public records redact 14402
personal information of that individual from any record made 14403
available to the general public on the internet. An individual who 14404
makes a request for redaction pursuant to this division shall make 14405
the request in writing on a form developed by the attorney general 14406
and shall specify the personal information to be redacted and 14407
provide any information that identifies the location of that 14408
personal information within a document that contains that personal 14409
information. 14410

(2) Upon receiving a request for a redaction pursuant to 14411
division (C)(1) of this section, a public office or a person 14412
responsible for a public office's public records shall act within 14413
five business days in accordance with the request to redact the 14414
personal information of the individual from any record made 14415
available to the general public on the internet, if practicable. 14416
If a redaction is not practicable, the public office or person 14417
responsible for the public office's public records shall verbally 14418
or in writing within five business days after receiving the 14419
written request explain to the individual why the redaction is 14420
impracticable. 14421

(3) The attorney general shall develop a form to be used by 14422
an individual to request a redaction pursuant to division (C)(1) 14423
of this section. The form shall include a place to provide any 14424
information that identifies the location of the personal 14425
information to be redacted. 14426

(D)(1) A peace officer, parole officer, prosecuting attorney, 14427
assistant prosecuting attorney, correctional employee, youth 14428
services employee, firefighter, ~~or~~ EMT, or investigator of the 14429
bureau of criminal identification and investigation may request 14430
that a public office other than a county auditor or a person 14431

responsible for the public records of a public office other than a 14432
county auditor redact the address of the person making the request 14433
from any record made available to the general public on the 14434
internet that includes peace officer, parole officer, prosecuting 14435
attorney, assistant prosecuting attorney, correctional employee, 14436
youth services employee, firefighter, ~~or~~ EMT, or investigator of 14437
the bureau of criminal identification and investigation 14438
residential and familial information of the person making the 14439
request. A person who makes a request for a redaction pursuant to 14440
this division shall make the request in writing and on a form 14441
developed by the attorney general. 14442

(2) Upon receiving a written request for a redaction pursuant 14443
to division (D)(1) of this section, a public office other than a 14444
county auditor or a person responsible for the public records of a 14445
public office other than a county auditor shall act within five 14446
business days in accordance with the request to redact the address 14447
of the peace officer, parole officer, prosecuting attorney, 14448
assistant prosecuting attorney, correctional employee, youth 14449
services employee, firefighter, ~~or~~ EMT, or investigator of the 14450
bureau of criminal identification and investigation making the 14451
request from any record made available to the general public on 14452
the internet that includes peace officer, parole officer, 14453
prosecuting attorney, assistant prosecuting attorney, correctional 14454
employee, youth services employee, firefighter, ~~or~~ EMT, or 14455
investigator of the bureau of criminal identification and 14456
investigation residential and familial information of the person 14457
making the request, if practicable. If a redaction is not 14458
practicable, the public office or person responsible for the 14459
public office's public records shall verbally or in writing within 14460
five business days after receiving the written request explain to 14461
the peace officer, parole officer, prosecuting attorney, assistant 14462
prosecuting attorney, correctional employee, youth services 14463
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14464

criminal identification and investigation why the redaction is 14465
impracticable. 14466

(3) Except as provided in this section and section 319.28 of 14467
the Revised Code, a public office other than an employer of a 14468
peace officer, parole officer, prosecuting attorney, assistant 14469
prosecuting attorney, correctional employee, youth services 14470
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14471
criminal identification and investigation or a person responsible 14472
for the public records of the employer is not required to redact 14473
the residential and familial information of the peace officer, 14474
parole officer, prosecuting attorney, assistant prosecuting 14475
attorney, correctional employee, youth services employee, 14476
firefighter, ~~or~~ EMT, or investigator of the bureau of criminal 14477
identification and investigation from other records maintained by 14478
the public office. 14479

(4) The attorney general shall develop a form to be used by a 14480
peace officer, parole officer, prosecuting attorney, assistant 14481
prosecuting attorney, correctional employee, youth services 14482
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14483
criminal identification and investigation to request a redaction 14484
pursuant to division (D)(1) of this section. The form shall 14485
include a place to provide any information that identifies the 14486
location of the address of a peace officer, parole officer, 14487
prosecuting attorney, assistant prosecuting attorney, correctional 14488
employee, youth services employee, firefighter, ~~or~~ EMT, or 14489
investigator of the bureau of criminal identification and 14490
investigation to be redacted. 14491

(E)(1) If a public office or a person responsible for a 14492
public office's public records becomes aware that an electronic 14493
record of that public office that is made available to the general 14494
public on the internet contains an individual's social security 14495
number that was mistakenly not redacted, encrypted, or truncated 14496

as required by division (B)(1) or (2) of this section, the public office or person responsible for the public office's public records shall redact, encrypt, or truncate the individual's social security number within a reasonable period of time.

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(2) A public office or a person responsible for a public office's public records is not liable in damages in a civil action for any harm an individual allegedly sustains as a result of the inclusion of that individual's personal information on any record made available to the general public on the internet or any harm a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, or investigator of the bureau of criminal identification and investigation sustains as a result of the inclusion of the address of the peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, or investigator of the bureau of criminal identification and investigation on any record made available to the general public on the internet in violation of this section unless the public office or person responsible for the public office's public records acted with malicious purpose, in bad faith, or in a wanton or reckless manner or division (A)(6)(a) or (c) of section 2744.03 of the Revised Code applies.

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Sec. 150.01. (A) As used in this chapter:

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(1) "Authority" means the Ohio venture capital authority created under section 150.02 of the Revised Code.

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(2) "Issuer" means a port authority organized and existing under applicable provisions of Chapter 4582. of the Revised Code that, pursuant to an agreement entered into under division (E) of section 150.02 of the Revised Code, issues or issued obligations

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to fund one or more loans to the program fund. 14528

(3) "Lender" means any person that lends money to the program 14529
fund as provided in this chapter and includes any lender and any 14530
trustee. 14531

~~(3)~~(4) "Loss" means a loss incurred with respect to a 14532
lender's loan to the program fund. Such a loss is incurred only if 14533
and to the extent a program administrator fails to satisfy its 14534
obligations to the lender to make timely payments of principal or 14535
interest as provided in the loan agreement between the lender and 14536
the program administrator. "Loss" does not include either of the 14537
following: 14538

(a) Any loss incurred by the program fund, including a loss 14539
attributable to any investment made by a program administrator; 14540

(b) Any loss of the capital required to be provided by a 14541
program administrator, or income accruing to that capital, under 14542
the agreement entered into under division (B) of section 150.05 of 14543
the Revised Code. 14544

~~(4)~~(5) "Ohio-based business enterprise" means a person that 14545
is engaged in business, that employs at least one individual on a 14546
full-time or part-time basis at a place of business in this state, 14547
including a person engaged in business if that person is a 14548
self-employed individual, and that is in the seed or early stage 14549
of business development requiring initial or early stage funding 14550
or is an established business enterprise developing new methods or 14551
technologies. 14552

~~(5)~~(6) "Ohio-based venture capital fund" means a venture 14553
capital fund having its principal office in this state, where the 14554
majority of the fund's staff are employed and where at least one 14555
investment professional is employed who has at least five years of 14556
experience in venture capital investment. 14557

~~(6)~~(7) "Ohio co-investment fund" means an Ohio-based venture 14558

capital fund managed by the program administrator or a fund 14559
manager appointed by the program administrator that is capitalized 14560
exclusively by program fund investments in accordance with the 14561
investment policy adopted under section 150.03 of the Revised 14562
Code. 14563

(8) "Program fund" means the fund created under section 14564
150.03 of the Revised Code. 14565

(9) "Research and development purposes" has the same meaning 14566
as used in Section 2p of Article VIII, Ohio Constitution, and 14567
includes the development of sites and facilities in this state for 14568
and in support of those research and development purposes. 14569

(10) "Trustee" means a trust company or a bank with corporate 14570
trust powers, in either case having a place of business in this 14571
state and acting in its capacity as a trustee pursuant to a trust 14572
agreement under which an issuer issues obligations to fund loans 14573
to the program fund. 14574

(B) The general assembly declares that its purpose in 14575
enacting Chapter 150. of the Revised Code is to increase the 14576
amount of private investment capital available in this state for 14577
Ohio-based business enterprises in the seed or early stages of 14578
business development and requiring initial or early stage funding, 14579
as well as established Ohio-based business enterprises developing 14580
new methods or technologies, including the promotion of research 14581
and development purposes, thereby increasing employment, creating 14582
additional wealth, and otherwise benefiting the economic welfare 14583
of the people of this state. Accordingly, it is the intention of 14584
the general assembly that the program fund make its investments in 14585
support of Ohio-based business enterprises and that the Ohio 14586
venture capital authority focus its investment policy principally 14587
on venture capital funds investing in such Ohio-based business 14588
enterprises. The general assembly finds and determines that this 14589
chapter and the investment policy, and actions taken under and 14590

consistent therewith, will promote and implement the public 14591
purposes of Section 2p of Article VIII, Ohio Constitution. 14592

Sec. 150.02. (A) There is hereby created the Ohio venture 14593
capital authority, which shall exercise the powers and perform the 14594
duties prescribed by this chapter. The exercise by the authority 14595
of its powers and duties is hereby declared to be an essential 14596
state governmental function. The authority is subject to all laws 14597
generally applicable to state agencies and public officials, 14598
including, but not limited to, Chapter 119. and sections 121.22 14599
and 149.43 of the Revised Code, to the extent those laws do not 14600
conflict with this chapter. 14601

(B) The authority shall consist of nine members. Seven of the 14602
members shall be appointed by the governor, with the advice and 14603
consent of the senate, from among the general public. All 14604
appointed members shall have experience in the field of banking, 14605
investments, commercial law, or industry relevant to the purpose 14606
of the Ohio venture capital program as stated in section 150.01 of 14607
the Revised Code. The director of development and tax commissioner 14608
or their designees shall be ex officio, nonvoting members. 14609

Initial gubernatorial appointees to the authority shall serve 14611
staggered terms, with one term expiring on January 31, 2004, two 14612
terms expiring on January 31, 2005, two terms expiring on January 14613
31, 2006, and two terms expiring on January 31, 2007. Thereafter, 14614
terms of office for all appointees shall be for four years, with 14615
each term ending on the same day of the same month as did the term 14616
that it succeeds. A vacancy on the authority shall be filled in 14617
the same manner as the original appointment, except that a person 14618
appointed to fill a vacancy shall be appointed to the remainder of 14619
the unexpired term. Any appointed member of the authority is 14620
eligible for reappointment. 14621

A member of the authority may be removed by the member's 14622
appointing authority for misfeasance, malfeasance, willful neglect 14623
of duty, or other cause, after notice and a public hearing, unless 14624
the notice and hearing are waived in writing by the member. 14625

(C) Members of the authority shall serve without 14626
compensation, but shall receive their reasonable and necessary 14627
expenses incurred in the conduct of authority business. The 14628
governor shall designate a member of the authority to serve as 14629
chairperson. A majority of the voting members of the authority 14630
constitutes a quorum, and the affirmative vote of a majority of 14631
the voting members present is necessary for any action taken by 14632
the authority. A vacancy in the voting membership of the authority 14633
does not impair the right of a quorum to exercise all rights and 14634
perform all duties of the authority. 14635

(D) The department of development shall provide the authority 14636
with office space and such technical assistance as the authority 14637
requires. 14638

(E) The authority and an issuer may cooperate in promoting 14639
the public purposes of the Ohio venture capital program as stated 14640
in section 150.01 of the Revised Code and shall enter into such 14641
agreements as the authority and the issuer shall deem appropriate, 14642
with a view to cooperative action and safeguarding of the 14643
respective interests of the parties thereto. Any agreement shall 14644
provide for the rights, duties, and responsibilities of the 14645
parties and any limitations thereon, shall provide for the terms 14646
on which any tax credits to be issued to the issuer or a trustee 14647
pursuant to section 150.07 of the Revised Code shall be issued and 14648
claimed, and shall provide terms as may be mutually satisfactory 14649
to the parties including, but not limited to, requirements for 14650
reporting, and a plan, prepared by the program administrator and 14651
acceptable to the authority and the issuer, designed to evidence 14652
and ensure compliance with division (D) of section 150.03 of the 14653

Revised Code and Section 2p of Article VIII, Ohio Constitution. 14654

Sec. 150.03. Within ninety days after ~~the effective date of~~ 14655
~~this section~~ April 9, 2003, the authority shall establish, and 14656
subsequently may modify as it considers necessary, a written 14657
investment policy governing the investment of money from the 14658
program fund, which is hereby created. The program fund shall 14659
consist of the proceeds of loans acquired by a program 14660
administrator. The authority is subject to Chapter 119. of the 14661
Revised Code with respect to the establishment or modification of 14662
the policy. The policy shall meet all the following requirements: 14663

(A) It is consistent with the purpose of the program stated 14664
in section 150.01 of the Revised Code. 14665

(B) Subject to divisions (C), (D), and (E) of this section, 14666
it permits the investment of money from the program fund in 14667
private, for-profit venture capital funds, including funds of 14668
funds, that invest in enterprises in the seed or early stage of 14669
business development or established business enterprises 14670
developing new methods or technologies, and that demonstrate 14671
potential to generate high levels of successful investment 14672
performance. 14673

(C) It specifies that, exclusive of any program fund money 14674
invested in an Ohio co-investment fund, a program administrator or 14675
fund manager employed by the program administrator shall invest 14676
not less than seventy-five per cent of program fund money under 14677
its investment authority in Ohio-based venture capital funds. 14678

(D) It specifies ~~that~~ all of the following: 14679

(1) That not less than an amount equal to fifty per cent of 14680
program fund money invested in any venture capital fund ~~be~~ is 14681
invested by the venture capital fund in Ohio-based business 14682
enterprises; 14683

(2) That one hundred per cent of program fund money invested 14684
in any Ohio co-investment fund is invested by the Ohio 14685
co-investment fund in Ohio-based business enterprises; and 14686

(3) That, commencing with the first program fund investment 14687
in each venture capital fund, the aggregate amount invested in 14688
Ohio-based business enterprises by all venture capital funds in 14689
which the program fund has invested is not less than the aggregate 14690
amount of all program fund money invested in those venture capital 14691
funds. 14692

(E) It specifies that a program administrator or fund manager 14693
employed by the program administrator shall not invest money from 14694
the program fund in a venture capital fund to the extent that the 14695
total amount of program fund money invested in the venture capital 14696
fund, ~~when combined with any program fund money invested in a~~ 14697
~~venture capital fund under the same management as that venture~~ 14698
~~capital fund,~~ exceeds the lesser of the following: 14699

(1) In the case of an Ohio co-investment fund, the lesser of 14700
the following: 14701

(a) One hundred million dollars; 14702

(b) Fifty per cent of the total amount of capital committed 14703
to all venture capital funds by the program fund. 14704

(2) In the case of any venture capital fund that is not an 14705
Ohio co-investment fund, the lesser of the following: 14706

(a) Ten million dollars; 14707

~~(2)(a)(b)(i)~~ (b)(i) In the case of an Ohio-based venture capital 14708
fund, fifty per cent of the total amount of capital committed to 14709
the fund from all sources, after accounting for capital committed 14710
from the program fund; 14711

~~(b)(ii)~~ (b)(ii) In the case of any other venture capital fund, twenty 14712
per cent of the total amount of capital committed to the fund from 14713

all sources, after accounting for capital committed from the 14714
program fund. 14715

(F) It specifies that a program administrator or fund manager 14716
employed by the program administrator shall not commit capital 14717
from the program fund to a venture capital fund other than an Ohio 14718
co-investment fund until the venture capital fund receives 14719
commitment of at least the same amount from other investors in the 14720
fund, and shall not permit capital from an Ohio co-investment fund 14721
to be committed to any investment until the Ohio-based business 14722
enterprise in which the investment is to be made receives a 14723
commitment of at least the same amount from other investors that 14724
are independent of and under management independent of the program 14725
administrator and any fund manager employed by the program 14726
administrator. 14727

(G) It specifies the general conditions a private, for-profit 14728
investment fund must meet to be selected as a program 14729
administrator under section 150.05 of the Revised Code, including, 14730
as a significant selection standard, direct experience managing 14731
external or nonproprietary capital in private equity fund of funds 14732
formats. 14733

(H) It specifies the criteria the authority must consider 14734
when making a determination under division (B)(1) of section 14735
150.04 of the Revised Code. 14736

(I) It includes investment standards and general limitations 14737
on allowable investments that the authority considers reasonable 14738
and necessary to achieve the purposes of this chapter as stated in 14739
division (B) of section 150.01 of the Revised Code, minimize the 14740
need for the authority to grant tax credits under section 150.07 14741
of the Revised Code, ensure compliance of the program 14742
administrators with all applicable laws of this state and the 14743
United States, and ensure the safety and soundness of investments 14744
of money from the program fund. 14745

(J) It prohibits the investment of money from the program 14746
fund directly in persons other than venture capital funds, except 14747
for temporary investment in investment grade debt securities or 14748
temporary deposit in interest-bearing accounts or funds pending 14749
permanent investment in venture capital funds. 14750

Sec. 150.04. (A) The investment policy established or 14751
modified under section 150.03 of the Revised Code shall specify 14752
the terms and conditions under which the authority may grant tax 14753
credits under section 150.07 of the Revised Code, subject to that 14754
section and division (B) of this section, to provide security 14755
against lenders' losses. 14756

(B) Nothing in this chapter authorizes the providing of 14757
security against losses on any bases other than the following: 14758

(1) The application first of moneys of the Ohio venture 14759
capital fund, created under section 150.08 of the Revised Code, 14760
that the authority, under the criteria in its investment policy, 14761
determines may be expended without adversely affecting the ability 14762
of the authority to continue fulfilling the purpose of this 14763
chapter as stated in section 150.01 of the Revised Code; and then 14764

(2) The granting of tax credits pursuant to section 150.07 of 14765
the Revised Code, but only to the extent moneys under division 14766
(B)(1) of this section are insufficient, including to fund 14767
reserves maintained by or on behalf of an issuer to the extent 14768
consistent with an agreement between the authority and the issuer 14769
entered into under division (E) of section 150.02 of the Revised 14770
Code. 14771

Sec. 150.07. (A) For the purpose stated in section 150.01 of 14772
the Revised Code, the authority may authorize a lender to claim 14773
one of the refundable tax credits allowed under section 5707.031, 14774
5725.19, 5727.241, 5729.08, 5733.49, or 5747.80 of the Revised 14775

Code. The credits shall be authorized by a written contract with 14776
the lender. The contract shall specify the terms under which the 14777
lender may claim the credit, including the amount of loss, if any, 14778
the lender must incur before the lender may claim the credit; 14779
specify that the credit shall not exceed the amount of the loss; 14780
and specify that the lender may claim the credit only for a loss 14781
certified by a program administrator to the authority under the 14782
procedures prescribed under division (B)(6) of section 150.05 of 14783
the Revised Code. 14784

(B) Tax credits may be authorized at any time after the 14785
authority establishes the investment policy under section 150.03 14786
of the Revised Code, but a tax credit so authorized may not be 14787
claimed until the beginning of the fifth year after the authority 14788
establishes the investment policy. A tax credit may not be claimed 14789
after June 30, ~~2026~~ 2036. 14790

(C)(1) Upon receiving certification of a lender's loss from a 14791
program administrator pursuant to the procedures in the investment 14792
policy, the authority shall issue a tax credit certificate to the 14793
lender, except as otherwise provided in division (D) of this 14794
section. 14795

(2) If the lender is a pass-through entity, as defined in 14796
section 5733.04 of the Revised Code, then each equity investor in 14797
the lender pass-through entity shall be entitled to claim one of 14798
the tax credits allowed under division (A) of this section for 14799
that equity investor's taxable year in which or with which ends 14800
the taxable year of the lender pass-through entity in an amount 14801
based on the equity investor's distributive or proportionate share 14802
of the credit amount set forth in the certificate issued by the 14803
authority. If all equity investors of the lender pass-through 14804
entity are not eligible to claim a credit against the same tax set 14805
forth in division (A) of this section, then each equity investor 14806

may elect to claim a credit against the tax to which the equity 14807
investor is subject to in an amount based on the equity investor's 14808
distributive or proportionate share of the credit amount set forth 14809
in the certificate issued by the authority. 14810

(3) The certificate shall state the amount of the credit and 14811
the calendar year under section 5707.031, 5725.19, 5727.241, or 14812
5729.08, the tax year under section 5733.49, or the taxable year 14813
under section 5747.80 of the Revised Code for which the credit may 14814
be claimed. The authority, in conjunction with the tax 14815
commissioner, shall develop a system for issuing tax credit 14816
certificates for the purpose of verifying that any credit claimed 14817
is a credit issued under this section and is properly taken in the 14818
year specified in the certificate and in compliance with division 14819
(B) of this section. 14820

(D) The authority shall not, in any fiscal year, issue tax 14821
credit certificates in a total amount exceeding twenty million 14822
dollars. 14823

(E) Notwithstanding anything in this section or in any other 14824
section of this chapter or in Chapter 5707., 5725., 5727., 5729., 14825
5733., or 5747. of the Revised Code, an issuer or a trustee on 14826
behalf of an issuer shall have, subject to the terms of the 14827
agreement entered into by the issuer and the authority under 14828
division (E) of section 150.02 of the Revised Code, the right to 14829
receive and claim the credits authorized under this section and 14830
solely for those purposes shall be deemed a taxpayer under 14831
applicable provisions of each such chapter, entitled to file a tax 14832
return, an amended tax return, or an estimated tax return at such 14833
times as are permitted or required under the applicable chapter, 14834
but solely for the purpose of claiming credits issued to the 14835
issuer or the trustee. Nothing in this section shall require an 14836
issuer or a trustee to file a tax return under any chapter for any 14837
purpose other than claiming such credits if the issuer or trustee 14838

is not otherwise required to make such a filing. 14839

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 14840
152.33 of the Revised Code: 14841

(1) "Obligations" means bonds, notes, or other evidences of 14842
obligation, including interest coupons pertaining thereto, issued 14843
pursuant to sections 152.09 to 152.33 of the Revised Code. 14844

(2) "State agencies" means the state of Ohio and branches, 14845
officers, boards, commissions, authorities, departments, 14846
divisions, courts, general assembly, or other units or agencies of 14847
the state. "State agency" also includes counties, municipal 14848
corporations, and governmental entities of this state that enter 14849
into leases with the Ohio building authority pursuant to section 14850
152.31 of the Revised Code or that are designated by law as state 14851
agencies for the purpose of performing a state function that is to 14852
be housed by a capital facility for which the Ohio building 14853
authority is authorized to issue revenue obligations pursuant to 14854
sections 152.09 to 152.33 of the Revised Code. 14855

(3) "Bond service charges" means principal, including 14856
mandatory sinking fund requirements for retirement of obligations, 14857
and interest, and redemption premium, if any, required to be paid 14858
by the Ohio building authority on obligations. 14859

(4) "Capital facilities" means buildings, structures, and 14860
other improvements, and equipment, real estate, and interests in 14861
real estate therefor, within the state, and any one, part of, or 14862
combination of the foregoing, for housing of branches and agencies 14863
of state government, including capital facilities for the purpose 14864
of housing personnel, equipment, or functions, or any combination 14865
thereof that the state agencies are responsible for housing, for 14866
which the Ohio building authority is authorized to issue 14867
obligations pursuant to Chapter 152. of the Revised Code, and 14868
includes storage and parking facilities related to such capital 14869

facilities. For purposes of sections 152.10 to 152.15 of the 14870
Revised Code, "capital facilities" includes community or technical 14871
college capital facilities. 14872

(5) "Cost of capital facilities" means the costs of 14873
assessing, planning, acquiring, constructing, reconstructing, 14874
rehabilitating, remodeling, renovating, enlarging, improving, 14875
altering, maintaining, equipping, furnishing, repairing, painting, 14876
decorating, managing, or operating capital facilities, and the 14877
financing thereof, including the cost of clearance and preparation 14878
of the site and of any land to be used in connection with capital 14879
facilities, the cost of participating in capital facilities 14880
pursuant to section 152.33 of the Revised Code, the cost of any 14881
indemnity and surety bonds and premiums on insurance, all related 14882
direct administrative expenses and allocable portions of direct 14883
costs of the authority and lessee state agencies, cost of 14884
engineering and architectural services, designs, plans, 14885
specifications, surveys, and estimates of cost, legal fees, fees 14886
and expenses of trustees, depositories, and paying agents for the 14887
obligations, cost of issuance of the obligations and financing 14888
charges and fees and expenses of financial advisers and 14889
consultants in connection therewith, interest on obligations from 14890
the date thereof to the time when interest is to be covered from 14891
sources other than proceeds of obligations, amounts that represent 14892
the portion of investment earnings to be rebated or to be paid to 14893
the federal government in order to maintain the exclusion from 14894
gross income for federal income tax purposes of interest on those 14895
obligations pursuant to section 148(f) of the Internal Revenue 14896
Code, amounts necessary to establish reserves as required by the 14897
resolutions or the obligations, trust agreements, or indentures, 14898
costs of audits, the reimbursement of all moneys advanced or 14899
applied by or borrowed from any governmental entity, whether to or 14900
by the authority or others, from whatever source provided, for the 14901
payment of any item or items of cost of the capital facilities, 14902

any share of the cost undertaken by the authority pursuant to 14903
arrangements made with governmental entities under division (J) of 14904
section 152.21 of the Revised Code, and all other expenses 14905
necessary or incident to assessing, planning, or determining the 14906
feasibility or practicability with respect to capital facilities, 14907
and such other expenses as may be necessary or incident to the 14908
assessment, planning, acquisition, construction, reconstruction, 14909
rehabilitation, remodeling, renovation, enlargement, improvement, 14910
alteration, maintenance, equipment, furnishing, repair, painting, 14911
decoration, management, or operation of capital facilities, the 14912
financing thereof and the placing of the same in use and 14913
operation, including any one, part of, or combination of such 14914
classes of costs and expenses. 14915

(6) "Governmental entity" means any state agency, municipal 14916
corporation, county, township, school district, and any other 14917
political subdivision or special district in this state 14918
established pursuant to law, and, except where otherwise 14919
indicated, also means the United States or any of the states or 14920
any department, division, or agency thereof, and any agency, 14921
commission, or authority established pursuant to an interstate 14922
compact or agreement. 14923

(7) "Governing body" means: 14924

(a) In the case of a county, the board of county 14925
commissioners or other legislative authority; in the case of a 14926
municipal corporation, the legislative authority; in the case of a 14927
township, the board of township trustees; in the case of a school 14928
district, the board of education; 14929

(b) In the case of any other governmental entity, the 14930
officer, board, commission, authority, or other body having the 14931
general management of the entity or having jurisdiction or 14932
authority in the particular circumstances. 14933

(8) "Available receipts" means fees, charges, revenues, 14934
grants, subsidies, income from the investment of moneys, proceeds 14935
from the sale of goods or services, and all other revenues or 14936
receipts received by or on behalf of any state agency for which 14937
capital facilities are financed with obligations issued under 14938
Chapter 152. of the Revised Code, any state agency participating 14939
in capital facilities pursuant to section 152.33 of the Revised 14940
Code, or any state agency by which the capital facilities are 14941
constructed or financed; revenues or receipts derived by the 14942
authority from the operation, leasing, or other disposition of 14943
capital facilities, and the proceeds of obligations issued under 14944
Chapter 152. of the Revised Code; and also any moneys appropriated 14945
by a governmental entity, gifts, grants, donations, and pledges, 14946
and receipts therefrom, available for the payment of bond service 14947
charges on such obligations. 14948

(9) "Available community or technical college receipts" means 14949
all money received by a community or technical college or 14950
community or technical college district, including income, 14951
revenues, and receipts from the operation, ownership, or control 14952
of facilities, grants, gifts, donations, and pledges and receipts 14953
therefrom, receipts from fees and charges, the allocated state 14954
share of instruction as defined in section 3333.90 of the Revised 14955
Code, and the proceeds of the sale of obligations, including 14956
proceeds of obligations issued to refund obligations previously 14957
issued, but excluding any special fee, and receipts therefrom, 14958
charged pursuant to division (D) of section 154.21 of the Revised 14959
Code. 14960

(10) "Community or technical college," "college," "community 14961
or technical college district," and "district" have the same 14962
meanings as in section 3333.90 of the Revised Code. 14963

(11) "Community or technical college capital facilities" 14964
means auxiliary facilities, education facilities, and housing and 14965

dining facilities, as those terms are defined in section 3345.12 14966
of the Revised Code, to the extent permitted to be financed by the 14967
issuance of obligations under division (A)(2) of section 3357.112 14968
of the Revised Code, that are authorized by sections 3354.121, 14969
3357.112, and 3358.10 of the Revised Code to be financed by 14970
obligations issued by a community or technical college district, 14971
and for which the Ohio building authority is authorized to issue 14972
obligations pursuant to Chapter 152. of the Revised Code, and 14973
includes any one, part of, or any combination of the foregoing, 14974
and further includes site improvements, utilities, machinery, 14975
furnishings, and any separate or connected buildings, structures, 14976
improvements, sites, open space and green space areas, utilities, 14977
or equipment to be used in, or in connection with the operation or 14978
maintenance of, or supplementing or otherwise related to the 14979
services or facilities to be provided by, such facilities. 14980

(12) "Cost of community or technical college capital 14981
facilities" means the costs of acquiring, constructing, 14982
reconstructing, rehabilitating, remodeling, renovating, enlarging, 14983
improving, equipping, or furnishing community or technical college 14984
capital facilities, and the financing thereof, including the cost 14985
of clearance and preparation of the site and of any land to be 14986
used in connection with community or technical college capital 14987
facilities, the cost of any indemnity and surety bonds and 14988
premiums on insurance, all related direct administrative expenses 14989
and allocable portions of direct costs of the authority, community 14990
or technical college or community or technical college district, 14991
cost of engineering, architectural services, design, plans, 14992
specifications and surveys, estimates of cost, legal fees, fees 14993
and expenses of trustees, depositories, bond registrars, and 14994
paying agents for the obligations, cost of issuance of the 14995
obligations and financing costs and fees and expenses of financial 14996
advisers and consultants in connection therewith, interest on the 14997
obligations from the date thereof to the time when interest is to 14998

be covered by available receipts or other sources other than 14999
proceeds of the obligations, amounts that represent the portion of 15000
investment earnings to be rebated or to be paid to the federal 15001
government in order to maintain the exclusion from gross income 15002
for federal income tax purposes of interest on those obligations 15003
pursuant to section 148(f) of the Internal Revenue Code, amounts 15004
necessary to establish reserves as required by the bond 15005
proceedings, costs of audits, the reimbursements of all moneys 15006
advanced or applied by or borrowed from the community or technical 15007
college, community or technical college district, or others, from 15008
whatever source provided, including any temporary advances from 15009
state appropriations, for the payment of any item or items of cost 15010
of community or technical college facilities, and all other 15011
expenses necessary or incident to planning or determining 15012
feasibility or practicability with respect to such facilities, and 15013
such other expenses as may be necessary or incident to the 15014
acquisition, construction, reconstruction, rehabilitation, 15015
remodeling, renovation, enlargement, improvement, equipment, and 15016
furnishing of community or technical college capital facilities, 15017
the financing thereof and the placing of them in use and 15018
operation, including any one, part of, or combination of such 15019
classes of costs and expenses. 15020

(B) Pursuant to the powers granted to the general assembly 15021
under Section 2i of Article VIII, Ohio Constitution, to authorize 15022
the issuance of revenue obligations and other obligations, the 15023
owners or holders of which are not given the right to have excises 15024
or taxes levied by the general assembly for the payment of 15025
principal thereof or interest thereon, the Ohio building authority 15026
may issue obligations, in accordance with Chapter 152. of the 15027
Revised Code, and shall cause the net proceeds thereof, after any 15028
deposits of accrued interest for the payment of bond service 15029
charges and after any deposit of all or such lesser portion as the 15030
authority may direct of the premium received upon the sale of 15031

those obligations for the payment of the bond service charges, to 15032
be applied to the costs of capital facilities designated by or 15033
pursuant to act of the general assembly for housing state agencies 15034
as authorized by Chapter 152. of the Revised Code. The authority 15035
shall provide by resolution for the issuance of such obligations. 15036
The bond service charges and all other payments required to be 15037
made by the trust agreement or indenture securing such obligations 15038
shall be payable solely from available receipts of the authority 15039
pledged thereto as provided in such resolution. The available 15040
receipts pledged and thereafter received by the authority are 15041
immediately subject to the lien of such pledge without any 15042
physical delivery thereof or further act, and the lien of any such 15043
pledge is valid and binding against all parties having claims of 15044
any kind against the authority, irrespective of whether those 15045
parties have notice thereof, and creates a perfected security 15046
interest for all purposes of Chapter 1309. of the Revised Code and 15047
a perfected lien for purposes of any real property interest, all 15048
without the necessity for separation or delivery of funds or for 15049
the filing or recording of the resolution, trust agreement, 15050
indenture, or other agreement by which such pledge is created or 15051
any certificate, statement, or other document with respect 15052
thereto; and the pledge of such available receipts is effective 15053
and the money therefrom and thereof may be applied to the purposes 15054
for which pledged. Every pledge, and every covenant and agreement 15055
made with respect to the pledge, made in the resolution may 15056
therein be extended to the benefit of the owners and holders of 15057
obligations authorized by Chapter 152. of the Revised Code, the 15058
net proceeds of which are to be applied to the costs of capital 15059
facilities, and to any trustee therefor, for the further securing 15060
of the payment of the bond service charges, and all or any rights 15061
under any agreement or lease made under this section may be 15062
assigned for such purpose. Obligations may be issued at one time 15063
or from time to time, and each issue shall be dated, shall mature 15064

at such time or times as determined by the authority not exceeding 15065
forty years from the date of issue, and may be redeemable before 15066
maturity at the option of the authority at such price or prices 15067
and under such terms and conditions as are fixed by the authority 15068
prior to the issuance of the obligations. The authority shall 15069
determine the form of the obligations, fix their denominations, 15070
establish their interest rate or rates, which may be a variable 15071
rate or rates, or the maximum interest rate, and establish within 15072
or without this state a place or places of payment of bond service 15073
charges. 15074

(C) The obligations shall be signed by the authority 15075
chairperson, vice-chairperson, and secretary-treasurer, and the 15076
authority seal shall be affixed. The signatures may be facsimile 15077
signatures and the seal affixed may be a facsimile seal, as 15078
provided by resolution of the authority. Any coupons attached may 15079
bear the facsimile signature of the chairperson. In case any 15080
officer who has signed any obligations, or caused the officer's 15081
facsimile signature to be affixed thereto, ceases to be such 15082
officer before such obligations have been delivered, such 15083
obligations may, nevertheless, be issued and delivered as though 15084
the person who had signed the obligations or caused the person's 15085
facsimile signature to be affixed thereto had not ceased to be 15086
such officer. 15087

Any obligations may be executed on behalf of the authority by 15088
an officer who, on the date of execution, is the proper officer 15089
although on the date of such obligations such person was not the 15090
proper officer. 15091

(D) All obligations issued by the authority shall have all 15092
the qualities and incidents of negotiable instruments and may be 15093
issued in coupon or in registered form, or both, as the authority 15094
determines. Provision may be made for the registration of any 15095
obligations with coupons attached thereto as to principal alone or 15096

as to both principal and interest, their exchange for obligations 15097
so registered, and for the conversion or reconversion into 15098
obligations with coupons attached thereto of any obligations 15099
registered as to both principal and interest, and for reasonable 15100
charges for such registration, exchange, conversion, and 15101
reconversion. The authority may sell its obligations in any manner 15102
and for such prices as it determines, except that the authority 15103
shall sell obligations sold at public or private sale in 15104
accordance with section 152.091 of the Revised Code. 15105

(E) The obligations of the authority, principal, interest, 15106
and any proceeds from their sale or transfer, are exempt from all 15107
taxation within this state. 15108

(F) The authority is authorized to issue revenue obligations 15109
and other obligations under Section 2i of Article VIII, Ohio 15110
Constitution, for the purpose of paying the cost of capital 15111
facilities for housing of branches and agencies of state 15112
government, including capital facilities for the purpose of 15113
housing personnel, equipment, or functions, or any combination 15114
thereof that the state agencies are responsible for housing, as 15115
are authorized by Chapter 152. of the Revised Code, and that are 15116
authorized by the general assembly by the appropriation of lease 15117
payments or other moneys for such capital facilities or by any 15118
other act of the general assembly, but not including the 15119
appropriation of moneys for feasibility studies for such capital 15120
facilities. This division does not authorize the authority to 15121
issue obligations pursuant to Section 2i of Article VIII, Ohio 15122
Constitution, to pay the cost of capital facilities for mental 15123
hygiene and retardation, parks and recreation, or state-supported 15124
or state-assisted institutions of higher education. 15125

(G) The authority is authorized to issue revenue obligations 15126
under Section 2i of Article VIII, Ohio Constitution, on behalf of 15127
a community or technical college district and shall cause the net 15128

proceeds thereof, after any deposits of accrued interest for the 15129
payment of bond service charges and after any deposit of all or 15130
such lesser portion as the authority may direct of the premium 15131
received upon the sale of those obligations for the payment of the 15132
bond service charges, to be applied to the cost of community or 15133
technical college capital facilities, provided that the issuance 15134
of such obligations is subject to the execution of a written 15135
agreement in accordance with division (C) of section 3333.90 of 15136
the Revised Code for the withholding and depositing of funds 15137
otherwise due the district, or the college it operates, in respect 15138
of its allocated state share of instruction. 15139

The authority shall provide by resolution for the issuance of 15140
such obligations. The bond service charges and all other payments 15141
required to be made by the trust agreement or indenture securing 15142
the obligations shall be payable solely from available community 15143
or technical college receipts pledged thereto as provided in the 15144
resolution. The available community or technical college receipts 15145
pledged and thereafter received by the authority are immediately 15146
subject to the lien of such pledge without any physical delivery 15147
thereof or further act, and the lien of any such pledge is valid 15148
and binding against all parties having claims of any kind against 15149
the authority, irrespective of whether those parties have notice 15150
thereof, and creates a perfected security interest for all 15151
purposes of Chapter 1309. of the Revised Code and a perfected lien 15152
for purposes of any real property interest, all without the 15153
necessity for separation or delivery of funds or for the filing or 15154
recording of the resolution, trust agreement, indenture, or other 15155
agreement by which such pledge is created or any certificate, 15156
statement, or other document with respect thereto; and the pledge 15157
of such available community or technical college receipts is 15158
effective and the money therefrom and thereof may be applied to 15159
the purposes for which pledged. Every pledge, and every covenant 15160
and agreement made with respect to the pledge, made in the 15161

resolution may therein be extended to the benefit of the owners 15162
and holders of obligations authorized by this division, and to any 15163
trustee therefor, for the further securing of the payment of the 15164
bond service charges, and all or any rights under any agreement or 15165
lease made under this section may be assigned for such purpose. 15166
Obligations may be issued at one time or from time to time, and 15167
each issue shall be dated, shall mature at such time or times as 15168
determined by the authority not exceeding forty years from the 15169
date of issue, and may be redeemable before maturity at the option 15170
of the authority at such price or prices and under such terms and 15171
conditions as are fixed by the authority prior to the issuance of 15172
the obligations. The authority shall determine the form of the 15173
obligations, fix their denominations, establish their interest 15174
rate or rates, which may be a variable rate or rates, or the 15175
maximum interest rate, and establish within or without this state 15176
a place or places of payment of bond service charges. 15177

Sec. 152.10. The resolution of the Ohio building authority 15178
authorizing the issuance of authority obligations may contain 15179
provisions which shall be part of the contract with the holders of 15180
the obligations as to: 15181

(A) Pledging all or such portion as it determines of the 15182
available receipts of the authority for the payment of bond 15183
service charges and all other payments required to be made by the 15184
trust agreement or indenture securing such obligations, or 15185
restricting the security for a particular issue of obligations to 15186
specific revenues or receipts of the authority; 15187

(B) The acquisition, construction, reconstruction, equipment, 15188
furnishing, improvement, operation, alteration, enlargement, 15189
maintenance, insurance, and repair of capital facilities and sites 15190
therefor, and the duties of the authority with reference thereto; 15191

(C) Other terms of the obligations; 15192

(D) Limitations on the purposes to which the proceeds of the obligations may be applied;	15193 15194
(E) The rate of rentals or other charges for the use of capital facilities, the revenues from which are pledged to the obligations authorized by such resolution, including limitations upon the power of the authority to modify such rentals or other charges;	15195 15196 15197 15198 15199
(F) The use of and the expenditures of the revenues of the authority in such manner and to such extent as shall be determined, which may include provision for the payment of the expenses of the operation, maintenance, and repair of capital facilities, and the operation and administration of the authority so that such expenses shall be paid or provided as a charge prior to the payment of bond service charges and all other payments required to be made by the trust agreement or indenture securing such obligations;	15200 15201 15202 15203 15204 15205 15206 15207 15208
(G) Limitations on the issuance of additional obligations;	15209
(H) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;	15210 15211
(I) Any other or additional agreements with the holders of the obligations, or the trustee therefor with respect to the operation of the authority and with respect to its property, funds, and revenues, and insurance thereof, and of the authority, its members, officers, and employees;	15212 15213 15214 15215 15216
(J) The deposit and application of funds and the safeguarding of funds on hand or on deposit without regard to Chapter 131. of the Revised Code, including any deposits of accrued interest for the payment of bond service charges and any deposits of premium for the payment of bond service charges or for the application to the payment of costs of capital facilities;	15217 15218 15219 15220 15221 15222
(K) Municipal bond insurance, letters of credit, and other	15223

related agreements, the cost of which may be included in the costs 15224
of issuance of the obligations, and the pledge, holding, and 15225
disposition of the proceeds thereof; 15226

(L) A covenant that the state and any using state agency or 15227
any using community or technical college or community or technical 15228
college district shall, so long as such obligations are 15229
outstanding, cause to be charged and collected such revenues and 15230
receipts of, or from, any such using state agency or any such 15231
using community or technical college or community or technical 15232
college district constituting available receipts under the 15233
resolution sufficient in amount to provide for the payment of bond 15234
service charges on such obligations and for the establishment and 15235
maintenance of any reserves, as provided in the resolution for 15236
such obligations, which covenant shall be controlling 15237
notwithstanding any other provision of law pertaining to such 15238
revenues and receipts; provided that no covenant shall require the 15239
general assembly to appropriate money derived from the levying of 15240
excises or taxes for the payment of rent or bond service charges. 15241

Sec. 152.12. (A) As used in this section, "prior community or 15242
technical college obligations" means bonds or notes previously 15243
issued by a community or technical college district under section 15244
3354.121, 3357.112, or 3358.10 of the Revised Code to pay costs of 15245
community or technical college capital facilities. 15246

(B) The Ohio building authority may authorize and issue 15247
obligations for the refunding of prior obligations or prior 15248
community or technical college obligations for any of the 15249
following purposes: 15250

~~(A)~~(1) Refunding any obligations previously issued by the 15251
authority or any prior community or technical college obligations, 15252
when the revenues pledged for the payment of such obligations are 15253
insufficient to pay obligations or prior community or technical 15254

college obligations which have matured or are about to mature or 15255
to maintain reserve or other funds required by the resolution or 15256
trust agreement or indenture; 15257

~~(B)~~(2) Refunding any obligations previously issued by the 15258
authority or any prior community or technical college obligations 15259
as an incident to providing funds for reconstructing, equipping, 15260
furnishing, improving, extending, or enlarging any capital 15261
facilities of the authority or any community or technical college 15262
district or community or technical college; 15263

~~(C)~~(3) Refunding all of the outstanding obligations or prior 15264
community or technical college obligations of any issue, both 15265
matured and unmatured, when the revenues pledged for the payment 15266
of such obligations or prior community or technical college 15267
obligations are insufficient to pay obligations which have matured 15268
or are about to mature or to maintain reserve or other funds 15269
required by the resolution or trust agreement or indenture, if 15270
such outstanding obligations or prior community or technical 15271
college obligations can be retired by call or at maturity or with 15272
the consent of the holders, whether from the proceeds of the sale 15273
of the refunding obligations or by exchange for the refunding 15274
obligations, provided the principal amount of the refunding 15275
obligations shall not exceed in amount the aggregate of the par 15276
value of the obligations or prior community or technical college 15277
obligations to be retired, any redemption premium, past due and 15278
future interest to the date of maturity or call that cannot 15279
otherwise be paid, and funds to reconstruct, equip, furnish, 15280
improve, enlarge, or extend any capital facilities of the 15281
authority or any community or technical college district or 15282
community or technical college; 15283

~~(D)~~(4) Refunding any obligations previously issued by the 15284
authority or any prior community or technical college obligations 15285
when the refunding obligations will bear interest at a lower rate 15286

than the obligations or prior community or technical college 15287
obligations to be refunded, or when the interest cost of the 15288
refunding obligations computed to the absolute maturity will be 15289
less than the interest cost of the obligations or prior community 15290
or technical college obligations to be refunded; 15291

~~(E)~~(5) Refunding any obligations issued pursuant to section 15292
152.23 of the Revised Code. 15293

(C) Obligations issued pursuant to division ~~(A)~~(B)(1) of this 15294
section shall mature not later than twenty years after their 15295
issuance and obligations issued pursuant to division (B)(2), 15296
~~(C)~~(3), ~~(D)~~(4), or ~~(E)~~(5) of this section shall mature not later 15297
than forty years after their issuance. Except as provided in this 15298
section, the terms of issuance and sale of obligations issued 15299
under this section shall be as provided in ~~Chapter 152. of the~~ 15300
~~Revised Code~~ this chapter for any other obligations for the 15301
benefit of state agencies, community or technical colleges, or 15302
community or technical college districts, as the context requires. 15303
Obligations authorized under this section shall be deemed to be 15304
issued for those purposes for which such prior obligations or 15305
prior community or technical college obligations were issued, and 15306
may be issued in amounts sufficient for funding and retirement of 15307
prior obligations or prior community or technical college 15308
obligations, for establishment of reserves as required by the 15309
refunding obligations or the resolution authorizing such refunding 15310
obligations or the trust agreement or indenture securing the 15311
refunding obligations, and for payment of any fees and expenses 15312
incurred or to be incurred in connection with such issuance and 15313
such refunding. 15314

Sec. 152.15. Obligations issued by the Ohio building 15315
authority do not, and they shall state that they do not, represent 15316
or constitute a debt of the state or any political subdivision, 15317

nor a pledge of the faith and credit of the state or any political subdivision. Pursuant to Section 2i of Article VIII, Ohio Constitution, such obligations shall not be deemed to be debts or bonded indebtedness of the state under other provisions of the Ohio Constitution.

The holders or owners of obligations issued by the authority shall have no right to have excises or taxes levied by the general assembly for the payment of the bond service charges thereon. The right of such holders and owners to payment of such bond service charges shall be limited to the available receipts or available community or technical college receipts pledged thereto in accordance with ~~Chapter 152. of the Revised Code~~ this chapter, and each such obligation shall bear on its face a statement to that effect. Any available receipts or available community or technical college receipts may be so pledged only to obligations issued for capital facilities which are in whole or in part useful to, constructed by, or financed by the department, board, commission, authority, community or technical college, community or technical college district, or other agency or instrumentality that receives the available receipts or available community or technical college receipts so pledged.

Sec. 152.33. (A) The Ohio building authority is authorized under Chapter 152. of the Revised Code to issue revenue obligations and other obligations to pay the cost of capital facilities described in ~~section~~ sections 111.26 and 307.021 of the Revised Code and the cost of capital facilities in which one or more state agencies are participating with the federal government, municipal corporations, counties, or other governmental entities or any one or more of them, and in which that portion of the facility allocated to the participating state agencies is to be used for the purpose stated in division (F) of section 152.09 of the Revised Code, when authorized by the general assembly in

accordance with that division. Such participation may be by 15350
grants, loans, or contributions to other participating 15351
governmental entities for any of such capital facilities. Such 15352
obligations shall be deemed to be issued under sections 152.09 and 15353
152.23 of the Revised Code and shall conform to all requirements 15354
of sections 152.09 to 152.17 and 152.23 of the Revised Code. The 15355
right of holders and owners of obligations issued under this 15356
section to payment of bond service charges shall be limited to the 15357
revenues and receipts of the authority derived from rentals or 15358
other charges for use of the capital facilities constructed with 15359
the proceeds of the obligations to which such revenues and 15360
receipts are pledged, including revenues and receipts from or on 15361
behalf of any participating governmental entity. 15362

(B) Any lease of space by a state agency in a capital 15363
facility described in division (A) of this section shall conform 15364
to the requirements of division (D) of section 152.24 of the 15365
Revised Code. 15366

Sec. 156.01. As used in ~~this chapter~~ sections 156.01 to 15367
156.05 of the Revised Code: 15368

(A) "Avoided capital costs" means a measured reduction in the 15369
cost of future equipment or other capital purchases that results 15370
from implementation of one or more energy or water conservation 15371
measures, when compared to an established baseline for previous 15372
such cost. 15373

(B) "Energy conservation measure" means an installation or 15374
modification of an installation in, or a remodeling of, an 15375
existing building in order to reduce energy consumption and 15376
operating costs. The term includes any of the following: 15377

(1) Installation or modification of insulation in the 15378
building structure and systems within the building; 15379

(2) Installation or modification of storm windows and doors,	15380
multiglazed windows and doors, and heat absorbing or heat	15381
reflective glazed and coated window and door systems; installation	15382
of additional glazing; reductions in glass area; and other window	15383
and door system modifications that reduce energy consumption and	15384
operating costs;	15385
(3) Installation or modification of automatic energy control	15386
systems;	15387
(4) Replacement or modification of heating, ventilating, or	15388
air conditioning systems;	15389
(5) Application of caulking and weather stripping;	15390
(6) Replacement or modification of lighting fixtures to	15391
increase the energy efficiency of the lighting system without	15392
increasing the overall illumination of a building unless the	15393
increase in illumination is necessary to conform to the applicable	15394
state or local building code for the proposed lighting system;	15395
(7) Installation or modification of energy recovery systems;	15396
(8) Installation or modification of cogeneration systems that	15397
produce steam or forms of energy such as heat, as well as	15398
electricity, for use primarily within a building or complex of	15399
buildings;	15400
(9) Any other modification, installation, or remodeling	15401
approved by the director of administrative services as an energy	15402
conservation measure for one or more buildings owned by the state.	15403
(B) (C) "Energy saving measure" means the acquisition and	15404
installation, by purchase, lease, lease-purchase, lease with an	15405
option to buy, or installment purchase, of an energy conservation	15406
measure and any attendant architectural and engineering consulting	15407
services.	15408
<u>(D) "Energy, water, or wastewater cost savings" means a</u>	15409

measured reduction in, as applicable, the cost of fuel, energy or 15410
water consumption, wastewater production, or stipulated operation 15411
or maintenance resulting from the implementation of one or more 15412
energy or water conservation measures, when compared to an 15413
established baseline for previous such costs, respectively. 15414

(E) "Operating cost savings" means a measured reduction in 15415
the cost of stipulated operation or maintenance created by the 15416
installation of new equipment or implementation of a new service, 15417
when compared with an established baseline for previous such 15418
stipulated costs. 15419

(F) "Water conservation measure" means an installation or 15420
modification of an installation in, or a remodeling of, an 15421
existing building or the surrounding grounds in order to reduce 15422
water consumption. The term includes any of the following: 15423

(1) Water-conserving fixture, appliance, or equipment, or the 15424
substitution of a nonwater-using fixture, appliance, or equipment; 15425

(2) Water-conserving, landscape irrigation equipment; 15426

(3) Landscaping measure that reduces storm water runoff 15427
demand and capture and hold applied water and rainfall, including 15428
landscape contouring such as the use of a berm, swale, or terrace 15429
and including the use of a soil amendment, including compost, that 15430
increases the water-holding capacity of the soil; 15431

(4) Rainwater harvesting equipment or equipment to make use 15432
of water collected as part of a storm water system installed for 15433
water quality control; 15434

(5) Equipment for recycling or reuse of water originating on 15435
the premises or from another source, including treated, municipal 15436
effluent; 15437

(6) Equipment needed to capture water for nonpotable uses 15438
from any nonconventional, alternate source, including air 15439

conditioning condensate or gray water; 15440

(7) Any other modification, installation, or remodeling 15441
approved by the board of trustees of a state institution of higher 15442
education as defined in section 3345.011 of the Revised Code as a 15443
water conservation measure for one or more buildings or the 15444
surrounding grounds owned by the institution. 15445

(G) "Water saving measure" means the acquisition and 15446
installation, by the purchase, lease, lease-purchase, lease with 15447
an option to buy, or installment purchases of a water conservation 15448
measure and any attendant architectural and engineering consulting 15449
services. 15450

Sec. 156.02. (A) The director of administrative services may 15451
contract with an energy services company, contractor, architect, 15452
professional engineer, or other person experienced in the design 15453
and implementation of energy conservation measures for a report 15454
containing an analysis and recommendations pertaining to the 15455
implementation of energy conservation measures that would 15456
significantly reduce energy consumption and operating costs in any 15457
buildings owned by the state and, ~~upon request of its board of~~ 15458
~~trustees or managing authority, any building owned by an~~ 15459
~~institution of higher education as defined in section 3345.12 of~~ 15460
~~the Revised Code.~~ The report shall include estimates of all costs 15461
of such measures, including the costs of design, engineering, 15462
installation, maintenance, repairs, and debt service, and 15463
estimates of the amounts by which energy consumption and operating 15464
costs would be reduced. 15465

(B) Upon the request of the board of trustees or managing 15466
authority of a state institution of higher education as defined in 15467
section 3345.011 of the Revised Code, the director may contract 15468
with a water services company, architect, professional engineer, 15469
contractor, or other person experienced in the design and 15470

implementation of energy or water conservation measures for a 15471
report containing an analysis and recommendations pertaining to 15472
the implementation of energy or water conservation measures that 15473
result in energy, water, or wastewater cost savings, operating 15474
cost savings, or avoided capital costs for the institution. The 15475
report shall include estimates of all costs of such installations, 15476
including the costs of design, engineering, installation, 15477
maintenance, repairs, and debt service, and estimates of the 15478
energy, water, or wastewater cost savings, operating cost savings, 15479
and avoided capital costs created. 15480

Sec. 156.03. (A) If the director of administrative services 15481
wishes to enter into an installment payment contract pursuant to 15482
section 156.04 of the Revised Code or any other contract to 15483
implement one or more energy saving measures or, in the case of a 15484
state institution of higher education pursuant to division (B) of 15485
section 156.02 of the Revised Code, energy or water saving 15486
measures, ~~he~~ the director may proceed under Chapter 153. of the 15487
Revised Code, or, alternatively, ~~he~~ the director may request the 15488
controlling board to exempt the contract from Chapter 153. of the 15489
Revised Code. 15490

If the controlling board by a majority vote approves an 15491
exemption, that chapter shall not apply to the contract and 15492
instead the director shall request proposals from at least three 15493
parties for the implementation of the energy or water saving 15494
measures. Prior to providing any interested party a copy of any 15495
such request, the director shall advertise, in a newspaper of 15496
general circulation in the county where the contract is to be 15497
performed, ~~his~~ the director's intent to request proposals for the 15498
implementation of the energy or water saving measures. The notice 15499
shall invite interested parties to submit proposals for 15500
consideration and shall be published at least thirty days prior to 15501
the date for accepting proposals. 15502

(B) Upon receiving the proposals, the director shall analyze them and, after considering the cost estimates of each proposal and the availability of funds to pay for each with current appropriations or by financing the cost of each through an installment payment contract under section 156.04 of the Revised Code, may select one or more proposals or reject all proposals. In selecting proposals, the director shall select the one or more proposals most likely to result in the greatest savings when the cost of the proposal is compared to the reduced energy and operating costs that will result from implementing the proposal. However, in the case of a state institution of higher education pursuant to division (B) of section 156.02 of the Revised Code, the director shall select the one or more proposals most likely to result in the greatest energy, water, or wastewater savings, operating costs savings, and avoided capital costs created.

(C)(1) No contract shall be awarded to implement energy saving measures under this section, other than in the case of a state institution of higher education, unless the director finds that one or both of the following circumstances exists, as applicable:

~~(A)~~(a) In the case of a contract for a cogeneration system described in division (H) of section 156.01 of the Revised Code, the cost of the contract is not likely to exceed the amount of money that would be saved in energy and operating costs over no more than five years;

~~(B)~~(b) In the case of any contract for any energy saving measure other than a cogeneration system, the cost of the contract is not likely to exceed the amount of money that would be saved in energy and operating costs over no more than ten years.

(2) In the case of a state institution of higher education pursuant to division (B) of section 156.02 of the Revised Code, no contract shall be awarded to implement energy or water saving

measures for the institution under this section unless the 15535
director finds that both of the following circumstances exists: 15536

(a) Not less than one-fifteenth of the costs of the contract 15537
shall be paid within two years from the date of purchase; 15538

(b) The remaining balance of the cost of the contract shall 15539
be paid within fifteen years from the date of purchase. 15540

Sec. 156.04. (A) In accordance with this section and section 15541
156.03 of the Revised Code, the director of administrative 15542
services may enter into an installment payment contract for the 15543
implementation of one or more energy or water saving measures. If 15544
the director wishes an installment payment contract to be exempted 15545
from Chapter 153. of the Revised Code, the director shall proceed 15546
pursuant to section 156.03 of the Revised Code. 15547

(B)(1) Any installment payment contract under this section, 15548
other than in the case of a state institution of higher education, 15549
for one or more energy saving measures shall provide that all 15550
payments, except payments for repairs and obligations on 15551
termination of the contract prior to its expiration, are to be a 15552
stated percentage of calculated savings of energy and operating 15553
costs attributable to the one or more measures over a defined 15554
period of time and are to be made only to the extent that those 15555
savings actually occur. No such contract shall contain any of the 15556
following: 15557

~~(1)~~(a) A requirement of any additional capital investment or 15558
contribution of funds, other than funds available from state or 15559
federal grants; 15560

~~(2)~~(b) In the case of a contract for an energy saving measure 15561
that is a cogeneration system described in division (H) of section 15562
156.01 of the Revised Code, a payment term longer than five years; 15563

~~(3)~~(c) In the case of a contract for any energy saving 15564

measure that is not a cogeneration system, a payment term longer than ten years.

(2) Any installment payment contract under this section for one or more energy or water saving measures for a state institution of higher education pursuant to division (B) of section 156.02 of the Revised Code, shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, are to be a stated percentage of calculated energy, water, or wastewater cost savings, operating costs, and avoided capital costs attributable to the one or more measures over a defined period of time and are to be made only to the extent that those calculated amounts actually occur. No such contract shall contain either of the following:

(a) A requirement of any additional capital investment or contribution of funds, other than funds available from state or federal grants;

(b) A payment term longer than fifteen years.

(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated to the department of administrative services by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made.

Sec. 166.061. (A) As used in this section:

(1) "Approved historic rehabilitation project" means a rehabilitation of a historic building that the director of development has approved for a rehabilitation tax credit under

section 149.311 of the Revised Code. 15595

(2) "Federal economic stimulus funds" means federal money 15596
available to states under the American Recovery and Reinvestment 15597
Act of 2009 or any other source of federal money available to the 15598
states, that may lawfully be used for the purposes of this 15599
section. 15600

(3) "Owner" and "qualified rehabilitation expenditures" have 15601
the same meanings as in section 149.311 of the Revised Code. 15602

(B) There is hereby created in the state treasury the Ohio 15603
historic preservation tax credit fund. The fund shall consist of 15604
money obtained by the director of development under division (C) 15605
of this section. Money in the fund shall be used to secure and pay 15606
guarantees of loans for approved historic rehabilitation projects 15607
as provided in this section. 15608

(C) The director of development shall undertake to secure 15609
seventy-five million dollars of federal economic stimulus funds 15610
for crediting to the Ohio historic preservation tax credit fund. 15611

(D) To create new jobs or preserve existing jobs and 15612
employment opportunities and improve the economic welfare of the 15613
people of this state, the director of development shall enter into 15614
loan guarantee contracts under section 166.06 of the Revised Code 15615
in connection with approved historic rehabilitation projects, 15616
except that the guarantees shall be secured solely by and be 15617
payable solely from the Ohio historic preservation tax credit 15618
fund. Money deposited into the Ohio historic preservation tax 15619
credit fund shall be prioritized by providing loan guarantees for 15620
approved historic rehabilitation projects from the first funding 15621
round of the Ohio historic preservation tax credit program before 15622
being used to provide loan guarantees for approved historic 15623
rehabilitation projects approved in subsequent funding rounds. The 15624
amount of a loan guarantee provided under this section shall not 15625

exceed the amount of the credit to be awarded for the approved 15626
historic rehabilitation project. References to the loan guarantee 15627
fund in divisions (C) and (F) of section 166.06 of the Revised 15628
Code shall be construed as references to the Ohio historic 15629
preservation tax credit fund for the purposes of loan guarantees 15630
authorized by this section, except that no transfer shall be made 15631
to the Ohio historic preservation tax credit fund from the 15632
facilities establishment fund as may otherwise be required by that 15633
section. 15634

Sec. 166.07. (A) The director of development, with the 15635
approval of the controlling board and subject to the other 15636
applicable provisions of this chapter, may lend moneys in the 15637
facilities establishment fund to persons for the purpose of paying 15638
allowable costs of an eligible project if the director determines 15639
that: 15640

(1) The project is an eligible project and is economically 15641
sound; 15642

(2) The borrower is unable to finance the necessary allowable 15643
costs through ordinary financial channels upon comparable terms; 15644

(3) The amount to be lent from the facilities establishment 15645
fund will not exceed seventy-five per cent of the total allowable 15646
costs of the eligible project, except that if any part of the 15647
amount to be lent from the facilities establishment fund is 15648
derived from the issuance and sale of project financing 15649
obligations the amount to be lent will not exceed ninety per cent 15650
of the total allowable costs of the eligible project; 15651

(4) The eligible project could not be achieved in the local 15652
area in which it is to be located if the portion of the project to 15653
be financed by the loan instead were to be financed by a loan 15654
guaranteed under section 166.06 of the Revised Code; 15655

(5) The repayment of the loan from the facilities 15656
establishment fund will be adequately secured by a mortgage, 15657
assignment, pledge, or lien provided for under section 9.661 of 15658
the Revised Code, at such level of priority as the director may 15659
require; 15660

(6) The borrower will hold at least a ten per cent equity 15661
interest in the eligible project at the time the loan is made. 15662

(B) The determinations of the director under division (A) of 15663
this section shall be conclusive for purposes of the validity of a 15664
loan commitment evidenced by a loan agreement signed by the 15665
director. 15666

(C) In furtherance of the public policy of this chapter, 15667
there is hereby established the micro-lending program for the 15668
purpose of paying the allowable costs of eligible projects of 15669
eligible small businesses. From any amount of the facilities 15670
establishment fund that the general assembly designates for the 15671
purpose of the micro-lending program, the director of development 15672
shall, either directly or indirectly, make loans under this 15673
section to eligible small businesses. The director shall establish 15674
eligibility criteria and loan terms for the program that 15675
supplement eligibility criteria and loan terms otherwise 15676
prescribed for loans under this section, and may prescribe reduced 15677
service charges and fees. For the purpose of lending under the 15678
micro-lending program, the director of development shall give 15679
precedence to projects of eligible small businesses that foster 15680
the development of small entrepreneurial enterprises, 15681
notwithstanding the considerations prescribed by divisions 15682
(A)(1)(a) and (b) of section 166.05 of the Revised Code to the 15683
extent those considerations otherwise may have the effect of 15684
disqualifying projects of eligible small businesses. The director 15685
may enter into agreements with for-profit or non-profit 15686
organizations in this state to originate and administer loans made 15687

under the micro-lending program. 15688

(D) Fees, charges, rates of interest, times of payment of 15689
interest and principal, and other terms, conditions, and 15690
provisions of and security for loans made from the facilities 15691
establishment fund pursuant to this section shall be such as the 15692
director determines to be appropriate and in furtherance of the 15693
purpose for which the loans are made. The moneys used in making 15694
such loans shall be disbursed from the facilities establishment 15695
fund upon order of the director. The director shall give special 15696
consideration in setting the required job creation ratios and 15697
interest rates for loans that are for voluntary actions. 15698

~~(D)~~(E) The director may take actions necessary or appropriate 15699
to collect or otherwise deal with any loan made under this 15700
section, including any action authorized by section 9.661 of the 15701
Revised Code. 15702

~~(E)~~(F) The director may fix service charges for the making of 15703
a loan. Such charges shall be payable at such times and place and 15704
in such amounts and manner as may be prescribed by the director. 15705

Sec. 167.081. If sections 153.50, 153.51, and 153.52 of the 15706
Revised Code do not apply, the council may enter into a contract 15707
that establishes a unit price for, and provides upon a per unit 15708
basis, materials, labor, services, overhead, profit, and 15709
associated expenses for the repair, enlargement, improvement, or 15710
demolition of a building or structure if the contract is awarded 15711
pursuant to a competitive bidding procedure of a county, municipal 15712
corporation, or township or a special district, school district, 15713
or other political subdivision that is a council member; a 15714
statewide consortium of which the council is a member; or a 15715
multistate consortium of which the council is a member. 15716

A public notice requirement pertaining to the contract shall 15717
be considered as having been met if the public notice is given 15718

once a week for at least two consecutive weeks in a newspaper of 15719
general circulation within a county in this state in which the 15720
council has members and if the notice is posted on the council's 15721
internet web site for at least two consecutive weeks before the 15722
date specified for receiving bids. 15723

A county, municipal corporation, or township and a special 15724
district, school district, or other political subdivision that is 15725
a council member may participate in a contract entered into under 15726
this section. Purchases under a contract entered into under this 15727
section are exempt from any competitive selection or bidding 15728
requirements otherwise required by law. A county, municipal 15729
corporation, or township or a special district, school district, 15730
or other political subdivision that is a member of the council is 15731
not entitled to participate in a contract entered into under this 15732
section if it has received bids for the same work under another 15733
contract, unless participation in a contract under this section 15734
will enable the member to obtain the same work, upon the same 15735
terms, conditions, and specifications, at a lower price. 15736

Sec. 169.08. (A) Any person claiming a property interest in 15737
unclaimed funds delivered or reported to the state under Chapter 15738
169. of the Revised Code, including the office of child support in 15739
the department of job and family services, pursuant to section 15740
3123.88 of the Revised Code, may file a claim thereto on the form 15741
prescribed by the director of commerce. 15742

(B) The director shall consider matters relevant to any claim 15743
filed under division (A) of this section and shall hold a formal 15744
hearing if requested or considered necessary and receive evidence 15745
concerning such claim. A finding and decision in writing on each 15746
claim filed shall be prepared, stating the substance of any 15747
evidence received or heard and the reasons for allowance or 15748
disallowance of the claim. The evidence and decision shall be a 15749

public record. No statute of limitations shall bar the allowance 15750
of a claim. 15751

(C) For the purpose of conducting any hearing, the director 15752
may require the attendance of such witnesses and the production of 15753
such books, records, and papers as the director desires, and the 15754
director may take the depositions of witnesses residing within or 15755
without this state in the same manner as is prescribed by law for 15756
the taking of depositions in civil actions in the court of common 15757
pleas, and for that purpose the director may issue a subpoena for 15758
any witness or a subpoena duces tecum to compel the production of 15759
any books, records, or papers, directed to the sheriff of the 15760
county where such witness resides or is found, which shall be 15761
served and returned. The fees of the sheriff shall be the same as 15762
that allowed in the court of common pleas in criminal cases. 15763
Witnesses shall be paid the fees and mileage provided for under 15764
section 119.094 of the Revised Code. Fees and mileage shall be 15765
paid from the unclaimed funds trust fund. 15766

(D) Interest is not payable to claimants of unclaimed funds 15767
held by the state. Claims shall be paid from the trust fund. If 15768
the amount available in the trust fund is not sufficient to pay 15769
pending claims, or other amounts disburseable from the trust fund, 15770
the treasurer of state shall certify such fact to the director, 15771
who shall then withdraw such amount of funds from the mortgage 15772
accounts as the director determines necessary to reestablish the 15773
trust fund to a level required to pay anticipated claims but not 15774
more than ten per cent of the net unclaimed funds reported to 15775
date. 15776

The director ~~shall retain in the trust fund, as a fee for~~ 15777
~~administering the funds, five per cent of the total amount of~~ 15778
~~unclaimed funds payable to the claimant and~~ may withdraw the funds 15779
paid to the director by the holders and deposited by the director 15780
with the treasurer of state or in a financial institution as agent 15781

for such funds. Whenever these funds are inadequate to meet the 15782
requirements for the trust fund, the director shall provide for a 15783
withdrawal of funds, within a reasonable time, in such amount as 15784
is necessary to meet the requirements, from financial institutions 15785
in which such funds were retained or placed by a holder and from 15786
other holders who have retained funds, in an equitable manner as 15787
prescribed by the director. In the event that the amount to be 15788
withdrawn from any one such holder is less than five hundred 15789
dollars, the amount to be withdrawn shall be at the discretion of 15790
the director. Such funds may be reimbursed in the amounts 15791
withdrawn when the trust fund has a surplus over the amount 15792
required to pay anticipated claims. Whenever the trust fund has a 15793
surplus over the amount required to pay anticipated claims, the 15794
director may transfer such surplus to the mortgage accounts. 15795

(E) If a claim which is allowed under this section relates to 15796
funds which have been retained by the reporting holder, and if the 15797
funds, on deposit with the treasurer of state pursuant to this 15798
chapter, are insufficient to pay claims, the director may notify 15799
such holder in writing of the payment of the claim and such holder 15800
shall immediately reimburse the state in the amount of such claim. 15801
The reimbursement shall be credited to the unclaimed funds trust 15802
fund. 15803

(F) Any person, including the office of child support, 15804
adversely affected by a decision of the director may appeal such 15805
decision in the manner provided in Chapter 119. of the Revised 15806
Code. 15807

In the event the claimant prevails, the claimant shall be 15808
reimbursed for reasonable attorney's fees and costs. 15809

(G) Notwithstanding anything to the contrary in this chapter, 15810
any holder who has paid moneys to or entered into an agreement 15811
with the director pursuant to section 169.05 of the Revised Code 15812
on certified checks, cashiers' checks, bills of exchange, letters 15813

of credit, drafts, money orders, or travelers' checks, may make 15814
payment to any person entitled thereto, including the office of 15815
child support, and upon surrender of the document, except in the 15816
case of travelers' checks, and proof of such payment, the director 15817
shall reimburse the holder for such payment without interest. 15818

Sec. 173.08. (A) The resident services coordinator program is 15819
established in the department of aging to fund resident services 15820
coordinators. The coordinators shall provide information to 15821
low-income and special-needs tenants, including the elderly, who 15822
live in financially assisted rental housing complexes, and assist 15823
those tenants in identifying and obtaining community and program 15824
services and other benefits for which they are eligible. 15825

(B) The resident services coordinator program fund is hereby 15826
created in the state treasury to support the resident services 15827
coordinator program established pursuant to this section. The fund 15828
consists of all moneys the department of development sets aside 15829
pursuant to division (A)~~(4)~~(3) of section 174.02 of the Revised 15830
Code and moneys the general assembly appropriates to the fund. 15831

Sec. 173.28. (A)(1) As used in this division, "incident" 15832
means the occurrence of a violation with respect to a resident or 15833
recipient, as those terms are defined in section 173.14 of the 15834
Revised Code. A violation is a separate incident for each day it 15835
occurs and for each resident who is subject to it. 15836

In lieu of the fine that may be imposed under division (A) of 15837
section 173.99 of the Revised Code, the director of aging may, 15838
under Chapter 119. of the Revised Code, fine a long-term care 15839
provider or other entity, or a person employed by a long-term care 15840
provider or other entity, for a violation of division (C) of 15841
section 173.24 of the Revised Code. The fine shall not exceed one 15842
thousand dollars per incident. 15843

(2) In lieu of the fine that may be imposed under division (C) of section 173.99 of the Revised Code, the director may, under Chapter 119. of the Revised Code, fine a long-term care provider or other entity, or a person employed by a long-term care provider or other entity, for violating division (E) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ombudsperson program the access required by that division. The fine shall not exceed five hundred dollars for each day the violation continued.

(B) On request of the director, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under division (A)(1) or (2) of this section that remains unpaid thirty days after the violator's final appeal is exhausted.

(C) All fines collected under this section shall be deposited into the state treasury to the credit of the state long-term care ombudsperson program fund created under section 173.26 of the Revised Code.

Sec. 173.35. (A) As used in this section, "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program created under section 173.40 of the Revised Code.

(B) The department of aging shall administer the residential state supplement program under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state supplement payments shall be used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients who the department determines are at risk of needing institutional care.

(C) For an individual to be eligible for residential state supplement payments, all of the following must be the case:	15875 15876
(1) Except as provided by division (G) of this section, the individual must reside in one of the following:	15877 15878
(a) An adult foster home certified under section 173.36 of the Revised Code;	15879 15880
(b) A home or facility, other than a nursing home or nursing home unit of a home for the aging, licensed by the department of health under Chapter 3721. or 3722. of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section;	15881 15882 15883 15884 15885
(c) A community alternative home licensed under section 3724.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section;	15886 15887 15888 15889
(d) A residential facility as defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by the department of mental health and certified in accordance with standards established by the director of aging under division (D)(2) of this section;	15890 15891 15892 15893 15894
(e) <u>(d)</u> An apartment or room used to provide community mental health housing services certified by the department of mental health under section 5119.611 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section.	15895 15896 15897 15898 15899 15900 15901
(2) Effective July 1, 2000, a PASSPORT administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for supplemental	15902 15903 15904 15905

security income payments or social security disability insurance 15906
benefits because of a mental disability, the PASSPORT 15907
administrative agency shall refer the individual to a community 15908
mental health agency for the community mental health agency to 15909
issue in accordance with section 340.091 of the Revised Code a 15910
recommendation on whether the PASSPORT administrative agency 15911
should determine that the environment in which the individual will 15912
be living while receiving the payments is appropriate for the 15913
individual's needs. Division (C)(2) of this section does not apply 15914
to an individual receiving residential state supplement payments 15915
on June 30, 2000, until the individual's first eligibility 15916
redetermination after that date. 15917

(3) The individual satisfies all eligibility requirements 15918
established by rules adopted under division (D) of this section. 15919

(D)(1) The directors of aging and job and family services 15920
shall adopt rules in accordance with section 111.15 of the Revised 15921
Code as necessary to implement the residential state supplement 15922
program. 15923

To the extent permitted by Title XVI of the "Social Security 15924
Act," and any other provision of federal law, the director of job 15925
and family services shall adopt rules establishing standards for 15926
adjusting the eligibility requirements concerning the level of 15927
impairment a person must have so that the amount appropriated for 15928
the program by the general assembly is adequate for the number of 15929
eligible individuals. The rules shall not limit the eligibility of 15930
disabled persons solely on a basis classifying disabilities as 15931
physical or mental. The director of job and family services also 15932
shall adopt rules that establish eligibility standards for aged, 15933
blind, or disabled individuals who reside in one of the homes or 15934
facilities specified in division (C)(1) of this section but who, 15935
because of their income, do not receive supplemental security 15936
income payments. The rules may provide that these individuals may 15937

include individuals who receive other types of benefits, 15938
including, social security disability insurance benefits provided 15939
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 15940
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 15941
section, such payments may be made if funds are available for 15942
them. 15943

The director of aging shall adopt rules establishing the 15944
method to be used to determine the amount an eligible individual 15945
will receive under the program. The amount the general assembly 15946
appropriates for the program shall be a factor included in the 15947
method that department establishes. 15948

(2) The director of aging shall adopt rules in accordance 15949
with Chapter 119. of the Revised Code establishing standards for 15950
certification of living facilities described in division (C)(1) of 15951
this section. 15952

The directors of aging and mental health shall enter into an 15953
agreement to certify facilities that apply for certification and 15954
meet the standards established by the director of aging under this 15955
division. 15956

(E) The county department of job and family services of the 15957
county in which an applicant for the residential state supplement 15958
program resides shall determine whether the applicant meets income 15959
and resource requirements for the program. 15960

(F) The department of aging shall maintain a waiting list of 15961
any individuals eligible for payments under this section but not 15962
receiving them because moneys appropriated to the department for 15963
the purposes of this section are insufficient to make payments to 15964
all eligible individuals. An individual may apply to be placed on 15965
the waiting list even though the individual does not reside in one 15966
of the homes or facilities specified in division (C)(1) of this 15967
section at the time of application. The director of aging, by 15968

rules adopted in accordance with Chapter 119. of the Revised Code, 15969
shall specify procedures and requirements for placing an 15970
individual on the waiting list and priorities for the order in 15971
which individuals placed on the waiting list are to begin to 15972
receive residential state supplement payments. The rules 15973
specifying priorities may give priority to individuals placed on 15974
the waiting list on or after July 1, 2006, who receive 15975
supplemental security income benefits under Title XVI of the 15976
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 15977
amended. The rules shall not affect the place on the waiting list 15978
of any person who was on the list on July 1, 2006. The rules 15979
specifying priorities may also set additional priorities based on 15980
living arrangement, such as whether an individual resides in a 15981
facility listed in division (C)(1) of this section or has been 15982
admitted to a nursing facility. 15983

(G) An individual in a licensed or certified living 15984
arrangement receiving state supplementation on November 15, 1990, 15985
under former section 5101.531 of the Revised Code shall not become 15986
ineligible for payments under this section solely by reason of the 15987
individual's living arrangement as long as the individual remains 15988
in the living arrangement in which the individual resided on 15989
November 15, 1990. 15990

(H) The department of aging shall notify each person denied 15991
approval for payments under this section of the person's right to 15992
a hearing. On request, the hearing shall be provided by the 15993
department of job and family services in accordance with section 15994
5101.35 of the Revised Code. 15995

Sec. 173.392. (A) The department of aging may pay a person or 15996
government entity for providing community-based long-term care 15997
services under a program the department administers, even though 15998
the person or government entity is not certified under section 15999

173.391 of the Revised Code, if all of the following are the case: 16000

(1) The person or government entity has a contract with the 16001
department of aging or the department's designee to provide the 16002
services in accordance with the contract or has received a grant 16003
from the department or its designee to provide the services in 16004
accordance with a grant agreement; 16005

(2) The contract or grant agreement includes detailed 16006
conditions of participation for providers of services under a 16007
program the department administers and service standards that the 16008
person or government entity is required to satisfy; 16009

(3) The person or government entity complies with the 16010
contract or grant agreement; 16011

(4) The contract or grant is not for medicaid-funded 16012
services, other than services provided under the PACE program 16013
administered by the department of aging under section 173.50 of 16014
the Revised Code. 16015

(B) The director of aging shall adopt rules in accordance 16016
with Chapter 119. of the Revised Code governing both of the 16017
following: 16018

(1) Contracts and grant agreements between the department of 16019
aging or its designee and persons and government entities 16020
regarding community-based long-term care services provided under a 16021
program the department administers; 16022

(2) The department's payment for community-based long-term 16023
care services ~~provided~~ under ~~such a contract~~ this section. 16024

Sec. 173.40. ~~There~~ As used in sections 173.40 to 173.402 of 16025
the Revised Code, "PASSPORT program" means the program created 16026
under this section. 16027

There is hereby created a ~~medicaid waiver component, as~~ 16028

~~defined in section 5111.85 of the Revised Code, to be known as the~~ 16029
~~preadmission screening system providing options and resources~~ 16030
~~today program, or PASSPORT. The PASSPORT program shall provide~~ 16031
~~home and community-based services as an alternative to nursing~~ 16032
~~facility placement for aged and disabled medicaid recipients. The~~ 16033
~~program shall be operated pursuant to a home and community based~~ 16034
as a separate medicaid waiver granted by component, as defined in 16035
section 5111.85 of the Revised Code, until the United States 16036
secretary of health and human services approves the consolidated 16037
federal medicaid waiver sought under section 1915 of the "Social 16038
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396n, as amended 16039
5111.861 of the Revised Code. The program shall be part of the 16040
consolidated federal medicaid waiver sought under that section if 16041
the United States secretary approves the waiver. The department of 16042
aging shall administer the program through a contract entered into 16043
with the department of job and family services under section 16044
5111.91 of the Revised Code. The director of job and family 16045
services shall adopt rules under section 5111.85 of the Revised 16046
Code and the director of aging shall adopt rules in accordance 16047
with Chapter 119. of the Revised Code to implement the program. 16048

Sec. 173.401. (A) As used in this section: 16049

"Area agency on aging" has the same meaning as in section 16050
173.14 of the Revised Code. 16051

"Long-term care consultation program" means the program the 16052
department of aging is required to develop under section 173.42 of 16053
the Revised Code. 16054

"Long-term care consultation program administrator" or 16055
"administrator" means the department of aging or, if the 16056
department contracts with an area agency on aging or other entity 16057
to administer the long-term care consultation program for a 16058
particular area, that agency or entity. 16059

"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 16060
16061

~~"PASSPORT program" means the program created under section 173.40 of the Revised Code.~~ 16062
16063

"PASSPORT waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the PASSPORT program. 16064
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(B) The director of job and family services shall submit to the United States secretary of health and human services an amendment to the PASSPORT waiver that authorizes additional enrollments in the PASSPORT program pursuant to this section. Beginning with the month following the month in which the United States secretary approves the amendment and each month thereafter, each area agency on aging shall determine whether individuals who reside in the area that the area agency on aging serves and are on a waiting list for the PASSPORT program have been admitted to a nursing facility. If an area agency on aging determines that such an individual has been admitted to a nursing facility, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides about the determination. The administrator shall determine whether the PASSPORT program is appropriate for the individual and whether the individual would rather participate in the PASSPORT program than continue residing in the nursing facility. If the administrator determines that the PASSPORT program is appropriate for the individual and the individual would rather participate in the PASSPORT program than continue residing in the nursing facility, the administrator shall so notify the department of aging. On receipt of the notice from the administrator, the department of aging shall approve the individual's enrollment in the PASSPORT program regardless of the PASSPORT program's waiting list and even though the enrollment causes enrollment in the program to exceed 16067
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the limit that would otherwise apply. Each quarter, the department 16092
of aging shall certify to the director of budget and management 16093
the estimated increase in costs of the PASSPORT program resulting 16094
from enrollment of individuals in the PASSPORT program pursuant to 16095
this section. 16096

~~(C) Not later than the last day of each calendar year, the 16097
director of job and family services shall submit to the general 16098
assembly a report regarding the number of individuals enrolled in 16099
the PASSPORT program pursuant to this section and the costs 16100
incurred and savings achieved as a result of the enrollments. 16101~~

Sec. 173.402. An individual enrolled in the PASSPORT program 16102
may request that home-delivered meals provided to the individual 16103
under the PASSPORT program be kosher. If such a request is made, 16104
the department of aging or the department's designee shall ensure 16105
that each home-delivered meal provided to the individual under the 16106
PASSPORT program is kosher. In complying with this requirement, 16107
the department or department's designee shall require each entity 16108
that provides home-delivered meals to the individual to provide 16109
the individual with meals that meet, as much as possible, the 16110
requirements established in rules adopted under section 173.40 of 16111
the Revised Code governing the home-delivered meal service while 16112
complying with kosher practices for meal preparation and dietary 16113
restrictions. 16114

An entity that provides a kosher home-delivered meal to a 16115
PASSPORT program enrollee pursuant to this section shall be 16116
reimbursed for the meal at a rate equal to the rate for 16117
home-delivered meals furnished to PASSPORT program enrollees 16118
requiring a therapeutic diet. 16119

Sec. 173.403. "Choices program" means the program created 16120
under this section. 16121

There is hereby created the choices program. The program shall provide home and community-based services. The choices program shall be operated as a separate medicaid waiver component, as defined in section 5111.85 of the Revised Code, until the United States secretary of health and human services approves the consolidated federal medicaid waiver sought under section 5111.861 of the Revised Code. The program shall be part of the consolidated federal medicaid waiver sought under that section if the United States secretary approves the waiver. The department of aging shall administer the program through a contract entered into with the department of job and family services under section 5111.91 of the Revised Code. Subject to federal approval, the program shall be available statewide.

Sec. 173.42. (A) As used in ~~this section~~ sections 173.42 to 173.434 of the Revised Code:

(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.

(2) "Department of aging-administered medicaid waiver component" means each of the following:

(a) The PASSPORT program created under section 173.40 of the Revised Code;

(b) The choices program created under section 173.403 of the Revised Code;

(c) The assisted living program created under section 5111.89 of the Revised Code;

(d) Any other medicaid waiver component, as defined in section 5111.85 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of job and family services under section 5111.91 of the

Revised Code. 16152

(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following: 16153
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(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component; 16156
16157

(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5111.02 of the Revised Code: 16158
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(i) Home health services; 16162

(ii) Private duty nursing services; 16163

(iii) Durable medical equipment; 16164

(iv) Services of a clinical nurse specialist; 16165

(v) Services of a certified nurse practitioner. 16166

(c) Services available to a participant of the PACE program. 16167

(4) "Long-term care consultation" or "consultation" means the process used to provide services under consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section, including, but not limited to, such services as the provision of information about long-term care options and costs, the assessment of an individual's functional capabilities, and the conduct of all or part of the reviews, assessments, and determinations specified in sections 5111.202, 5111.204, 5119.061, and 5123.021 of the Revised Code and the rules adopted under those sections. 16168
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(3)(5) "Medicaid" means the medical assistance program established under Chapter 5111. of the Revised Code. 16179
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~~(4)(6)~~ "Nursing facility" has the same meaning as in section 16181
5111.20 of the Revised Code. 16182

~~(5)(7)~~ "PACE program" means the component of the medicaid 16183
program the department of aging administers pursuant to section 16184
173.50 of the Revised Code. 16185

(8) "Program administrator" means an area agency on aging or 16186
other entity under contract with the department of aging to 16187
administer the long-term care consultation program in a geographic 16188
region specified in the contract. 16189

(9) "Representative" means a person acting on behalf of an 16190
individual seeking a long term care consultation, applying for 16191
admission to a nursing facility, or residing in a nursing facility 16192
specified in division (G) of this section. A representative may be 16193
a family member, attorney, hospital social worker, or any other 16194
person chosen to act on behalf of the individual. 16195
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(B) The department of aging shall develop a long-term care 16197
consultation program whereby individuals or their representatives 16198
are provided with long-term care consultations and receive through 16199
these professional consultations information about options 16200
available to meet long-term care needs and information about 16201
factors to consider in making long-term care decisions. The 16202
long-term care consultations provided under the program may be 16203
provided at any appropriate time, as permitted or required under 16204
this section and the rules adopted under it, including either 16205
prior to or after the individual who is the subject of a 16206
consultation has been admitted to a nursing facility or granted 16207
assistance in receiving home and community-based services covered 16208
by medicaid components the department of aging administers. 16209

(C) The long-term care consultation program shall be 16210
administered by the department of aging, except that the 16211

department may enter into a contract with an area agency on aging 16212
or other entity selected by the department under which the program 16213
for a particular area is administered by the area agency on aging 16214
or other entity pursuant to the contract have the program 16215
administered on a regional basis by one or more program 16216
administrators. The department and each program administrator 16217
shall administer the program in such a manner that all of the 16218
following are included: 16219

(1) Coordination and collaboration with respect to all 16220
available funding sources for long-term care services; 16221

(2) Assessments of individuals regarding their long-term care 16222
service needs; 16223

(3) Assessments of individuals regarding their on-going 16224
eligibility for long-term care services; 16225

(4) Procedures for assisting individuals in obtaining access 16226
to, and coordination of, health and supportive services, including 16227
department of aging-administered medicaid waiver components; 16228

(5) Priorities for using available resources efficiently and 16229
effectively. 16230

(D) The program's long-term care consultations ~~provided for~~ 16231
~~purposes of the program~~ shall be provided by individuals certified 16232
by the department under section ~~173.43~~ 173.422 of the Revised 16233
Code. 16234

(E) The information provided through a long-term care 16235
consultation shall be appropriate to the individual's needs and 16236
situation and shall address all of the following: 16237

(1) The availability of any long-term care options open to 16238
the individual; 16239

(2) Sources and methods of both public and private payment 16240
for long-term care services; 16241

(3) Factors to consider when choosing among the available programs, services, and benefits;

(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.

(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5111.202, 5119.061, and 5123.021 of the Revised Code and may be provided concurrently with the assessment required under section 5111.204 of the Revised Code.

(G)(1) Unless an exemption specified in division (I) of this section is applicable, each ~~individual in~~ of the following ~~categories~~ shall be provided with a long-term care consultation:

(a) ~~Individuals~~ An individual who ~~apply~~ applies or ~~indicate~~ indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for ~~their~~ the individual's care in a nursing facility;

~~(b) Nursing facility residents who apply or indicate an intention to apply for medicaid;~~

~~(c) Nursing facility residents who are likely to spend down their resources within six months after admission to a nursing facility to a level at which they are financially eligible for medicaid;~~

~~(d) Individuals~~ An individual who ~~request~~ requests a long-term care consultation;

(c) An individual identified by the department or a program administrator as being likely to benefit from a long-term care consultation.

(2) In addition to the individuals ~~included in the categories~~

specified in division (G)(1) of this section, a long-term care 16272
~~consultations~~ consultation may be provided to a nursing facility 16273
~~residents who have not applied and have not indicated an intention~~ 16274
~~to apply for medicaid~~ resident regardless of the source of payment 16275
being used for the resident's care in the nursing facility. ~~The~~ 16276
~~purpose of the consultations provided to these individuals shall~~ 16277
~~be to determine continued need for nursing facility services, to~~ 16278
~~provide information on alternative services, and to make referrals~~ 16279
~~to alternative services.~~ 16280

(H)(1) ~~When~~ Except as provided in division (H)(2) or (3) of 16281
this section, a long-term care consultation ~~is required to be~~ 16282
provided pursuant to division (G)(1) of this section, ~~the~~ 16283
consultation shall be provided as follows ~~or pursuant to division~~ 16284
~~(H)(2) or (3) of this section:~~ 16285

(a) If the individual for whom the consultation is being 16286
provided has applied for medicaid and the consultation is being 16287
provided concurrently with the assessment required under section 16288
5111.204 of the Revised Code, the consultation shall be completed 16289
in accordance with the applicable time frames specified in that 16290
section for providing a level of care determination based on the 16291
assessment. 16292

(b) In all other cases, the consultation shall be provided 16293
not later than five calendar days after the department or ~~the~~ 16294
program administrator ~~under contract with the department~~ receives 16295
notice of the reason for which the consultation is ~~required~~ to be 16296
provided pursuant to division (G)(1) of this section. 16297

(2) An individual or the individual's representative may 16298
request that a long-term care consultation be provided on a date 16299
that is later than the date required under division (H)(1)(a) or 16300
(b) of this section. 16301

(3) If a long-term care consultation cannot be completed 16302

within the number of days required by division (H)(1) or (2) of 16303
this section, the department or ~~the~~ program administrator ~~under~~ 16304
~~contract with the department~~ may do any of the following: 16305

(a) ~~Exempt~~ In the case of an individual specified in division 16306
(G)(1) of this section, exempt the individual from the 16307
consultation pursuant to rules that may be adopted under division 16308
(L) of this section; 16309

(b) In the case of an applicant for admission to a nursing 16310
facility, provide the consultation after the individual is 16311
admitted to the nursing facility; 16312

(c) In the case of a resident of a nursing facility, provide 16313
the consultation as soon as practicable. 16314

(I) An individual is not required to be provided a long-term 16315
care consultation under division (G)(1) of this section if any of 16316
the following apply: 16317

(1) The department or program administrator has attempted to 16318
provide the consultation, but the individual or the individual's 16319
representative ~~chooses to forego participation in the consultation~~ 16320
~~pursuant to criteria specified in rules adopted under division (L)~~ 16321
~~of this section~~ refuses to cooperate; 16322

(2) The individual is to receive care in a nursing facility 16323
under a contract for continuing care as defined in section 173.13 16324
of the Revised Code; 16325

(3) The individual has a contractual right to admission to a 16326
nursing facility operated as part of a system of continuing care 16327
in conjunction with one or more facilities that provide a less 16328
intensive level of services, including a residential care facility 16329
licensed under Chapter 3721. of the Revised Code, an adult care 16330
facility licensed under Chapter 3722. of the Revised Code, or an 16331
independent living arrangement; 16332

(4) The individual is to receive continual care in a home for the aged exempt from taxation under section 5701.13 of the Revised Code;

(5) The individual is seeking admission to a facility that is not a nursing facility with a provider agreement under section 5111.22, 5111.671, or 5111.672 of the Revised Code;

~~(6) The individual is to be transferred from another nursing facility;~~

~~(7) The individual is to be readmitted to a nursing facility following a period of hospitalization;~~

~~(8) The individual is exempted from the long-term care consultation requirement by the department or the program administrator pursuant to rules that may be adopted under division (L) of this section.~~

(J) ~~At the conclusion of an individual's~~ As part of the long-term care consultation program, the department or ~~the~~ program administrator ~~under contract with the department~~ shall ~~provide the~~ assist an individual or individual's representative ~~with a written summary of options and resources available to meet the individual's needs in accessing all sources of care and services that are appropriate for the individual and for which the individual is eligible, including all available home and community-based services covered by medicaid components the department of aging administers. Even though the summary may specify that a source of long term care other than care in a nursing facility is appropriate and available, the individual is not required to seek an alternative source of long term care and may be admitted to or continue to reside in a nursing facility~~ The assistance shall include providing for the conduct of assessments or other evaluations and the development of individualized plans of care or services under section 173.424 of the Revised Code.

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(K) No nursing facility for which an operator has a provider 16365
agreement under section 5111.22, 5111.671, or 5111.672 of the 16366
Revised Code shall admit ~~or retain~~ any individual as a resident, 16367
unless the nursing facility has received evidence that a long-term 16368
care consultation has been completed for the individual or 16369
division (I) of this section is applicable to the individual. 16370

(L) The director of aging may adopt any rules the director 16371
considers necessary for the implementation and administration of 16372
this section. The rules shall be adopted in accordance with 16373
Chapter 119. of the Revised Code and may specify any or all of the 16374
following: 16375

(1) Procedures for providing long-term care consultations 16376
pursuant to this section; 16377

(2) Information to be provided through long-term care 16378
consultations regarding long-term care services that are 16379
available; 16380

(3) ~~Criteria under which an individual or the individual's~~ 16381
~~representative may choose to forego participation in and~~ 16382
procedures to be used to identify and recommend appropriate 16383
service options for an individual receiving a long-term care 16384
consultation; 16385

(4) Criteria for exempting individuals from the long-term 16386
care consultation requirement; 16387

(5) Circumstances under which it may be appropriate to 16388
provide an individual's long-term care consultation after the 16389
individual's admission to a nursing facility rather than before 16390
admission; 16391

(6) Criteria for identifying nursing facility residents who 16392
would benefit from the provision of a long-term care consultation; 16393

	16394
<u>(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;</u>	16395 16396 16397
<u>(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;</u>	16398 16399 16400 16401
<u>(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section.</u>	16402 16403
<u>(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules adopted under section 5111.02 of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal law, the department of health, department of job and family services, or nursing facility holding the data shall grant access to the data on receipt of the request from the department of aging or program administrator.</u>	16404 16405 16406 16407 16408 16409 16410 16411 16412 16413 16414
<u>(M)(N)(1) The director of aging, after providing notice and an opportunity for a hearing, may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code if <u>for any of the following reasons:</u></u>	16415 16416 16417 16418 16419
<u>(a) The nursing facility admits or retains an individual, without evidence that a long-term care consultation has been provided, as required by this section;</u>	16420 16421 16422
<u>(b) The nursing facility denies a person attempting to provide a long-term care consultation access to the facility or a</u>	16423 16424

resident of the facility; 16425

(c) The nursing facility denies the department of aging or 16426
program administrator access to the facility or a resident of the 16427
facility, as the department or administrator considers necessary 16428
to administer the program. 16429

(2) In accordance with section 5111.62 of the Revised Code, 16430
all fines collected under this division (N)(1) of this section 16431
shall be deposited into the state treasury to the credit of the 16432
residents protection fund. 16433

Sec. 173.421. As part of the long-term care consultation 16434
program established under section 173.42 of the Revised Code, the 16435
department of aging may establish procedures for the conduct of 16436
periodic or follow-up long-term care consultations for residents 16437
of nursing facilities, including annual or more frequent 16438
reassessments of the residents' functional capabilities. If the 16439
procedures are established, the department or program 16440
administrator shall assign individuals to nursing facilities to 16441
serve as care managers within the facilities. The individuals 16442
assigned shall be individuals who are certified under section 16443
173.422 of the Revised Code to provide long-term care 16444
consultations. 16445

Sec. ~~173.43~~ 173.422. The department of aging shall certify 16446
individuals who meet certification requirements established by 16447
rule to provide long-term care consultations for purposes of 16448
~~section~~ sections 173.42 and 173.421 of the Revised Code. The 16449
director of aging shall adopt rules in accordance with Chapter 16450
119. of the Revised Code governing the certification process and 16451
requirements. The rules shall specify the education, experience, 16452
or training in long-term care a person must have to qualify for 16453
certification. 16454

Sec. 173.423. If an individual who is the subject of a long-term care consultation is eligible for and elects to receive home and community-based services covered by medicaid components the department of aging administers, the department of aging or program administrator shall monitor the individual by doing either or both of the following at least once each year:

(A) Determining whether the services being provided to the individual are appropriate;

(B) Determining whether changes in the types of services being provided to the individual should be made.

Sec. 173.424. If, under federal law, an individual's eligibility for the home and community-based services covered by medicaid components the department of aging administers is dependent on the conduct of an assessment or other evaluation of the individual's needs and capabilities and the development of an individualized plan of care or services, the department shall develop and implement all procedures necessary to comply with the federal law. The procedures shall include the use of long-term care consultations.

Sec. 173.425. Annually, the department of aging shall prepare a report regarding the individuals who are the subjects of long-term care consultations and elect to receive home and community-based services covered by medicaid components the department of aging administers. The department shall prepare the report in consultation with the department of job and family services and office of budget and management. Each annual report shall include all of the following information:

(A) The total savings achieved by providing home and community-based services covered by medicaid components the department of aging administers rather than services that

otherwise would be provided in a nursing facility; 16485

(B) The average number of days that individuals receive home and community-based services covered by medicaid components the department of aging administers before and after receiving nursing facility services; 16486
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(C) A categorical analysis of the acuity levels of the individuals who receive home and community-based services covered by medicaid components the department of aging administers; 16490
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(D) Any other statistical information the department of aging considers appropriate for inclusion in the report. 16493
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Sec. 173.43. (A) Subject to section 173.433 of the Revised Code, the department of aging shall enter into an interagency agreement with the department of job and family services under section 5111.91 of the Revised Code under which the department of aging is required to establish for each biennium a unified long-term care budget for home and community-based services covered by medicaid components the department of aging administers. The interagency agreement shall require the department of aging to do all of the following: 16495
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(1) Administer the unified long-term care budget in accordance with sections 173.43 to 173.434 of the Revised Code and the general assembly's appropriations for home and community-based services covered by medicaid components the department of aging administers for the applicable biennium; 16504
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(2) Contract with each area agency on aging for assistance in the administration of the unified long-term care budget; 16509
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(3) Provide individuals who are eligible for home and community-based services covered by medicaid components the department of aging administers a choice of services that meet the individuals' needs and improve their quality of life; 16511
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(4) Provide a continuum of services that meet the life-long needs of individuals who are eligible for home and community-based services covered by medicaid components the department of aging administers. 16515
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(B) The director of budget and management shall create new appropriation items as necessary for establishment of the unified long-term care budget. 16519
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Sec. 173.431. Subject to section 173.433 of the Revised Code, the department of aging shall ensure that the unified long-term care budget established under section 173.43 of the Revised Code is administered in a manner that provides medicaid coverage of and expands access to all of the following as necessary to meet the needs of individuals receiving home and community-based services covered by medicaid components the department of aging administers: 16522
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(A) To the extent permitted by the medicaid waivers authorizing department of aging-administered medicaid waiver components, all of the following medicaid waiver services provided under department of aging-administered medicaid waiver components: 16530
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(1) Personal care services; 16535

(2) Home-delivered meals; 16536

(3) Adult day-care; 16537

(4) Homemaker services; 16538

(5) Emergency response services; 16539

(6) Medical equipment and supplies; 16540

(7) Chore services; 16541

(8) Social work counseling; 16542

(9) Nutritional counseling; 16543

<u>(10) Independent living assistance;</u>	16544
<u>(11) Medical transportation;</u>	16545
<u>(12) Nonmedical transportation;</u>	16546
<u>(13) Home care attendant services;</u>	16547
<u>(14) Assisted living services;</u>	16548
<u>(15) Community transition services;</u>	16549
<u>(16) Enhanced community living services;</u>	16550
<u>(17) All other medicaid waiver services provided under department of aging-administered medicaid waiver components.</u>	16551 16552
<u>(B) All of the following state medicaid plan services as specified in rules adopted under section 5111.02 of the Revised Code:</u>	16553 16554 16555
<u>(1) Home health services;</u>	16556
<u>(2) Private duty nursing services;</u>	16557
<u>(3) Durable medical equipment;</u>	16558
<u>(4) Services of a clinical nurse specialist;</u>	16559
<u>(5) Services of a certified nurse practitioner.</u>	16560
<u>(C) The services that the PACE program provides.</u>	16561
<u>Sec. 173.432. Subject to section 173.433 of the Revised Code, the department of aging or its designee shall provide care management and authorization services with regard to the state plan services specified in division (B) of section 173.431 of the Revised Code that are provided to participants of department of aging-administered medicaid waiver components. The department or its designee shall ensure that no person providing the care management and authorization services performs an activity that may not be performed without a valid certificate or license issued by an agency of this state unless the person holds the valid</u>	16562 16563 16564 16565 16566 16567 16568 16569 16570 16571

certificate or license. 16572

Sec. 173.433. (A) The director of job and family services 16573
shall do one or more of the following as necessary for the 16574
implementation of sections 173.43 to 173.432 of the Revised Code: 16575

(1) Submit one or more state medicaid plan amendments to the 16576
United States secretary of health and human services; 16577

(2) Request one or more federal medicaid waivers from the 16578
United States secretary; 16579

(3) Submit one or more federal medicaid waiver amendments to 16580
the United States secretary. 16581

(B) No provision of sections 173.43 to 173.432 of the Revised 16582
Code that requires the approval of the United States secretary of 16583
health and human services shall be implemented until the United 16584
States secretary provides the approval. 16585

Sec. 173.434. The director of job and family services shall 16586
adopt rules under section 5111.85 of the Revised Code to authorize 16587
the director of aging to adopt rules that are needed to implement 16588
sections 173.43 to 173.432 of the Revised Code. The director of 16589
aging's rules shall be adopted in accordance with Chapter 119. of 16590
the Revised Code." 16591

Sec. 173.50. (A) Pursuant to a contract entered into with the 16592
department of job and family services as an interagency agreement 16593
under section 5111.91 of the Revised Code, the department of aging 16594
shall carry out the day-to-day administration of the component of 16595
the medicaid program established under Chapter 5111. of the 16596
Revised Code known as the program of all-inclusive care for the 16597
elderly or PACE. The department of aging shall carry out its PACE 16598
administrative duties in accordance with the provisions of the 16599
interagency agreement and all applicable federal laws, including 16600

the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-4,
as amended.

(B) The department of aging may adopt rules in accordance
with Chapter 119. of the Revised Code regarding the PACE program,
including rules establishing priorities for enrolling in the
program pursuant to section 173.501 of the Revised Code. The
department's rules are subject to both of the following:

(1) The rules shall be authorized by rules adopted by the
department of job and family services.

(2) The rules shall address only those issues that are not
addressed in rules adopted by the department of job and family
services for the PACE program.

Sec. 173.501. (A) As used in this section:

"Nursing facility" has the same meaning as in section 5111.20
of the Revised Code.

"PACE provider" has the same meaning as in 42 U.S.C.
1396u-4(a)(3).

(B) Each month, the department of aging shall determine
whether individuals who are on a waiting list for the PACE program
have been admitted to a nursing facility. If the department
determines that such an individual has been admitted to a nursing
facility, the department shall notify the PACE provider serving
the area in which the individual resides about the determination.
The PACE provider shall determine whether the PACE program is
appropriate for the individual and whether the individual would
rather participate in the PACE program than continue residing in
the nursing facility. If the PACE provider determines that the
PACE program is appropriate for the individual and the individual
would rather participate in the PACE program than continue
residing in the nursing facility, the PACE provider shall so

notify the department of aging. On receipt of the notice from the 16631
PACE provider, the department of aging shall approve the 16632
individual's enrollment in the PACE program in accordance with 16633
priorities established in rules adopted under section 173.50 of 16634
the Revised Code. Each quarter, the department of aging shall 16635
certify to the director of budget and management the estimated 16636
increase in costs of the PACE program resulting from enrollment of 16637
individuals in the PACE program pursuant to this section. 16638

Sec. 173.99. (A) A long-term care provider, person employed 16639
by a long-term care provider, other entity, or employee of such 16640
other entity that violates division (C) of section 173.24 of the 16641
Revised Code is subject to a fine not to exceed one thousand 16642
dollars for each violation. 16643

(B) Whoever violates division (C) of section 173.23 of the 16644
Revised Code is guilty of registering a false complaint, a 16645
misdemeanor of the first degree. 16646

(C) A long-term care provider, other entity, or person 16647
employed by a long-term care provider or other entity that 16648
violates division (E) of section 173.19 of the Revised Code by 16649
denying a representative of the office of the state long-term care 16650
ombudsperson program the access required by that division is 16651
subject to a fine not to exceed five hundred dollars for each 16652
violation. 16653

(D) Whoever violates division (C) of section 173.44 of the 16654
Revised Code is subject to a fine of one hundred dollars. 16655

~~(E) Whoever violates division (B) of section 173.90 of the~~ 16656
~~Revised Code is guilty of a misdemeanor of the first degree.~~ 16657

Sec. 174.02. (A) The low- and moderate-income housing trust 16658
fund is hereby created in the state treasury. The fund consists of 16659
all appropriations made to the fund, housing trust fund fees 16660

collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, and all grants, gifts, loan repayments, and contributions of money made from any source to the department of development for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The department shall administer the fund. The agency shall use money allocated to it for implementing and administering its programs and duties under sections 174.03 and 174.05 of the Revised Code, and the department shall use the remaining money in the fund for implementing and administering its programs and duties under sections 174.03 to 174.06 of the Revised Code. Use of all money drawn from the fund is subject to the following restrictions:

~~(1) Not more than six per cent of any current year appropriation authority for the fund shall be used for the transitional and permanent housing program to make grants to municipal corporations, counties, townships, and nonprofit organizations for the acquisition, rehabilitation, renovation, construction, conversion, operation, and cost of supportive services for new and existing transitional and permanent housing for homeless persons.~~

~~(2)(a)~~ (a) Not more than five per cent of the current year appropriation authority for the fund shall be allocated between grants to community development corporations for the community development corporation grant program and grants and loans to the Ohio community development finance fund, a private nonprofit corporation.

(b) In any year in which the amount in the fund exceeds one hundred thousand dollars and at least that much is allocated for the uses described in this section, not less than one hundred

thousand dollars shall be used to provide training, technical 16693
assistance, and capacity building assistance to nonprofit 16694
development organizations. 16695

~~(3)~~(2) Not more than ~~seven~~ ten per cent of any current year 16696
appropriation authority for the fund shall be used for the 16697
emergency shelter housing grants program to make grants to 16698
private, nonprofit organizations and municipal corporations, 16699
counties, and townships for emergency shelter housing for the 16700
homeless. The grants shall be distributed pursuant to rules the 16701
director adopts and qualify as matching funds for funds obtained 16702
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 16703
11371 to 11378. 16704

~~(4)~~(3) In any fiscal year in which the amount in the fund 16705
exceeds the amount awarded pursuant to division (A)~~(2)~~(1)(b) of 16706
this section by at least two hundred fifty thousand dollars, at 16707
least two hundred fifty thousand dollars from the fund shall be 16708
provided to the department of aging for the resident services 16709
coordinator program as established in section 173.08 of the 16710
Revised Code. 16711

~~(5)~~(4) Of all current year appropriation authority for the 16712
fund, not more than five per cent shall be used for 16713
administration. 16714

~~(6)~~(5) Not less than forty-five per cent of the funds awarded 16715
during any one fiscal year shall be for grants and loans to 16716
nonprofit organizations under section 174.03 of the Revised Code. 16717

~~(7)~~(6) Not less than fifty per cent of the funds awarded 16718
during any one fiscal year, excluding the amounts awarded pursuant 16719
to divisions (A)(1), (2), and ~~(3)~~(7) of this section, shall be for 16720
grants and loans for activities that provide housing and housing 16721
assistance to families and individuals in rural areas and small 16722
cities that are not eligible to participate as a participating 16723

jurisdiction under the "HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721.

~~(8)~~(7) No money in the fund shall be used to pay for any legal services other than the usual and customary legal services associated with the acquisition of housing.

~~(9)~~(8) Money in the fund may be used as matching money for federal funds received by the state, counties, municipal corporations, and townships for the activities listed in section 174.03 of the Revised Code.

(B) If, after the second quarter of any year, it appears to the director that the full amount of the money in the fund designated in that year for activities that provide housing and housing assistance to families and individuals in rural areas and small cities under division (A) of this section will not be used for that purpose, the director may reallocate all or a portion of that amount for other housing activities. In determining whether or how to reallocate money under this division, the director may consult with and shall receive advice from the housing trust fund advisory committee.

Sec. 174.03. (A) The department of development and the Ohio housing finance agency shall each develop programs under which, in accordance with rules adopted under this section, they may make grants, loans, loan guarantees, and loan subsidies to counties, municipal corporations, townships, local housing authorities, and nonprofit organizations and may make loans, loan guarantees, and loan subsidies to private developers and private lenders to assist in activities that provide housing and housing assistance for specifically targeted low- and moderate-income families and individuals. There is no minimum housing project size for awards under this division for any project that is developed for a special needs population and that is supported by a social service

agency where the housing project is located. Activities for which 16755
grants, loans, loan guarantees, and loan subsidies may be made 16756
under this section include all of the following: 16757

(1) Acquiring, financing, constructing, leasing, 16758
rehabilitating, remodeling, improving, and equipping publicly or 16759
privately owned housing; 16760

(2) Providing supportive services related to housing and the 16761
homeless, including housing counseling. Not more than twenty per 16762
cent of the current year appropriation authority for the low- and 16763
moderate-income housing trust fund that remains after the award of 16764
funds made pursuant to divisions (A)(1), and (A)(2), ~~and (A)(3)~~ of 16765
section 174.02 of the Revised Code, shall be awarded in any fiscal 16766
year for supportive services. 16767

(3) Providing rental assistance payments or other project 16768
operating subsidies that lower tenant rents. 16769

(B) Activities listed under division (A) of this section may 16770
include emergency shelter care programs for unaccompanied youth 16771
seventeen years of age and younger. 16772

(C) Grants, loans, loan guarantees, and loan subsidies may be 16773
made to counties, municipal corporations, townships, and nonprofit 16774
organizations for the additional purposes of providing technical 16775
assistance, design and finance services and consultation, and 16776
payment of pre-development and administrative costs related to any 16777
of the activities listed above. 16778

(D) In developing programs under this section, the department 16779
and the agency shall invite, accept, and consider public comment, 16780
and recommendations from the housing trust fund advisory committee 16781
created under section 174.06 of the Revised Code, on how the 16782
programs should be designed to most effectively benefit low- and 16783
moderate-income families and individuals. The programs developed 16784
under this section shall respond collectively to housing and 16785

housing assistance needs of low- and moderate-income families and individuals statewide. 16786
16787

(E) The department and the agency, in accordance with Chapter 16788
119. of the Revised Code, shall each adopt rules to administer 16789
programs developed under this section. The rules shall prescribe 16790
procedures and forms that counties, municipal corporations, 16791
townships, local housing authorities, and nonprofit organizations 16792
shall use in applying for grants, loans, loan guarantees, and loan 16793
subsidies and that private developers and private lenders shall 16794
use in applying for loans, loan guarantees, and loan subsidies; 16795
eligibility criteria for the receipt of funds; procedures for 16796
reviewing and granting or denying applications; procedures for 16797
paying out funds; conditions on the use of funds; procedures for 16798
monitoring the use of funds; and procedures under which a 16799
recipient shall be required to repay funds that are improperly 16800
used. The rules shall do both of the following: 16801

(1) Require each recipient of a grant or loan made from the 16802
low- and moderate-income housing trust fund for activities that 16803
provide, or assist in providing, a rental housing project, to 16804
reasonably ensure that the rental housing project will remain 16805
affordable to those families and individuals targeted for the 16806
rental housing project for the useful life of the rental housing 16807
project or for thirty years, whichever is longer; 16808

(2) Require each recipient of a grant or loan made from the 16809
low- and moderate-income housing trust fund for activities that 16810
provide, or assist in providing, a housing project to prepare and 16811
implement a plan to reasonably assist any families and individuals 16812
displaced by the housing project in obtaining decent affordable 16813
housing. 16814

(F) In prescribing eligibility criteria and conditions for 16815
the use of funds, neither the department nor the agency is limited 16816
to the criteria and conditions specified in this section and each 16817

may prescribe additional eligibility criteria and conditions that 16818
relate to the purposes for which grants, loans, loan guarantees, 16819
and loan subsidies may be made. However, the department and agency 16820
are limited by the following specifically targeted low- and 16821
moderate-income guidelines: 16822

(1) Not less than seventy-five per cent of the money granted 16823
and loaned under this section in any fiscal year shall be for 16824
activities that provide affordable housing and housing assistance 16825
to families and individuals whose incomes are equal to or less 16826
than fifty per cent of the median income for the county in which 16827
they live, as determined by the department under section 174.04 of 16828
the Revised Code. 16829

(2) Any money granted and loaned under this section in any 16830
fiscal year that is not granted or loaned pursuant to division 16831
(F)(1) of this section shall be for activities that provide 16832
affordable housing and housing assistance to families and 16833
individuals whose incomes are equal to or less than eighty per 16834
cent of the median income for the county in which they live, as 16835
determined by the department under section 174.04 of the Revised 16836
Code. 16837

(G) In making grants, loans, loan guarantees, and loan 16838
subsidies under this section, the department and the agency shall 16839
give preference to viable projects and activities that benefit 16840
those families and individuals whose incomes are equal to or less 16841
than thirty-five per cent of the median income for the county in 16842
which they live, as determined by the department under section 16843
174.04 of the Revised Code. 16844

(H) The department and the agency shall monitor the programs 16845
developed under this section to ensure that money granted and 16846
loaned under this section is not used in a manner that violates 16847
division (H) of section 4112.02 of the Revised Code or 16848
discriminates against families with children. 16849

Sec. 175.01. As used in this chapter <u>sections 175.01 to</u>	16850
<u>175.13 of the Revised Code:</u>	16851
(A) "Bonds" means bonds, notes, debentures, refunding bonds, refunding notes, and other obligations.	16852 16853
(B) "Financial assistance" means grants, loans, loan guarantees, an equity position in a project, and loan subsidies.	16854 16855
(C) "Grant" means funding for which repayment is not required.	16856 16857
(D) "Homeownership program" means any program for which the Ohio housing finance agency provides financing, directly or indirectly, for the purchase of housing for owner-occupancy.	16858 16859 16860
(E) "Housing" means housing for owner-occupancy and multifamily rental housing.	16861 16862
(F) "Housing development fund" means the housing development fund created and administered pursuant to section 175.11 of the Revised Code.	16863 16864 16865
(G) "Housing finance agency personal services fund" means the housing finance agency personal services fund created and administered pursuant to section 175.051 of the Revised Code.	16866 16867 16868
(H) "Housing for owner-occupancy" means housing that is intended for occupancy by an owner as a principal residence. "Housing for owner-occupancy" may be any type of structure and may be owned in any form of ownership.	16869 16870 16871 16872
(I) "Housing trust fund" means the low- and moderate-income housing trust fund created and administered pursuant to Chapter 174. of the Revised Code.	16873 16874 16875
(J) "Improvement" means any alteration, remodeling, addition, or repair that substantially protects or improves the basic habitability or energy efficiency of housing.	16876 16877 16878

(K) "Lending institution" means any financial institution 16879
qualified to conduct business in this state, a subsidiary 16880
corporation that is wholly owned by a financial institution 16881
qualified to conduct business in this state, and a mortgage lender 16882
whose regular business is originating, servicing, or brokering 16883
real estate loans and who is qualified to do business in this 16884
state. 16885

(L) "Loan" means any extension of credit or other form of 16886
financing or indebtedness extended directly or indirectly to a 16887
borrower with the expectation that it will be repaid in accordance 16888
with the terms of the underlying loan agreement or other pertinent 16889
document. "Loan" includes financing the Ohio housing finance 16890
agency extends to lending institutions and indebtedness the agency 16891
purchases from lending institutions. 16892

(M) "Loan guarantee" means any agreement in favor of a 16893
lending institution, bondholder, or other lender in which the 16894
credit and resources of the housing finance agency or the housing 16895
trust fund are pledged to secure the payment or collection of 16896
financing extended to a borrower for the acquisition, 16897
construction, improvement, rehabilitation, or preservation of 16898
housing or to refinance any financing previously extended for 16899
those purposes. 16900

(N) "Loan subsidy" means any deposit of funds the Ohio 16901
housing finance agency holds or administers into a lending 16902
institution with the authorization or direction that the income or 16903
revenues the deposit earns, or could have earned at competitive 16904
rates, be applied directly or indirectly to the benefit of housing 16905
assistance or financial assistance. 16906

(O) "Low- and moderate-income persons" means individuals and 16907
families who qualify as low- and moderate-income persons pursuant 16908
to guidelines the agency establishes. 16909

(P) "Multifamily rental housing" means multiple unit housing 16910
intended for rental occupancy. 16911

(Q) "Nonprofit organization" means a nonprofit organization 16912
in good standing and qualified to conduct business in this state 16913
including any corporation whose members are members of a 16914
metropolitan housing authority. 16915

(R) "Owner" means any person who, jointly or severally, has 16916
legal or equitable title to housing together with the right to 16917
control or possess that housing. "Owner" includes a purchaser of 16918
housing pursuant to a land installment contract if that contract 16919
vests possession and maintenance responsibilities in the 16920
purchaser, and a person who has care or control of housing as 16921
executor, administrator, assignee, trustee, or guardian of the 16922
estate of the owner of that housing. 16923

(S) "Security interest" means any lien, encumbrance, pledge, 16924
assignment, mortgage, or other form of collateral the Ohio housing 16925
finance agency holds as security for financial assistance the 16926
agency extends or a loan the agency acquires. 16927

Sec. 175.04. (A) The governor shall appoint a chairperson 16928
from among the members of the Ohio housing finance agency. The 16929
agency members shall elect a member as vice-chairperson. The 16930
agency members may appoint other officers, who need not be members 16931
of the agency, as the agency deems necessary. 16932

(B) Six members of the agency constitute a quorum and the 16933
affirmative vote of six members is necessary for any action the 16934
agency takes. No vacancy in agency membership impairs the right of 16935
a quorum to exercise all of the agency's rights and perform all 16936
the agency's duties. Agency meetings may be held at any place 16937
within the state. Meetings shall comply with section 121.22 of the 16938
Revised Code. 16939

(C) The agency shall maintain accounting records in 16940
accordance with generally accepted accounting principals and other 16941
required accounting standards. 16942

(D) The agency shall develop policies and guidelines for the 16943
administration of its programs and annually shall conduct at least 16944
one public hearing to obtain input from any interested party 16945
regarding the administration of its programs. The hearing shall be 16946
held at a time and place as the agency determines and when a 16947
quorum of the agency is present. 16948

(E) The agency shall appoint committees and subcommittees 16949
comprised of members of the agency to handle matters it deems 16950
appropriate. 16951

(1) The agency shall adopt an annual plan to address this 16952
state's housing needs. The agency shall appoint an annual plan 16953
committee to develop the plan and present it to the agency for 16954
consideration. 16955

(2) The annual plan committee shall select an advisory board 16956
from a list of interested individuals the executive director 16957
provides or on its own recommendation. The advisory board shall 16958
provide input on the plan at committee meetings prior to the 16959
annual public hearing. At the public hearing, the committee shall 16960
discuss advisory board comments. The advisory board may include, 16961
but is not limited to, persons who represent state agencies, local 16962
governments, public corporations, nonprofit organizations, 16963
community development corporations, housing advocacy organizations 16964
for low- and moderate-income persons, realtors, syndicators, 16965
investors, lending institutions as recommended by a statewide 16966
banking organization, and other entities participating in the 16967
agency's programs. 16968

Each agency program that allows for loans to be made to 16969
finance housing for owner occupancy that benefits other than low- 16970

and moderate-income households, or for loans to be made to 16971
individuals under bonds issued pursuant to division (B) of section 16972
175.08 of the Revised Code, shall be presented to the advisory 16973
board and included in the annual plan as approved by the agency 16974
before the program's implementation. 16975

(F) The agency shall prepare an annual financial report 16976
describing its activities during the reporting year and submit 16977
that report to the governor, the speaker of the house of 16978
representatives, and the president of the senate within three 16979
months after the end of the reporting year. The report shall 16980
include the agency's audited financial statements, prepared in 16981
accordance with generally accepted accounting principles and 16982
appropriate accounting standards. 16983

(G) The agency shall prepare an annual report of its programs 16984
describing how the programs have met this state's housing needs. 16985
The agency shall submit the report to the governor, the speaker of 16986
the house of representatives, and the president of the senate 16987
within three months after the end of the reporting year. 16988

(H) The agency shall prepare an annual report regarding the 16989
grants for grads program created under section 175.31 of the 16990
Revised Code describing the number and dollar amount of grants 16991
awarded, and the activities of the agency under sections 175.30 to 16992
175.35 of the Revised Code, during the previous calendar year. The 16993
agency shall submit the report to the governor, director of 16994
development, chancellor of the Ohio board of regents, president of 16995
the senate, and speaker of the house of representatives. 16996

Sec. 175.052. The Ohio housing finance agency, in providing 16997
homeownership program assistance, shall give preference to grants 16998
or loans for activities that provide housing and housing 16999
assistance to honorably discharged veterans. 17000

Sec. 175.30. As used in sections 175.30 to 175.35 of the 17001
Revised Code: 17002

(A) "First home" or "home" means the first residential real 17003
property located in this state to be purchased by a grantee who 17004
has not owned or had an ownership interest in a principal 17005
residence in the three years prior to the purchase. 17006

(B) "Graduate" means an individual who has graduated from an 17007
institution of higher education and who is eligible under division 17008
(B) of section 175.31 of the Revised Code to apply for a grant 17009
awarded under the grants for grads program. 17010

(C) "Grant" means a cash payment awarded to a grantee by the 17011
Ohio housing finance agency under section 175.32 of the Revised 17012
Code. 17013

(D) "Grantee" means an individual who has been awarded a 17014
grant under the program. 17015

(E) "Institution of higher education" means a state 17016
university or college located in this state, a private college or 17017
university located in this state that possesses a certificate of 17018
authorization issued by the Ohio board of regents under Chapter 17019
1713. of the Revised Code, or an accredited college or university 17020
located outside this state that is accredited by an accrediting 17021
organization or professional accrediting association recognized by 17022
the Ohio board of regents. 17023

(F) "Ohio resident" means any of the following: 17024

(1) An individual who was a resident of this state at the 17025
time of the individual's graduation from an Ohio public or 17026
nonpublic high school that is approved by the state board of 17027
education, and who is a resident of this state at the time of 17028
applying for the program; 17029

(2) An individual who was a resident of this state at the 17030

time of completing, through the twelfth-grade level, a home study 17031
program approved by the state board of education, and who is a 17032
resident of this state at the time of applying for the program; 17033

(3) An individual whose parent was a resident of this state 17034
at the time of the individual's graduation from high school, and 17035
who graduated from either of the following: 17036

(a) An out-of-state high school that was accredited by a 17037
regional accrediting organization recognized by the United States 17038
department of education and met standards at least equivalent to 17039
those adopted by the state board of education for approval of 17040
nonpublic schools in this state; 17041

(b) A high school approved by the United States department of 17042
defense. 17043

(G) "Program" means the grants for grads program created 17044
under section 175.31 of the Revised Code. 17045

Sec. 175.31. (A) There is hereby created the grants for grads 17046
program for the purpose of providing grants to Ohio residents who 17047
have received an associate, baccalaureate, master's, doctoral, or 17048
other postgraduate degree, which grants shall be used by a grantee 17049
to pay for the down payment or closing costs on the purchase of a 17050
first home. The program shall be administered by the Ohio housing 17051
finance agency using moneys available to it. Participation in the 17052
program shall require a graduate to be eligible under division (B) 17053
of this section and to file an application for the grant in 17054
accordance with division (C) of this section. 17055

(B)(1) A graduate is eligible to participate in the program 17056
if the graduate: 17057
if the graduate: 17058

(a) Is an Ohio resident who has received an associate, 17059
baccalaureate, master's, doctoral, or other postgraduate degree 17060

from an institution of higher education; 17061

(b) Is able to provide to the agency evidence documenting the graduate's Ohio residency and documenting graduation from a high school and an institution of higher education; 17062
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(c) Intends to live and work in this state for at least five years after the graduate's graduation or completion of a degree described in division (B)(1)(a) of this section; and 17065
17066
17067

(d) Intends to purchase a first home in this state. 17068

(2) Married graduates may both apply for grants under the program and both graduates, if eligible, shall be included in the lottery pool under section 175.32 of the Revised Code. 17069
17070
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(3) A graduate who is married to an individual who has previously received a grant under the program is ineligible to apply for a grant under this section. 17072
17073
17074

(C) A graduate who is eligible under division (B) of this section to participate in the program shall file an application with the Ohio housing finance agency not later than the sixtieth day after the graduate's graduation date or date of completion of a degree described in division (B)(1)(a) of this section, except that for purposes of the initial lottery conducted under the program, a graduate is eligible to file an application if the graduate's graduation date or date of completion of a degree occurs on or after January 1, 2008. Married graduates who both are eligible for a grant under the program shall apply individually. The agency shall provide for the content and format of the application. A graduate who files an application under this division is ineligible to file an application for a grant in any other six-month period. 17075
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(D) The application shall include information as determined by rule of the Ohio housing finance agency under section 175.34 of the Revised Code, but at a minimum shall include evidence of 17089
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meeting the requirements in division (B) of this section. 17092

(E) A graduate who, at any time during the period from filing 17093
the application for a grant until a grant is awarded, has been 17094
found by the state to be delinquent in the payment of individual 17095
income taxes is ineligible to receive a grant under the program. 17096

Sec. 175.32. (A) After selecting graduates pursuant to 17097
division (B) of this section, the Ohio housing finance agency 17098
shall review each application selected for compliance and 17099
accuracy, and shall determine whether a graduate is eligible to 17100
receive a grant and the amount thereof, based on the information 17101
provided to the agency in the application. An application found by 17102
the agency to be insufficient may be resubmitted by the selected 17103
graduate within sixty days. If the application is not resubmitted 17104
or the resubmitted application is found to be insufficient, the 17105
selected graduate shall not receive a grant. 17106

(B)(1) Grants shall be provided from moneys in the grants for 17107
grads fund. A grant shall be given to a graduate whose application 17108
has been determined by the agency to meet the requirements of 17109
section 175.31 of the Revised Code and to be timely and complete, 17110
and who has been selected as one of one hundred fifty grantees in 17111
a random lottery conducted by the agency twice a year, by the 17112
thirty-first day of January and by the thirty-first day of July of 17113
each year. The lottery pool shall include all graduate applicants 17114
who have filed applications within the six months immediately 17115
preceding the date on which the lottery is conducted. In addition, 17116
fifty alternate grantees shall be selected in the random lottery 17117
to receive any additional moneys available in the grants for grads 17118
fund after grants are awarded to the eligible grantees first 17119
selected for that six-month period. The alternate grantees shall 17120
receive grants in the order they were selected in the lottery 17121
until moneys for the six-month period are exhausted. 17122

(2) If there are less than one hundred fifty applicants for grants in a given six-month period, the lottery shall be dispensed with and all applicants the agency determines under this section to be eligible for grants shall be awarded grants. 17123
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(C) The awarding of a grant shall be evidenced by written notification to the grantee, which notification shall clearly state the amount of the grant and the starting and ending dates of the award period. The agency shall provide the notification to selected grantees within sixty days after completion of the lottery. The award period shall be from the start date through the last day of the twenty-fourth month thereafter. 17127
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(D) The amount of each grant awarded to a grantee who received a notification under division (C) of this section shall be as follows: 17134
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(1) For a grantee who received an associate degree, two thousand five hundred dollars; 17137
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(2) For a grantee who received a baccalaureate degree, five thousand dollars; 17139
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(3) For a grantee who received a post-graduate degree, ten thousand dollars. 17141
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(E) The grant shall be provided to the grantee as a cash payment when the grantee obtains a mortgage loan, and the amount of the cash payment shall be applied in full only to pay all or a portion of the closing costs or down payment on the purchase of the grantee's first home. The grantee shall not receive any cash back at the time of the closing. The grantee must take receipt of the grant within the award period designated in the notification, and must use it within twenty-four months after taking receipt of the grant, after which the grant shall expire. 17143
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Sec. 175.33. (A)(1) At the time a first home is purchased 17152

under the program, the Ohio housing finance agency shall secure 17153
the amount of the grant by a lien on the home for a period of five 17154
years. Such lien shall attach, and may be perfected, collected, 17155
and enforced in the same manner as a mortgage lien on the home, 17156
and shall otherwise have the same force and effect as a mortgage 17157
lien, except that it shall be subordinate to a mortgage lien 17158
securing any money loaned by a financial institution for the 17159
purchase of the home. 17160

(2) If the agency finds that a grantee failed to comply with 17161
the first home ownership criteria in division (A) of section 17162
175.30 of the Revised Code, or otherwise applied for a grant using 17163
fraudulent information, the agency shall enforce the lien. 17164

(B)(1) If a grantee becomes a resident of another state and 17166
does not reside at least five years in a first home purchased with 17167
a grant awarded under the program, the amount of the lien created 17168
in division (A) of this section that may be collected shall be 17169
determined as follows: 17170

<u>Months resided in first home</u>	<u>Collectable amount as per</u>	
	<u>cent of grant amount</u>	
<u>Less than 12 months</u>	<u>100%</u>	17172
<u>12 months and a day to 24 months</u>	<u>80%</u>	17173
<u>24 months and a day to 36 months</u>	<u>60%</u>	17174
<u>36 months and a day to 48 months</u>	<u>40%</u>	17175
<u>48 months and a day to 60 months</u>	<u>20%</u>	17176

The lien created under division (A) of this section shall be 17177
extinguished upon collection pursuant to this division. 17178

(2) A lien created under division (A)(1) of this section 17179
shall be extinguished if the grantee, within the five-year period, 17180
moves to another residence located in this state. 17181

Sec. 175.34. (A) The Ohio housing finance agency shall adopt 17182
rules under Chapter 119. of the Revised Code to carry out the 17183
purposes of the grants for grads program. 17184

(B) The agency shall internally audit the program and the 17185
grants for grads fund before the beginning of each calendar year. 17186
At the end of each calendar year, the agency shall prepare and 17187
submit an annual report to the advisory board created pursuant to 17188
section 175.04 of the Revised Code, specifying the internal audit 17189
work completed by the end of that calendar year and reporting on 17190
compliance with the annual internal audit program. 17191

Sec. 175.35. There is hereby created in the state treasury 17192
the grants for grads fund. The fund shall consist of all 17193
appropriations made to the fund and grants, gifts, and 17194
contributions of money made from any source to the Ohio housing 17195
finance agency for deposit in the fund. The fund shall be 17196
administered by the agency and is for use in providing grants to 17197
graduates participating in, and for implementing and 17198
administering, the program. Moneys in the fund shall be invested 17199
by the treasurer of state in the same manner as moneys in the 17200
general revenue fund, and earnings on the investments of the fund 17201
shall be deposited into the fund. 17202

Sec. 176.05. (A)(1) Notwithstanding any provision of law to 17203
the contrary, the rate of wages payable for the various 17204
occupations covered by sections 4115.03 to 4115.16 of the Revised 17205
Code to persons employed on a project who are not any of the 17206
following shall be determined according to this section: 17207

(a) Qualified volunteers; 17208

(b) Persons required to participate in a work activity, 17209
developmental activity, or alternative work activity under 17210
sections 5107.40 to 5107.69 of the Revised Code except those 17211

engaged in paid employment or subsidized employment pursuant to 17212
the activity; 17213

(c) ~~Food-stamp~~ Supplemental nutrition assistance program 17214
benefit recipients required to participate in employment and 17215
training activities established by rules adopted under section 17216
5101.54 of the Revised Code. 17217

An association representing the general contractors or 17218
subcontractors that engage in the business of residential 17219
construction in a certain locality shall negotiate with the 17220
applicable building and construction trades council in that 17221
locality an agreement or understanding that sets forth the 17222
residential prevailing rate of wages, payable on projects in that 17223
locality, for each of the occupations employed on those projects. 17224

(2) Notwithstanding any residential prevailing rate of wages 17225
established prior to July 1, 1995, if, by October 1, 1995, the 17226
parties are unable to agree under division (A)(1) of this section 17227
as to the rate of wages payable for each occupation covered by 17228
sections 4115.03 to 4115.16 of the Revised Code, the director of 17229
commerce shall establish the rate of wages payable for each 17230
occupation. 17231

(3) The residential prevailing rate of wages established 17232
under division (A)(1) or (2) of this section shall not be equal to 17233
or greater than the prevailing rate of wages determined by the 17234
director pursuant to sections 4115.03 to 4115.16 of the Revised 17235
Code for any of the occupations covered by those sections. 17236

(B) Except for the prevailing rate of wages determined by the 17237
director pursuant to sections 4115.03 to 4115.16 of the Revised 17238
Code, those sections and section 4115.99 of the Revised Code apply 17239
to projects. 17240

(C) The residential prevailing rate of wages established 17241
under division (A) of this section is not payable to any 17242

individual or member of that individual's family who provides 17243
labor in exchange for acquisition of the property for 17244
homeownership or who provides labor in place of or as a supplement 17245
to any rental payments for the property. 17246

(D) For the purposes of this section: 17247

(1) "Project" means any construction, rehabilitation, 17248
remodeling, or improvement of residential housing, whether on a 17249
single or multiple site for which a person, as defined in section 17250
1.59 of the Revised Code, or municipal corporation, county, or 17251
township receives financing, that is financed in whole or in part 17252
from state moneys or pursuant to this chapter, section 133.51 or 17253
307.698 of the Revised Code, or Chapter 174. or 175. of the 17254
Revised Code, except for any of the following: 17255

(a) The single-family mortgage revenue bonds homeownership 17256
program under Chapter 175. of the Revised Code, including 17257
owner-occupied dwellings of one to four units; 17258

(b) Projects consisting of fewer than six units developed by 17259
any entity that is not a nonprofit organization exempt from 17260
federal income tax under section 501(c)(3) of the Internal Revenue 17261
Code; 17262

(c) Projects of fewer than twenty-five units developed by any 17263
nonprofit organization that is exempt from federal income tax 17264
under section 501(c)(3) of the Internal Revenue Code; 17265

(d) Programs undertaken by any municipal corporation, county, 17266
or township, including lease-purchase programs, using mortgage 17267
revenue bond financing; 17268

(e) Any individual project, that is sponsored or developed by 17269
a nonprofit organization that is exempt from federal income tax 17270
under section 501(c)(3) of the Internal Revenue Code, for which 17271
the federal government or any of its agencies furnishes by loan, 17272
grant, low-income housing tax credit, or insurance more than 17273

twelve per cent of the costs of the project. For purposes of 17274
division (D)(2)(e) of this section, the value of the low-income 17275
housing tax credits shall be calculated as the proceeds from the 17276
sale of the tax credits, less the costs of the sale. 17277

As used in division (D)(1)(e) of this section, "sponsored" 17278
means that a general partner of a limited partnership owning the 17279
project or a managing member of a limited liability company owning 17280
the project is either a nonprofit organization that is exempt from 17281
federal income tax under section 501(c)(3) of the Internal Revenue 17282
Code or a person, as defined in section 1.59 of the Revised Code, 17283
or a limited liability company in which such a nonprofit 17284
organization maintains controlling interest. For purposes of this 17285
division, a general partner of a limited partnership that is a 17286
nonprofit organization described under this division is not 17287
required to be the sole general partner in the limited 17288
partnership, and a managing member of a limited liability company 17289
that is a nonprofit organization described under this division is 17290
not required to be the sole managing member in the limited 17291
liability company. 17292

Nothing in division (D)(1)(e) of this section shall be 17293
construed as permitting unrelated projects to be combined for the 17294
sole purpose of determining the total percentage of project costs 17295
furnished by the federal government or any of its agencies. 17296

(2) A "project" is a "public improvement" and the state or a 17297
political subdivision that undertakes or participates in the 17298
financing of a project is a "public authority," as both of the 17299
last two terms are defined in section 4115.03 of the Revised Code. 17300

(3) "Qualified volunteers" are volunteers who are working 17301
without compensation for a nonprofit organization that is exempt 17302
from federal income tax under section 501(c)(3) of the Internal 17303
Revenue Code, and that is providing housing or housing assistance 17304
only to families and individuals in a county whose incomes are not 17305

greater than one hundred forty per cent of the median income of 17306
that county as determined under section 174.04 of the Revised 17307
Code. 17308

Sec. 302.011. The board of county commissioners, within a 17309
reasonable time before the next general election occurring not 17310
less than seventy-five days after the effective date of this 17311
section, of any county having a population of 1,200,000 or more 17312
according to the 2000 federal decennial census shall vote on the 17313
adoption of a resolution to cause the board of elections in the 17314
county to submit to the electors of the county, under section 17315
302.015 of the Revised Code, the question of adopting the 17316
alternative form of county government known as the blended county 17317
government plan as defined by sections 302.012, 302.013, and 17318
302.014 of the Revised Code. If at least two-thirds of the board 17319
of county commissioners votes in the affirmative, the question 17320
shall be voted upon at the next general election occurring not 17321
less than seventy-five days after the effective date of this 17322
section. 17323

Sec. 302.012. Under a blended county government plan, the 17324
county council shall consist of thirteen members, all of whom 17325
shall be elected by districts. The general assembly shall set the 17326
compensation of the county council members. The general assembly 17327
may change the salary at any time before a primary election for 17328
the office of county council, but no change shall be effective 17329
until the next term begins. 17330

In a county adopting the blended county government plan, 17331
whenever the board of county commissioners is referred to in any 17332
law, contract, or other document, the reference shall be deemed to 17333
refer to the county council. 17334

Sec. 302.013. (A) Under the blended county government plan, 17335

the chief executive officer shall be known as the county executive. The county executive shall first be elected at the 2011 general election and shall hold office for a term of four years commencing on January 1, 2012. Only an elector of the county is eligible to be elected as county executive and such individual shall remain an elector of the county during the entire term of office. A candidate for county executive shall be nominated and elected in the manner provided by general law for officers of the county. 17336
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(B) The salary of the county executive shall be set by the general assembly. The general assembly may change the salary at any time before a primary election for the office of county executive, but no change shall be effective until the next term begins. 17345
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Sec. 302.014. (A) Under the blended county government plan, the formerly elected offices of county auditor, county treasurer, county recorder, county coroner, county engineer, and clerk of the court of common pleas are eliminated and are replaced by the following officers: 17350
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(1) The offices of county auditor, county treasurer, and county recorder are combined into a chief financial officer. The chief financial officer shall fulfill all the duties vested by law in county auditors, county treasurers, and county recorders. The chief financial officer shall be appointed by a vote of at least nine members of the county council. The general assembly shall set the salary of the chief financial officer. 17355
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(2) The chief operating officer shall be appointed by a vote of at least nine members of the county council. The chief operating officer shall oversee the offices of medical examiner, county engineer, and clerk of the court of common pleas. The general assembly shall fix the salary of the chief operating 17362
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officer. 17367

(3) The elected office of county coroner is replaced by an 17368
appointed office of medical examiner. The chief operating officer 17369
shall appoint the medical examiner, subject to the approval of at 17370
least nine members of the county council. The appointed medical 17371
examiner shall have the same qualifications (except election) 17372
prescribed by law for, and shall fulfill all the duties vested by 17373
law in, county coroners. 17374

(4) The elected office of county engineer is replaced by an 17375
appointed office of county engineer. The chief operating officer 17376
shall appoint the county engineer, subject to the approval of at 17377
least nine members of the county council. The appointed county 17378
engineer shall have the same qualifications (except election) 17379
prescribed by law for, and shall fulfill all the duties vested by 17380
law in, county engineers. 17381

(5) The elected office of the clerk of the court of common 17382
pleas is replaced by an appointed office of the clerk of the court 17383
of common pleas. The chief operating officer shall appoint the 17384
clerk of the court of common pleas, subject to the approval of at 17385
least nine members of the county council. The appointed clerk of 17386
the court of common pleas shall have the same qualifications 17387
(except election) prescribed by law for, and shall fulfill all the 17388
duties vested by law or rule of court in, clerks of court of 17389
common pleas. 17390

(B) The office of county prosecutor is retained, and 17391
continues to be elected, as provided by law. 17392

(C) The office of county sheriff is retained, and continues 17393
to be elected, as provided by law. 17394

Sec. 302.015. In submitting to the electors of a county the 17395
question of adopting an alternative form of county government 17396

known as the blended county government plan whereby thirteen 17397
members are elected by districts, the board of elections shall 17398
submit the question in language substantially as follows: 17399

"Shall the county of adopt the form of county 17400
government known as the blended county government plan with an 17401
elected county executive and a county council of thirteen members 17402
elected by districts, as provided for in sections 302.012, 17403
302.013, and 302.014 of the Revised Code? 17404

() For adoption of the blended county government plan. 17405

() Against adoption of the blended county government plan." 17406

By April 30, 2011, the secretary of state shall divide the 17407
county into thirteen districts in the manner provided in section 17408
302.082 of the Revised Code, aligning the districts with, to the 17409
greatest extent possible, the districts for the house of 17410
representative members in effect in the county on the effective 17411
date of this section. 17412

At least forty-five days prior to the election thereon, the 17413
board of county commissioners shall cause a copy of the blended 17414
county government plan to be distributed to each elector of the 17415
county so far as may be reasonably possible. Immediately following 17416
the canvass of the election returns, the board of elections shall 17417
file a certificate of the results with the secretary of state. 17418

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Sec. 302.02. An alternative form of county government shall 17420
include ~~either~~ an elective county executive as provided for by 17421
section 302.15 or 302.013 of the Revised Code or an appointive 17422
county executive as provided by section 302.16 of the Revised 17423
Code, and all those provisions of sections 302.01 to 302.24~~7~~ 17424
~~inclusive~~, of the Revised Code, which have not been specifically 17425
designated as applicable only to the elective county executive 17426

plan ~~or~~, the appointive county executive plan, or the blended 17427
county government plan. 17428

The alternative form of county government providing for the 17429
office of the elective county executive shall be known as the 17430
elective executive plan, ~~and~~ the alternative form providing for 17431
the office of appointive county executive shall be known as the 17432
appointive executive plan, and the alternative form providing for 17433
the office of the elective county executive and a county council 17434
shall be known as the blended county government plan. 17435

Sec. 302.03. (A) The board of county commissioners or county 17436
council of any county may, by a two-thirds vote of the board or 17437
council, as the case may be, or shall, upon petition by three per 17438
cent of the electors of the county as determined by the number of 17439
votes cast therein for the office of governor at the most recent 17440
gubernatorial election, by resolution, cause the board of 17441
elections in the county to submit to the electors of the county 17442
the question of adopting one of the alternative forms of county 17443
government authorized by sections 302.01 to 302.24 of the Revised 17444
Code. The question shall be voted upon at the next general 17445
election occurring not less than seventy-five days after the 17446
certification of the resolution to the board of elections. 17447

(B) If, in any county, a resolution is adopted by the board 17448
of county commissioners or county council requiring that the 17449
question of choosing a commission to frame a county charter be 17450
submitted to the electors thereof prior to the resolution provided 17451
for in this section, the proposition to adopt an alternative form 17452
of county government provided in sections 302.01 to 302.24 of the 17453
Revised Code, shall not be submitted in that county as long as the 17454
question of choosing such commission or of adopting a charter 17455
framed by such commission is pending therein. 17456

(C) Any proposition for an alternative form of county 17457

government shall specify the number of members of the board of 17458
county commissioners or county council members, how many shall be 17459
elected at large, ~~or~~ how many shall be elected by districts. 17460

Sec. 302.05. If a majority of the votes cast on the 17461
proposition of adopting an alternative form of county government 17462
is in the affirmative, then such form shall thereby be adopted and 17463
become the form of government of the county. If more than one 17464
alternative form receives a majority of votes cast on the 17465
proposition in an election, the form receiving the largest number 17466
of votes shall be adopted. The provisions of sections 302.01 to 17467
302.24, ~~inclusive~~, of the Revised Code, as they apply to the 17468
nomination and election of county officers, shall be in effect 17469
immediately. All other provisions of sections 302.01 to 302.24, ~~7~~ 17470
~~inclusive~~, of the Revised Code, ~~7~~ shall take effect on the first 17471
Monday in January following the next regular state election. 17472

Under an alternative form whereby any members of the board of 17473
county commissioners or the county council are elected by 17474
districts, each ~~county commissioner~~ member shall receive, in lieu 17475
of the annual compensation provided by section 325.10 of the 17476
Revised Code, the percentage thereof specified in the adopted 17477
plan. 17478

Sec. 302.081. An alternative form of county government shall 17479
include a board of county commissioners, elected either at large 17480
as provided in sections 302.04 and 302.08 of the Revised Code, or 17481
by districts as provided in sections 302.041 and 302.082 of the 17482
Revised Code, or a county council elected by districts as provided 17483
in section 302.012 of the Revised Code, and ~~in~~ all those 17484
provisions of sections 302.01 to 302.24 of the Revised Code, which 17485
have not been specifically designated as applicable only in the 17486
case whereby the entire board is elected at large, or in the case 17487
whereby any of the members are elected by districts. 17488

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Sec. 302.082. (A) Under all alternative forms of county government whereby any members of the board of county commissioners or county council are elected by districts there shall be a board of county commissioners or county council, as the case may be, who shall have the qualifications and shall be nominated and elected as provided by general law for boards of county commissioners, except as otherwise provided for in this section.

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(B) ~~The~~ For an alternative form of county government whereby any members of the board of county commissioners or county council are elected by districts, the board or council shall consist of such odd number of members, not less than three nor more than twenty-one members, as is provided in the proposition for the alternative form that has been adopted. If the proposition provides for seven or more members, no more than half shall be elected at large.

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Any or all districts for county commissioners or county council members may be multi-member districts, but the division of the county into districts for county commissioners or county council members shall conform to the constitutional standards for division of the state into districts for election of members of the general assembly. If the proposition for the alternative form adopted provides that any county commissioners or county council members shall be elected by districts, the board of county commissioners or county council shall, every ten years, ~~commencing in 1971 and every ten years thereafter,~~ divide the county into county commissioner districts or county council districts, as the case may be, using the most recent decennial federal census.

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(C) The term of office of county commissioners or county council members, as the case may be shall be four years, except as

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provided in division (C) of this section. If the proposition for 17520
the alternative form adopted changes the number of county 17521
commissioners or county council members, creates county council 17522
members, or changes the number of ~~commissioners~~ members who are 17523
elected by districts, the total number of ~~commissioners~~ members 17524
shall be elected at the first regular state election following the 17525
adoption of the alternative form. The board of elections shall 17526
assign a number to each county commissioner or county council 17527
position established by the provisions of the alternative form. 17528
Candidates shall file for and be elected to a specifically 17529
numbered position. The odd-numbered positions shall be filled for 17530
a term of four years, and the even-numbered positions shall be 17531
filled for a term of two years at the first election and for four 17532
years thereafter. 17533

Sec. 302.09. ~~When~~ (A) In an alternative form of county 17534
government with a board of county commissioners, when a vacancy 17535
occurs in the board of county commissioners or in the office of 17536
county auditor, county treasurer, prosecuting attorney, clerk of 17537
the court of common pleas, sheriff, county recorder, county 17538
engineer, or coroner more than forty days before the next general 17539
election for state and county officers, the vacancy shall be 17540
filled as provided for in divisions (A) and (B) of section 305.02 17541
of the Revised Code. 17542

(B) In an alternative form of county government with a county 17543
council, if a vacancy occurs in the county council or in the 17544
offices of county executive, prosecuting attorney, or county 17545
sheriff more than forty days before the next general election for 17546
state and county officers, the vacancy shall be filled as provided 17547
for in divisions (A) and (B) of section 305.02 of the Revised 17548
Code. If a vacancy occurs in the offices of county engineer, 17549
medical examiner, chief financial officer, chief operating 17550
officer, or clerk of the court of common pleas, the vacancy shall 17551

be filled in the same manner as is provided for the appointment of 17552
those officers. 17553

Sec. 302.10. The board of county commissioners or county 17554
council, as the case may be shall determine its own rules and 17555
order of business and cause a journal of its proceedings to be 17556
kept. A majority of the members elected to the board or council 17557
shall constitute a quorum to do business. No action of the board 17558
or council shall be valid or binding unless adopted by the 17559
affirmative vote of a majority of the members elected to the board 17560
or council. 17561

Sec. 302.11. The board of county commissioners or county 17562
council, as the case may be, shall organize on the first Monday of 17563
each year, by the election of one of its members as president and 17564
one other member as vice-president for terms of one year. The 17565
president shall preside at all regular and special sessions of the 17566
board. 17567

Notwithstanding section 305.05 of the Revised Code, when the 17568
president of the board is absent from the county or unable to 17569
perform ~~his~~ the official duties of president, or in case of death, 17570
resignation, or removal, the vice-president shall act as president 17571
pending any future meeting of the board at which it may select one 17572
of its members to become the president. 17573

Except as provided by sections 302.01 to 302.24, ~~inclusive,~~ 17574
of the Revised Code, the president of the board shall have all 17575
powers and duties vested in or imposed upon the president of the 17576
board by general law. 17577

Sec. 302.12. The board of county commissioners or the county 17578
council, as the case may be, is the policy-determining body of the 17579
county. Except as otherwise provided by sections 302.01 to 302.24, ~~inclusive,~~ 17580
~~inclusive,~~ of the Revised Code, it has all the powers and duties 17581

vested by law in boards of county commissioners. All powers and 17582
duties which may be vested by law in counties or in county 17583
officers or agencies, or which may be transferred to the county by 17584
action of a township or municipality under authority of Section 1 17585
of Article X, Ohio Constitution, and which are not assigned by law 17586
to any department, office, or body existing under the alternative 17587
form of government in force, shall be exercised or performed by 17588
the board or council or by the department, office, or body 17589
designated by resolution of the board or council. 17590

Sec. 302.13. Pursuant to and in conformity with the 17591
Constitution of Ohio and without limiting the powers and duties 17592
otherwise vested in the board of county commissioners, the board 17593
or county council may: 17594

(A) Establish a department of finance, a department of human 17595
services, a department of health which shall exercise the powers 17596
and perform the duties of the general health district according to 17597
policies established by the board of county commissioners or 17598
county council notwithstanding Chapter 3709. of the Revised Code, 17599
a purchasing department, a department of public works, a 17600
department of law, a department of personnel, a department of 17601
detention and correction, a department of water and sewers, and 17602
such other departments, divisions, and sections under the 17603
supervision of the county executive, as it determines to be 17604
necessary for the efficient administration of the county's 17605
business, and may provide for the merger of such departments, 17606
divisions, and sections; 17607

(B) Determine the compensation of appointive heads of 17608
departments and divisions under the supervision of the board of 17609
county commissioners or county council and adopt by resolution a 17610
classification plan and schedule fixing the rates of compensation 17611
of all classes and grades in the county service. Such schedule 17612

shall provide uniform compensation for like service, and may 17613
establish minimum and maximum rates for any grade of position 17614
within which the compensation shall be fixed by the appointing 17615
authority. 17616

(C) Determine what officers and employees shall file bond, 17617
and fix the amount and form thereof and approve the surety of the 17618
bond given; 17619

(D) Provide for the borrowing of money in anticipation of the 17620
collection of taxes and revenues for the current fiscal year; 17621

(E) Acquire, construct, maintain, administer, rent, and lease 17622
property including buildings and other public improvements as 17623
provided by law; 17624

(F) Cooperate or join by contract pursuant to section 302.21 17625
of the Revised Code with any city, county, state, or political 17626
subdivision or agency thereof, or with the United States or any 17627
agency thereof, for the planning, development, construction, 17628
acquisition, or operation of any public improvement or facility, 17629
or for a common service; and may provide the terms upon which the 17630
county shall perform any of the services and functions of any 17631
municipality or political subdivision in the county; 17632

(G) Accept, in the name of the county, gifts, devises, 17633
bequests, and grants-in-aid from any person, firm, corporation, 17634
city, county, state, or political subdivision or agency thereof, 17635
or from the United States or any agency thereof; 17636

(H) Request periodic or special reports by the county 17637
executive, elected officers, and administrative officers and 17638
bodies, and may require their attendance upon its meetings; 17639

(I) Designate the maximum number of assistants, deputies, 17640
clerks, and other persons that may be employed in each of the 17641
offices and departments of the county; 17642

(J) Authorize the county executive to employ experts and consultants in connection with the administration of the affairs of the county;

(K) Establish procedures governing the making of county contracts and the purchasing of county supplies and equipment by competitive bidding;

(L) Exercise control over expenditures by all county officials and promulgate and execute an allotment schedule allocating annual appropriations for any county government purpose by item on either a monthly or quarterly basis;

(M) By ordinance or resolution make any rule, or act in any matter not specifically prohibited by general law; provided that, in the case of conflict between the exercise of powers pursuant to this division and the exercise of powers by a municipality or township, the exercise of power by the municipality or township shall prevail, and further provided that the board or council may levy only taxes authorized by general law.

Sec. 302.14. There shall be a county executive, who shall be the chief executive officer of the county. ~~He~~ The county executive shall be either an elective county executive as provided for in section 302.15 or 302.013 of the Revised Code, or an appointive county executive as provided for in section 302.16 of the Revised Code.

In case of the absence or disability of the county executive as determined by the board of county commissioners or the county council, as the case may be, his the county executive's duties shall be performed during ~~his~~ the absence or disability by whomsoever the board of county commissioners or county council designates by resolution.

Sec. 302.17. The county executive shall be responsible for

the proper administration of the affairs of the county placed in 17673
~~his~~ the county executive's charge, and, by resolution of the board 17674
of county commissioners or county council, as the case may be, may 17675
serve as the head of any county department created by the board or 17676
council pursuant to sections 302.01 to 302.24, ~~inclusive,~~ of the 17677
Revised Code, provided ~~he~~ the county executive has the 17678
qualifications required by law. 17679

Sec. 302.18. (A) The county executive shall be the 17680
administrative head of the county and shall have all powers and 17681
shall perform all duties of an administrative or executive nature 17682
vested in or imposed upon the board of county commissioners or 17683
county council by general law or by agreement with any 17684
municipality or other subdivision of government of Ohio and such 17685
additional powers as are granted and imposed by the board or 17686
council, and the county executive shall administer the resolutions 17687
of the board of county commissioners or county council and the 17688
laws of the state relating to or required to be enforced by the 17689
county executive's office. The county executive shall supervise 17690
the departments established pursuant to division (A) of section 17691
302.13 of the Revised Code. All authority of the board of county 17692
commissioners under general law with respect to the adoption of 17693
the county budget and the submission of any matter to the electors 17694
shall be exercised by the board of county commissioners or the 17695
county council, as the case may be, provided for under Chapter 17696
302. of the Revised Code. Contracts between the county and other 17697
agencies of government shall be approved or authorized by the 17698
board of county commissioners or county council. 17699

(B) The county executive, under the elective executive plan 17700
or the blended county government plan, shall exercise all 17701
authority of the board of county commissioners or county council 17702
to appoint, suspend, and remove all county personnel whose 17703
appointment, suspension, and removal was a function of the board 17704

of county commissioners or county council under general law, 17705
except for the clerk of the board of county commissioners, the 17706
clerk's clerical assistants, and the appointments listed in 17707
division (C) of section 302.18 of the Revised Code. Under the 17708
appointive executive plan, the board of county commissioners shall 17709
have the power to appoint, suspend, and remove all county 17710
personnel whose appointment, suspension, and removal was a 17711
function of the board under general law, upon the recommendation 17712
of the county executive. 17713

(C) ~~Appointment~~ For the elective county executive plan and 17714
the appointive county executive plan, appointment of officers, 17715
which by general law in sections 303.04, 303.13, 305.29, 306.01, 17716
306.02, 329.01, 329.06, 5153.39, and 5155.03 of the Revised Code 17717
is required to be made by the board of county commissioners, shall 17718
be made by the county executive, under either plan, with advice 17719
and consent of the board of county commissioners. The county 17720
executive, under either plan, also shall appoint with the advice 17721
and consent of the board of county commissioners, all officers and 17722
members of boards and commissions, other than officers of a court 17723
or employees or other persons advisory to or subject to the 17724
supervision of a court or judge thereof, which by general law in 17725
sections 331.01, 339.02, 1545.02, 1545.03, 1545.04, and 1545.05 of 17726
the Revised Code are to be appointed by a judge or judges of the 17727
probate or common pleas court of the county. 17728

(D) The county executive, under the elective executive plan 17730
or the blended county government plan, shall have the power to 17731
veto any ordinance or resolution adopted by the board of county 17732
commissioners or the county council. A veto by the county 17733
executive may apply to all or any items of an ordinance 17734
appropriating money. Certification of a veto must be made by the 17735
county executive within ten days of its adoption by the board of 17736

county commissioners or county council, and the board of county 17737
commissioners or county council may override the veto by a 17738
two-thirds vote of all its members. Under the elective executive 17739
plan blended county government plan an ordinance or resolution 17740
shall become effective upon approval by the county executive, 17741
expiration of such ten days without approval or veto, or 17742
overriding of a veto. 17743

(E) The county executive shall promote the coordination of 17744
all county functions and for this purpose shall make an annual 17745
public report on the state of the county. 17746

Sec. 302.19. In addition to other powers and duties provided 17747
in sections 302.01 to 302.24, ~~inclusive~~, of the Revised Code, the 17748
county executive shall: 17749

(A) Prepare and recommend to the board of county 17750
commissioners or county council, as the case may be, the annual 17751
tax budget and county appropriation resolution; 17752

(B) Keep the board or council advised of the financial 17753
condition and future needs of the county; 17754

(C) Prepare and submit to the board or council such measures 17755
as ~~he~~ the county executive deems necessary for the conduct of the 17756
county's business; 17757

(D) Attend meetings of the board of county commissioners or 17758
county council and take part in the discussion of all matters 17759
before the board or council; 17760

(E) Prepare and submit to the board of county commissioners 17761
or county council, as the case may be, such reports on the 17762
operations of any departments, offices, and bodies under ~~his~~ 17763
county executive's control as may be required by the board or 17764
council. 17765

Sec. 302.201. If established under the provisions of Chapter 17766
302. of the Revised Code, the department of law shall be 17767
administered by a director of law who shall be an attorney-at-law 17768
admitted to the practice of law in this state. The director of law 17769
shall serve as legal advisor to the board of county commissioners 17770
or county council, as the case may be, the county executive, and 17771
the county departments, offices, and agencies responsible to the 17772
board or council and the county executive. The director of law 17773
shall give written opinions as to the law when specifically 17774
requested so to do by the board or council or the county 17775
executive, act as counsel for the board or council and the county 17776
executive in any proceeding instituted by or against the board or 17777
council or the county executive, and perform any other legal 17778
duties assigned by the board of county commissioners or county 17779
council or the county executive. 17780

Sec. 302.202. If established under this chapter, the 17781
department of personnel shall make and promulgate personnel rules 17782
that, when adopted by the board of county commissioners or county 17783
council, as the case may be, after public hearing, shall be the 17784
sole basis for determining the provisions and procedures of the 17785
county personnel system. 17786

Notwithstanding the provisions of Chapter 124. of the Revised 17787
Code, personnel rules adopted by the board of county commissioners 17788
or county council, as the case may be, pursuant to this section, 17789
may provide for, but need not be limited to, the following: 17790

(A) Classification of all county positions, which 17791
classification shall be based on the duties, authority, and 17792
responsibility of each position; 17793

(B) A pay plan for all county positions, which pay plan may 17794
include fringe benefits as may be determined by the board of 17795

county commissioners <u>or county council</u> , in addition to salary;	17796
(C) Certification of payrolls as to compliance with the pay plan and the personnel rules;	17797 17798
(D) The method of holding competitive tests for determining the merit and fitness of candidates for appointment and promotion;	17799 17800
(E) The establishment, maintenance, and certification of eligible lists for filling vacancies;	17801 17802
(F) The order and manner in which lay-offs may be effected;	17803
(G) The procedure for suspension and removal of employees, which procedure shall include provisions for appeals from orders of suspension or removal or other disciplinary action;	17804 17805 17806
(H) The hours of work, the attendance regulations, and the provisions for sick and vacation leave;	17807 17808
(I) Other practices and procedures necessary to the administration of the county personnel system.	17809 17810
Sec. 302.204. If established under the provisions of Chapter 302. of the Revised Code, the department of water and sewers shall assume all duties and perform all functions related to the operation of the county's sewer and water systems. The board of county commissioners <u>or county council</u> , as the case may be, may create a board of trustees to serve at its pleasure and may assign to such board such functions and responsibilities as are by law delegated to the board of county commissioners in Chapters 6117. and 6103. of the Revised Code as they pertain to the operation of a county sewer system and a county water system.	17811 17812 17813 17814 17815 17816 17817 17818 17819 17820
Sec. 302.21. The board of county commissioners <u>or county council</u> , as the case may be, as provided in section 302.22 of the Revised Code may enter into an agreement with the legislative authority of any municipal corporation, township, port authority,	17821 17822 17823 17824

water or sewer district, school district, library district, health 17825
district, park district, soil and water conservation district, 17826
water conservancy district, or other taxing district, or with the 17827
board of any other county, and such legislative authorities may 17828
enter into agreements with the board or council, whereby such 17829
board or council undertakes, and is authorized by the contracting 17830
subdivision, to exercise any power, perform any function, or 17831
render any service, in behalf of the contracting subdivision or 17832
its legislative authority, which such subdivision or legislative 17833
authority may exercise, perform, or render. 17834

Upon the execution of such agreement and within the 17835
limitations prescribed by it, the board or council may exercise 17836
the same powers as the contracting subdivision possesses with 17837
respect to the performance of any function or the rendering of any 17838
service, which, by such agreement, it undertakes to perform or 17839
render, and all powers necessary or incidental thereto, as amply 17840
as such powers are possessed and exercised by the contracting 17841
subdivision directly. In the absence in such agreement of 17842
provisions determining by what officer, office, department, 17843
agency, or authority, the powers and duties of the board or 17844
council shall be exercised or performed, the board or council 17845
shall, within the limits of this section, determine and assign 17846
such powers and duties to any officer or officers of county 17847
government, including the auditor, treasurer, engineer, recorder, 17848
coroner, sheriff, chief financial officer, chief operating 17849
officer, and prosecuting attorney. Any agreement authorized by 17850
this section shall not suspend the possession by a contracting 17851
subdivision of any power or function exercised or performed by the 17852
board or council in pursuance of such agreement. Nor shall the 17853
board or council, by virtue of any agreement entered into under 17854
this section, acquire any power to levy taxes within and in behalf 17855
of a contracting subdivision unless approved by a majority of the 17856
electors of the contracting subdivision. 17857

The boards of county commissioners or county councils of any two or more counties may contract with each other or by contract create any joint agency to exercise any power, perform any function, or render any service which any board of county commissioners or county council may exercise, perform, or render.

Sec. 302.22. Every agreement entered into under sections 302.21 to 302.24, ~~inclusive,~~ of the Revised Code, shall provide, either in specific terms or by prescribing a method for determining the amounts, for any payments to be made by the contracting subdivision into the county treasury, in consideration of the performance of the agreement. In cases where it is deemed practicable, the agreement may provide that payment shall be made by the retention in the treasury of the amounts due from taxes collected for the contracting subdivision and the county auditor and county treasurer or chief financial officer, as the case may be, shall be governed by any such provision in settling the accounts for such taxes.

Any agreement entered into by and between two or more boards of county commissioners or county councils shall specify the method of payment for the joint exercise of any power, the joint performing of any function, or the joint rendering of any service, which method of payment shall be authorized and binding on the counties so long as the agreement is in effect.

Sec. 302.24. Any agreement entered into under sections 302.21 to 302.24, ~~inclusive,~~ of the Revised Code, may provide for the transfer to the board of county commissioners or the county council, as the case may be, of any property, real or personal, used or useful, in the performance of functions or the rendering of services under such agreement. Such transfer may include the proceeds of bonds issued or to be issued by the contracting subdivision, appropriate to the powers, functions, or services

under the agreement, such proceeds to be expended by the board or 17889
council subject to the same conditions as would govern the 17890
contracting subdivision. Such transfer may convey the absolute 17891
title to such property, subject, in the case of the disposal or 17892
encumbrance of such real property by the board or council, to the 17893
consent of the legislative authority of the contracting 17894
subdivision; or may convey its use only, or any estate or title 17895
less than absolute; may limit the power of the board or council to 17896
dispose of such property; and may provide for its return, 17897
disposition, division, or distribution, in the event of the 17898
rescission or expiration of the agreement. 17899

Sec. 303.213. (A) As used in this section, "small wind farm" 17900
means wind turbines and associated facilities ~~that are~~ 17901
~~interconnected with a medium voltage power collection system and~~ 17902
~~communications network and are~~ with a single interconnection to 17903
the electrical grid and designed for, or capable of, operation at 17904
an aggregate capacity of less than five megawatts. 17905

(B) Notwithstanding division (A) of section 303.211 of the 17906
Revised Code, sections 303.01 to 303.25 of the Revised Code confer 17907
power on a board of county commissioners or board of zoning 17908
appeals to adopt zoning regulations governing the location, 17909
erection, construction, reconstruction, change, alteration, 17910
maintenance, removal, use, or enlargement of any small wind farm, 17911
whether publicly or privately owned, or the use of land for that 17912
purpose, which regulations may be more strict than the regulations 17913
prescribed in rules adopted under division (C)(2) of section 17914
4906.20 of the Revised Code. 17915

(C) The designation under this section of a small wind farm 17916
as a public utility for purposes of sections 303.01 to 303.25 of 17917
the Revised Code shall not affect the classification of a small 17918
wind farm for purposes of state or local taxation. 17919

(D) Nothing in division (C) of this section shall be construed as affecting the classification of a telecommunications tower as defined in division (B) or (E) of section 303.211 of the Revised Code or any other public utility for purposes of state and local taxation.

Sec. 305.20. For purposes of a statute or regulation that requires a county to publish a notice, advertisement, list, or other information more than once in a newspaper of general circulation, the second and subsequent publications are satisfied by posting the notice, advertisement, list, or other information on the county's internet web site if the first newspaper publication meets all the following conditions:

(A) It states that the notice, advertisement, list, or other information is posted on the county's internet web site;

(B) It includes the county's internet address on the worldwide web; and

(C) It includes instructions for accessing the notice, advertisement, list, or other information on the county's internet web site.

A notice, advertisement, list, or other information posted on a county's internet web site shall provide the same information as does the newspaper publication of the notice, advertisement, list, or other information except that the conditions outlined in divisions (A) to (C) of this section do not need to be included.

If a county does not operate and maintain, or ceases to operate and maintain, an internet web site, the county is not entitled to publish a notice, advertisement, list, or other information under this section and shall comply with the statutory publication requirements that otherwise apply to the notice, advertisement, list, or other information.

For purposes of this section, "county" means a board of county commissioners, a county elected official, or any contracting authority as defined in section 307.92 of the Revised Code.

Sec. 307.12. (A) Except as otherwise provided in divisions (D), (E), and (G) of this section or in section 307.121 of the Revised Code, when the board of county commissioners finds, by resolution, that the county has personal property, including motor vehicles acquired for the use of county officers and departments, and road machinery, equipment, tools, or supplies, that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired, and when the fair market value of the property to be sold or donated under this division is, in the opinion of the board, in excess of two thousand five hundred dollars, the board may do either of the following:

(1) Sell the property at public auction or by sealed bid to the highest bidder. Notice of the time, place, and manner of the sale shall be published in a newspaper of general circulation in the county at least ten days prior to the sale, and a typewritten or printed notice of the time, place, and manner of the sale shall be posted at least ten days before the sale in the offices of the county auditor and the board of county commissioners.

If a board conducts a sale of property by sealed bid, the form of the bid shall be as prescribed by the board, and each bid shall contain the name of the person submitting it. Bids received shall be opened and tabulated at the time stated in the notice. The property shall be sold to the highest bidder, except that the board may reject all bids and hold another sale, by public auction or sealed bid, in the manner prescribed by this section.

(2) Donate any motor vehicle that does not exceed four thousand five hundred dollars in value to a nonprofit organization

exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 17981
and (c)(3) for the purpose of meeting the transportation needs of 17982
participants in the Ohio works first program established under 17983
Chapter 5107. of the Revised Code and participants in the 17984
prevention, retention, and contingency program established under 17985
Chapter 5108. of the Revised Code. 17986

(B) When the board of county commissioners finds, by 17987
resolution, that the county has personal property, including motor 17988
vehicles acquired for the use of county officers and departments, 17989
and road machinery, equipment, tools, or supplies, that is not 17990
needed for public use, is obsolete, or is unfit for the use for 17991
which it was acquired, and when the fair market value of the 17992
property to be sold or donated under this division is, in the 17993
opinion of the board, two thousand five hundred dollars or less, 17994
the board may do either of the following: 17995

(1) Sell the property by private sale, without advertisement 17996
or public notification; 17997

(2) Donate the property to an eligible nonprofit organization 17998
that is located in this state and is exempt from federal income 17999
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 18000
any property under this division, the board shall adopt a 18001
resolution expressing its intent to make unneeded, obsolete, or 18002
unfit-for-use county personal property available to these 18003
organizations. The resolution shall include guidelines and 18004
procedures the board considers necessary to implement a donation 18005
program under this division and shall indicate whether the county 18006
will conduct the donation program or the board will contract with 18007
a representative to conduct it. If a representative is known when 18008
the resolution is adopted, the resolution shall provide contact 18009
information such as the representative's name, address, and 18010
telephone number. 18011

The resolution shall include within its procedures a 18012

requirement that any nonprofit organization desiring to obtain 18013
donated property under this division shall submit a written notice 18014
to the board or its representative. The written notice shall 18015
include evidence that the organization is a nonprofit organization 18016
that is located in this state and is exempt from federal income 18017
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 18018
the organization's primary purpose; a description of the type or 18019
types of property the organization needs; and the name, address, 18020
and telephone number of a person designated by the organization's 18021
governing board to receive donated property and to serve as its 18022
agent. 18023

After adoption of the resolution, the board shall publish, in 18024
a newspaper of general circulation in the county, notice of its 18025
intent to donate unneeded, obsolete, or unfit-for-use county 18026
personal property to eligible nonprofit organizations. The notice 18027
shall include a summary of the information provided in the 18028
resolution and shall be published at least twice. The second and 18029
any subsequent notice shall be published not less than ten nor 18030
more than twenty days after the previous notice. A similar notice 18031
also shall be posted continually in a conspicuous place in the 18032
offices of the county auditor and the board of county 18033
commissioners, and, if the county maintains a web site on the 18034
internet, the notice shall be posted continually at that web site. 18035

The board or its representative shall maintain a list of all 18036
nonprofit organizations that notify the board or its 18037
representative of their desire to obtain donated property under 18038
this division and that the board or its representative determines 18039
to be eligible, in accordance with the requirements set forth in 18040
this section and in the donation program's guidelines and 18041
procedures, to receive donated property. 18042

The board or its representatives also shall maintain a list 18043
of all county personal property the board finds to be unneeded, 18044

obsolete, or unfit for use and to be available for donation under 18045
this division. The list shall be posted continually in a 18046
conspicuous location in the offices of the county auditor and the 18047
board of county commissioners, and, if the county maintains a web 18048
site on the internet, the list shall be posted continually at that 18049
web site. An item of property on the list shall be donated to the 18050
eligible nonprofit organization that first declares to the board 18051
or its representative its desire to obtain the item unless the 18052
board previously has established, by resolution, a list of 18053
eligible nonprofit organizations that shall be given priority with 18054
respect to the item's donation. Priority may be given on the basis 18055
that the purposes of a nonprofit organization have a direct 18056
relationship to specific public purposes of programs provided or 18057
administered by the board. A resolution giving priority to certain 18058
nonprofit organizations with respect to the donation of an item of 18059
property shall specify the reasons why the organizations are given 18060
that priority. 18061

(C) Members of the board of county commissioners shall 18062
consult with the Ohio ethics commission, and comply with the 18063
provisions of Chapters 102. and 2921. of the Revised Code, with 18064
respect to any sale or donation under division (A) or (B) of this 18065
section to a nonprofit organization of which a county 18066
commissioner, any member of the county commissioner's family, or 18067
any business associate of the county commissioner is a trustee, 18068
officer, board member, or employee. 18069

(D) Notwithstanding anything to the contrary in division (A), 18070
(B), or (E) of this section and regardless of the property's 18071
value, the board of county commissioners may sell or donate county 18072
personal property, including motor vehicles, to the federal 18073
government, the state, any political subdivision of the state, or 18074
a county land reutilization corporation without advertisement or 18075
public notification. 18076

(E) Notwithstanding anything to the contrary in division (A), 18077
(B), or (G) of this section and regardless of the property's 18078
value, the board of county commissioners may sell personal 18079
property, including motor vehicles acquired for the use of county 18080
officers and departments, and road machinery, equipment, tools, or 18081
supplies, that is not needed for public use, is obsolete, or is 18082
unfit for the use for which it was acquired, by internet auction. 18083
The board shall adopt, during each calendar year, a resolution 18084
expressing its intent to sell that property by internet auction. 18085
The resolution shall include a description of how the auctions 18086
will be conducted and shall specify the number of days for bidding 18087
on the property, which shall be no less than ten days, including 18088
Saturdays, Sundays, and legal holidays. The resolution shall 18089
indicate whether the county will conduct the auction or the board 18090
will contract with a representative to conduct the auction and 18091
shall establish the general terms and conditions of sale. If a 18092
representative is known when the resolution is adopted, the 18093
resolution shall provide contact information such as the 18094
representative's name, address, and telephone number. 18095

After adoption of the resolution, the board shall publish, in 18096
a newspaper of general circulation in the county, notice of its 18097
intent to sell unneeded, obsolete, or unfit-for-use county 18098
personal property by internet auction. The notice shall include a 18099
summary of the information provided in the resolution and shall be 18100
published at least twice. The second and any subsequent notice 18101
shall be published not less than ten nor more than twenty days 18102
after the previous notice. A similar notice also shall be posted 18103
continually throughout the calendar year in a conspicuous place in 18104
the offices of the county auditor and the board of county 18105
commissioners, and, if the county maintains a web site on the 18106
internet, the notice shall be posted continually throughout the 18107
calendar year at that web site. 18108

When property is to be sold by internet auction, the board or
its representative may establish a minimum price that will be
accepted for specific items and may establish any other terms and
conditions for the particular sale, including requirements for
pick-up or delivery, method of payment, and sales tax. This type
of information shall be provided on the internet at the time of
the auction and may be provided before that time upon request
after the terms and conditions have been determined by the board
or its representative.

(F) When a county officer or department head determines that
county-owned personal property under the jurisdiction of the
officer or department head, including motor vehicles, road
machinery, equipment, tools, or supplies, is not of immediate
need, the county officer or department head may notify the board
of county commissioners, and the board may lease that personal
property to any municipal corporation, township, other political
subdivision of the state, or to a county land reutilization
corporation. The lease shall require the county to be reimbursed
under terms, conditions, and fees established by the board, or
under contracts executed by the board.

(G) If the board of county commissioners finds, by
resolution, that the county has vehicles, equipment, or machinery
that is not needed, or is unfit for public use, and the board
desires to sell the vehicles, equipment, or machinery to the
person or firm from which it proposes to purchase other vehicles,
equipment, or machinery, the board may offer to sell the vehicles,
equipment, or machinery to that person or firm, and to have the
selling price credited to the person or firm against the purchase
price of other vehicles, equipment, or machinery.

(H) If the board of county commissioners advertises for bids
for the sale of new vehicles, equipment, or machinery to the
county, it may include in the same advertisement a notice of the

willingness of the board to accept bids for the purchase of 18141
county-owned vehicles, equipment, or machinery that is obsolete or 18142
not needed for public use, and to have the amount of those bids 18143
subtracted from the selling price of the other vehicles, 18144
equipment, or machinery as a means of determining the lowest 18145
responsible bidder. 18146

(I) If a board of county commissioners determines that county 18147
personal property is not needed for public use, or is obsolete or 18148
unfit for the use for which it was acquired, and that the property 18149
has no value, the board may discard or salvage that property. 18150

(J) A county engineer, in the engineer's discretion, may 18151
dispose of scrap construction materials on such terms as the 18152
engineer determines reasonable, including disposal without 18153
recovery of costs, if the total value of the materials does not 18154
exceed twenty-five thousand dollars. The engineer shall maintain 18155
records of all dispositions made under this division, including 18156
identification of the origin of the materials, the final 18157
disposition, and copies of all receipts resulting from the 18158
dispositions. 18159

As used in division ~~(I)~~(J) of this section, "scrap 18160
construction materials" means construction materials that result 18161
from a road or bridge improvement, remain after the improvement is 18162
completed, and are not reusable. Construction material that is 18163
metal and that results from a road or bridge improvement and 18164
remains after the improvement is completed is scrap construction 18165
material only if it cannot be used in any other road or bridge 18166
improvement or other project in its current state. 18167

Sec. 307.121. (A) As used in this section: 18168

(1) "Advertising" means internet advertising, including 18169
banners and icons that may contain links to commercial internet 18170
web sites. "Advertising" does not include "spyware," "malware," or 18171

any viruses or programs considered to be malicious. 18172

(2) "County official" includes the county auditor, county treasurer, county engineer, county recorder, county prosecuting attorney, county sheriff, county coroner, board of county commissioners, clerk of the probate court, clerk of the juvenile court, clerk of court for all divisions of the court of common pleas, clerk of a county-operated municipal court, and clerk of a county court. 18173
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(3) "County web site" means any web site, internet page, or web page of a county office, with respective internet addresses or subdomains, that are intended to provide to the public information about services offered by the county office, including relevant forms and searchable data. 18180
18181
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(B) A board of county commissioners, by resolution adopted by a majority of the board's members, may authorize commercial advertising on a county web site under this section. The resolution shall include all of the following: 18185
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(1) A specification of those county officials who, and of the county offices under those officials that, are authorized to place commercial advertisements on county web sites; 18189
18190
18191

(2) Criteria for choosing the advertisers and types of advertisements that may be placed on a county web site; 18192
18193

(3) Requirements and procedures for making requests for proposals under this section; 18194
18195

(4) Any other requirements or limitations necessary to authorize under this section commercial advertising on county web sites. 18196
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(C) A board of county commissioners that adopts a resolution under this section shall send a copy of the resolution to each county official who is authorized by the resolution to place 18199
18200
18201

commercial advertisements on a county web site. After receiving 18202
the resolution, the county official shall provide written notice 18203
to the board if the official intends to implement the resolution. 18204
After providing such a written notice, the county official may 18205
make requests for proposals in the manner specified by the 18206
resolution for the purpose of identifying advertisers who, and 18207
whose advertisements will, meet the criteria, requirements, and 18208
limitations specified in the resolution. The board of county 18209
commissioners may enter into a contract with such an advertiser 18210
whereby the advertiser places an advertisement on the office's web 18211
site and pays a fee in consideration to the county general fund. 18212

(D) A county web site on which commercial advertising is 18213
placed under this section shall be used exclusively to provide 18214
information from a county office to the public, and shall not be 18215
used as a public forum. 18216

Sec. 307.626. (A) By the first day of April of each year, the 18217
person convening the child fatality review board shall prepare and 18218
submit to the Ohio department of health a report that ~~includes all~~ 18219
~~of~~ summarizes the following information with respect to ~~each~~ the 18220
child ~~death~~ deaths that ~~was~~ were reviewed by the review board in 18221
the previous calendar year: 18222

- (1) The cause of death; 18223
- (2) Factors contributing to death; 18224
- (3) Age; 18225
- (4) Sex; 18226
- (5) Race; 18227
- (6) The geographic location of death; 18228
- (7) The year of death. 18229

The report shall specify the number of child deaths that ~~have~~ 18230

~~not been reviewed since the effective date of this section were~~ 18231
~~not reviewed during the previous calendar year.~~ 18232

The report may include recommendations for actions that might 18233
prevent other deaths, as well as any other information the review 18234
board determines should be included. 18235

(B) Reports prepared under division (A) of this section shall 18236
be considered public records under section 149.43 of the Revised 18237
Code. 18238

(C) The child fatality review board shall submit individual 18239
data with respect to each child death review into the Ohio 18240
department of health child death review database or the national 18241
child death review database. The individual data shall include the 18242
information specified in division (A) of this section and any 18243
other information the board considers relevant to the review. 18244
Individual data related to a child death review that is contained 18245
in the Ohio department of health child death review database is 18246
not a public record under section 149.43 of the Revised Code. 18247

Sec. 307.629. (A) Except as provided in sections 5153.171 to 18248
5153.173 of the Revised Code, any information, document, or report 18249
presented to a child fatality review board, all statements made by 18250
review board members during meetings of the review board, ~~and~~ all 18251
work products of the review board, and child fatality review data 18252
submitted by the child fatality review board to the department of 18253
health or a national child death review database, other than the 18254
report prepared pursuant to division (A) of section 307.626 of the 18255
Revised Code, are confidential and shall be used by the review 18256
board ~~and,~~ its members, and the department of health only in the 18257
exercise of the proper functions of the review board and the 18258
department. 18259

(B) No person shall permit or encourage the unauthorized 18260
dissemination of the confidential information described in 18261

division (A) of this section. 18262

(C) Whoever violates division (B) of this section is guilty 18263
of a misdemeanor of the second degree. 18264

Sec. 307.79. (A) The board of county commissioners may adopt, 18265
amend, and rescind rules establishing technically feasible and 18266
economically reasonable standards to achieve a level of management 18267
and conservation practices that will abate wind or water erosion 18268
of the soil or abate the degradation of the waters of the state by 18269
soil sediment in conjunction with land grading, excavating, 18270
filling, or other soil disturbing activities on land used or being 18271
developed for nonfarm commercial, industrial, residential, or 18272
other nonfarm purposes, and establish criteria for determination 18273
of the acceptability of those management and conservation 18274
practices. The rules shall be designed to implement the applicable 18275
areawide waste treatment management plan prepared under section 18276
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 18277
(1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of 18278
the storm water program of the national pollutant discharge 18279
elimination system established in 40 C.F.R. Part 122. The rules to 18280
implement phase II of the storm water program of the national 18281
pollutant discharge elimination system shall not be inconsistent 18282
with, more stringent than, or broader in scope than the rules or 18283
regulations adopted by the environmental protection agency under 18284
40 C.F.R. Part 122. The rules adopted under this section shall not 18285
apply inside the limits of municipal corporations or the limits of 18286
townships with a limited home rule government that have adopted 18287
rules under section 504.21 of the Revised Code, to lands being 18288
used in a strip mine operation as defined in section 1513.01 of 18289
the Revised Code, or to land being used in a surface mine 18290
operation as defined in section 1514.01 of the Revised Code. 18291
18292

The rules adopted under this section may require persons to 18293
file plans governing erosion control, sediment control, and water 18294
management before clearing, grading, excavating, filling, or 18295
otherwise wholly or partially disturbing one or more contiguous 18296
acres of land owned by one person or operated as one development 18297
unit for the construction of nonfarm buildings, structures, 18298
utilities, recreational areas, or other similar nonfarm uses. If 18299
the rules require plans to be filed, the rules shall do all of the 18300
following: 18301

(1) Designate the board itself, its employees, or another 18302
agency or official to review and approve or disapprove the plans; 18303

(2) Establish procedures and criteria for the review and 18304
approval or disapproval of the plans; 18305

(3) Require the designated entity to issue a permit to a 18306
person for the clearing, grading, excavating, filling, or other 18307
project for which plans are approved and to deny a permit to a 18308
person whose plans have been disapproved; 18309

(4) Establish procedures for the issuance of the permits; 18310

(5) Establish procedures under which a person may appeal the 18311
denial of a permit. 18312

Areas of less than one contiguous acre shall not be exempt 18313
from compliance with other provisions of this section or rules 18314
adopted under this section. The rules adopted under this section 18315
may impose reasonable filing fees for plan review, permit 18316
processing, and field inspections. 18317

No permit or plan shall be required for a public highway, 18318
transportation, or drainage improvement or maintenance project 18319
undertaken by a government agency or political subdivision in 18320
accordance with a statement of its standard sediment control 18321
policies that is approved by the board or the chief of the 18322
division of soil and water ~~conservation~~ resources in the 18323

department of natural resources. 18324

(B) Rules or amendments may be adopted under this section 18325
only after public hearings at not fewer than two regular sessions 18326
of the board. The board of county commissioners shall cause to be 18327
published, in a newspaper of general circulation in the county, 18328
notice of the public hearings, including time, date, and place, 18329
once a week for two weeks immediately preceding the hearings. The 18330
proposed rules or amendments shall be made available by the board 18331
to the public at the board office or other location indicated in 18332
the notice. The rules or amendments shall take effect on the 18333
thirty-first day following the date of their adoption. 18334

(C) The board of county commissioners may employ personnel to 18335
assist in the administration of this section and the rules adopted 18336
under it. The board also, if the action does not conflict with the 18337
rules, may delegate duties to review sediment control and water 18338
management plans to its employees, and may enter into agreements 18339
with one or more political subdivisions, other county officials, 18340
or other government agencies, in any combination, in order to 18341
obtain reviews and comments on plans governing erosion control, 18342
sediment control, and water management or to obtain other services 18343
for the administration of the rules adopted under this section. 18344

(D) The board of county commissioners or any duly authorized 18345
representative of the board may, upon identification to the owner 18346
or person in charge, enter any land upon obtaining agreement with 18347
the owner, tenant, or manager of the land in order to determine 18348
whether there is compliance with the rules adopted under this 18349
section. If the board or its duly authorized representative is 18350
unable to obtain such an agreement, the board or representative 18351
may apply for, and a judge of the court of common pleas for the 18352
county where the land is located may issue, an appropriate 18353
inspection warrant as necessary to achieve the purposes of this 18354
chapter. 18355

(E)(1) If the board of county commissioners or its duly authorized representative determines that a violation of the rules adopted under this section exists, the board or representative may issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity. In addition, if the board or representative determines such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the board or representative may authorize the issuance of a notice of violation. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the board or its duly authorized representative shall issue a second notice of violation. Except as provided in division (E)(3) of this section, if, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the board or its duly authorized representative may issue a stop work order after first obtaining the written approval of the prosecuting attorney of the county if, in the opinion of the prosecuting attorney, the violation is egregious.

Once a stop work order is issued, the board or its duly authorize representative shall request, in writing, the prosecuting attorney of the county to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this section. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule or stop work order issued under this section shall be considered a

separate violation subject to a civil fine. 18389

(2) The person to whom a stop work order is issued under this 18390
section may appeal the order to the court of common pleas of the 18391
county in which it was issued, seeking any equitable or other 18392
appropriate relief from that order. 18393

(3) No stop work order shall be issued under this section 18394
against any public highway, transportation, or drainage 18395
improvement or maintenance project undertaken by a government 18396
agency or political subdivision in accordance with a statement of 18397
its standard sediment control policies that is approved by the 18398
board or the chief of the division of soil and water ~~conservation~~ 18399
resources in the department of natural resources. 18400

(F) No person shall violate any rule adopted or order issued 18401
under this section. Notwithstanding division (E) of this section, 18402
if the board of county commissioners determines that a violation 18403
of any rule adopted or administrative order issued under this 18404
section exists, the board may request, in writing, the prosecuting 18405
attorney of the county to seek an injunction or other appropriate 18406
relief in the court of common pleas to abate excessive erosion or 18407
sedimentation and secure compliance with the rules or order. In 18408
granting relief, the court of common pleas may order the 18409
construction of sediment control improvements or implementation of 18410
other control measures and may assess a civil fine of not less 18411
than one hundred or more than five hundred dollars. Each day of 18412
violation of a rule adopted or administrative order issued under 18413
this section shall be considered a separate violation subject to a 18414
civil fine. 18415

Sec. 311.17. Except as provided in a contract entered into 18416
under division (A) of section 3125.141 of the Revised Code, for 18417
the services specified in this section, the sheriff shall charge 18418
the following fees, which the court or its clerk shall tax in the 18419

bill of costs against the judgment debtor or those legally liable	18420
therefor for the judgment:	18421
(A) For the service and return of the following writs and	18422
orders:	18423
(1) Execution:	18424
(a) When money is paid without levy or when no property is	18425
found, twenty <u>thirty</u> dollars;	18426
(b) When levy is made on real property, for the first tract,	18427
twenty-five dollars, and for each additional tract, ten dollars;	18428
(c) When levy is made on goods and chattels, including	18429
inventory, fifty dollars.	18430
(2) Writ of attachment of property, except for purpose of	18431
garnishment, forty dollars;	18432
(3) Writ of attachment for the purpose of garnishment, ten	18433
dollars;	18434
(4) Writ of replevin, forty dollars;	18435
(5) Warrant to arrest, for each person named in the writ, ten	18436
<u>twenty</u> dollars;	18437
(6) Attachment for contempt, for each person named in the	18438
writ, six dollars;	18439
(7) Writ of possession or restitution, sixty dollars;	18440
(8) Subpoena, for each person named in the writ, in either a	18441
civil or criminal case, six <u>ten</u> dollars;	18442
(9) Venire, for each person named in the writ, in either a	18443
civil or criminal case, six dollars;	18444
(10) Summoning each juror, other than on venire, in either a	18445
civil or criminal case, six dollars;	18446
(11) Writ of partition, twenty-five dollars;	18447

(12) Order of sale on partition, for the first tract, fifty dollars, and for each additional tract, twenty-five dollars;	18448 18449
(13) Other order of sale of real property, for the first tract, fifty dollars, and for each additional tract, twenty-five dollars;	18450 18451 18452
(14) Administering oath to appraisers, three dollars each;	18453
(15) Furnishing copies for advertisements, one dollar for each hundred words;	18454 18455
(16) Copy of indictment, for each defendant, five dollars;	18456
(17) All summons, writs, orders, or notices, for the first name, six dollars, and for each additional name, one dollar.	18457 18458
(B) In addition to the fee for service and return:	18459
(1) On each summons, writ, order, or notice, a fee of one dollar <u>two dollars</u> per mile for the first mile, and fifty cents <u>one dollar</u> per mile for each additional mile, going and returning, actual mileage to be charged on each additional name;	18460 18461 18462 18463
(2) Taking bail bond, three dollars;	18464
(3) Jail fees, as follows:	18465
(a) For receiving a prisoner, five dollars each time a prisoner is received, and for discharging or surrendering a prisoner, five dollars each time a prisoner is discharged or surrendered. The departure or return of a prisoner from or to a jail in connection with a program established under section 5147.28 of the Revised Code is not a receipt, discharge, or surrender of the prisoner for purposes of this division.	18466 18467 18468 18469 18470 18471 18472
(b) Taking a prisoner before a judge or court, per day, five dollars;	18473 18474
(c) Calling action, one dollar;	18475
(d) Calling jury, three dollars;	18476

(e) Calling each witness, three dollars;	18477
(f) Bringing prisoner before court on habeas corpus, six dollars.	18478 18479
(4) Poundage on all moneys actually made and paid to the sheriff on execution, decree, or sale of real estate, one and one-half per cent;	18480 18481 18482
(5) Making and executing a deed of land sold on execution, decree, or order of the court, to be paid by the purchaser, fifty dollars.	18483 18484 18485
When any of the services described in division (A) or (B) of this section are rendered by an officer or employee, whose salary or per diem compensation is paid by the county, the applicable legal fees and any other extraordinary expenses, including overtime, provided for the service shall be taxed in the costs in the case and, when collected, shall be paid into the general fund of the county.	18486 18487 18488 18489 18490 18491 18492
The sheriff shall charge the same fees for the execution of process issued in any other state as the sheriff charges for the execution of process of a substantively similar nature that is issued in this state.	18493 18494 18495 18496
Sec. 311.42. (A) Each county shall establish in the county treasury a sheriff's concealed handgun license issuance expense fund. The sheriff of that county shall deposit into that fund all fees paid by applicants for the issuance or renewal of a license or duplicate license to carry a concealed handgun under section 2923.125 of the Revised Code and all fees paid by the person seeking a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code. The county shall distribute the fees deposited into the fund in accordance with the specifications prescribed by the Ohio peace officer training	18497 18498 18499 18500 18501 18502 18503 18504 18505 18506

~~commission under division (C) of section 109.731 of the Revised Code distribute all fees deposited into the fund except forty dollars of each fee paid by an applicant under section 2923.125 of the Revised Code and fifteen dollars of each fee paid under section 2923.1213 of the Revised Code to the attorney general to be used to pay the cost of background checks performed by the bureau of criminal identification and investigation and the federal bureau of investigation and to cover administrative costs associated with issuing the license.~~

(B) The sheriff, with the approval of the board of county commissioners, may expend any county portion of the fees deposited into the sheriff's concealed handgun license issuance expense fund for any costs incurred by the sheriff in connection with performing any administrative functions related to the issuance of licenses or temporary emergency licenses to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code, including, but not limited to, personnel expenses and the costs of any handgun safety education program that the sheriff chooses to fund.

Sec. 319.24. A county auditor shall use the information received pursuant to section 3705.031 of the Revised Code to assist the auditor in verifying whether real property or a manufactured or mobile home is eligible for a reduction in property taxes under division (A) or (B) of section 323.152 of the Revised Code or section 4503.065 of the Revised Code.

Sec. 319.28. (A) Except as otherwise provided in division (B) of this section, on or before the first Monday of August, annually, the county auditor shall compile and make up a general tax list of real and public utility property in the county, either in tabular form and alphabetical order, or, with the consent of

the county treasurer, by listing all parcels in a permanent parcel 18537
number sequence to which a separate alphabetical index is keyed, 18538
containing the names of the several persons, companies, firms, 18539
partnerships, associations, and corporations in whose names real 18540
property has been listed in each township, municipal corporation, 18541
special district, or separate school district, or part of either 18542
in the auditor's county, placing separately, in appropriate 18543
columns opposite each name, the description of each tract, lot, or 18544
parcel of real estate, the value of each tract, lot, or parcel, 18545
the value of the improvements thereon, and of the names of the 18546
several public utilities whose property, subject to taxation on 18547
the general tax list and duplicate, has been apportioned by the 18548
department of taxation to the county, and the amount so 18549
apportioned to each township, municipal corporation, special 18550
district, or separate school district or part of either in the 18551
auditor's county, as shown by the certificates of apportionment of 18552
public utility property. If the name of the owner of any tract, 18553
lot, or parcel of real estate is unknown to the auditor, "unknown" 18554
shall be entered in the column of names opposite said tract, lot, 18555
or parcel. Such lists shall be prepared in duplicate. On or before 18556
the first Monday of September in each year, the auditor shall 18557
correct such lists in accordance with the additions and deductions 18558
ordered by the tax commissioner and by the county board of 18559
revision, and shall certify and on the first day of October 18560
deliver one copy thereof to the county treasurer. The copies 18561
prepared by the auditor shall constitute the auditor's general tax 18562
list and treasurer's general duplicate of real and public utility 18563
property for the current year. 18564

Once a permanent parcel numbering system has been established 18565
in any county as provided by the preceding paragraph, such system 18566
shall remain in effect until otherwise agreed upon by the county 18567
auditor and county treasurer. 18568

(B)(1) A peace officer, parole officer, prosecuting attorney, 18569
assistant prosecuting attorney, correctional employee, youth 18570
services employee, firefighter, ~~or~~ EMT, or investigator of the 18571
bureau of criminal identification and investigation may submit a 18572
written request by affidavit to the county auditor requesting the 18573
county auditor to remove the name of the peace officer, parole 18574
officer, prosecuting attorney, assistant prosecuting attorney, 18575
correctional employee, youth services employee, firefighter, ~~or~~ 18576
EMT, or investigator of the bureau of criminal identification and 18577
investigation from any record made available to the general public 18578
on the internet or a publicly accessible database and the general 18579
tax list of real and public utility property and the general 18580
duplicate of real and public utility property and insert the 18581
initials of the peace officer, parole officer, prosecuting 18582
attorney, assistant prosecuting attorney, correctional employee, 18583
youth services employee, firefighter, ~~or~~ EMT, or investigator of 18584
the bureau of criminal identification and investigation on any 18585
record made available to the general public on the internet or a 18586
publicly accessible database and the general tax list of real and 18587
public utility property and the general duplicate of real and 18588
public utility property as the name of the peace ~~official~~ officer, 18589
parole officer, prosecuting attorney, assistant prosecuting 18590
attorney, correctional employee, youth services employee, 18591
firefighter, ~~or~~ EMT, or investigator of the bureau of criminal 18592
identification and investigation that appears on the deed. 18593
18594

(2) Upon receiving a written request by affidavit described 18595
in division (B)(1) of this section, the county auditor shall act 18596
within five business days in accordance with the request to remove 18597
the name of the peace officer, parole officer, prosecuting 18598
attorney, assistant prosecuting attorney, correctional employee, 18599
youth services employee, firefighter, ~~or~~ EMT, or investigator of 18600
the bureau of criminal identification and investigation from any 18601

record made available to the general public on the internet or a 18602
publicly accessible database and the general tax list of real and 18603
public utility property and the general duplicate of real and 18604
public utility property and insert initials of the peace officer, 18605
parole officer, prosecuting attorney, assistant prosecuting 18606
attorney, correctional employee, youth services employee, 18607
firefighter, ~~or~~ EMT, or investigator of the bureau of criminal 18608
identification and investigation on any record made available to 18609
the general public on the internet or a publicly accessible 18610
database and the general tax list of real and public utility 18611
property and the general duplicate of real and public utility 18612
property, if practicable. If the removal and insertion is not 18613
practicable, the county auditor shall verbally or in writing 18614
within five business days after receiving the written request 18615
explain to the peace officer, parole officer, prosecuting 18616
attorney, assistant prosecuting attorney, correctional employee, 18617
youth services employee, firefighter, ~~or~~ EMT, or investigator of 18618
the bureau of criminal identification and investigation why the 18619
removal and insertion is impracticable. 18620

Sec. 319.301. (A) ~~This~~ The reductions required by division 18621
(D) of this section does do not apply to any of the following: 18622

(1) Taxes levied at whatever rate is required to produce a 18623
specified amount of tax money, including a tax levied under 18624
section 5705.199 or 5705.211 of the Revised Code, or an amount to 18625
pay debt charges; 18626

(2) Taxes levied within the one per cent limitation imposed 18627
by Section 2 of Article XII, Ohio Constitution; 18628

(3) Taxes provided for by the charter of a municipal 18629
corporation. 18630

(B) As used in this section: 18631

(1) "Real property" includes real property owned by a railroad.	18632 18633
(2) "Carryover property" means all real property on the current year's tax list except:	18634 18635
(a) Land and improvements that were not taxed by the district in both the preceding year and the current year;	18636 18637
(b) Land and improvements that were not in the same class in both the preceding year and the current year.	18638 18639
(3) "Effective tax rate" means with respect to each class of property:	18640 18641
(a) The sum of the total taxes that would have been charged and payable for current expenses against real property in that class if each of the district's taxes were reduced for the current year under division (D)(1) of this section without regard to the application of division (E)(3) of this section divided by	18642 18643 18644 18645 18646
(b) The taxable value of all real property in that class.	18647
(4) "Taxes charged and payable" means the taxes charged and payable prior to any reduction required by section 319.302 of the Revised Code.	18648 18649 18650
(C) The tax commissioner shall make the determinations required by this section each year, without regard to whether a taxing district has territory in a county to which section 5715.24 of the Revised Code applies for that year. Separate determinations shall be made for each of the two classes established pursuant to section 5713.041 of the Revised Code.	18651 18652 18653 18654 18655 18656
(D) With respect to each tax authorized to be levied by each taxing district, the tax commissioner, annually, shall do both of the following:	18657 18658 18659
(1) Determine by what percentage, if any, the sums levied by such tax against the carryover property in each class would have	18660 18661

to be reduced for the tax to levy the same number of dollars 18662
against such property in that class in the current year as were 18663
charged against such property by such tax in the preceding year 18664
subsequent to the reduction made under this section but before the 18665
reduction made under section 319.302 of the Revised Code. In the 18666
case of a tax levied for the first time that is not a renewal of 18667
an existing tax, the commissioner shall determine by what 18668
percentage the sums that would otherwise be levied by such tax 18669
against carryover property in each class would have to be reduced 18670
to equal the amount that would have been levied if the full rate 18671
thereof had been imposed against the total taxable value of such 18672
property in the preceding tax year. A tax or portion of a tax that 18673
is designated a replacement levy under section 5705.192 of the 18674
Revised Code is not a renewal of an existing tax for purposes of 18675
this division. 18676

(2) Certify each percentage determined in division (D)(1) of 18677
this section, as adjusted under division (E) of this section, and 18678
the class of property to which that percentage applies to the 18679
auditor of each county in which the district has territory. The 18680
auditor, after complying with section 319.30 of the Revised Code, 18681
shall reduce the sum to be levied by such tax against each parcel 18682
of real property in the district by the percentage so certified 18683
for its class. Certification shall be made by the first day of 18684
September except in the case of a tax levied for the first time, 18685
in which case certification shall be made within fifteen days of 18686
the date the county auditor submits the information necessary to 18687
make the required determination. 18688

(E)(1) As used in division (E)(2) of this section, "pre-1982 18689
joint vocational taxes" means, with respect to a class of 18690
property, the difference between the following amounts: 18691

(a) The taxes charged and payable in tax year 1981 against 18692
the property in that class for the current expenses of the joint 18693

vocational school district of which the school district is a part 18694
after making all reductions under this section; 18695

(b) The following percentage of the taxable value of all real 18696
property in that class: 18697

(i) In 1987, five one-hundredths of one per cent; 18698

(ii) In 1988, one-tenth of one per cent; 18699

(iii) In 1989, fifteen one-hundredths of one per cent; 18700

(iv) In 1990 and each subsequent year, two-tenths of one per 18701
cent. 18702

If the amount in division (E)(1)(b) of this section exceeds 18703
the amount in division (E)(1)(a) of this section, the pre-1982 18704
joint vocational taxes shall be zero. 18705

As used in divisions (E)(2) and (3) of this section, "taxes 18706
charged and payable" has the same meaning as in division (B)(4) of 18707
this section and excludes any tax charged and payable in 1985 or 18708
thereafter under sections 5705.194 to 5705.197 or section 5705.199 18709
~~or~~, 5705.213, or 5705.219 of the Revised Code. 18710

(2) If in the case of a school district other than a joint 18711
vocational or cooperative education school district any percentage 18712
required to be used in division (D)(2) of this section for either 18713
class of property could cause the total taxes charged and payable 18714
for current expenses to be less than two per cent of the taxable 18715
value of all real property in that class that is subject to 18716
taxation by the district, the commissioner shall determine what 18717
percentages would cause the district's total taxes charged and 18718
payable for current expenses against that class, after all 18719
reductions that would otherwise be made under this section, to 18720
equal, when combined with the pre-1982 joint vocational taxes 18721
against that class, the lesser of the following: 18722

(a) The sum of the rates at which those taxes are authorized 18723

to be levied;	18724	
(b) Two per cent of the taxable value of the property in that class. The auditor shall use such percentages in making the reduction required by this section for that class.	18725 18726 18727	
(3)(a) If in the case of a joint vocational school district any percentage required to be used in division (D)(2) of this section for either class of property could cause the total taxes charged and payable for current expenses for that class to be less than the designated amount, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses for that class, after all reductions that would otherwise be made under this section, to equal the designated amount. The auditor shall use such percentages in making the reductions required by this section for that class.	18728 18729 18730 18731 18732 18733 18734 18735 18736 18737	
(b) As used in division (E)(3)(a) of this section, the designated amount shall equal the taxable value of all real property in the class that is subject to taxation by the district times the lesser of the following:	18738 18739 18740 18741	
(i) Two-tenths of one per cent;	18742	
(ii) The district's effective rate plus the following percentage for the year indicated:	18743 18744	
WHEN COMPUTING THE TAXES CHARGED FOR	ADD THE FOLLOWING PERCENTAGE:	18745 18746
1987	0.025%	18747
1988	0.05%	18748
1989	0.075%	18749
1990	0.1%	18750
1991	0.125%	18751
1992	0.15%	18752
1993	0.175%	18753
1994 and thereafter	0.2%	18754

(F) No reduction shall be made under this section in the rate 18755
at which any tax is levied. 18756

(G) The commissioner may order a county auditor to furnish 18757
any information the commissioner needs to make the determinations 18758
required under division (D) or (E) of this section, and the 18759
auditor shall supply the information in the form and by the date 18760
specified in the order. If the auditor fails to comply with an 18761
order issued under this division, except for good cause as 18762
determined by the commissioner, the commissioner shall withhold 18763
from such county or taxing district therein fifty per cent of 18764
state revenues to local governments pursuant to section 5747.50 of 18765
the Revised Code or shall direct the department of education to 18766
withhold therefrom fifty per cent of state revenues to school 18767
districts pursuant to Chapter 3317. of the Revised Code. The 18768
commissioner shall withhold the distribution of such revenues 18769
until the county auditor has complied with this division, and the 18770
department shall withhold the distribution of such revenues until 18771
the commissioner has notified the department that the county 18772
auditor has complied with this division. 18773

(H) If the commissioner is unable to certify a tax reduction 18774
factor for either class of property in a taxing district located 18775
in more than one county by the last day of November because 18776
information required under division (G) of this section is 18777
unavailable, the commissioner may compute and certify an estimated 18778
tax reduction factor for that district for that class. The 18779
estimated factor shall be based upon an estimate of the 18780
unavailable information. Upon receipt of the actual information 18781
for a taxing district that received an estimated tax reduction 18782
factor, the commissioner shall compute the actual tax reduction 18783
factor and use that factor to compute the taxes that should have 18784
been charged and payable against each parcel of property for the 18785
year for which the estimated reduction factor was used. The amount 18786

by which the estimated factor resulted in an overpayment or 18787
underpayment in taxes on any parcel shall be added to or 18788
subtracted from the amount due on that parcel in the ensuing tax 18789
year. 18790

A percentage or a tax reduction factor determined or computed 18791
by the commissioner under this section shall be used solely for 18792
the purpose of reducing the sums to be levied by the tax to which 18793
it applies for the year for which it was determined or computed. 18794
It shall not be used in making any tax computations for any 18795
ensuing tax year. 18796

(I) In making the determinations under division (D)(1) of 18797
this section, the tax commissioner shall take account of changes 18798
in the taxable value of carryover property resulting from 18799
complaints filed under section 5715.19 of the Revised Code for 18800
determinations made for the tax year in which such changes are 18801
reported to the commissioner. Such changes shall be reported to 18802
the commissioner on the first abstract of real property filed with 18803
the commissioner under section 5715.23 of the Revised Code 18804
following the date on which the complaint is finally determined by 18805
the board of revision or by a court or other authority with 18806
jurisdiction on appeal. The tax commissioner shall account for 18807
such changes in making the determinations only for the tax year in 18808
which the change in valuation is reported. Such a valuation change 18809
shall not be used to recompute the percentages determined under 18810
division (D)(1) of this section for any prior tax year. 18811

Sec. 319.302. (A)(1) Real property that is not intended 18812
primarily for use in a business activity shall qualify for a 18813
partial exemption from real property taxation. For purposes of 18814
this partial exemption, "business activity" includes all uses of 18815
real property, except farming; leasing property for farming; 18816
occupying or holding property improved with single-family, 18817

two-family, or three-family dwellings; leasing property improved 18818
with single-family, two-family, or three-family dwellings; or 18819
holding vacant land that the county auditor determines will be 18820
used for farming or to develop single-family, two-family, or 18821
three-family dwellings. For purposes of this partial exemption, 18822
"farming" does not include land used for the commercial production 18823
of timber that is receiving the tax benefit under section 5713.23 18824
or 5713.31 of the Revised Code and all improvements connected with 18825
such commercial production of timber. 18826

(2) Each year, the county auditor shall review each parcel of 18827
real property to determine whether it qualifies for the partial 18828
exemption provided for by this section as of the first day of 18829
January of the current tax year. 18830

(B) After complying with section 319.301 of the Revised Code, 18831
the county auditor shall reduce the remaining sums to be levied 18832
against each parcel of real property that is listed on the general 18833
tax list and duplicate of real and public utility property for the 18834
current tax year and that qualifies for partial exemption under 18835
division (A) of this section, and against each manufactured and 18836
mobile home that is taxed pursuant to division (D)(2) of section 18837
4503.06 of the Revised Code and that is on the manufactured home 18838
tax list for the current tax year, by ten per cent, to provide a 18839
partial exemption for that parcel or home. Except as otherwise 18840
provided in sections 323.152, 323.158, 505.06, and 715.263 of the 18841
Revised Code, the amount of the taxes remaining after any such 18842
reduction shall be the real and public utility property taxes 18843
charged and payable on each parcel of real property, including 18844
property that does not qualify for partial exemption under 18845
division (A) of this section, and the manufactured home tax 18846
charged and payable on each manufactured or mobile home, and shall 18847
be the amounts certified to the county treasurer for collection. 18848
Upon receipt of the real and public utility property tax 18849

duplicate, the treasurer shall certify to the tax commissioner the 18850
total amount by which the real property taxes were reduced under 18851
this section, as shown on the duplicate. Such reduction shall not 18852
directly or indirectly affect the determination of the principal 18853
amount of notes that may be issued in anticipation of any tax 18854
levies or the amount of bonds or notes for any planned 18855
improvements. If after application of sections 5705.31 and 5705.32 18856
of the Revised Code and other applicable provisions of law, 18857
including divisions (F) and (I) of section 321.24 of the Revised 18858
Code, there would be insufficient funds for payment of debt 18859
charges on bonds or notes payable from taxes reduced by this 18860
section, the reduction of taxes provided for in this section shall 18861
be adjusted to the extent necessary to provide funds from such 18862
taxes. 18863

(C) The tax commissioner may adopt rules governing the 18864
administration of the partial exemption provided for by this 18865
section. 18866

(D) The determination of whether property qualifies for 18867
partial exemption under division (A) of this section is solely for 18868
the purpose of allowing the partial exemption under division (B) 18869
of this section. 18870

Sec. 319.54. (A) On all moneys collected by the county 18871
treasurer on any tax duplicate of the county, other than estate 18872
tax duplicates, and on all moneys received as advance payments of 18873
personal property and classified property taxes, the county 18874
auditor, on settlement with the treasurer and tax commissioner, on 18875
or before the date prescribed by law for such settlement or any 18876
lawful extension of such date, shall be allowed as compensation 18877
for the county auditor's services the following percentages: 18878

(1) On the first one hundred thousand dollars, two and 18879
one-half per cent; 18880

(2) On the next two million dollars, eight thousand three hundred eighteen ten-thousandths of one per cent;

(3) On the next two million dollars, six thousand six hundred fifty-five ten-thousandths of one per cent;

(4) On all further sums, one thousand six hundred sixty-three ten-thousandths of one per cent.

If any settlement is not made on or before the date prescribed by law for such settlement or any lawful extension of such date, the aggregate compensation allowed to the auditor shall be reduced one per cent for each day such settlement is delayed after the prescribed date. No penalty shall apply if the auditor and treasurer grant all requests for advances up to ninety per cent of the settlement pursuant to section 321.34 of the Revised Code. The compensation allowed in accordance with this section on settlements made before the dates prescribed by law, or the reduced compensation allowed in accordance with this section on settlements made after the date prescribed by law or any lawful extension of such date, shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(B) For the purpose of reimbursing county auditors for the expenses associated with the increased number of applications for reductions in real property taxes under sections 323.152 and 4503.065 of the Revised Code that ~~results~~ result from the amendment of those sections by Am. Sub. H.B. 119 of the 127th general assembly, ~~on the first day of August of each year~~ there shall be paid from the state's general revenue fund to the county treasury, to the credit of the real estate assessment fund created by section 325.31 of the Revised Code, an amount equal to one per cent of the total annual amount of property tax relief reimbursement paid to that county under sections 323.156 and

4503.068 of the Revised Code for the preceding tax year. Payments 18913
made under this division shall be made at the same times and in 18914
the same manner as payments made under section 323.156 of the 18915
Revised Code. 18916

(C) From all moneys collected by the county treasurer on any 18917
tax duplicate of the county, other than estate tax duplicates, and 18918
on all moneys received as advance payments of personal property 18919
and classified property taxes, there shall be paid into the county 18920
treasury to the credit of the real estate assessment fund created 18921
by section 325.31 of the Revised Code, an amount to be determined 18922
by the county auditor, which shall not exceed the percentages 18923
prescribed in divisions (C)(1) and (2) of this section. 18924

(1) For payments made after June 30, 2007, and before 2011, 18925
the following percentages: 18926

(a) On the first five hundred thousand dollars, four per 18927
cent; 18928

(b) On the next five million dollars, two per cent; 18929

(c) On the next five million dollars, one per cent; 18930

(d) On all further sums not exceeding one hundred fifty 18931
million dollars, three-quarters of one per cent; 18932

(e) On amounts exceeding one hundred fifty million dollars, 18933
five hundred eighty-five thousandths of one per cent. 18934

(2) For payments made in or after 2011, the following 18935
percentages: 18936

(a) On the first five hundred thousand dollars, four per 18937
cent; 18938

(b) On the next ten million dollars, two per cent; 18939

(c) On amounts exceeding ten million five hundred thousand 18940
dollars, three-fourths of one per cent. 18941

Such compensation shall be apportioned ratably by the auditor 18942
and deducted from the shares or portions of the revenue payable to 18943
the state as well as to the county, townships, municipal 18944
corporations, and school districts. 18945

(D) Each county auditor shall receive four per cent of the 18946
amount of tax collected and paid into the county treasury, on 18947
property omitted and placed by the county auditor on the tax 18948
duplicate. 18949

(E) On all estate tax moneys collected by the county 18950
treasurer, the county auditor, on settlement semiannually with the 18951
tax commissioner, shall be allowed, as compensation for the 18952
auditor's services under Chapter 5731. of the Revised Code, the 18953
following percentages: 18954

(1) Four per cent on the first one hundred thousand dollars; 18955

(2) One-half of one per cent on all additional sums. 18956

Such percentages shall be computed upon the amount collected 18957
and reported at each semiannual settlement, and shall be for the 18958
use of the general fund of the county. 18959

(F) On all cigarette license moneys collected by the county 18960
treasurer, the county auditor, on settlement semiannually with the 18961
treasurer, shall be allowed as compensation for the auditor's 18962
services in the issuing of such licenses one-half of one per cent 18963
of such moneys, to be apportioned ratably and deducted from the 18964
shares of the revenue payable to the county and subdivisions, for 18965
the use of the general fund of the county. 18966

(G) The county auditor shall charge and receive fees as 18967
follows: 18968

(1) For deeds of land sold for taxes to be paid by the 18969
purchaser, five dollars; 18970

(2) For the transfer or entry of land, lot, or part of lot, 18971

or the transfer or entry on or after January 1, 2000, of a used 18972
manufactured home or mobile home as defined in section 5739.0210 18973
of the Revised Code, fifty cents for each transfer or entry, to be 18974
paid by the person requiring it; 18975

(3) For receiving statements of value and administering 18976
section 319.202 of the Revised Code, one dollar, or ten cents for 18977
each one hundred dollars or fraction of one hundred dollars, 18978
whichever is greater, of the value of the real property 18979
transferred or, for sales occurring on or after January 1, 2000, 18980
the value of the used manufactured home or used mobile home, as 18981
defined in section 5739.0210 of the Revised Code, transferred, 18982
except no fee shall be charged when the transfer is made: 18983

(a) To or from the United States, this state, or any 18984
instrumentality, agency, or political subdivision of the United 18985
States or this state; 18986

(b) Solely in order to provide or release security for a debt 18987
or obligation; 18988

(c) To confirm or correct a deed previously executed and 18989
recorded or when a current owner on any record made available to 18990
the general public on the internet or a publicly accessible 18991
database and the general tax list of real and public utility 18992
property and the general duplicate of real and public utility 18993
property is a peace officer, parole officer, prosecuting attorney, 18994
assistant prosecuting attorney, correctional employee, youth 18995
services employee, firefighter, ~~or~~ EMT, or investigator of the 18996
bureau of criminal identification and investigation and is 18997
changing the current owner name listed on any record made 18998
available to the general public on the internet or a publicly 18999
accessible database and the general tax list of real and public 19000
utility property and the general duplicate of real and public 19001
utility property to the initials of the current owner as 19002
prescribed in division (B)(1) of section 319.28 of the Revised 19003

Code;	19004
(d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either;	19005 19006 19007
(e) On sale for delinquent taxes or assessments;	19008
(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order;	19009 19010 19011
(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;	19012 19013 19014 19015 19016 19017
(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;	19018 19019 19020
(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;	19021 19022
(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;	19023 19024 19025
(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;	19026 19027 19028 19029 19030 19031
(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a	19032 19033

step in, the prompt sale of the real property or manufactured or mobile home to others;

(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift;

(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;

(o) To a trustee acting on behalf of minor children of the deceased;

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;

(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;

(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;

(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;

(t) To a trustee of a trust, when the grantor of the trust 19064
has reserved an unlimited power to revoke the trust; 19065

(u) To the grantor of a trust by a trustee of the trust, when 19066
the transfer is made to the grantor pursuant to the exercise of 19067
the grantor's power to revoke the trust or to withdraw trust 19068
assets; 19069

(v) To the beneficiaries of a trust if the fee was paid on 19070
the transfer from the grantor of the trust to the trustee or if 19071
the transfer is made pursuant to trust provisions which became 19072
irrevocable at the death of the grantor; 19073

(w) To a corporation for incorporation into a sports facility 19074
constructed pursuant to section 307.696 of the Revised Code; 19075

(x) Between persons pursuant to section 5302.18 of the 19076
Revised Code; 19077

(y) From a county land reutilization corporation organized 19078
under Chapter 1724. of the Revised Code to a third party. 19079

The auditor shall compute and collect the fee. The auditor 19080
shall maintain a numbered receipt system, as prescribed by the tax 19081
commissioner, and use such receipt system to provide a receipt to 19082
each person paying a fee. The auditor shall deposit the receipts 19083
of the fees on conveyances in the county treasury daily to the 19084
credit of the general fund of the county, except that fees charged 19085
and received under division (G)(3) of this section for a transfer 19086
of real property to a county land reutilization corporation shall 19087
be credited to the county land reutilization corporation fund 19088
established under section 321.263 of the Revised Code. 19089
19090

The real property transfer fee provided for in division 19091
(G)(3) of this section shall be applicable to any conveyance of 19092
real property presented to the auditor on or after January 1, 19093
1968, regardless of its time of execution or delivery. 19094

The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer.

Sec. 321.24. (A) On or before the fifteenth day of February, in each year, the county treasurer shall settle with the county auditor for all taxes and assessments that the treasurer has collected on the general duplicate of real and public utility property at the time of making the settlement.

(B) On or before the thirtieth day of June, in each year, the treasurer shall settle with the auditor for all advance payments of general personal and classified property taxes that the treasurer has received at the time of making the settlement.

(C) On or before the tenth day of August, in each year, the treasurer shall settle with the auditor for all taxes and assessments that the treasurer has collected on the general duplicates of real and public utility property at the time of making such settlement, not included in the preceding February settlement.

(D) On or before the thirty-first day of October, in each year, the treasurer shall settle with the auditor for all taxes that the treasurer has collected on the general personal and classified property duplicates, and for all advance payments of general personal and classified property taxes, not included in the preceding June settlement, that the treasurer has received at the time of making such settlement.

(E) In the event the time for the payment of taxes is extended, pursuant to section 323.17 of the Revised Code, the date on or before which settlement for the taxes so extended must be made, as herein prescribed, shall be deemed to be extended for a like period of time. At each such settlement, the auditor shall

allow to the treasurer, on the moneys received or collected and 19126
accounted for by the treasurer, the treasurer's fees, at the rate 19127
or percentage allowed by law, at a full settlement of the 19128
treasurer. 19129

(F) Within thirty days after the day of each settlement of 19130
taxes required under divisions (A) and (C) of this section, the 19131
treasurer shall certify to the tax commissioner any adjustments 19132
that have been made to the amount certified previously pursuant to 19133
section 319.302 of the Revised Code and that the settlement has 19134
been completed. Upon receipt of such certification, the 19135
commissioner shall provide for payment to the county treasurer 19136
from the general revenue fund of an amount equal to one-half of 19137
the amount certified by the treasurer in the preceding tax year 19138
under section 319.302 of the Revised Code, less one-half of the 19139
amount computed for all taxing districts in that county for the 19140
current fiscal year under section 5703.80 of the Revised Code for 19141
crediting to the property tax administration fund. Such payment 19142
shall be credited upon receipt to the county's undivided income 19143
tax fund, and the county auditor shall transfer to the county 19144
general fund from the amount thereof the total amount of all fees 19145
and charges which the auditor and treasurer would have been 19146
authorized to receive had such section not been in effect and that 19147
amount had been levied and collected as taxes. The county auditor 19148
shall distribute the amount remaining among the various taxing 19149
districts in the county as if it had been levied, collected, and 19150
settled as real property taxes. The amount distributed to each 19151
taxing district shall be reduced by the total of the amounts 19152
computed for the district under section 5703.80 of the Revised 19153
Code, but the reduction shall not exceed the amount that otherwise 19154
would be distributed to the taxing district under this division. 19155
The tax commissioner shall make available to taxing districts such 19156
information as is sufficient for a taxing district to be able to 19157
determine the amount of the reduction in its distribution under 19158

this section. 19159

(G)(1) Within thirty days after the day of the settlement 19160
required in division (D) of this section, the county treasurer 19161
shall notify the tax commissioner that the settlement has been 19162
completed. Upon receipt of that notification, the commissioner 19163
shall provide for payment to the county treasurer from the general 19164
revenue fund of an amount equal to the amount certified under 19165
former section 319.311 of the Revised Code and paid in the state's 19166
fiscal year 2003 multiplied by the percentage specified in 19167
division (G)(2) of this section. The payment shall be credited 19168
upon receipt to the county's undivided income tax fund, and the 19169
county auditor shall distribute the amount thereof among the 19170
various taxing districts of the county as if it had been levied, 19171
collected, and settled as personal property taxes. The amount 19172
received by a taxing district under this division shall be 19173
apportioned among its funds in the same proportion as the current 19174
year's personal property taxes are apportioned. 19175

(2) Payments required under division (G)(1) of this section 19176
shall be made at the following percentages of the amount certified 19177
under former section 319.311 of the Revised Code and paid under 19178
division (G)(1) of this section in the state's fiscal year 2003: 19179

(a) In fiscal year 2004, ninety per cent; 19180

(b) In fiscal year 2005, eighty per cent; 19181

(c) In fiscal year 2006, sixty-four per cent; 19182

(d) In fiscal year 2007, forty per cent; 19183

(e) In fiscal year 2008, thirty-two per cent; 19184

(f) In fiscal year 2009, sixteen per cent. 19185

After fiscal year 2009, no payments shall be made under 19186
division (G)(1) of this section. 19187

(H)(1) On or before the fifteenth day of April each year, the 19188

county treasurer shall settle with the county auditor for all 19189
manufactured home taxes that the county treasurer has collected on 19190
the manufactured home tax duplicate at the time of making the 19191
settlement. 19192

(2) On or before the fifteenth day of September each year, 19193
the county treasurer shall settle with the county auditor for all 19194
remaining manufactured home taxes that the county treasurer has 19195
collected on the manufactured home tax duplicate at the time of 19196
making the settlement. 19197

(3) If the time for payment of such taxes is extended under 19198
section 4503.06 of the Revised Code, the time for making the 19199
settlement as prescribed by divisions (H)(1) and (2) of this 19200
section is extended for a like period of time. 19201

(I) ~~Within thirty days after the day of each settlement of~~ 19202
~~taxes required under division (H) of this section~~ On or before the 19203
second Monday in September of each year, the county treasurer 19204
shall certify to the tax commissioner ~~any adjustments that have~~ 19205
~~been made to the amount certified previously~~ the total amount by 19206
which the manufactured home taxes levied in that year were reduced 19207
pursuant to section 319.302 of the Revised Code ~~and that the~~ 19208
~~settlement has been completed. Upon.~~ Within ninety days after the 19209
receipt of such certification, the commissioner shall provide for 19210
payment to the county treasurer from the general revenue fund of 19211
an amount equal to ~~one-half of~~ the amount certified by the 19212
treasurer ~~in the current tax year under section 319.302 of the~~ 19213
~~Revised Code.~~ Such payment shall be credited upon receipt to the 19214
county's undivided income tax fund, and the county auditor shall 19215
transfer to the county general fund from the amount thereof the 19216
total amount of all fees and charges that the auditor and 19217
treasurer would have been authorized to receive had such section 19218
not been in effect and that amount had been levied and collected 19219
as manufactured home taxes. The county auditor shall distribute 19220

the amount remaining among the various taxing districts in the 19221
county as if it had been levied, collected, and settled as 19222
manufactured home taxes. 19223

Sec. 321.261. (A) Five per cent of all delinquent real 19224
property, personal property, and manufactured and mobile home 19225
taxes and assessments collected by the county treasurer shall be 19226
deposited in the delinquent tax and assessment collection fund, 19227
which shall be created in the county treasury. Except as otherwise 19228
provided in division (D) of this section, the moneys in the fund, 19229
one-half of which shall be appropriated by the board of county 19230
commissioners to the treasurer and one-half of which shall be 19231
appropriated to the county prosecuting attorney, shall be used 19232
only for the following purposes: 19233

(1) By the county treasurer and the county prosecuting 19234
attorney in connection with the collection of delinquent real 19235
property, personal property, and manufactured and mobile home 19236
taxes and assessments including proceedings related to foreclosure 19237
of the state's lien for such taxes against such property; 19238

(2) With respect to any portion of the amount appropriated to 19239
the county treasurer for the benefit of the county land 19240
reutilization corporation organized under Chapter 1724. of the 19241
Revised Code, whether by transfer to or other application on 19242
behalf of, the county land reutilization corporation. Upon the 19243
deposit of amounts in the delinquent tax and assessment collection 19244
fund of the county, any amounts allocated at the direction of the 19245
treasurer to the support of the county land reutilization 19246
corporation shall be paid out of such fund to the corporation upon 19247
a warrant of the county auditor. 19248

(B) During the period of time that a county land 19249
reutilization corporation is functioning as such on behalf of a 19250
county, the board of county commissioners, upon the request of the 19251

county treasurer, may designate by resolution that an additional 19252
amount, not exceeding five per cent of all collections of 19253
delinquent real property, personal property, and manufactured and 19254
mobile home taxes and assessments, shall be deposited in the 19255
delinquent tax and assessment collection fund and be available for 19256
appropriation by the board for the use of the corporation. Any 19257
such amounts so deposited and appropriated under this division 19258
shall be paid out of the delinquent tax and assessment collection 19259
fund to the corporation upon a warrant of the county auditor. 19260
19261

(C) Annually by the first day of December, the treasurer and 19262
the prosecuting attorney each shall submit a report to the board 19263
regarding the use of the moneys appropriated to their respective 19264
offices from the delinquent tax and assessment collection fund. 19265
Each report shall specify the amount appropriated to the office 19266
during the current calendar year, an estimate of the amount so 19267
appropriated that will be expended by the end of the year, a 19268
summary of how the amount appropriated has been expended in 19269
connection with delinquent tax collection activities or land 19270
reutilization, and an estimate of the amount that will be credited 19271
to the fund during the ensuing calendar year. 19272

The annual report of a county land reutilization corporation 19273
required by section 1724.05 of the Revised Code shall include 19274
information regarding the amount and use of the moneys that the 19275
corporation received from the delinquent tax and assessment 19276
collection fund of the county. 19277

~~(C)~~(D)(1) The board of county commissioners of any county 19278
may, by resolution, authorize the use of money in the county's 19279
delinquent tax and assessment collection fund to prevent 19280
residential mortgage foreclosures in the county and to address 19281
problems associated with other foreclosed real property. The 19282
amount used for that purpose in any year may not exceed the amount 19283

that would cause the fund to have a reserve of less than twenty 19284
per cent of the amount expended in the preceding year for the 19285
purposes of division (A) of this section. The board may not expend 19286
any money from the fund for the purpose of land reutilization 19287
unless the board obtains the approval of the county investment 19288
advisory committee established under section 135.341 of the 19289
Revised Code. 19290

Money authorized to be expended under division (D)(1) of this 19291
section shall be used to provide financial assistance in the form 19292
of loans to borrowers in default on their home mortgages, 19293
including for the payment of late fees, to clear arrearage 19294
balances, and to augment moneys used in the county's foreclosure 19295
prevention program. The money also may be used to assist municipal 19296
corporations or townships in the county, upon their application to 19297
the board of county commissioners or the county department of 19298
development, in the nuisance abatement of deteriorated residential 19299
buildings in foreclosure, or vacant, abandoned, tax-delinquent, or 19300
blighted real property, including paying the costs of boarding up 19301
such buildings, lot maintenance, and demolition. 19302

(2) In a county having a population of more than one hundred 19303
thousand according to the department of development's 2006 census 19304
estimate, if the county treasurer or prosecuting attorney 19305
determines that the amount appropriated to the office from the 19306
county's delinquent tax and assessment collection fund under 19307
division (A) of this section exceeds the amount required to be 19308
used as prescribed by that division, the county treasurer or 19309
prosecuting attorney may expend the excess to assist townships or 19310
municipal corporations located in the county as provided in ~~this~~ 19311
division (D)(2) of this section, provided that the combined amount 19312
so expended each year in a county shall not exceed three million 19313
dollars. Upon application for the funds by a township or municipal 19314
corporation, the county treasurer and prosecuting attorney may 19315

assist the township or municipal corporation in abating foreclosed 19316
residential nuisances, including paying the costs of securing such 19317
buildings, lot maintenance, and demolition. At the prosecuting 19318
attorney's discretion, the prosecuting attorney also may apply the 19319
funds to costs of prosecuting alleged violations of criminal and 19320
civil laws governing real estate and related transactions, 19321
including fraud and abuse. 19322
19323

Sec. 323.156. (A) Within thirty days after a settlement of 19324
taxes under divisions (A)~~, and (C)~~, and (H) of section 321.24 of 19325
the Revised Code, the county treasurer shall certify to the tax 19326
commissioner one-half of the total amount of taxes on real 19327
property that were reduced pursuant to section 323.152 of the 19328
Revised Code for the preceding tax year, ~~and one-half of the total~~ 19329
~~amount of taxes on manufactured and mobile homes that were reduced~~ 19330
~~pursuant to division (B) of section 323.152 of the Revised Code~~ 19331
~~for the current tax year.~~ The commissioner, within thirty days of 19332
the receipt of such certifications, shall provide for payment to 19333
the county treasurer, from the general revenue fund, of the amount 19334
certified, which shall be credited upon receipt to the county's 19335
undivided income tax fund, and an amount equal to two per cent of 19336
the amount by which taxes were reduced, which shall be credited 19337
upon receipt to the county general fund as a payment, in addition 19338
to the fees and charges authorized by sections 319.54 and 321.26 19339
of the Revised Code, to the county auditor and treasurer for the 19340
costs of administering the exemption provided under sections 19341
323.151 to 323.159 of the Revised Code. 19342

(B) On or before the second Monday in September of each year, 19343
the county treasurer shall certify to the tax commissioner the 19344
total amount by which the manufactured home taxes levied in that 19345
year were reduced pursuant to division (B) of section 323.152 of 19346
the Revised Code, as evidenced by the certificates of reduction 19347

and the tax duplicate certified to the county treasurer by the 19348
county auditor. The commissioner, within ninety days after the 19349
receipt of such certifications, shall provide for payment to the 19350
county treasurer, from the general revenue fund, of the amount 19351
certified, which shall be credited upon receipt to the county's 19352
undivided income tax fund, and an amount equal to two per cent of 19353
the amount by which taxes were reduced, which shall be credited 19354
upon receipt to the county general fund as a payment, in addition 19355
to the fees and charges authorized by sections 319.54 and 321.26 19356
of the Revised Code, to the county auditor and treasurer for the 19357
costs of administering the exemption provided under sections 19358
323.151 to 323.159 of the Revised Code. 19359

(C) Immediately upon receipt of funds into the county 19360
undivided income tax fund under this section, the auditor shall 19361
distribute the full amount thereof among the taxing districts in 19362
the county as though the total had been paid as taxes by each 19363
person for whom taxes were reduced under sections 323.151 to 19364
323.159 of the Revised Code. 19365

Sec. 329.03. (A) As used in this section+ 19366

~~(1) "Applicant", "applicant" or "recipient" means an~~ any of 19367
the following: 19368

(1) An applicant for or participant in the Ohio works first 19369
program established under Chapter 5107. of the Revised Code ~~or an~~ 19370

(2) An applicant for or recipient of disability financial 19371
assistance under Chapter 5115. of the Revised Code; 19372

(3) An applicant for or recipient of cash assistance provided 19373
under the refugee assistance program established under section 19374
5101.49 of the Revised Code. 19375

~~(2) "Voluntary direct deposit" means a system established~~ 19376
~~pursuant to this section under which cash assistance payments to~~ 19377

~~recipients who agree to direct deposit are made by direct deposit 19378
by electronic transfer to an account in a financial institution 19379
designated under this section. 19380~~

~~(3) "Mandatory direct deposit" means a system established 19381
pursuant to this section under which cash assistance payments to 19382
all participants in the Ohio works first program or recipients of 19383
disability financial assistance, other than those exempt under 19384
division (E) of this section, are made by direct deposit by 19385
electronic transfer to an account in a financial institution 19386
designated under this section. 19387~~

~~(B) A board of county commissioners may by adoption of a 19388
resolution require the county department of job and family 19389
services to establish a direct deposit system for distributing 19390
cash assistance payments under Ohio works first, disability 19391
financial assistance, or both, unless the director of job and 19392
family services has provided for those payments to be made by 19393
electronic benefit transfer pursuant to section 5101.33 of the 19394
Revised Code. Voluntary or mandatory direct deposit may be applied 19395
to either of the programs. The resolution shall specify for each 19396
program for which direct deposit is to be established whether 19397
direct deposit is voluntary or mandatory. The board may require 19398
the department to change or terminate direct deposit by adopting a 19399
resolution to change or terminate it. Within ninety days after 19400
adopting a resolution under this division, the board shall certify 19401
one copy of the resolution to the director of job and family 19402
services and one copy to the office of budget and management. The 19403
director of job and family services may adopt rules governing 19404
establishment of direct deposit by county departments of job and 19405
family services. 19406~~

~~The county department of job and family services shall 19407
determine what type of account will be used for direct deposit and 19408
negotiate with financial institutions to determine the charges, if 19409~~

~~any, to be imposed by a financial institution for establishing and~~ 19410
~~maintaining such accounts. Under voluntary direct deposit, the~~ 19411
~~county department of job and family services may pay all charges~~ 19412
~~imposed by a financial institution for establishing and~~ 19413
~~maintaining an account in which direct deposits are made for a~~ 19414
~~recipient. Under mandatory direct deposit, the county department~~ 19415
~~of job and family services shall pay all charges imposed by a~~ 19416
~~financial institution for establishing and maintaining such an~~ 19417
~~account~~ Each county department of job and family services shall 19418
establish a direct deposit system under which cash assistance 19419
payments to recipients who agree to direct deposit are made by 19420
electronic transfer to an account in a financial institution 19421
designated under this section. No financial institution shall 19422
impose any charge for such an account that the institution does 19423
not impose on its other customers for the same type of account. 19424
Direct deposit does not affect the exemption of Ohio works first 19425
and disability financial assistance from attachment, garnishment, 19426
or other like process afforded by sections 5107.75 and 5115.06 of 19427
the Revised Code. 19428

(C) ~~The~~ Each county department of job and family services 19429
shall, ~~within sixty days after a resolution requiring the~~ 19430
~~establishment of direct deposit is adopted, establish procedures~~ 19431
~~governing direct deposit.~~ 19432

~~Within one hundred eighty days after the resolution is~~ 19433
~~adopted, the county department shall~~ do all of the following: 19434

(1) Inform each applicant or recipient that the applicant or 19435
recipient must choose whether to receive cash assistance payments 19436
under the direct deposit system established under this section or 19437
under the electronic benefit transfer system established under 19438
section 5101.33 of the Revised Code; 19439

(2) Inform each applicant and recipient of the conditions 19440
under which the applicant or recipient may change the system used 19441

to receive the cash assistance payments; 19442

(3) Inform each applicant or recipient of the procedures 19443
governing the direct deposit, ~~including in the case of voluntary~~ 19444
~~direct deposit those that prescribe the conditions under which a~~ 19445
~~recipient may change from one method of payment to another~~ system; 19446

~~(2) Obtain~~ (4) If an applicant or recipient chooses to 19447
receive cash assistance payments under the direct deposit system, 19448
obtain from each the applicant or recipient an authorization form 19449
to designate a financial institution equipped for and authorized 19450
by law to accept direct deposits by electronic transfer and the 19451
account into which the applicant or recipient wishes the payments 19452
to be made, ~~or in the case of voluntary direct deposit states the~~ 19453
~~applicant's or recipient's election to receive such payments in~~ 19454
~~the form of a paper warrant;~~ 19455

(5) If an applicant or recipient chooses to receive cash 19456
assistance payments under the electronic benefit transfer system 19457
established under section 5101.33 of the Revised Code, obtain from 19458
the applicant or recipient a signed form to that effect. 19459

The department may require a recipient to complete a new 19460
authorization form whenever the department considers it necessary. 19461

A recipient's designation of a financial institution and 19462
account shall remain in effect until withdrawn in writing or 19463
dishonored by the financial institution, except that no change may 19464
be made in the authorization form until the next eligibility 19465
redetermination of the recipient unless the county department 19466
~~feels~~ determines that good ~~grounds exist~~ cause exists for an 19467
earlier change or the financial institution dishonors the 19468
recipient's account. 19469

(D) An applicant or recipient without an account who ~~either~~ 19470
~~agrees or is required~~ completes an authorization form to receive 19471
cash assistance payments by direct deposit shall have ten days 19472

after receiving the authorization form to designate an account 19473
suitable for direct deposit. If within the required time the 19474
applicant or recipient does not make the designation ~~or requests~~ 19475
~~that the department make the designation, the department recipient~~ 19476
~~shall designate a financial institution and help the recipient to~~ 19477
~~open an account~~ receive cash assistance payments under the 19478
electronic benefit transfer system established under section 19479
5101.33 of the Revised Code. 19480

~~(E) At the time of giving an applicant or recipient the~~ 19481
~~authorization form, the county department of job and family~~ 19482
~~services of a county with mandatory direct deposit shall inform~~ 19483
~~each applicant or recipient of the basis for exemption and the~~ 19484
~~right to request exemption from direct deposit.~~ 19485

~~Under mandatory direct deposit, an applicant or recipient who~~ 19486
~~wishes to receive payments in the form of a paper warrant shall~~ 19487
~~record on the authorization form a request for exemption under~~ 19488
~~this division and the basis for the exemption.~~ 19489

~~The department shall exempt from mandatory direct deposit any~~ 19490
~~recipient who requests exemption and is any of the following:~~ 19491

~~(1) Over age sixty five;~~ 19492

~~(2) Blind or disabled;~~ 19493

~~(3) Likely, in the judgment of the department, to be caused~~ 19494
~~personal hardship by direct deposit.~~ 19495

~~A recipient granted an exemption under this division shall~~ 19496
~~receive payments for which the recipient is eligible in the form~~ 19497
~~of paper warrants.~~ 19498

~~(F) The county department of job and family services shall~~ 19499
~~bear the full cost of the amount of any replacement warrant issued~~ 19500
~~to a recipient for whom an authorization form as provided in this~~ 19501
~~section has not been obtained within one hundred eighty days after~~ 19502

~~the later of the date the board of county commissioners adopts a~~ 19503
~~resolution requiring payments of financial assistance by direct~~ 19504
~~deposit to accounts of recipients of Ohio works first or~~ 19505
~~disability financial assistance or the date the recipient made~~ 19506
~~application for assistance, and shall not be reimbursed by the~~ 19507
~~state for any part of the cost. Thereafter, the county department~~ 19508
~~of job and family services shall continue to bear the full cost of~~ 19509
~~each replacement warrant issued until the board of county~~ 19510
~~commissioners requires the county department of job and family~~ 19511
~~services to obtain from each such recipient the authorization~~ 19512
~~forms as provided in The director of job and family services may~~ 19513
~~adopt rules governing direct deposit systems established under~~ 19514
~~this section.~~ 19515

Sec. 329.042. ~~The Each county department of job and family~~ 19516
~~services shall certify eligible public assistance and nonpublic~~ 19517
~~assistance households eligible under the "Food Stamp Act of 1964,"~~ 19518
~~78 Stat. 703, 7 U.S.C.A. 2011, as amended, and for the~~ 19519
~~supplemental nutrition assistance program in accordance with~~ 19520
~~federal and state regulations adopted pursuant to such act, law to~~ 19521
~~enable low-income households to participate in the ~~food stamp~~~~ 19522
~~supplemental nutrition assistance program and thereby to purchase~~ 19523
~~foods having a greater monetary value than is possible under~~ 19524
~~public assistance standard allowances or other low-income budgets.~~ 19525

~~The Each county department of job and family services shall~~ 19526
~~administer the distribution of ~~food stamp~~ supplemental nutrition~~ 19527
~~assistance program benefits under the supervision of the~~ 19528
~~department of job and family services. The benefits shall be~~ 19529
~~distributed by a method approved by the department of job and~~ 19530
~~family services in accordance with the "~~Food Stamp and Nutrition~~~~ 19531
~~Act of 1964," 78 Stat. 703, 2008 (7 U.S.C.A. 2011, as amended, et~~ 19532
~~seq.) and regulations issued thereunder.~~ 19533

~~The document referred to as the "authorization to participate
card," which shows the face value of the benefits an eligible
household is entitled to receive on presentment of the document,
shall be issued, immediately upon certification, to a household
determined under division (C) of section 5101.54 of the Revised
Code to be in immediate need of food assistance by being
personally handed by a member of the staff of the county
department of job and family services to the member of the
household in whose name application was made for participation in
the program or the authorized representative of such member of the
household.~~

Sec. 329.06. (A) Except as provided in division (C) of this
section and section 6301.08 of the Revised Code, the board of
county commissioners shall establish a county family services
planning committee. The board shall appoint a member to represent
the county department of job and family services; an employee in
the classified civil service of the county department of job and
family services, if there are any such employees; and a member to
represent the public. The board shall appoint other individuals to
the committee in such a manner that the committee's membership is
broadly representative of the groups of individuals and the public
and private entities that have an interest in the family services
provided in the county. The board shall make appointments in a
manner that reflects the ethnic and racial composition of the
county. The following groups and entities may be represented on
the committee:

- (1) Consumers of family services;
- (2) The public children services agency;
- (3) The child support enforcement agency;
- (4) The county family and children first council;

(5) Public and private colleges and universities;	19564
(6) Public entities that provide family services, including boards of health, boards of education, the county board of mental retardation and developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;	19565 19566 19567 19568 19569
(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;	19570 19571 19572 19573
(8) Labor organizations;	19574
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	19575 19576 19577 19578
(B) The county family services planning committee shall do all of the following:	19579 19580
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	19581 19582 19583 19584 19585 19586
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	19587 19588 19589 19590 19591
(a) Return of assistance groups to participation in either program after ceasing to participate;	19592 19593

(b) Teen pregnancy rates among the programs' participants;	19594
(c) The other types of assistance the programs' participants receive, including medical assistance <u>medicaid</u> under Chapter 5111. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, food stamp <u>supplemental nutrition assistance program</u> benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code;	19595 19596 19597 19598 19599 19600 19601
(d) Other issues the committee considers appropriate.	19602
The committee shall make recommendations to the board of county commissioners and county department of job and family services regarding the committee's findings.	19603 19604 19605
(3) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code;	19606 19607 19608
(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county;	19609 19610 19611
(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following:	19612 19613 19614 19615
(a) Implementation and administration of family service programs;	19616 19617
(b) Use of federal, state, and local funds available for family service programs;	19618 19619
(c) Establishment of goals to be achieved by family service programs;	19620 19621
(d) Evaluation of the outcomes of family service programs;	19622
(e) Any other matter the board considers relevant to the	19623

provision of family services. 19624

(C) If there is a committee in existence in a county on 19625
October 1, 1997, that the board of county commissioners determines 19626
is capable of fulfilling the responsibilities of a county family 19627
services planning committee, the board may designate the committee 19628
as the county's family services planning committee and the 19629
committee shall serve in that capacity. 19630

Sec. 340.033. (A) The board of alcohol, drug addiction, and 19631
mental health services shall serve as the planning agency for 19632
alcohol and drug addiction services for the county or counties in 19633
its service district. In accordance with procedures and guidelines 19634
established by the department of alcohol and drug addiction 19635
services, the board shall do all of the following: 19636

(1) Assess alcohol and drug addiction service needs and 19637
evaluate the need for alcohol and drug addiction programs; 19638

(2) According to the needs determined under division (A)(1) 19639
of this section, set priorities and develop plans for the 19640
operation of alcohol and drug addiction programs in cooperation 19641
with other local and regional planning and funding bodies and with 19642
relevant ethnic organizations; 19643

(3) Submit the plan for alcohol and drug addiction services 19644
required by section 3793.05 of the Revised Code to the department 19645
and implement the plan as approved by the department; 19646

(4) Provide to the department information to be included in 19647
the information system or systems established by the department 19648
under section 3793.04 of the Revised Code; 19649

(5) Enter into contracts with alcohol and drug addiction 19650
programs for the provision of alcohol and drug addiction services; 19651

(6) Review and evaluate alcohol and drug addiction programs 19652
in the district, and conduct program audits; 19653

- (7) Prepare and submit to the department an annual report of the alcohol and drug addiction programs in the district; 19654
19655
- (8) Receive, compile, and transmit to the department applications for funding; 19656
19657
- (9) Promote, arrange, and implement working agreements with public and private social agencies and with judicial agencies; 19658
19659
- (10) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from an alcohol or drug addiction program; 19660
19661
19662
- (11) Establish a mechanism for the involvement of persons receiving services in, and obtaining their advice on, matters pertaining to alcohol or drug addiction services; 19663
19664
19665
- (12) Recruit and promote local financial support, from private and public sources, for alcohol and drug addiction programs; 19666
19667
19668
- (13) Approve fee schedules and related charges, adopt a unit cost schedule, or adopt other methods of payment for services provided by programs under contract pursuant to division (A)(5) of this section, in accordance with guidelines established by the department under section 3793.04 of the Revised Code. 19669
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- (B) In accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually the board shall audit all alcohol and drug addiction programs provided under contract with the board. The board may contract with private auditors for the performance of these audits. A copy of the fiscal audit report shall be provided to the director of alcohol and drug addiction services, the auditor of state, and the county auditor of each county in the board's district. 19674
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- (C) In contracting with a program under division (A)(5) of this section, a board shall consider the cost effectiveness of 19682
19683

services provided by the program and the program's quality and 19684
continuity of care. The board may review cost elements, including 19685
salary costs, of the services provided by the program. 19686

A utilization review process shall be established as part of 19687
the contract for services. The board may establish this process in 19688
any way that it considers to be the most effective and efficient 19689
in meeting local needs. 19690

(D) If either the board or a program with which it contracts 19691
pursuant to division (A)(5) of this section proposes not to renew 19692
the contract or proposes substantial changes in contract terms on 19693
renewal of the contract, it shall give the other party to the 19694
contract written notice at least one hundred twenty days before 19695
the expiration date of the contract. During the first sixty days 19696
of this period, both parties shall attempt to resolve any dispute 19697
through good faith collaboration and negotiation in order that 19698
services to persons in need will be continued. If the dispute is 19699
not resolved during this time, either party may notify the 19700
department of alcohol and drug addiction services. The department 19701
may require both parties to submit the dispute to a mutually 19702
agreed upon third party with the cost to be shared by the board 19703
and the program. At least twenty days before the expiration of the 19704
contract, unless the board and the program agree to an extension, 19705
the third party shall issue to the board, program, and department, 19706
its recommendations for resolution of the dispute. 19707

The department shall adopt rules pursuant to Chapter 119. of 19708
the Revised Code establishing procedures for this dispute 19709
resolution process. 19710

(E) Section 307.86 of the Revised Code does not apply to 19711
contracts entered into pursuant to division (A)(5) of this 19712
section. 19713

(F)(1) With the prior approval of the department, a board of 19714

alcohol, drug addiction, and mental health services may operate an 19715
alcohol or drug addiction program as follows if there is no 19716
qualified program that is immediately available, willing to 19717
provide services, and able to obtain certification under Chapter 19718
3793. of the Revised Code: 19719

(a) In an emergency situation, any board may operate a 19720
program in order to provide essential services for the duration of 19721
the emergency; 19722

(b) In a service district with a population of at least one 19723
hundred thousand but less than five hundred thousand, a board may 19724
operate a program for no longer than one year; 19725

(c) In a service district with a population of less than one 19726
hundred thousand, a board may operate a program for no longer than 19727
one year, except that such a board may operate a program for 19728
longer than one year with the prior approval of the department and 19729
the prior approval of the board of county commissioners, or of a 19730
majority of the boards of county commissioners if the district is 19731
a joint-county district. 19732

(2) The department shall not give a board its approval to 19733
operate a program under division (F)(1)(c) of this section unless 19734
it determines that the board's program will provide greater 19735
administrative efficiency and more or better services than would 19736
be available if the board contracted with a program for provision 19737
of the services. 19738

(3) The department shall not give a board its approval to 19739
operate a program previously operated by a public or private 19740
entity unless the board has established to the department's 19741
satisfaction that the entity cannot effectively operate the 19742
program, or that the entity has requested the board to take over 19743
operation of the program. 19744

(4) The department shall review and evaluate the operation of 19745

each program operated by a board under this division. 19746

(5) Nothing in this division authorizes a board to administer 19747
or direct the daily operation of any program other than a program 19748
operated by the board under this division, but a program may 19749
contract with a board to receive administrative services or staff 19750
direction from the board under the direction of the governing body 19751
of the program. 19752

(G) If an investigation conducted pursuant to division 19753
(A)(10) of this section substantiates a charge of abuse or 19754
neglect, the board shall take whatever action it determines is 19755
necessary to correct the situation, including notification of the 19756
appropriate authorities. On request, the board shall provide 19757
information about such investigations to the department. 19758

(H) When the board sets priorities and develops plans for the 19759
operation of alcohol and drug addiction programs under division 19760
(A)(2) of this section, the board shall consult with the county 19761
commissioners of the counties in the board's service district 19762
regarding the services described in section 340.15 of the Revised 19763
Code and shall give a priority to those services, except that 19764
those services shall not have priority over services provided to 19765
pregnant women under programs developed in relation to the mandate 19766
established in section 3793.15 of the Revised Code. The plans 19767
shall identify funds the board and public children services 19768
agencies in the board's service district have available to fund 19769
jointly the services described in section 340.15 of the Revised 19770
Code. 19771

Sec. 351.021. (A) The resolution of the county commissioners 19772
creating a convention facilities authority, or any amendment or 19773
supplement to that resolution, may authorize the authority to levy 19774
one or both of the excise taxes authorized by division (B) of this 19775
section to pay the cost of one or more facilities; to pay 19776

principal, interest, and premium on convention facilities 19777
authority tax anticipation bonds issued to pay those costs; to pay 19778
the operating costs of the authority; to pay operating and 19779
maintenance costs of those facilities; and to pay the costs of 19780
administering the excise tax. 19781

(B) The board of directors of a convention facilities 19782
authority that has been authorized pursuant to resolution adopted, 19783
amended, or supplemented by the board of county commissioners 19784
pursuant to division (A) of this section may levy, by resolution 19785
adopted on or before December 31, 1988, either or both of the 19786
following: 19787

(1) Within the territory of the authority, an additional 19788
excise tax not to exceed four per cent on each transaction. The 19789
excise tax authorized by division (B)(1) of this section shall be 19790
in addition to any excise tax levied pursuant to section 5739.08 19791
or 5739.09 of the Revised Code, or division (B)(2) of this 19792
section. 19793

(2) Within that portion of any municipal corporation that is 19794
located within the territory of the authority or within the 19795
boundaries of any township that is located within the territory of 19796
the authority, which municipal corporation or township is levying 19797
any portion of the excise tax authorized by division (A) of 19798
section 5739.08 of the Revised Code, and with the approval, by 19799
ordinance or resolution, of the legislative authority of that 19800
municipal corporation or township, an additional excise tax not to 19801
exceed nine-tenths of one per cent on each transaction. The excise 19802
tax authorized by division (B)(2) of this section may be levied 19803
only if, on the effective date of the levy specified in the 19804
resolution making the levy, the amount being levied pursuant to 19805
division (A) of section 5739.08 of the Revised Code by each 19806
municipal corporation or township in which the tax authorized by 19807
division (B)(2) of this section will be levied, when added to the 19808

amount levied under division (B)(2) of this section, does not 19809
exceed three per cent on each transaction. The excise tax 19810
authorized by division (B)(2) of this section shall be in addition 19811
to any excise tax that is levied pursuant to section 5739.08 or 19812
5739.09 of the Revised Code, or division (B)(1) of this section. 19813

(C)(1) The board of directors of a convention facilities 19814
authority that is located in an eligible Appalachian county; that 19815
has been authorized pursuant to resolution adopted, amended, or 19816
supplemented by the board of county commissioners pursuant to 19817
division (A) of this section; and that is not levying a tax under 19818
division (B)(1) or (2) of this section may levy within the 19819
territory of the authority, by resolution adopted on or before 19820
December 31, 2005, an additional excise tax not to exceed three 19821
per cent on each transaction. The excise tax authorized under 19822
division (C)(1) of this section shall be in addition to any excise 19823
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 19824
Code. 19825

~~(2)~~ As used in division (C)(1) of this section, "eligible 19826
Appalachian county" means a county in this state designated as 19827
being in the "Appalachian region" under the "Appalachian Regional 19828
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 19829
having a population less than eighty thousand according to the 19830
most recent federal decennial census. 19831

(2) The board of directors of a convention facilities 19832
authority located in a county with a population of at least one 19833
hundred thousand and not more than one hundred fifty thousand, by 19834
resolution adopted on or before November 1, 2009, may levy within 19835
the territory of the authority an excise tax on transactions by 19836
which lodging by a hotel is or is to be furnished to transient 19837
guests at a rate not to exceed three per cent on such transactions 19838
for the same purposes for which a tax may be levied under division 19839
(B) of this section. The resolution may be adopted only if the 19840

board of county commissioners of the county, by resolution, 19841
authorizes the levy of the tax. The resolution of the board of 19842
county commissioners is subject to referendum as prescribed by 19843
sections 305.31 to 305.41 of the Revised Code. If, pursuant to 19844
those procedures, a referendum is to be held, the board's 19845
resolution does not take effect until approved by a majority of 19846
electors voting on the question. The convention facilities 19847
authority may adopt the resolution authorized by division (C)(2) 19848
of this section before the election, but the authority's 19849
resolution shall not take effect if the board of commissioners' 19850
resolution is not approved at the election. A tax levied under 19851
division (C)(2) of this section is in addition to any tax levied 19852
under section 5739.09 of the Revised Code. 19853

(D) The authority shall provide for the administration and 19854
allocation of an excise tax levied pursuant to division (B) or (C) 19855
of this section. All receipts arising from those excise taxes 19856
shall be expended for the purposes provided in, and in accordance 19857
with this section and section 351.141 of the Revised Code. An 19858
excise tax levied under division (B) or (C) of this section shall 19859
remain in effect at the rate at which it is levied for at least 19860
the duration of the period for which the receipts from the tax 19861
have been anticipated and pledged pursuant to section 351.141 of 19862
the Revised Code. 19863

(E) Except as provided in division (B)(2) of this section, 19864
the levy of an excise tax on each transaction pursuant to sections 19865
5739.08 and 5739.09 of the Revised Code does not prevent a 19866
convention facilities authority from levying an excise tax 19867
pursuant to division (B) or (C) of this section. 19868

Sec. 504.21. (A) The board of township trustees of a township 19869
that has adopted a limited home rule government may, for the 19870
unincorporated territory in the township, adopt, amend, and 19871

rescind rules establishing technically feasible and economically 19872
reasonable standards to achieve a level of management and 19873
conservation practices that will abate wind or water erosion of 19874
the soil or abate the degradation of the waters of the state by 19875
soil sediment in conjunction with land grading, excavating, 19876
filling, or other soil disturbing activities on land used or being 19877
developed in the township for nonfarm commercial, industrial, 19878
residential, or other nonfarm purposes, and establish criteria for 19879
determination of the acceptability of those management and 19880
conservation practices. The rules shall be designed to implement 19881
the applicable areawide waste treatment management plan prepared 19882
under section 208 of the "Federal Water Pollution Control Act," 86 19883
Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement 19884
phase II of the storm water program of the national pollutant 19885
discharge elimination system established in 40 C.F.R. Part 122. 19886
The rules to implement phase II of the storm water program of the 19887
national pollutant discharge elimination system shall not be 19888
inconsistent with, more stringent than, or broader in scope than 19889
the rules or regulations adopted by the environmental protection 19890
agency under 40 C.F.R. Part 122. The rules adopted under this 19891
section shall not apply inside the limits of municipal 19892
corporations, to lands being used in a strip mine operation as 19893
defined in section 1513.01 of the Revised Code, or to land being 19894
used in a surface mine operation as defined in section 1514.01 of 19895
the Revised Code. 19896

The rules adopted under this section may require persons to 19897
file plans governing erosion control, sediment control, and water 19898
management before clearing, grading, excavating, filling, or 19899
otherwise wholly or partially disturbing one or more contiguous 19900
acres of land owned by one person or operated as one development 19901
unit for the construction of nonfarm buildings, structures, 19902
utilities, recreational areas, or other similar nonfarm uses. If 19903
the rules require plans to be filed, the rules shall do all of the 19904

following:	19905
(1) Designate the board itself, its employees, or another agency or official to review and approve or disapprove the plans;	19906 19907
(2) Establish procedures and criteria for the review and approval or disapproval of the plans;	19908 19909
(3) Require the designated entity to issue a permit to a person for the clearing, grading, excavating, filling, or other project for which plans are approved and to deny a permit to a person whose plans have been disapproved;	19910 19911 19912 19913
(4) Establish procedures for the issuance of the permits;	19914
(5) Establish procedures under which a person may appeal the denial of a permit.	19915 19916
Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections.	19917 19918 19919 19920 19921
No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water conservation <u>resources</u> in the department of natural resources.	19922 19923 19924 19925 19926 19927 19928
(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board of township trustees. The board shall cause to be published, in a newspaper of general circulation in the township, notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings. The	19929 19930 19931 19932 19933 19934

proposed rules or amendments shall be made available by the board 19935
to the public at the board office or other location indicated in 19936
the notice. The rules or amendments shall take effect on the 19937
thirty-first day following the date of their adoption. 19938

(C) The board of township trustees may employ personnel to 19939
assist in the administration of this section and the rules adopted 19940
under it. The board also, if the action does not conflict with the 19941
rules, may delegate duties to review sediment control and water 19942
management plans to its employees, and may enter into agreements 19943
with one or more political subdivisions, other township officials, 19944
or other government agencies, in any combination, in order to 19945
obtain reviews and comments on plans governing erosion control, 19946
sediment control, and water management or to obtain other services 19947
for the administration of the rules adopted under this section. 19948

(D) The board of township trustees or any duly authorized 19949
representative of the board may, upon identification to the owner 19950
or person in charge, enter any land upon obtaining agreement with 19951
the owner, tenant, or manager of the land in order to determine 19952
whether there is compliance with the rules adopted under this 19953
section. If the board or its duly authorized representative is 19954
unable to obtain such an agreement, the board or representative 19955
may apply for, and a judge of the court of common pleas for the 19956
county where the land is located may issue, an appropriate 19957
inspection warrant as necessary to achieve the purposes of this 19958
section. 19959

(E)(1) If the board of township trustees or its duly 19960
authorized representative determines that a violation of the rules 19961
adopted under this section exists, the board or representative may 19962
issue an immediate stop work order if the violator failed to 19963
obtain any federal, state, or local permit necessary for sediment 19964
and erosion control, earth movement, clearing, or cut and fill 19965
activity. In addition, if the board or representative determines 19966

such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the board or representative may authorize the issuance of a notice of violation. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the board or its duly authorized representative shall issue a second notice of violation. Except as provided in division (E)(3) of this section, if, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the board or its duly authorized representative may issue a stop work order after first obtaining the written approval of the prosecuting attorney of the county in which the township is located if, in the opinion of the prosecuting attorney, the violation is egregious.

Once a stop work order is issued, the board or its duly authorized representative shall request, in writing, the prosecuting attorney to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this section. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule or stop work order issued under this section shall be considered a separate violation subject to a civil fine.

(2) The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas of the county in which it was issued, seeking any equitable or other appropriate relief from that order.

(3) No stop work order shall be issued under this section

against any public highway, transportation, or drainage 19999
improvement or maintenance project undertaken by a government 20000
agency or political subdivision in accordance with a statement of 20001
its standard sediment control policies that is approved by the 20002
board or the chief of the division of soil and water ~~conservation~~ 20003
resources in the department of natural resources. 20004

(F) No person shall violate any rule adopted or order issued 20005
under this section. Notwithstanding division (E) of this section, 20006
if the board of township trustees determines that a violation of 20007
any rule adopted or administrative order issued under this section 20008
exists, the board may request, in writing, the prosecuting 20009
attorney of the county in which the township is located, to seek 20010
an injunction or other appropriate relief in the court of common 20011
pleas to abate excessive erosion or sedimentation and secure 20012
compliance with the rules or order. In granting relief, the court 20013
of common pleas may order the construction of sediment control 20014
improvements or implementation of other control measures and may 20015
assess a civil fine of not less than one hundred or more than five 20016
hundred dollars. Each day of violation of a rule adopted or 20017
administrative order issued under this section shall be considered 20018
a separate violation subject to a civil fine. 20019

Sec. 717.25. The legislative authority of a municipal 20020
corporation may establish a low-cost solar panel revolving loan 20021
program to assist residents of the municipal corporation to 20022
install solar panels at their residences. If the legislative 20023
authority decides to establish such a program, the legislative 20024
authority shall adopt an ordinance that provides for the 20025
following: 20026

(A) Creation in the municipal treasury of a residential solar 20027
panel revolving loan fund; 20028

(B) A source of money, such as gifts, bond issues, real 20029

property assessments, or federal subsidies, to seed the 20030
residential solar panel revolving loan fund; 20031

(C) Facilities for making loans from the residential solar 20032
panel revolving loan fund, including an explanation of how 20033
residents of the municipal corporation may qualify for loans from 20034
the fund, a description of the solar panels and related equipment 20035
for which a loan can be made from the fund, authorization of a 20036
municipal agency to process applications for loans and otherwise 20037
to administer the low-cost solar panel revolving loan program, a 20038
procedure whereby loans can be applied for, criteria for reviewing 20039
and accepting or denying applications for loans, criteria for 20040
determining the appropriate amount of a loan, the interest rate to 20041
be charged, the repayment schedule, and other terms and conditions 20042
of a loan, and procedures for collecting loans that are not repaid 20043
according to the repayment schedule; 20044

(D) A specification that repayments of loans from the 20045
residential solar panel revolving loan fund may be made in 20046
installments and, at the option of the resident repaying the loan, 20047
the installments may be paid and collected as if they were special 20048
assessments paid and collected in the manner specified in Chapter 20049
727. of the Revised Code and as specified in the ordinance; 20050

(E) A specification that repayments of loans from the 20051
residential solar panel revolving loan fund are to be credited to 20052
the fund, that the money in the fund is to be invested pending its 20053
being lent out, and that investment earnings on the money in the 20054
fund is to be credited to the fund; and 20055

(F) Other matters necessary and proper for efficient 20056
operation of the low-cost solar panel revolving loan program as a 20057
means of encouraging use of renewable energy. 20058

The interest rate charged on a loan from the residential 20059
solar panel revolving loan fund shall be below prevailing market 20060

rates. The legislative authority may specify the interest rate in 20061
the ordinance or may, after establishing a standard in the 20062
ordinance whereby the interest rate can be specified, delegate 20063
authority to specify the interest rate to the administrator of 20064
loans from the residential solar panel revolving loan fund. 20065

The residential solar panel revolving loan fund shall be 20066
seeded with sufficient money to enable loans to be made until the 20067
fund accumulates sufficient reserves through investment and 20068
repayment of loans for revolving operation. 20069

Sec. 718.04. (A) No municipal corporation other than the ~~city~~ 20070
municipal corporation of residence shall levy a tax on the income 20071
of any member or employee of the Ohio general assembly including 20072
the lieutenant governor which income is received as a result of 20073
services rendered as such member or employee and is paid from 20074
appropriated funds of this state. 20075

(B) No municipal corporation other than the municipal 20076
corporation of residence and the city of Columbus shall levy a tax 20077
on the income of the chief justice or a justice of the supreme 20078
court received as a result of services rendered as the chief 20079
justice or justice. No municipal corporation other than the 20080
municipal corporation of residence shall levy a tax on the income 20081
of a judge sitting by assignment of the chief justice or on the 20082
income of a district court of appeals judge sitting in multiple 20083
locations within the district, received as a result of services 20084
rendered as a judge. 20085

Sec. 721.15. (A) Personal property not needed for municipal 20086
purposes, the estimated value of which is less than one thousand 20087
dollars, may be sold by the board or officer having supervision or 20088
management of that property. If the estimated value of that 20089
property is one thousand dollars or more, it shall be sold only 20090

when authorized by an ordinance of the legislative authority of 20091
the municipal corporation and approved by the board, officer, or 20092
director having supervision or management of that property. When 20093
so authorized, the board, officer, or director shall make a 20094
written contract with the highest and best bidder after 20095
advertisement for not less than two or more than four consecutive 20096
weeks in a newspaper of general circulation within the municipal 20097
corporation, or with a board of county commissioners upon such 20098
lawful terms as are agreed upon, as provided by division (B)(1) of 20099
section 721.27 of the Revised Code. 20100

(B) When the legislative authority finds, by resolution, that 20101
the municipal corporation has vehicles, equipment, or machinery 20102
which is obsolete, or is not needed or is unfit for public use, 20103
that the municipal corporation has need of other vehicles, 20104
equipment, or machinery of the same type, and that it will be in 20105
the best interest of the municipal corporation that the sale of 20106
obsolete, unneeded, or unfit vehicles, equipment, or machinery be 20107
made simultaneously with the purchase of the new vehicles, 20108
equipment, or machinery of the same type, the legislative 20109
authority may offer to sell, or authorize a board, officer, or 20110
director of the municipal corporation having supervision or 20111
management of the property to offer to sell, those vehicles, 20112
equipment, or machinery and to have the selling price credited 20113
against the purchase price of other vehicles, equipment, or 20114
machinery and to consummate the sale and purchase by a single 20115
contract with the lowest and best bidder to be determined by 20116
subtracting from the selling price of the vehicles, equipment, or 20117
machinery to be purchased by the municipal corporation the 20118
purchase price offered for the municipally-owned vehicles, 20119
equipment, or machinery. When the legislative authority or the 20120
authorized board, officer, or director of a municipal corporation 20121
advertises for bids for the sale of new vehicles, equipment, or 20122
machinery to the municipal corporation, they may include in the 20123

same advertisement a notice of willingness to accept bids for the 20124
purchase of municipally-owned vehicles, equipment, or machinery 20125
which is obsolete, or is not needed or is unfit for public use, 20126
and to have the amount of those bids subtracted from the selling 20127
price as a means of determining the lowest and best bidder. 20128

(C) If the legislative authority of the municipal corporation 20129
determines that municipal personal property is not needed for 20130
public use, or is obsolete or unfit for the use for which it was 20131
acquired, and that the property has no value, the legislative 20132
authority may discard or salvage that property. 20133

(D) Notwithstanding anything to the contrary in division (A) 20134
or (B) of this section and regardless of the property's value, the 20135
legislative authority of a municipal corporation may sell personal 20136
property, including motor vehicles acquired for the use of 20137
municipal officers and departments, and road machinery, equipment, 20138
tools, or supplies, which is not needed for public use, or is 20139
obsolete or unfit for the use for which it was acquired, by 20140
internet auction. The legislative authority shall adopt, during 20141
each calendar year, a resolution expressing its intent to sell 20142
that property by internet auction. The resolution shall include a 20143
description of how the auctions will be conducted and shall 20144
specify the number of days for bidding on the property, which 20145
shall be no less than ~~fifteen~~ ten days, including Saturdays, 20146
Sundays, and legal holidays. The resolution shall indicate whether 20147
the municipal corporation will conduct the auction or the 20148
legislative authority will contract with a representative to 20149
conduct the auction and shall establish the general terms and 20150
conditions of sale. If a representative is known when the 20151
resolution is adopted, the resolution shall provide contact 20152
information such as the representative's name, address, and 20153
telephone number. 20154

After adoption of the resolution, the legislative authority 20155

shall publish, in a newspaper of general circulation in the 20156
municipal corporation, notice of its intent to sell unneeded, 20157
obsolete, or unfit municipal personal property by internet 20158
auction. The notice shall include a summary of the information 20159
provided in the resolution and shall be published at least twice. 20160
The second and any subsequent notice shall be published not less 20161
than ten nor more than twenty days after the previous notice. A 20162
similar notice also shall be posted continually throughout the 20163
calendar year in a conspicuous place in the offices of the village 20164
clerk or city auditor, and the legislative authority, and, if the 20165
municipal corporation maintains a website on the internet, the 20166
notice shall be posted continually throughout the calendar year at 20167
that website. 20168

When the property is to be sold by internet auction, the 20169
legislative authority or its representative may establish a 20170
minimum price that will be accepted for specific items and may 20171
establish any other terms and conditions for the particular sale, 20172
including requirements for pick-up or delivery, method of payment, 20173
and sales tax. This type of information shall be provided on the 20174
internet at the time of the auction and may be provided before 20175
that time upon request after the terms and conditions have been 20176
determined by the legislative authority or its representative. 20177

Sec. 723.52. Before letting or making any contract for the 20178
construction, reconstruction, widening, resurfacing, or repair of 20179
a street or other public way, the director of public service in a 20180
city, or the legislative authority in a village, shall make an 20181
estimate of the cost of such work using the force account project 20182
assessment form developed by the auditor of state under section 20183
117.16 of the Revised Code. In municipal corporations having an 20184
engineer, or an officer having a different title but the duties 20185
and functions of an engineer, the estimate shall be made by the 20186
engineer or other officer. Where the total estimated cost of any 20187

such work is less than thirty thousand dollars or, when the amount 20188
is adjusted under section 117.162 of the Revised Code, less than 20189
that adjusted amount, the proper officers may proceed by force 20190
account. 20191

Where the total estimated cost of any such work exceeds the 20192
higher of thirty thousand dollars or the amount as adjusted under 20193
section 117.162 of the Revised Code, the proper officers of the 20194
municipal corporation shall be required to invite and receive 20195
competitive bids for furnishing all the labor, materials, and 20196
equipment and doing the work, after newspaper advertisement as 20197
provided by law. The officers shall consider and may reject such 20198
bids. If the bids are rejected, the officers may order the work 20199
done by force account or direct labor. When such bids are 20200
received, considered, and rejected, and the work done by force 20201
account or direct labor, such work shall be performed in 20202
compliance with the plans and specifications upon which the bids 20203
were based. It shall be unlawful to divide a street or connecting 20204
streets into separate sections for the purpose of defeating this 20205
section and section 723.53 of the Revised Code. 20206

"Street," as used in such sections, includes portions of 20207
connecting streets on which the same or similar construction, 20208
reconstruction, widening, resurfacing, or repair is planned or 20209
projected. 20210

Sec. 723.53. Where the proper officers of any municipal 20211
corporation construct, reconstruct, widen, resurface, or repair a 20212
street or other public way by force account or direct labor, and 20213
the estimated cost of the work as defined in section 723.52 of the 20214
Revised Code exceeds the higher of thirty thousand dollars or the 20215
amount as adjusted under section 117.162 of the Revised Code, such 20216
municipal authorities shall cause to be kept by the engineer of 20217
the municipal corporation, or other officer or employee of the 20218

municipal corporation in charge of such work, a complete and 20219
accurate account, in detail, of the cost of doing the work. The 20220
account shall include labor, materials, freight, fuel, hauling, 20221
overhead expense, workers' compensation premiums, and all other 20222
items of cost and expense, including a reasonable allowance for 20223
the use of all tools and equipment used on or in connection with 20224
such work and for the depreciation on the tools and equipment. The 20225
engineer or other officer or employee shall keep such account, and 20226
within ninety days after the completion of any such work shall 20227
prepare a detailed and itemized statement of such cost and file 20228
the statement with the officer or board vested with authority to 20229
direct the doing of the work in question. Such officer or board 20230
shall thereupon examine the statement, correct it if necessary, 20231
and file it in the office of the officer or board. Such statement 20232
shall be kept on file for not less than two years and shall be 20233
open to public inspection. 20234

This section and section 723.52 of the Revised Code do not 20235
apply to any municipal corporations having a charter form of 20236
government. 20237

Sec. 901.041. There is hereby created in the state treasury 20238
the sustainable agriculture program fund. The fund shall consist 20239
of money credited to it, including, without limitation, federal 20240
money. The director of agriculture shall use money in the fund to 20241
support programs and activities that advance sustainable 20242
agriculture, including administrative costs incurred by the 20243
department of agriculture in administering the programs and 20244
activities. 20245

Sec. 901.20. (A) The director of agriculture may do either or 20246
both of the following: 20247

(1) Reserve exhibition space for exhibitors to exhibit their 20248

goods in trade shows held in this country or in any other country. 20249
The director may charge and collect fees from any exhibitor who 20250
uses space reserved by the director under division (A)(1) of this 20251
section. 20252

(2) Conduct or cause to be conducted seminars or other 20253
educational programs for the benefit of farmers and other 20254
producers in this state who are interested in exporting their 20255
goods overseas. The director may charge and collect fees from any 20256
person who attends a seminar or other educational program 20257
conducted under division (A)(2) of this section. 20258

(B) There is hereby created in the state treasury the Ohio 20259
proud, international, and domestic market development fund. Fees 20260
collected under division (A) of this section shall be deposited 20261
into the fund. The fund shall be used solely to carry out the 20262
purposes of that division. 20263

Sec. 901.32. Funds and the proceeds of the trust assets ~~which~~ 20264
~~that~~ are not authorized to be administered by the secretary of 20265
agriculture of the United States under section 901.31 of the 20266
Revised Code shall be paid to and received by the director of 20267
agriculture, and paid by ~~him~~ the director into the state treasury 20268
to the credit of the Ohio farm loan fund, which is hereby created. 20269
Money credited to the fund may be expended or obligated by the 20270
director for ~~such of the~~ rural rehabilitation purposes ~~permissible~~ 20271
~~under the charter of the now dissolved Ohio rural rehabilitation~~ 20272
~~corporation as are agreed upon by the director and the secretary~~ 20273
~~of agriculture or for the purposes of section 901.31 of the~~ 20274
Revised Code benefiting the state. 20275

All moneys received from investment of the fund shall be 20276
credited to the fund. 20277

All moneys received by the director resulting from the 20278
operation of the fund shall be credited to the fund. 20279

Sec. 903.082. (A) The director of agriculture may determine 20280
that an animal feeding facility that is not a medium concentrated 20281
animal feeding operation or small concentrated animal feeding 20282
operation as defined in section 903.01 of the Revised Code 20283
nevertheless shall be required to be permitted as a medium or 20284
small concentrated animal feeding operation when all of the 20285
following apply: 20286

(1) The director has received from the chief of the division 20287
of soil and water ~~conservation~~ resources in the department of 20288
natural resources a copy of an order issued under section 1511.02 20289
of the Revised Code that specifies that the animal feeding 20290
facility has caused agricultural pollution by failure to comply 20291
with standards established under that section and that the animal 20292
feeding facility therefore should be required to be permitted as a 20293
medium or small concentrated animal feeding operation. 20294

(2) The director or the director's authorized representative 20295
has inspected the animal feeding facility. 20296

(3) The director or the director's authorized representative 20297
finds that the facility is not being operated in a manner that 20298
protects the waters of the state. 20299

(B) If an animal feeding facility is required to be permitted 20300
in accordance with this section, the owner or operator of the 20301
facility shall apply to the director for a permit to operate as a 20302
concentrated animal feeding operation. In a situation in which 20303
best management practices cannot be implemented without modifying 20304
the existing animal feeding facility, the owner or operator of the 20305
facility also shall apply for a permit to install for the 20306
facility. 20307

(C) In the case of an animal feeding facility for which a 20308
permit to operate is required under this section, a permit to 20309
operate shall not be required after the end of the five-year term 20310

of the permit if the problems that caused the facility to be 20311
required to obtain the permit have been corrected to the 20312
director's satisfaction. 20313

Sec. 903.11. (A) The director of agriculture may enter into 20314
contracts or agreements to carry out the purposes of this chapter 20315
with any public or private person, including the Ohio state 20316
university extension service, the natural resources conservation 20317
service in the United States department of agriculture, the 20318
environmental protection agency, the division of soil and water 20319
~~conservation~~ resources in the department of natural resources, and 20320
soil and water conservation districts established under Chapter 20321
1515. of the Revised Code. However, the director shall not enter 20322
into a contract or agreement with a private person for the review 20323
of applications for permits to install, permits to operate, NPDES 20324
permits, or review compliance certificates that are issued under 20325
this chapter or for the inspection of a facility regulated under 20326
this chapter or with any person for the issuance of any of those 20327
permits or certificates or for the enforcement of this chapter and 20328
rules adopted under it. 20329

(B) The director may administer grants and loans using moneys 20330
from the federal government and other sources, public or private, 20331
for carrying out any of the director's functions. Nothing in this 20332
chapter shall be construed to limit the eligibility of owners or 20333
operators of animal feeding facilities or other agricultural 20334
enterprises to receive moneys from the water pollution control 20335
loan fund established under section 6111.036 of the Revised Code 20336
and the nonpoint source pollution management fund established 20337
under section 6111.037 of the Revised Code. 20338

The director of agriculture shall provide the director of 20339
environmental protection with written recommendations for 20340
providing financial assistance from those funds to agricultural 20341

enterprises. The director of environmental protection shall 20342
consider the recommendations in developing priorities for 20343
providing financial assistance from the funds. 20344

Sec. 903.25. An owner or operator of an animal feeding 20345
facility who holds a permit to install, a permit to operate, a 20346
review compliance certificate, or a NPDES permit or who is 20347
operating under an operation and management plan, as defined in 20348
section 1511.01 of the Revised Code, approved by the chief of the 20349
division of soil and water ~~conservation~~ resources in the 20350
department of natural resources under section 1511.02 of the 20351
Revised Code or by the supervisors of the appropriate soil and 20352
water conservation district under section 1515.08 of the Revised 20353
Code shall not be required by any political subdivision of the 20354
state or any officer, employee, agency, board, commission, 20355
department, or other instrumentality of a political subdivision to 20356
obtain a license, permit, or other approval pertaining to manure, 20357
insects or rodents, odor, or siting requirements for installation 20358
of an animal feeding facility. 20359

Sec. 905.32. (A) No person shall manufacture or distribute in 20360
this state any type of fertilizer until a license to manufacture 20361
or distribute has been obtained by the manufacturer or distributor 20362
from the department of agriculture upon payment of a five dollar 20363
fee: 20364

(1) For each fixed (permanent) location at which fertilizer 20365
is manufactured in this state; 20366

(2) For each mobile unit used to manufacture fertilizer in 20367
this state; 20368

(3) For each location out of the state from which fertilizer 20369
is distributed in this state to nonlicensees. 20370

All licenses shall be valid for one year beginning on the 20371

first day of December of a calendar year through the thirtieth day 20372
of November of the following calendar year. A renewal application 20373
for a license shall be submitted no later than the thirtieth day 20374
of November each year. A person who submits a renewal application 20375
for a license after the thirtieth day of November shall include 20376
with the application a late filing fee of ten dollars. 20377

(B) An application for license shall include: 20378

(1) The name and address of the licensee; 20379

(2) The name and address of each bulk distribution point in 20380
the state, not licensed for fertilizer manufacture and 20381
distribution. 20382

The name and address shown on the license shall be shown on 20383
all labels, pertinent invoices, and bulk storage for fertilizers 20384
distributed by the licensee in this state. 20385

(C) The licensee shall inform the director of agriculture in 20386
writing of additional distribution points established during the 20387
period of the license. 20388

(D) All money collected under this section shall be credited 20389
to the pesticide, fertilizer, and lime program fund created in 20390
section 921.22 of the Revised Code. 20391

Sec. 905.33. (A) Except as provided in division (C) of this 20392
section, no person shall distribute in this state a specialty 20393
fertilizer until it is registered by the manufacturer or 20394
distributor with the department of agriculture. An application, in 20395
duplicate, for each brand and product name of each grade of 20396
specialty fertilizer shall be made on a form furnished by the 20397
director of agriculture and shall be accompanied with a fee of 20398
fifty dollars for each brand and product name of each grade. 20399
Labels for each brand and product name of each grade shall 20400
accompany the application. Upon the approval of an application by 20401

the director, a copy of the registration shall be furnished the 20402
applicant. All registrations shall be valid for one year beginning 20403
on the first day of December of a calendar year through the 20404
thirtieth day of November of the following calendar year. 20405

(B) An application for registration shall include the 20406
following: 20407

(1) Name and address of the manufacturer or distributor; 20408

(2) The brand and product name; 20409

(3) The grade; 20410

(4) The guaranteed analysis; 20411

(5) The package sizes for persons that package fertilizers 20412
only in containers of ten pounds or less. 20413

(C)(1) No person who engages in the business of applying 20414
custom mixed fertilizer to lawns, golf courses, recreation areas, 20415
or other real property that is not used for agricultural 20416
production shall be required to register the custom mixed 20417
fertilizer as a specialty fertilizer in accordance with division 20418
(A) of this section if the fertilizer ingredients of the custom 20419
mixed fertilizer are registered as specialty fertilizers and the 20420
inspection fee described in division (A) of section 905.36 of the 20421
Revised Code is paid. 20422

(2) No person who engages in the business of blending custom 20423
mixed fertilizer for use on lawns, golf courses, recreation areas, 20424
or other real property that is not used for agricultural 20425
production shall be required to register the custom mixed 20426
fertilizer as a specialty fertilizer in accordance with division 20427
(A) of this section if the facility holds a nonagricultural 20428
production custom mixed fertilizer blender license issued under 20429
section 905.331 of the Revised Code. 20430

(D) A person who engages in the business of applying or 20431

blending custom mixed fertilizer as described in division (C) of 20432
this section shall maintain an original or a copy of an invoice or 20433
document of sale for all fertilizer the person applies or 20434
distributes for one year following the date of the application or 20435
distribution, and, upon the director's request, shall furnish the 20436
director with the invoice or document of sale for the director's 20437
review. 20438

(E) All money collected under this section shall be credited 20439
to the pesticide, fertilizer, and lime program fund created in 20440
section 921.22 of the Revised Code. 20441

Sec. 905.331. No person who engages in the business of 20442
blending a custom mixed fertilizer for use on lawns, golf courses, 20443
recreation areas, or other real property that is not used for 20444
agricultural production shall fail to register a specialty 20445
fertilizer in accordance with division (A) of section 905.33 of 20446
the Revised Code unless the person has obtained an annual 20447
nonagricultural production custom mixed fertilizer blender license 20448
from the director of agriculture. 20449

A license issued under this section shall be valid from the 20450
first day of December of a calendar year through the thirtieth day 20451
of November of the following calendar year. A renewal application 20452
for a nonagricultural production custom mixed fertilizer blender 20453
license shall be submitted to the director no later than the 20454
thirtieth day of November each year and shall include the name and 20455
address of the applicant and of the premises where the blending 20456
occurs and a one-hundred-dollar fee. A person who submits a 20457
renewal application for a license after the thirtieth day of 20458
November shall include with the application a late filing fee of 20459
ten dollars. All nonagricultural production custom mixed 20460
fertilizer blender licenses expire on the thirtieth day of 20461
November each year. 20462

A person holding a nonagricultural production custom mixed fertilizer blender license shall pay the inspection fees described in division (A) of section 905.36 of the Revised Code for each product being blended.

All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 905.36. (A) A licensee or registrant, except registrants who package specialty fertilizers only in containers of ten pounds or less, shall pay the director of agriculture for all fertilizers distributed in this state an inspection fee at the rate of twenty-five cents per ton or twenty-eight cents per metric ton. Licensees and registrants shall specify on an invoice whether the per ton inspection fee has been paid or whether payment of the fee is the responsibility of the purchaser of the fertilizer. The payment of this inspection fee by a licensee or registrant shall exempt all other persons from the payment of this fee.

(B) Every licensee or registrant shall file with the director an annual tonnage report that includes the number of net tons or metric tons of fertilizer distributed to nonlicensees or nonregistrants in this state by grade; packaged; bulk, dry or liquid. The report shall be filed on or before the thirtieth day of November of each calendar year and shall include data from the period beginning on the first day of November of the year preceding the year in which the report is due through the thirty-first day of October of the year in which the report is due. The licensee or registrant, except registrants who package specialty fertilizers only in containers of ten pounds or less, shall include with this statement the inspection fee at the rate stated in division (A) of this section. For a tonnage report that is not filed or payment of inspection fees that is not made on or

before the thirtieth day of November of the applicable calendar 20494
year, a penalty of fifty dollars or ten per cent of the amount 20495
due, whichever is greater, shall be assessed against the licensee 20496
or registrant. The amount of fees due, plus penalty, shall 20497
constitute a debt and become the basis of a judgment against the 20498
licensee or registrant. For tonnage reports found to be incorrect, 20499
a penalty of fifteen per cent of the amount due shall be assessed 20500
against the licensee or registrant and shall constitute a debt and 20501
become the basis of a judgment against the licensee or registrant. 20502
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(C) No information furnished under this section shall be 20504
disclosed by any employee of the department of agriculture in such 20505
a way as to divulge the operation of any person required to make 20506
such a report. The filing by a licensee or registrant of a sales 20507
volume tonnage statement required by division (B) of this section 20508
thereby grants permission to the director to verify the same with 20509
the records of the licensee or registrant. 20510

(D) All money collected under this section shall be credited 20511
to the pesticide, fertilizer, and lime program fund created in 20512
section 921.22 of the Revised Code. 20513

Sec. 905.50. If the director of agriculture has taken an 20514
official sample of a fertilizer or mixed fertilizer and determined 20515
that it constitutes mislabeled fertilizer pursuant to rules 20516
adopted under section 905.40 of the Revised Code, the person who 20517
labeled the fertilizer or mixed fertilizer shall pay a penalty to 20518
the consumer of the mislabeled fertilizer or, if the consumer 20519
cannot be determined with reasonable diligence or is not 20520
available, to the director ~~for deposit into~~ to be credited to the 20521
~~commercial feed pesticide, fertilizer, seed, and lime inspection~~ 20522
~~and laboratory program~~ fund created under section 905.38 921.22 of 20523
the Revised Code. The amount of the penalty shall be calculated in 20524

accordance with either division (A) or (B) of this section, 20525
whichever method of calculation yields the largest amount. 20526

(A)(1) A penalty required to be paid under this section may 20527
be calculated as follows: 20528

(a) Five dollars for each percentage point of total nitrogen 20529
or phosphorus in the fertilizer that is below the percentage of 20530
nitrogen or phosphorus guaranteed on the label, multiplied by the 20531
number of tons of mislabeled fertilizer that have been sold to the 20532
consumer; 20533

(b) Three dollars for each percentage point of potash in the 20534
fertilizer that is below the percentage of potash guaranteed on 20535
the label, multiplied by the number of tons of mislabeled 20536
fertilizer that have been sold to the consumer. 20537

(2) In the case of a fertilizer that contains a quantity of 20538
nitrogen, phosphorus, or potash that is more than five percentage 20539
points below the percentages guaranteed on the label, the 20540
penalties calculated under division (A)(1) of this section shall 20541
be tripled. 20542

(3) No penalty calculated under division (A) of this section 20543
shall be less than twenty-five dollars. 20544

(B) A penalty required to be paid under this section may be 20545
calculated by multiplying the market value of one unit of the 20546
mislabeled fertilizer by the number of units of the mislabeled 20547
fertilizer that have been sold to the consumer. 20548

(C) Upon making a determination under this section that a 20549
person has mislabeled fertilizer or mixed fertilizer, the director 20550
shall determine the parties to whom the penalty imposed by this 20551
section is required to be paid and, in accordance with division 20552
(A) or (B) of this section, as applicable, shall calculate the 20553
amount of the penalty required to be paid to each such party. 20554
After completing those determinations and calculations, the 20555

director shall issue to the person who allegedly mislabeled the 20556
fertilizer or mixed fertilizer a notice of violation. The notice 20557
shall be accompanied by an order requiring, and specifying the 20558
manner of, payment of the penalty imposed by this section to the 20559
parties in the amounts set forth in the determinations and 20560
calculations required by this division. The order shall be issued 20561
in accordance with Chapter 119. of the Revised Code. 20562

No person shall violate a term or condition of an order 20563
issued under this division. 20564

Sec. 905.51. As used in sections 905.51 to ~~905.66~~ 905.65 of 20565
the Revised Code: 20566

(A) "Liming material" means all materials, the calcium and 20567
magnesium content of which is used to neutralize soil acidity, and 20568
includes the oxide, hydrate, carbonate, and silicate forms, as 20569
defined by rule, or combinations of those forms. "Liming material" 20570
includes materials such as the following: 20571

(1) Limestone; 20572

(2) Hydrated lime; 20573

(3) Burnt lime; 20574

(4) Industrial by-product; 20575

(5) Marl and shell. 20576

(B) "Bulk" means in a nonpackaged form. 20577

(C) "Label" means any written or printed matter on the 20578
package, or tag attached thereto. 20579

(D) "Manufacture" means to process, crush, grind, pelletize, 20580
or blend. 20581

(E) "Person" means any partnership, association, firm, or 20582
corporation, company, society, individual or combination of 20583
individuals, institution, park, or public agency administered by 20584

the state or any subdivision of the state. 20585

(F) "Product name" means a coined or specific designation 20586
applied to an individual liming material. 20587

(G) "Sale" means an exchange or offer to exchange ownership, 20588
or a transfer or offer to transfer custody. 20589

(H) "Ton" means a net weight of two thousand pounds. 20590

(I) "Metric ton" means a measure of weight equal to one 20591
thousand kilograms. 20592

(J) "Pelletized lime" means a finely ground limestone product 20593
or manufactured material that is held together in a granulated 20594
form by a water soluble binding agent and that is capable of 20595
neutralizing soil acidity. 20596

(K) "Water treatment lime sludge" means lime sludge generated 20597
during the process of treating water supplies having levels of 20598
heavy metals at or below the levels permitted in standards adopted 20599
by the director of environmental protection governing the land 20600
application of lime sludge so generated. 20601

(L) "Distribute" means to offer for sale, sell, barter, or 20602
otherwise supply liming material in this state. 20603

(M) "Official sample" means any sample of liming material 20604
taken and designated as "official" by the director of agriculture 20605
or the director's designee. 20606

(N) "Effective neutralizing power" means the neutralizing 20607
value of liming material based on the total neutralizing power and 20608
fineness that is expressed as a dry weight percentage. 20609

(O) "Fineness index" means the percentage by weight of a 20610
liming material that will pass designated sieves, calculated to 20611
account for particle size distribution by adding the amounts 20612
arrived at under divisions (O)(1), (2), and (3) of this section as 20613
follows: 20614

(1) Two-tenths multiplied by the percentage of material 20615
passing a number eight United States standard sieve minus the 20616
percentage of material passing a number twenty United States 20617
standard sieve. 20618

(2) Six-tenths multiplied by the percentage of material 20619
passing a number twenty United States standard sieve minus the 20620
percentage of material passing a number sixty United States 20621
standard sieve. 20622

(3) One multiplied by the percentage of material passing a 20623
number sixty United States standard sieve. 20624

Sec. 905.52. (A) Except as provided in section 905.53 of the 20625
Revised Code, no person shall manufacture, sell, or distribute in 20626
this state liming material without a license to do so issued by 20627
the department of agriculture. 20628

(B) Each such license expires on the thirty-first day of 20629
December of each year and shall be renewed according to the 20630
standard renewal procedure of sections 4745.01 to 4745.03 of the 20631
Revised Code. 20632

(C) Each application for issuance or renewal of such a 20633
license shall: 20634

(1) Include the name and address of the applicant and the 20635
name and address of each bulk distribution point from which the 20636
applicant's liming material will be distributed in this state; 20637

(2) Be accompanied by a license fee of fifty dollars: 20638

(a) For each location at which liming material is 20639
manufactured in this state; 20640

(b) For each location out of the state from which liming 20641
material is distributed or sold in this state to nonlicensees. 20642

(3) Be accompanied by a label for each product name and 20643

grade. 20644

(D) The name and address of the applicant shown on the 20645
application shall be shown on all labels, pertinent invoices, and 20646
bulk storage for liming material distributed or sold by the 20647
licensee in this state. 20648

(E) The licensee shall inform the department in writing of 20649
additional distribution points established during the period of 20650
the license. 20651

(F) All money collected under this section shall be credited 20652
to the pesticide, fertilizer, and lime program fund created in 20653
section 921.22 of the Revised Code. 20654

Sec. 905.56. (A) Each licensee shall file with the department 20655
of agriculture an annual tonnage report that includes the number 20656
of net tons of liming material sold or distributed to a 20657
non-licensee in this state, by county, by oxide and hydrate forms, 20658
and by grade as defined in section 905.54 of the Revised Code, 20659
within forty days after the thirty-first day of December of each 20660
calendar year. The inspection fee at the rate stated in division 20661
(B) of this section shall accompany this report. 20662

(B) Each licensee who sells or distributes more than 20663
twenty-five hundred tons of agricultural liming material in this 20664
state shall pay to the department an inspection fee. The 20665
inspection fee is one fourth of one cent for each ton in excess of 20666
twenty-five hundred tons, as reported in the tonnage report 20667
required by division (A) of this section. The maximum inspection 20668
fee is three hundred dollars. 20669

(C) If a tonnage report is not filed, or if the inspection 20670
fee is not paid within ten days after the due date, a penalty of 20671
ten per cent of the amount due, with a minimum penalty of ten 20672
dollars, shall be assessed against the licensee. The amount of fee 20673

due, plus penalty, shall constitute a debt and shall become the 20674
basis of a judgment against the licensee. Such remedy is in 20675
addition to the remedy provided in section 905.62 of the Revised 20676
Code. 20677

(D) The director of agriculture may inspect the inventories, 20678
books, and records of any licensee in order to verify a tonnage 20679
report. If the director finds that a tonnage report is erroneous, 20680
the director may adjust the inspection fee, may assess any balance 20681
due against the licensee, and may impose a penalty not to exceed 20682
ten per cent of the balance due, or may refund any overpayment. 20683

(E) All money collected under this section shall be credited 20684
to the pesticide, fertilizer, and lime program fund created in 20685
section 921.22 of the Revised Code. 20686

Sec. 907.13. No person shall label agricultural, vegetable, 20687
or flower seed that is intended for sale in this state unless the 20688
person holds a valid seed labeler permit that has been issued by 20689
the director of agriculture in accordance with this section. 20690

A person who wishes to obtain a seed labeler permit shall 20691
file an application with the director on a form that the director 20692
provides and shall submit a permit fee in the amount of ten 20693
dollars. Such a person who labels seed under more than one name or 20694
at more than one address shall obtain a separate seed labeler 20695
permit and pay a separate permit fee for each name and address. 20696

The applicant shall include the applicant's full name and 20697
address on the application together with any additional 20698
information that the director requires by rules adopted under 20699
section 907.10 of the Revised Code. If the applicant's address is 20700
not within this state or it does not represent a location in this 20701
state where the director can collect samples of the applicant's 20702
seed for analysis, then the applicant shall include on the 20703
application an address within this state where samples of the 20704

applicant's seed may be collected for those purposes or shall 20705
agree to provide the director or the director's authorized 20706
representative with seeds for sampling upon request. 20707

Upon receipt of a complete application accompanied by the 20708
ten-dollar permit fee, the director shall issue a seed labeler's 20709
permit to the applicant. All seed labeler permits that are issued 20710
under this section shall expire on the thirty-first day of 20711
December of each year regardless of the date on which a permit was 20712
issued during that year. 20713

Each person who obtains a seed labeler permit shall label the 20714
seed that the person intends for sale in this state in accordance 20715
with the requirements established in sections 907.01 to 907.17 of 20716
the Revised Code. Each person who holds a valid seed labeler 20717
permit shall keep the permit posted in a conspicuous place in the 20718
principal seed room from which the person sells seed and shall 20719
comply with the reporting and fee requirements that are 20720
established in section 907.14 of the Revised Code. 20721

All money collected under this section shall be credited to 20722
the commercial feed and seed fund created in section 923.46 of the 20723
Revised Code. 20724

Sec. 907.14. (A) A person who holds a valid seed labeler 20725
permit issued under section 907.13 of the Revised Code shall 20726
report to the director of agriculture concerning the amount of 20727
seed that the person sells in this state. The report shall be made 20728
semiannually on a form that the director prescribes and provides. 20729
One semiannual report shall be filed with the director prior to 20730
the first day of February of each year with respect to all sales 20731
that the person made during the period from the first day of July 20732
to the thirty-first day of December of the preceding year. The 20733
second semiannual report shall be filed prior to the first day of 20734
August of each year with respect to all sales that the person made 20735

during the period from the first day of January to the thirtieth
day of June of that year. 20736
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(B) A person who holds a valid seed labeler permit shall 20738
include with each semiannual report a seed fee based on the amount 20739
of the seed that the person sold during that reporting period as 20740
follows: 20741

(1) For soybeans and small grains, including barley, oats, 20742
rye, wheat, triticale, and spelt, four cents per one hundred 20743
pounds; 20744

(2) For corn and grain sorghum, five cents per one hundred 20745
pounds; 20746

(3)(a) For any of the following seed sold at wholesale or 20747
retail or on consignment or commission, two per cent of the 20748
wholesale value of the containers of seed or, if the seed is not 20749
sold wholesale, two per cent of the retail value of the containers 20750
of seed: 20751

(i) Vegetable and flower seed sold in containers, other than 20752
hermetically sealed containers, of eight ounces or less; 20753

(ii) Flower seed sold in hermetically sealed containers that 20754
contain fewer than three hundred seeds; 20755

(iii) Vegetable seed sold in hermetically sealed containers 20756
that contain fewer than one thousand seeds. 20757

(b) The fees established pursuant to divisions (B)(3)(a)(ii) 20758
and (iii) of this section apply to both of the following: 20759

(i) Seed sold in hermetically sealed containers that contain 20760
the amount of seeds specified in division (B)(3)(a)(ii) or (iii) 20761
of this section, as applicable; 20762

(ii) Seed sold in hermetically sealed containers that do not 20763
clearly state the number of seeds that they contain. 20764

(c) Except as otherwise provided in division (B)(3)(b)(ii) of 20765

this section, if the weight of seed in a container, or the quantity of seed in a container, exceeds the applicable weight or quantity specified in division (B)(3)(a)(i), (ii), or (iii) of this section, the fee established in division (B)(4) of this section applies.

(4) For alfalfa, clover, grass, native grass, mixtures containing any of these, and all agricultural, vegetable, and flower seeds not specified in divisions (B)(1) to (3) of this section, ten cents per one hundred pounds.

If the total amount of the seed fee that is due is less than five dollars, the person shall pay the minimum seed fee, which is five dollars.

(C) For each failure to report in full the amount of seed sold or to submit the required seed fees in full by the due date, a person who holds a valid seed labeler permit shall pay a penalty of ten per cent of the amount due or fifty dollars, whichever is greater. Failure to pay either the fee or the penalty within thirty days after the due date is cause for suspension or revocation by the director of the seed labeler permit or refusal, without a hearing, to issue a subsequent seed labeler permit for which the person applies.

(D) This section does not apply to governmental entities that donate seed for conservation purposes.

(E) All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

Sec. 907.30. (A) No person shall apply legume inoculants to seed for sale in ~~Ohio~~, this state for others or to a customer's order unless ~~he shall have~~ the person has obtained from the director of agriculture a legume inoculator's license for each

such place of business where seed is inoculated. Application for 20796
such a license shall be made on a form obtainable from the 20797
director and shall be accompanied by a fee of five dollars. ~~Said~~ 20798
The application shall include the name of the brand, or brands of 20799
legume inoculant to be used together with the name of the 20800
manufacturer, and the name of the process or technique used to 20801
apply the inoculant to the seed. All such licenses shall expire 20802
each year on the thirty-first day of January and shall be renewed 20803
according to the standard renewal procedure of sections 4745.01 to 20804
4745.03, ~~inclusive,~~ of the Revised Code. 20805

(B) The legume inoculator shall keep for a period of eighteen 20806
months, ~~records which~~ that shall include complete data concerning 20807
the source and lot number of the inoculant material used, the rate 20808
and date of application, and the lot identity by owner and lot 20809
number, if any, of the seed to which the material was applied. 20810

(C) All money collected under this section shall be credited 20811
to the commercial feed and seed fund created in section 923.46 of 20812
the Revised Code. 20813

Sec. 907.31. Any person who submits an application for the 20814
registration of a brand of legume inoculant shall pay annually, 20815
prior to the first day of January, a registration and inspection 20816
fee in the amount of fifty dollars per brand. 20817

The registration shall be renewed according to the standard 20818
renewal procedure established in Chapter 4745. of the Revised 20819
Code. 20820

All money collected under this section shall be credited to 20821
the commercial feed and seed fund created in section 923.46 of the 20822
Revised Code. 20823

Sec. 915.24. (A) There is hereby created in the state 20824
treasury the food safety fund. All of the following moneys shall 20825

be credited to the fund:	20826
(1) Bakery registration fees and fines received under sections 911.02 to 911.20 of the Revised Code;	20827 20828
(2) Cannery license fees and renewal fees received under sections 913.01 to 913.05 of the Revised Code;	20829 20830
(3) Moneys received under sections 913.22 to 913.28 of the Revised Code;	20831 20832
(4) License fees, fines, and penalties recovered for the violation of sections 915.01 to 915.12 of the Revised Code;	20833 20834
(5) License fees collected under sections 915.14 to 915.23 of the Revised Code;	20835 20836
(6) License fees, other fees, and fines collected by or for the director of agriculture under Chapter 3717. of the Revised Code;	20837 20838 20839
(7) Fees collected under section 3715.04 of the Revised Code for the issuance of certificates of health and freesale.	20840 20841
(B) The director of agriculture shall use the moneys deposited into the food safety fund to administer and enforce the laws pursuant to which the moneys were collected.	20842 20843 20844
Sec. 921.02. (A) No person shall distribute a pesticide within this state unless the pesticide is registered with the director of agriculture under this chapter. Registrations shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at that plant or warehouse as a constituent part to make a pesticide that is registered under this chapter, or if the pesticide is distributed under the provisions of an experimental use permit issued under section 921.03 of the	20845 20846 20847 20848 20849 20850 20851 20852 20853 20854 20855

Revised Code or an experimental use permit issued by the United States environmental protection agency. 20856
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(B) The applicant for registration of a pesticide shall file a statement with the director on a form provided by the director, which shall include all of the following: 20858
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(1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's name; 20861
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(2) The brand and product name of the pesticide; 20864

(3) Any necessary information required for completion of the department of agriculture's application for registration, including the agency registration number; 20865
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(4) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use and the use classification as provided for in the federal act. 20868
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(C) The director, when the director considers it necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide including the active and inert ingredients. 20872
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(D) The director may require a full description of the tests made and the results thereof upon which the claims are based for any pesticide. The director shall not consider any data submitted in support of an application, without permission of the applicant, in support of any other application for registration unless the other applicant first has offered to pay reasonable compensation for producing the test data to be relied upon and the data are not protected from disclosure by section 921.04 of the Revised Code. In the case of a renewal of registration, a statement shall be required only with respect to information that is different from 20876
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that furnished when the pesticide was registered or last registered. 20886
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(E) The director may require any other information to be submitted with an application. 20888
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Any applicant may designate any portion of the required registration information as a trade secret or confidential business information. Upon receipt of any required registration information designated as a trade secret or confidential business information, the director shall consider the designated information as confidential and shall not reveal or cause to be revealed any such designated information without the consent of the applicants, except to persons directly involved in the registration process described in this section or as required by law. 20890
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(F) Beginning January 1, 2007, each applicant shall pay a registration and inspection fee of one hundred fifty dollars for each product name and brand registered for the company whose name appears on the label. If an applicant files for a renewal of registration after the deadline established by rule, the applicant shall pay a penalty fee of seventy-five dollars for each product name and brand registered for the applicant. The penalty fee shall be added to the original fee and paid before the renewal registration is issued. In addition to any other remedy available under this chapter, if a pesticide that is not registered pursuant to this section is distributed within this state, the person required to register the pesticide shall do so and shall pay a penalty fee of seventy-five dollars for each product name and brand registered for the applicant. The penalty fee shall be added to the original fee of one hundred fifty dollars and paid before the registration is issued. 20900
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(G) Provided that the state is authorized by the administrator of the United States environmental protection agency 20916
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to register pesticides to meet special local needs, the director 20918
shall require the information set forth under divisions (B), (C), 20919
(D), and (E) of this section and shall register any such pesticide 20920
after determining that all of the following conditions are met: 20921

(1) Its composition is such as to warrant the proposed claims 20922
for it. 20923

(2) Its labeling and other material required to be submitted 20924
comply with the requirements of the federal act and of this 20925
chapter, and rules adopted thereunder. 20926

(3) It will perform its intended function without 20927
unreasonable adverse effects on the environment. 20928

(4) When used in accordance with widespread and commonly 20929
recognized practice, it will not generally cause unreasonable 20930
adverse effects on the environment. 20931

(5) The classification for general or restricted use is in 20932
conformity with the federal act. 20933

The director shall not make any lack of essentiality a 20934
criterion for denying the registration of any pesticide. When two 20935
pesticides meet the requirements of division (G) of this section, 20936
the director shall not register one in preference to the other. 20937

(H)(1) The director may refuse to register a pesticide if the 20938
application for registration fails to comply with this section. 20939

(2) The director may suspend or revoke a pesticide 20940
registration after a hearing in accordance with Chapter 119. of 20941
the Revised Code for a pesticide that fails to meet the claims 20942
made for it on its label. 20943

(3) The director may immediately suspend a pesticide 20944
registration, prior to a hearing, when the director believes that 20945
the pesticide poses an immediate hazard to human or animal health 20946
or a hazard to the environment. Not later than fifteen days after 20947

suspending the registration, the director shall determine whether 20948
the pesticide poses such a hazard. If the director determines that 20949
no hazard exists, the director shall lift the suspension of the 20950
registration. If the director determines that a hazard exists, the 20951
director shall revoke the registration in accordance with Chapter 20952
119. of the Revised Code. 20953

(I) All money collected under this section shall be credited 20954
to the pesticide, fertilizer, and lime program fund created in 20955
section 921.22 of the Revised Code. 20956

Sec. 921.06. (A)(1) No individual shall do any of the 20957
following without having a commercial applicator license issued by 20958
the director of agriculture: 20959

(a) Apply pesticides for a pesticide business without direct 20960
supervision; 20961

(b) Apply pesticides as part of the individual's duties while 20962
acting as an employee of the United States government, a state, 20963
county, township, or municipal corporation, or a park district, 20964
port authority, or sanitary district created under Chapter 1545., 20965
4582., or 6115. of the Revised Code, respectively; 20966

(c) Apply restricted use pesticides. Division (A)(1)(c) of 20967
this section does not apply to a private applicator or an 20968
immediate family member or a subordinate employee of a private 20969
applicator who is acting under the direct supervision of that 20970
private applicator. 20971

(d) If the individual is the owner of a business other than a 20972
pesticide business or an employee of such an owner, apply 20973
pesticides at any of the following publicly accessible sites that 20974
are located on the property: 20975

(i) Food service operations that are licensed under Chapter 20976
3717. of the Revised Code; 20977

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	20978 20979
(iii) Golf courses;	20980
(iv) Rental properties of more than four apartment units at one location;	20981 20982
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	20983 20984
(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;	20985 20986
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an education service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;	20987 20988 20989 20990 20991 20992
(viii) Colleges as defined in section 3365.01 of the Revised Code;	20993 20994
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	20995 20996
(x) Any other site designated by rule.	20997
(e) Conduct authorized diagnostic inspections.	20998
(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	20999 21000 21001
(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director	21002 21003 21004 21005 21006 21007

shall by rule classify by pesticide-use category licenses to be 21008
issued under this section. A single license may include more than 21009
one pesticide-use category. No individual shall be required to pay 21010
an additional license fee if the individual is licensed for more 21011
than one category. 21012

The fee for each license or renewal does not apply to an 21013
applicant who is an employee of the department of agriculture 21014
whose job duties require licensure as a commercial applicator as a 21015
condition of employment. 21016

(B) Application for a commercial applicator license shall be 21017
made on a form prescribed by the director. Each application for a 21018
license shall state the pesticide-use category or categories of 21019
license for which the applicant is applying and other information 21020
that the director determines essential to the administration of 21021
this chapter. 21022

(C) If the director finds that the applicant is competent to 21023
apply pesticides and conduct diagnostic inspections and that the 21024
applicant has passed both the general examination and each 21025
applicable pesticide-use category examination as required under 21026
division (A) of section 921.12 of the Revised Code, the director 21027
shall issue a commercial applicator license limited to the 21028
pesticide-use category or categories for which the applicant is 21029
found to be competent. If the director rejects an application, the 21030
director may explain why the application was rejected, describe 21031
the additional requirements necessary for the applicant to obtain 21032
a license, and return the application. The applicant may resubmit 21033
the application without payment of any additional fee. 21034

(D)(1) A person who is a commercial applicator shall be 21035
deemed to hold a private applicator's license for purposes of 21036
applying pesticides on agricultural commodities that are produced 21037
by the commercial applicator. 21038

(2) A commercial applicator shall apply pesticides only in the pesticide-use category or categories in which the applicator is licensed under this chapter.

(E) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 921.09. (A)(1) No person shall own or operate a pesticide business without obtaining a license from the director of agriculture. Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule.

(2) A person applying for a pesticide business license shall register each location that is owned by the person and used for the purpose of engaging in the pesticide business.

(B) Any person who owns or operates a pesticide business outside of this state, but engages in the business of applying pesticides to properties of another for hire in this state, shall obtain a license for the person's principal out-of-state location from the director. In addition, the person shall register each location that is owned by the person in this state and used for the purpose of engaging in the pesticide business.

(C)(1) The person applying for a pesticide business license shall file a statement with the director, on a form provided by the director, that shall include all of the following:

(a) The address of the principal place of business of the pesticide business;

(b) The address of each location that the person intends to register under division (A)(2) or (B) of this section;

(c) Any other information that the director determines necessary and that the director requires by rule.

(2) Each applicant shall pay a license fee established by 21069
rule for the pesticide business plus an additional fee established 21070
by rule for each pesticide business registered location specified 21071
in the application. The license may be renewed upon payment of a 21072
renewal fee established by rule plus an additional fee established 21073
by rule for each pesticide business registered location. A copy of 21074
the license shall be maintained and conspicuously displayed at 21075
each such location. 21076

(3) The issuance of a pesticide business license constitutes 21077
registration of any pesticide business location identified in the 21078
application under division (C)(1) of this section. 21079

(4) The owner or operator of a pesticide business shall 21080
notify the director not later than fifteen days after any change 21081
occurs in the information required under division (C)(1)(a) or (b) 21082
of this section. 21083

(D) The owner or operator of a pesticide business shall 21084
employ at least one commercial applicator for each pesticide 21085
business registered location the owner or operator owns or 21086
operates. 21087

(E) The owner or operator of a pesticide business is 21088
responsible for the acts of each employee in the handling, 21089
application, and use of pesticides and in the conducting of 21090
diagnostic inspections. The pesticide business license is subject 21091
to denial, modification, suspension, or revocation after a hearing 21092
for any violation of this chapter or any rule adopted or order 21093
issued under it. The director may levy against the owner or 21094
operator any civil penalties authorized by division (B) of section 21095
921.16 of the Revised Code for any violation of this chapter or 21096
any rule adopted or order issued under it that is committed by the 21097
owner or operator or by the owner's or operator's officer, 21098
employee, or agent. 21099

(F) The director may modify a license issued under this section by one of the following methods:	21100 21101
(1) Revoking a licensee's authority to operate out of a particular pesticide business registered location listed under division (C)(1)(b) of this section;	21102 21103 21104
(2) Preventing a licensee from operating within a specific pesticide-use category.	21105 21106
(G) The director may deny a pesticide business license to any person whose pesticide business license has been revoked within the previous thirty-six months.	21107 21108 21109
(H) Each pesticide business registered location that is owned by a pesticide business is subject to inspection by the director.	21110 21111
<u>(I) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.</u>	21112 21113 21114
Sec. 921.11. (A)(1) No individual shall apply restricted use pesticides unless the individual is one of the following:	21115 21116
(a) Licensed under section 921.06 of the Revised Code;	21117
(b) Licensed under division (B) of this section;	21118
(c) A trained serviceperson who is acting under the direct supervision of a commercial applicator;	21119 21120
(d) An immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.	21121 21122 21123
(2) No individual shall directly supervise the application of a restricted use pesticide unless the individual is one of the following:	21124 21125 21126
(a) Licensed under section 921.06 of the Revised Code;	21127

(b) Licensed under division (B) of this section. 21128

(B) The director of agriculture shall adopt rules to 21129
establish standards and procedures for the licensure of private 21130
applicators. An individual shall apply for a private applicator 21131
license to the director, on forms prescribed by the director. The 21132
individual shall include in the application the pesticide-use 21133
category or categories of the license for which the individual is 21134
applying and any other information that the director determines is 21135
essential to the administration of this chapter. The fee for each 21136
license shall be established by rule. Licenses shall be issued for 21137
a period of time established by rule and shall be renewed in 21138
accordance with deadlines established by rule. If a license is not 21139
issued or renewed, the state shall retain any fee submitted as 21140
payment for reasonable expenses of processing the application. 21141

(C) An individual who is licensed under this section shall 21142
use or directly supervise the use of a restricted use pesticide 21143
only for the purpose of producing agricultural commodities on 21144
property that is owned or rented by the individual or the 21145
individual's employer. 21146

(D) All money collected under this section shall be credited 21147
to the pesticide, fertilizer, and lime program fund created in 21148
section 921.22 of the Revised Code. 21149

Sec. 921.13. (A) Any person who is acting in the capacity of 21150
a pesticide dealer or who advertises or assumes to act as a 21151
pesticide dealer at any time shall obtain a pesticide dealer 21152
license from the director of agriculture. Licenses shall be issued 21153
for a period of time established by rule and shall be renewed in 21154
accordance with deadlines established by rule. A license is 21155
required for each location or outlet within this state from which 21156
the person distributes pesticides. 21157

Any pesticide dealer who has no pesticide dealer outlets in 21158

this state and who distributes restricted use pesticides directly 21159
into this state shall obtain a pesticide dealer license from the 21160
director for the pesticide dealer's principal out-of-state 21161
location or outlet and for each sales person operating in the 21162
state. 21163

The applicant shall include a license fee established by rule 21164
with the application for a license. The application shall be made 21165
on a form prescribed by the director. 21166

Each pesticide dealer shall submit records to the director of 21167
all of the restricted use pesticides the pesticide dealer has 21168
distributed, as specified by the director, and duplicate records 21169
shall be retained by the pesticide dealer for a period of time 21170
established by rules. 21171

(B) This section does not apply to any federal, state, 21172
county, or municipal agency that provides pesticides for its own 21173
programs. 21174

(C) Each licensed pesticide dealer is responsible for the 21175
acts of each employee in the solicitation and sale of pesticides 21176
and all claims and recommendations for use of pesticides. The 21177
pesticide dealer's license is subject to denial, suspension, or 21178
revocation after a hearing for any violation of this chapter 21179
whether committed by the pesticide dealer or by the pesticide 21180
dealer's officer, agent, or employee. 21181

(D) All money collected under this section shall be credited 21182
to the pesticide, fertilizer, and lime program fund created in 21183
section 921.22 of the Revised Code. 21184

Sec. 921.16. (A) The director of agriculture shall adopt 21185
rules the director determines necessary for the effective 21186
enforcement and administration of this chapter. The rules may 21187
relate to, but are not limited to, the time, place, manner, and 21188

methods of application, materials, and amounts and concentrations 21189
of application of pesticides, may restrict or prohibit the use of 21190
pesticides in designated areas during specified periods of time, 21191
and shall encompass all reasonable factors that the director 21192
determines necessary to minimize or prevent damage to the 21193
environment. In addition, the rules shall establish the deadlines 21194
and time periods for registration, registration renewal, late 21195
registration renewal, and failure to register under section 921.02 21196
of the Revised Code; the fees for registration, registration 21197
renewal, late registration renewal, and failure to register under 21198
section 921.02 of the Revised Code that shall apply until the fees 21199
that are established under that section take effect on January 1, 21200
2007; and the fees, deadlines, and time periods for licensure and 21201
license renewal under sections 921.06, 921.09, 921.11, and 921.13 21202
of the Revised Code. 21203

(B) The director shall adopt rules that establish a schedule 21204
of civil penalties for violations of this chapter, or any rule or 21205
order adopted or issued under it, provided that the civil penalty 21206
for a first violation shall not exceed five thousand dollars and 21207
the civil penalty for each subsequent violation shall not exceed 21208
ten thousand dollars. In determining the amount of a civil penalty 21209
for a violation, the director shall consider factors relevant to 21210
the severity of the violation, including past violations and the 21211
amount of actual or potential damage to the environment or to 21212
human beings. All money collected under this division shall be 21213
credited to the pesticide, fertilizer, and lime program fund 21214
created in section 921.22 of the Revised Code. 21215

(C) The director shall adopt rules that set forth the 21216
conditions under which the director: 21217

(1) Requires that notice or posting be given of a proposed 21218
application of a pesticide; 21219

(2) Requires inspection, condemnation, or repair of equipment used to apply a pesticide;	21220 21221
(3) Will suspend, revoke, or refuse to issue any pesticide registration for a violation of this chapter;	21222 21223
(4) Requires safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers;	21224 21225
(5) Ensures the protection of the health and safety of agricultural workers storing, handling, or applying pesticides, and all residents of agricultural labor camps, as that term is defined in section 3733.41 of the Revised Code, who are living or working in the vicinity of pesticide-treated areas;	21226 21227 21228 21229 21230
(6) Requires a record to be kept of all pesticide applications made by each commercial applicator and by any trained serviceperson acting under the commercial applicator's direct supervision and of all restricted use pesticide applications made by each private applicator and by any immediate family member or subordinate employee of that private applicator who is acting under the private applicator's direct supervision as required under section 921.14 of the Revised Code;	21231 21232 21233 21234 21235 21236 21237 21238
(7) Determines the pesticide-use categories of diagnostic inspections that must be conducted by a commercial applicator;	21239 21240
(8) Requires a record to be kept of all diagnostic inspections conducted by each commercial applicator and by any trained service person.	21241 21242 21243
(D) The director shall prescribe standards for the licensure of applicators of pesticides consistent with those prescribed by the federal act and the regulations adopted under it or prescribe standards that are more restrictive than those prescribed by the federal act and the regulations adopted under it. The standards may relate to the use of a pesticide or to an individual's pesticide-use category.	21244 21245 21246 21247 21248 21249 21250

The director shall take into consideration standards of the United States environmental protection agency.

(E) The director may adopt rules setting forth the conditions under which the director will:

(1) Collect and examine samples of pesticides or devices;

(2) Specify classes of devices that shall be subject to this chapter;

(3) Prescribe other necessary registration information.

(F) The director may adopt rules that do either or both of the following:

(1) Designate, in addition to those restricted uses so classified by the administrator of the United States environmental protection agency, restricted uses of pesticides for the state or for designated areas within the state and, if the director considers it necessary, to further restrict such use;

(2) Define what constitutes "acting under the instructions and control of a commercial applicator" as used in the definition of "direct supervision" in division (Q)(1) of section 921.01 of the Revised Code. In adopting a rule under division (F)(2) of this section, the director shall consider the factors associated with the use of pesticide in the various pesticide-use categories. Based on consideration of the factors, the director may define "acting under the instructions and control of a commercial applicator" to include communications between a commercial applicator and a trained serviceperson that are conducted via landline telephone or a means of wireless communication. Any rules adopted under division (F)(2) of this section shall be drafted in consultation with representatives of the pesticide industry.

(G) Except as provided in division (D) of this section, the director shall not adopt any rule under this chapter that is

inconsistent with the requirements of the federal act and 21281
regulations adopted thereunder. 21282

(H) The director, after notice and opportunity for hearing, 21283
may declare as a pest any form of plant or animal life, other than 21284
human beings and other than bacteria, viruses, and other 21285
microorganisms on or in living human beings or other living 21286
animals, that is injurious to health or the environment. 21287

(I) The director may make reports to the United States 21288
environmental protection agency, in the form and containing the 21289
information the agency may require. 21290

(J) The director shall adopt rules for the application, use, 21291
storage, and disposal of pesticides if, in the director's 21292
judgment, existing programs of the United States environmental 21293
protection agency necessitate such rules or pesticide labels do 21294
not sufficiently address issues or situations identified by the 21295
department of agriculture or interested state agencies. 21296

(K) The director shall adopt rules establishing all of the 21297
following: 21298

(1) Standards, requirements, and procedures for the 21299
examination and re-examination of commercial applicators and 21300
private applicators; 21301

(2) With respect to training programs that the director may 21302
require commercial applicators and private applicators to 21303
complete: 21304

(a) Standards and requirements that a training program must 21305
satisfy in order to be offered by the director or the director's 21306
representative or in order to be approved by the director if a 21307
third party wishes to offer it; 21308

(b) Eligibility standards and requirements that must be 21309
satisfied by third parties who wish to provide the training 21310

programs; 21311

(c) Procedures that third parties must follow in order to 21312
submit a proposed training program to the director for approval; 21313

(d) Criteria that the director must consider when determining 21314
whether to authorize a commercial applicator or private applicator 21315
to participate in a training program instead of being required to 21316
pass a re-examination. 21317

(3) Training requirements for a trained serviceperson. 21318

(L) The director shall adopt all rules under this chapter in 21319
accordance with Chapter 119. of the Revised Code. 21320

Sec. 921.22. The pesticide, fertilizer, and lime program fund 21321
is hereby created in the state treasury. ~~The portion of the money~~ 21322
~~in the fund that is collected under this chapter shall be used to~~ 21323
~~carry out the purposes of this chapter. The portion of the money~~ 21324
~~in the fund that is collected under section 927.53 of the Revised~~ 21325
~~Code shall be used to carry out the purposes specified in that~~ 21326
~~section, the portion of the money in the fund that is collected~~ 21327
~~under section 927.69 of the Revised Code shall be used to carry~~ 21328
~~out the purposes specified in that section, and the portion of the~~ 21329
~~money in the fund that is collected under section 927.701 of the~~ 21330
~~Revised Code shall be used to carry out the purposes of that~~ 21331
~~section.~~ The fund shall consist of ~~fees collected under sections~~ 21332
~~921.01 to 921.15, division (F) of section 927.53, and section~~ 21333
~~927.69 of the Revised Code, money collected under section 927.701~~ 21334
money credited to it under this chapter and Chapter 905. of the 21335
Revised Code, and rules adopted under them and all fines, 21336
penalties, costs, and damages, except court costs, that are 21337
collected by either the director of agriculture or the attorney 21338
general in consequence of any violation of ~~this chapter~~ those 21339
chapters or rules adopted under them. The director shall use money 21340
in the fund to administer and enforce those chapters and rules 21341

adopted under them. 21342

The director shall keep accurate records of all receipts into 21343
and disbursements from the fund and shall prepare, and provide 21344
upon request, an annual report classifying the receipts and 21345
disbursements that pertain to pesticides, fertilizers, or lime. 21346

Sec. 921.27. (A) If the director of agriculture has 21347
reasonable cause to believe that a pesticide or device is being 21348
distributed, stored, transported, or used in violation of this 21349
chapter or of any rules, it shall be subject to seizure on 21350
complaint of the director to a court of competent jurisdiction in 21351
the locality in which the pesticide or device is located. 21352

(B) If the article is condemned, it shall, after entry or 21353
decree, be disposed of by destruction or sale as the court may 21354
direct and the proceeds, if the article is sold, less legal costs, 21355
shall be paid to the pesticide, fertilizer, and lime program fund 21356
created in section 921.22 of the Revised Code. The article shall 21357
not be sold contrary to this section. Upon payment of costs and 21358
execution and delivery of a good and sufficient bond conditioned 21359
that the article shall not be disposed of unlawfully, the court 21360
may direct that the article be delivered to the owner thereof for 21361
relabeling or reprocessing. 21362

Sec. 921.29. Fines, penalties, costs, and damages assessed 21363
against a person in consequence of violations of this chapter, as 21364
provided in this chapter or any other section of the Revised Code, 21365
shall be a lien in favor of the state upon the real and personal 21366
property of the person, upon the filing of a judgment or an order 21367
of the director of agriculture with the county in which the real 21368
and personal property is located. The real and personal property 21369
of the person shall be liable to execution for the fines, 21370
penalties, costs, and damages by the attorney general, who shall 21371

deposit any proceeds from an execution upon the property in the 21372
pesticide, fertilizer, and lime program fund created in section 21373
921.22 of the Revised Code. 21374

Sec. 923.44. (A)(1) Except as otherwise provided in divisions 21375
(A)(2), (3), and (4) of this section, the first distributor of a 21376
commercial feed shall pay the director of agriculture a semiannual 21377
inspection fee at the rate of twenty-five cents per ton, with a 21378
minimum payment of twenty-five dollars, on all commercial feeds 21379
distributed by the first distributor in this state. 21380

(2) The semiannual inspection fee required under division 21382
(A)(1) of this section shall not be paid by the first distributor 21383
of a commercial feed if the distribution is made to an exempt 21384
buyer who shall be responsible for the fee. The director shall 21385
establish an exempt list consisting of those buyers who are 21386
responsible for the fee. 21387

(3) The semiannual inspection fee shall not be paid on a 21388
commercial feed if the fee has been paid by a previous 21389
distributor. 21390

(4) The semiannual inspection fee shall not be paid on 21391
customer-formula feed if the fee has been paid on the commercial 21392
feeds that are used as components in that customer-formula feed. 21393

(B) Each distributor or exempt buyer who is required to pay a 21394
fee under division (A)(1) or (2) of this section shall file a 21395
semiannual statement with the director that includes the number of 21396
net tons of commercial feed distributed by the distributor or 21397
exempt buyer in this state, within thirty days after the thirtieth 21398
day of June and within thirty days after the thirty-first day of 21399
December, respectively, of each calendar year. 21400

The inspection fee at the rate stated in division (A)(1) of 21401

this section shall accompany the statement. For a tonnage report 21402
that is not filed or payment of inspection fees that is not made 21403
within fifteen days after the due date, a penalty of ten per cent 21404
of the amount due, with a minimum penalty of fifty dollars shall 21405
be assessed against the distributor or exempt buyer. The amount of 21406
fees due, plus penalty, shall constitute a debt and become the 21407
basis of a judgment against the distributor or exempt buyer. 21408

(C) No information furnished under this section shall be 21409
disclosed by an employee of the department of agriculture in such 21410
a way as to divulge the operation of any person required to make 21411
such a report. 21412

(D) All money collected under this section shall be credited 21413
to the commercial feed and seed fund created in section 923.46 of 21414
the Revised Code. 21415

~~Sec. 923.46. All moneys collected by the director of 21416~~
~~agriculture under sections 923.41 to 923.55 of the Revised Code 21417~~
~~shall be deposited into the state treasury to the credit of the 21418~~
~~The commercial feed, fertilizer, and seed, and lime inspection and 21419~~
~~laboratory fund is hereby created in section 905.38 the state 21420~~
~~treasury. The fund shall consist of money credited to it under 21421~~
~~this chapter and Chapter 907. of the Revised Code.~~ 21422

The director shall ~~prepare and provide a report concerning 21423~~
~~the fund in accordance with section 905.381 of the Revised Code 21424~~
keep accurate records of all receipts into and disbursements from 21425
the fund and shall prepare, and provide upon request, an annual 21426
report classifying the receipts and disbursements that pertain to 21427
commercial feed or seed. 21428

Sec. 927.51. As used in sections 927.51 to ~~927.74~~ 927.73 of 21429
the Revised Code: 21430

(A) "Collected plant" means any plant dug or gathered from 21431

any wood lot, field, forest, or any other location in which such a 21432
plant is found growing in its native habitat. 21433

(B) "Collector" means any person who collects, for sale, 21434
plants from wood lots, fields, forests, or other native habitat. 21435

(C) "Dealer" means any person other than a nurseryman who 21436
offers for sale, sells, or distributes nursery stock, either 21437
exclusively or in connection with other merchandise, in or from 21438
any nursery, store, sales ground, stand, lot, truck, railway car, 21439
or other vehicle. "Dealer" includes any landscaper who sells or 21440
offers for sale nursery stock as a part of a grounds improvement 21441
project ~~which~~ that may involve the installation of such plants. 21442

(D) "Hardy," when applied to plants and bulbs, whether wild 21443
or cultivated, means capable of surviving the normal winter 21444
temperatures of this state. 21445

(E) "Host" means any plant or plant product from which any 21446
pest derives its food supply, or upon which it depends for its 21447
well being or to complete any part of its life cycle. 21448

(F) "Infested" means containing or harboring one or more 21449
pests or infected with one or more pests. 21450

(G) "Nursery" means any grounds or premises on or in which 21451
nursery stock is propagated or grown for sale. 21452

(H) "Nurseryman" means a person who owns, leases, manages, or 21453
is in charge of a nursery. 21454

(I) "Nursery stock" means: 21455

(1) Any hardy tree, shrub, plant, or bulb, whether wild or 21456
cultivated, except turfgrass, and any cutting, graft, scion, or 21457
bud thereof; 21458

(2) Any nonhardy plant, or plant part, ~~which~~ that is to be 21459
offered for sale in any state ~~which~~ that requires inspection and 21460
certification of ~~such~~ the plant or plant part as a condition of 21461

entrance therein. 21462

(J) "Person" means any corporation, company, society, 21463
association, partnership, individual or combination of 21464
individuals, institution, park, or any public agency administered 21465
by the state or any subdivision of the state. 21466

(K) "Pest" means any insect, mite, nematode, bacteria, 21467
fungus, virus, parasitic plant, or any other organism or any stage 21468
of any such organism ~~which~~ that causes, or is capable of causing, 21469
injury, disease, or damage to any plant, plant part, or plant 21470
product. 21471

(L) "Place of business" means each separate location from 21472
which nursery stock is sold, offered for sale, or distributed. 21473

(M) "Intensive production area" means a place where nursery 21474
stock is propagated or grown using greenhouses, liner beds, lath 21475
beds, or containers. 21476

(N) "Nonintensive production area" means any place where 21477
nursery stock is propagated or grown as field stock. 21478

(O) "Forced floral plants" means plants with desirable flower 21479
characteristics in which the bloom is artificially induced at an 21480
unnatural time of the year. 21481

Sec. 927.52. (A) The director of agriculture shall adopt and 21482
enforce any rules that are necessary to carry out sections 927.51 21483
to ~~927.74~~ 927.73 of the Revised Code. 21484

(B) The director may revoke, suspend, or refuse to issue any 21485
nursery certificate or dealer's license for any violation of 21486
sections 927.51 to 927.71 of the Revised Code, or of any rules 21487
adopted under those sections. 21488

(C) The director may publish reports describing nursery 21489
inspection and pest control operations authorized by sections 21490
927.51 to 927.71 of the Revised Code. 21491

Sec. 927.53. (A) Each collector or dealer who sells, offers, 21492
or exposes for sale, or distributes nursery stock within this 21493
state, or ships nursery stock to other states, shall pay an annual 21494
license fee of ~~fifty~~ one hundred twenty-five dollars to the 21495
director of agriculture for each place of business the collector 21496
or dealer operates. 21497

(B)(1) Each dealer shall furnish the director, annually, an 21498
affidavit that the dealer will buy and sell only nursery stock 21499
which has been inspected and certified by an official state or 21500
federal inspector. 21501

(2) Each dealer's license expires on the thirty-first day of 21502
December of each year. Each licensed dealer shall apply for 21503
renewal of the dealer's license prior to the first day of January 21504
of each year and in accordance with the standard renewal procedure 21505
of sections 4745.01 to 4745.03 of the Revised Code. 21506

(C) Each licensed nurseryperson shall post conspicuously in 21507
the nurseryperson's principal place of business, the certificate 21508
which is issued to the nurseryperson in accordance with section 21509
927.61 of the Revised Code. 21510

(D) Each licensed nurseryperson, or dealer, shall post 21511
conspicuously in each place of business, each certificate or 21512
license which is issued to the nurseryperson or dealer in 21513
compliance with this section or section 927.61 of the Revised 21514
Code. 21515

(E)(1) Each nurseryperson who produces, sells, offers for 21516
sale, or distributes woody nursery stock within the state, or 21517
ships woody nursery stock to other states, shall pay to the 21518
director an annual inspection fee of ~~fifty~~ one hundred dollars 21519
plus ~~four~~ eleven dollars per acre, or fraction thereof, of growing 21520
nursery stock in intensive production areas and ~~two~~ seven dollars 21521
per acre, or fraction thereof, of growing nursery stock in 21522

nonintensive production areas, as applicable. 21523

(2) Each nurseryperson who limits production and sales of 21524
nursery stock to brambles, herbaceous, perennial, and other 21525
nonwoody plants, shall pay to the director an inspection fee of 21526
~~thirty one hundred~~ dollars, plus ~~four eleven~~ dollars per acre, or 21527
fraction thereof, of growing nursery stock in intensive and 21528
nonintensive production areas. 21529

~~(F) On and after the effective date of this amendment, the 21530
following additional fees shall be assessed:~~ 21531

~~(1) Each collector or dealer who pays a fee under division 21532
(A) of this section shall pay an additional fee of twenty five 21533
dollars. 21534~~

~~(2) Each nurseryperson who pays fees under division (E)(1) of 21535
this section shall pay additional fees as follows:~~ 21536

~~(a) Fifteen dollars for the inspection fee; 21537~~

~~(b) Fifty cents per acre, or fraction thereof, of growing 21538
nursery stock in intensive production areas; 21539~~

~~(c) One dollar and fifty cents per acre, or fraction thereof, 21540
of growing nursery stock in nonintensive production areas. 21541~~

~~(3) Each nursery person who pays fees under division (E)(2) 21542
of this section shall pay additional fees as follows:~~ 21543

~~(a) Thirty five dollars for the inspection fee; 21544~~

~~(b) Fifty cents per acre, or fraction thereof, of growing 21545
stock in intensive and nonintensive production areas. The 21546~~

~~The fees collected under division (F) of this section shall 21547
be deposited into the state treasury credited to the credit of the 21548
pesticide plant pest program fund created in Chapter ~~921~~. section 21549
927.54 of the Revised Code. ~~Moneys so credited to the fund shall~~ 21550
~~be used to pay the costs incurred by the department of agriculture~~ 21551
~~in administering this chapter, including employing a minimum of~~ 21552~~

~~two additional inspectors.~~ 21553

Sec. 927.54. The plant pest program fund is hereby created in 21554
the state treasury. The fund shall consist of money credited to it 21555
under this chapter and any rules adopted under it. The director of 21556
agriculture shall use money in the fund to administer this 21557
chapter. 21558

The director shall keep accurate records of all receipts into 21559
and disbursements from the fund and shall prepare, and provide 21560
upon request, an annual report classifying the receipts and 21561
disbursements that pertain to plant pests. 21562

Sec. 927.56. (A) Each nurseryman, dealer, or collector of 21563
nursery stock, who resides in or has his principal place of 21564
business in another state and who sends nursery stock into this 21565
state without having a bona fide order in advance for all such 21566
nursery stock, shall obtain the same license ~~which~~ that is 21567
required by section 927.53 of the Revised Code. 21568

(B) The director of agriculture may enter into such 21569
reciprocal contracts and agreements as ~~he~~ the director determines 21570
proper and expedient, with the proper authorities of other states 21571
or of the federal government to regulate the shipment, sale, and 21572
distribution of nursery stock in this state by persons residing in 21573
or located in another state, in accordance with sections 927.51 to 21574
~~927.74, inclusive,~~ 927.73 of the Revised Code. 21575

Sec. 927.69. To effect the purpose of sections 927.51 to 21576
~~927.74~~ 927.73 of the Revised Code, the director of agriculture or 21577
the director's authorized representative may: 21578

(A) Make reasonable inspection of any premises in this state 21579
and any property therein or thereon; 21580

(B) Stop and inspect in a reasonable manner, any means of 21581

conveyance moving within this state upon probable cause to believe 21582
it contains or carries any pest, host, commodity, or other article 21583
that is subject to sections 927.51 to 927.72 of the Revised Code; 21584

(C) Conduct inspections of agricultural products that are 21585
required by other states, the United States department of 21586
agriculture, other federal agencies, or foreign countries to 21587
determine whether the products are infested. If, upon making such 21588
an inspection, the director or the director's authorized 21589
representative determines that an agricultural product is not 21590
infested, the director or the director's authorized representative 21591
may issue a certificate, as required by other states, the United 21592
States department of agriculture, other federal agencies, or 21593
foreign countries, indicating that the product is not infested. 21594

If the director charges fees for any of the certificates, 21595
agreements, or inspections specified in this section, the fees 21596
shall be as follows: 21597

(1) Phyto sanitary certificates, twenty-five dollars for 21598
those collectors or dealers that are licensed under section 927.53 21599
of the Revised Code; 21600

(2) Phyto sanitary certificates, one hundred dollars for all 21601
others; 21602

(3) Compliance agreements, ~~twenty~~ forty dollars; 21603

~~(3) Solid wood packing certificates, twenty dollars;~~ 21604

(4) Agricultural products and their conveyances inspections, 21605
an amount equal to the hourly rate of pay in the highest step in 21606
the pay range, including fringe benefits, of a plant pest control 21607
specialist multiplied by the number of hours worked by such a 21608
specialist in conducting an inspection. 21609

The director may adopt rules under section 927.52 of the 21610
Revised Code that define the certificates, agreements, and 21611

inspections. 21612

The fees shall be ~~deposited into the state treasury~~ credited 21613
to the ~~credit of the pesticide~~ plant pest program fund created in 21614
~~Chapter 921. section 927.54~~ of the Revised Code. ~~Money credited to~~ 21615
~~the fund shall be used to pay the costs incurred by the department~~ 21616
~~of agriculture in administering this chapter, including employing~~ 21617
~~a minimum of two additional inspectors.~~ 21618

Sec. 927.70. (A) No person shall knowingly permit any plant 21619
pest ~~which~~ that has been determined to be destructive or 21620
dangerously harmful by the director of agriculture, in compliance 21621
with procedures required by division (A) of section 927.52 of the 21622
Revised Code, to exist in or on ~~his~~ the person's premises. 21623

(B) Whenever the director or ~~his~~ the director's authorized 21624
representative finds any article or commodity to be infested or 21625
has reason to believe it to be infested, or finds that a host or 21626
pest exists on any premises, or is in transit in this state, ~~he~~ 21627
the director may: 21628

(1) Upon giving notice to the owner or ~~his~~ the owner's agent 21629
in possession thereof, seize, quarantine, treat, or otherwise 21630
dispose of ~~such~~ the pest, host, article, or commodity in such 21631
manner as ~~he~~ the director determines necessary to suppress, 21632
control, eradicate, or to prevent or retard the spread of a pest; 21633

(2) Order ~~such~~ the owner or agent to so treat or otherwise 21634
dispose of the pest, host, article, or commodity. 21635

(C) If the owner or person in charge of ~~such~~ the premises 21636
refuses or neglects to carry out the orders of the director within 21637
seven days after receiving written notice, the director may treat 21638
the premises; treat or destroy the infested plants or plant 21639
material; or apply any other preventive or remedial measure ~~which~~ 21640
~~he~~ that the director determines necessary. The expense of any such 21641

preventative or remedial measures shall be assessed, collected, 21642
and enforced, as taxes are assessed, collected, and enforced, 21643
against the premises upon which ~~such~~ the expense was incurred. The 21644
amount of ~~such~~ the expense when collected shall be ~~paid to the~~ 21645
~~director and by him deposited with the treasurer of state credited~~ 21646
to the plant pest program fund created in section 927.54 of the 21647
Revised Code. 21648

Sec. 927.701. (A) As used in this section, "gypsy moth" means 21649
the live insect, *Lymantria dispar*, in any stage of development. 21650
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(B) The director of agriculture may establish a voluntary 21652
gypsy moth suppression program under which a landowner may request 21653
that the department of agriculture have the landowner's property 21654
aerially sprayed to suppress the presence of gypsy moths in 21655
exchange for payment from the landowner of a portion of the cost 21656
of the spraying. To determine the ~~amount of payment that is due~~ 21657
~~from a landowner~~ total cost per acre, the department ~~first~~ shall 21658
~~determine the projected cost per acre to the department of gypsy~~ 21659
~~moth suppression activities for the year in which the landowner's~~ 21660
~~request is made. The cost shall be calculated by determining the~~ 21661
~~total expense of aerial spraying for gypsy moths to be incurred by~~ 21662
~~the department in that year divided by the total number of acres~~ 21663
~~proposed to be sprayed in that year. With respect to a landowner~~ 21664
add the per-acre cost of the product selected by the landowner to 21665
suppress gypsy moths and the per-acre cost of applying the product 21666
as determined by the director in rules. To determine the aggregate 21667
total cost, the department shall multiply the total cost per acre 21668
by the number of acres that the landowner requests to be sprayed. 21669
The department shall add to that amount any administrative costs 21670
that it incurs in billing the landowner and collecting payment. 21671
~~The amount that the landowner shall pay to the department shall~~ 21672
~~not exceed fifty per cent of the resulting amount. The portion of~~ 21673

the cost that is assessed to the landowner, if any, shall be 21674
determined by the funding that is allocated to the department by 21675
the federal and state gypsy moth suppression programs. 21676

(C) The director shall adopt rules under Chapter 119. of the 21677
Revised Code to establish procedures under which a landowner may 21678
make a request under division (B) of this section, to establish 21679
the per-acre cost of applying product to suppress gypsy moths, and 21680
to establish provisions governing agreements between the 21681
department and landowners concerning gypsy moth suppression 21682
together with any other provisions that the director considers 21683
appropriate to administer this section. 21684

(D) The director shall deposit all money collected under this 21685
section ~~into the state treasury~~ to the credit of the ~~pesticide~~ 21686
~~plant pest~~ program fund created in ~~Chapter 921.~~ section 927.54 of 21687
the Revised Code. Money credited to the fund under this section 21688
shall be used for the suppression of gypsy moths in accordance 21689
with this section. 21690

Sec. 927.71. (A) The director of agriculture, in accordance 21691
with Chapter 119. of the Revised Code, may quarantine: 21692

(1) This state or any portion thereof when ~~he~~ the director 21693
determines that such action is necessary to prevent or retard the 21694
spread of a pest into, within, or from this state; 21695

(2) Any other state or portion thereof when ~~he~~ the director 21696
determines that a pest exists therein and that such action is 21697
necessary to prevent or retard its spread into this state. 21698

(B) The director may limit the application of a quarantine to 21699
the infested portions of the quarantined area and appropriate 21700
environs, to be known as the regulated area, and may, without 21701
further hearing, extend the regulated area to include additional 21702
portions of the quarantined area either: 21703

(1) Upon publication of a notice to that effect in such newspapers in the quarantined area as ~~he~~ the director may select;

(2) Upon written notice to those concerned.

(C) Following establishment of a quarantine, no person shall move any regulated article described in the quarantine, or move the pest against which the quarantine is established, within, from, into, or through this state contrary to ~~regulations promulgated~~ rules adopted by the director without prior permission or order of the director.

(D) A ~~regulation~~ rule may restrict the movement of a pest and any regulated article from the quarantined or regulated area in this state into or through other parts of this state or other states and from the quarantine or regulated area in other states into or through this state and may impose such inspection, disinfection, certification, permit, or other requirements as the director determines necessary to effectuate the purpose of sections 927.51 to ~~927.74, inclusive,~~ 927.73 of the Revised Code.

Sec. 955.201. (A) As used in this section and in section 955.202 of the Revised Code, "Ohio pet fund" means a nonprofit corporation organized by that name under Chapter 1702. of the Revised Code that consists of humane societies, veterinarians, animal shelters, companion animal breeders, dog wardens, ~~and or~~ similar individuals and entities.

(B) The Ohio pet fund shall do all of the following:

(1) Establish eligibility criteria for organizations that may receive financial assistance from the pets program funding board created in section 955.202 of the Revised Code. Those organizations may include any of the following:

(a) An animal shelter as defined in section 4729.01 of the Revised Code;

(b) A local nonprofit veterinary association that operates a program for the sterilization of dogs and cats; 21734
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(c) A charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code and ~~the primary~~ a purpose of which is to support programs for the sterilization of dogs and cats and educational programs concerning the proper veterinary care of those animals. 21736
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(2) Establish procedures for applying for financial assistance from the pets program funding board. Application procedures shall require eligible organizations to submit detailed proposals that outline the intended uses of the moneys sought. 21741
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(3) Establish eligibility criteria for sterilization and educational programs for which moneys from the pets program funding board may be used and, consistent with division (C) of this section, establish eligibility criteria for individuals who seek sterilization for their dogs and cats from eligible organizations; 21745
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(4) Establish procedures for the disbursement of moneys the pets program funding board receives from license plate contributions pursuant to division (C) of section 4503.551 of the Revised Code; 21751
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(5) Advertise or otherwise provide notification of the availability of financial assistance from the pets program funding board for eligible organizations; 21755
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(6) Design markings to be inscribed on "pets" license plates under section 4503.551 of the Revised Code. 21758
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(C)(1) The owner of a dog or cat is eligible for dog or cat sterilization services from an eligible organization when those services are subsidized in whole or in part by money from the pets program funding board if any of the following applies: 21760
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(a) The income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline.	21764 21765
(b) The owner, or any member of the owner's family who resides with the owner, is a recipient or beneficiary of one of the following government assistance programs:	21766 21767 21768
(i) Low-income housing assistance under the "United States Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the federal section 8 housing program;	21769 21770 21771
(ii) The Ohio works first program established by Chapter 5107. of the Revised Code;	21772 21773
(iii) Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance program or medicaid, provided by the department of job and family services under Chapter 5111. of the Revised Code;	21774 21775 21776 21777
(iv) A program or law administered by the United States department of veterans' affairs or veterans' administration for any service-connected disability;	21778 21779 21780
(v) The food stamp <u>supplemental nutrition assistance</u> program established under the "Food Stamp and Nutrition Act of 1977," 91 Stat. 958, 2008 (7 U.S.C.A. 2011, as amended, et seq.)	21781 21782 21783
administered by the department of job and family services under section 5101.54 of the Revised Code;	21784 21785
(vi) The "special supplemental nutrition program for women, infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered by the department of health under section 3701.132 of the Revised Code;	21786 21787 21788 21789 21790
(vii) Supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended;	21791 21792 21793

(viii) Social security disability insurance benefits provided 21794
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 21795
42 U.S.C.A. 401, as amended. 21796

(c) The owner of the dog or cat submits to the eligible 21797
organization operating the sterilization program either of the 21798
following: 21799

(i) A certificate of adoption showing that the dog or cat was 21800
adopted from a licensed animal shelter, a municipal, county, or 21801
regional pound, or a holding and impoundment facility that 21802
contracts with a municipal corporation; 21803

(ii) A certificate of adoption showing that the dog or cat 21804
was adopted through a nonprofit corporation operating an animal 21805
adoption referral service whose holding facility, if any, is 21806
licensed in accordance with state law or a municipal ordinance. 21807

(2) The Ohio pet fund shall determine the type of documentary 21808
evidence that must be presented by the owner of a dog or cat to 21809
show that the income of the owner's family does not exceed one 21810
hundred fifty per cent of the federal poverty guideline or that 21811
the owner is eligible under division (C)(1)(b) of this section. 21812

(D) As used in division (C) of this section, "federal poverty 21813
guideline" means the official poverty guideline as revised 21814
annually by the United States department of health and human 21815
services in accordance with section 673(2) of the "Omnibus Budget 21816
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 21817
amended, for a family size equal to the size of the family of the 21818
person whose income is being determined. 21819

Sec. 1322.03. (A) An application for a certificate of 21820
registration as a mortgage broker shall be in writing, under oath, 21821
and in the form prescribed by the superintendent of financial 21822
institutions. The application shall be accompanied by a 21823

nonrefundable application fee of ~~three~~ five hundred ~~fifty~~ dollars 21824
for each location of an office to be maintained by the applicant 21825
in accordance with division (A) of section 1322.02 of the Revised 21826
Code; ~~however, an applicant that is registered under sections~~ 21827
~~1321.51 to 1321.60 of the Revised Code shall not be required to~~ 21828
~~pay an application fee.~~ The application shall provide all of the 21829
following: 21830

(1) The location or locations where the business is to be 21831
transacted and whether any location is a residence. If any 21832
location where the business is to be transacted is a residence, 21833
the application shall be accompanied by a certified copy of a 21834
zoning permit authorizing the use of the residence for commercial 21835
purposes, or shall be accompanied by a written opinion or other 21836
document issued by the county or political subdivision where the 21837
residence is located certifying that the use of the residence to 21838
transact business as a mortgage broker is not prohibited by the 21839
county or political subdivision. The application also shall be 21840
accompanied by a photograph of each location at which the business 21841
will be transacted. 21842

(2)(a) In the case of a sole proprietor, the name and address 21843
of the sole proprietor; 21844

(b) In the case of a partnership, the name and address of 21845
each partner; 21846

(c) In the case of a corporation, the name and address of 21847
each shareholder owning five per cent or more of the corporation; 21848

(d) In the case of any other entity, the name and address of 21849
any person that owns five per cent or more of the entity that will 21850
transact business as a mortgage broker. 21851

(3) If the applicant is a partnership, corporation, limited 21852
liability company, or any other business entity or association, 21853
the applicant shall designate an employee or owner of the 21854

applicant as the applicant's operations manager. While acting as 21855
the operations manager, the employee or owner shall not be 21856
employed by any other mortgage broker. 21857

(4) Evidence that the sole proprietor or the person 21858
designated on the application pursuant to division (A)(3) of this 21859
section, as applicable, possesses at least three years of 21860
experience in the mortgage and lending field, which experience may 21861
include employment with or as a mortgage broker or with a 21862
financial institution, mortgage lending institution, or other 21863
lending institution, or possesses at least three years of other 21864
experience related specifically to the business of mortgage loans 21865
that the superintendent determines meets the requirements of 21866
division (A)(4) of this section; 21867

(5) On or after January 1, 2007, evidence that the sole 21868
proprietor or the person designated on the application pursuant to 21869
division (A)(3) of this section has successfully completed either 21870
of the following: 21871

(a) At least twenty-four hours of live classroom instruction 21872
in a course or program of study approved by the superintendent 21873
that consists of at least all of the following: 21874

(i) Four hours of instruction concerning state and federal 21875
mortgage lending laws, which shall include no less than two hours 21876
on this chapter; 21877

(ii) Four hours of instruction concerning the Ohio consumer 21878
sales practices act, Chapter 1345. of the Revised Code, as it 21879
applies to registrants and licensees; 21880

(iii) Four hours of instruction concerning the loan 21881
application process; 21882

(iv) Two hours of instruction concerning the underwriting 21883
process; 21884

(v) Two hours of instruction concerning the secondary market for mortgage loans;	21885 21886
(vi) Four hours of instruction concerning the loan closing process;	21887 21888
(vii) Two hours of instruction covering basic mortgage financing concepts and terms;	21889 21890
(viii) Two hours of instruction concerning the ethical responsibilities of a registrant, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.	21891 21892 21893 21894
(b) Other post-secondary education related specifically to the business of mortgage loans that the superintendent determines meets the requirements of division (A)(5)(a) of this section.	21895 21896 21897
Division (A)(5) of this section does not apply to any applicant who has an application on file with the division of financial institutions prior to January 1, 2007.	21898 21899 21900
The evidence submitted by the applicant pursuant to division (A)(5) of this section may be in the form of transcripts or a statement indicating that the applicant has, and will maintain, transcripts at the applicant's place of business for a period of five years for inspection by the superintendent at the superintendent's request.	21901 21902 21903 21904 21905 21906
(6) Evidence of compliance with the surety bond requirements of section 1322.05 of the Revised Code and with sections 1322.01 to 1322.12 of the Revised Code;	21907 21908 21909
(7) In the case of a foreign business entity, evidence that it maintains a license or registration pursuant to Chapter 1703., 1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to transact business in this state;	21910 21911 21912 21913
(8) A statement as to whether the applicant or, to the best	21914

of the applicant's knowledge, any shareholder, member, partner, 21915
operations manager, or employee of the applicant has been 21916
convicted of or pleaded guilty to any criminal offense involving 21917
theft, receiving stolen property, embezzlement, forgery, fraud, 21918
passing bad checks, money laundering, or drug trafficking, or any 21919
criminal offense involving money or securities; 21920

(9) A statement as to whether the applicant or, to the best 21921
of the applicant's knowledge, any shareholder, member, partner, 21922
operations manager, or employee of the applicant has been subject 21923
to any adverse judgment for conversion, embezzlement, 21924
misappropriation of funds, fraud, misfeasance or malfeasance, or 21925
breach of fiduciary duty; 21926

(10) Evidence that the applicant's operations manager has 21927
successfully completed the examination required under division (A) 21928
of section 1322.051 of the Revised Code; 21929

(11) Any further information that the superintendent 21930
requires. 21931

(B) Upon the filing of the application and payment of the 21932
application fee, the superintendent of financial institutions 21933
shall investigate the applicant as set forth in division (B) of 21934
this section. 21935

(1) The superintendent shall request the superintendent of 21936
the bureau of criminal identification and investigation, or a 21937
vendor approved by the bureau, to conduct a criminal records check 21938
based on the applicant's fingerprints in accordance with division 21939
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 21940
division (K) of section 121.08 of the Revised Code, the 21941
superintendent of financial institutions shall request that 21942
criminal record information from the federal bureau of 21943
investigation be obtained as part of the criminal records check. 21944
Any fee required under division (C)(3) of section 109.572 of the 21945

Revised Code shall be paid by the applicant. 21946

(2) The superintendent shall conduct a civil records check. 21947

(3) If, in order to issue a certificate of registration to an applicant, additional investigation by the superintendent outside this state is necessary, the superintendent may require the applicant to advance sufficient funds to pay the actual expenses of the investigation, if it appears that these expenses will exceed ~~three~~ five hundred ~~fifty~~ dollars. The superintendent shall provide the applicant with an itemized statement of the actual expenses that the applicant is required to pay. 21948
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(C) The superintendent shall pay all funds advanced and application and renewal fees and penalties the superintendent receives pursuant to this section and section 1322.04 of the Revised Code to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code. 21956
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(D) If an application for a certificate of registration does not contain all of the information required under division (A) of this section, and if that information is not submitted to the superintendent within ninety days after the superintendent requests the information in writing, the superintendent may consider the application withdrawn. 21962
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(E) A certificate of registration and the authority granted under that certificate is not transferable or assignable and cannot be franchised by contract or any other means. 21968
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(F) The registration requirements of this chapter apply to any person acting as a mortgage broker, and no person is exempt from the requirements of this chapter on the basis of prior work or employment as a mortgage broker. 21971
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Sec. 1322.031. (A) An application for a license as a loan 21975

officer shall be in writing, under oath, and in the form 21976
prescribed by the superintendent of financial institutions. The 21977
application shall be accompanied by a nonrefundable application 21978
fee of one hundred fifty dollars and shall provide all of the 21979
following: 21980

(1) The name and address of the applicant; 21981

(2) A statement as to whether the applicant has been 21982
convicted of or pleaded guilty to any criminal offense involving 21983
theft, receiving stolen property, embezzlement, forgery, fraud, 21984
passing bad checks, money laundering, or drug trafficking, or any 21985
criminal offense involving money or securities; 21986

(3) A statement as to whether the applicant has been subject 21987
to an adverse judgment for conversion, embezzlement, 21988
misappropriation of funds, fraud, misfeasance or malfeasance, or 21989
breach of fiduciary duty; 21990

(4) For loan officer applications submitted on or after 21991
January 1, 2007, proof, as determined by the superintendent, that 21992
the applicant has successfully completed at least twenty-four 21993
hours of live classroom instruction in a course or program of 21994
study approved by the superintendent that consists of at least all 21995
of the following: 21996

(a) Four hours of instruction concerning state and federal 21997
mortgage lending laws, which shall include no less than two hours 21998
on this chapter; 21999

(b) Four hours of instruction concerning the Ohio consumer 22000
sales practices act, Chapter 1345. of the Revised Code, as it 22001
applies to registrants and licensees; 22002

(c) Four hours of instruction concerning the loan application 22003
process; 22004

(d) Two hours of instruction concerning the underwriting 22005

process;	22006
(e) Two hours of instruction concerning the secondary market for mortgage loans;	22007 22008
(f) Four hours of instruction concerning the loan closing process;	22009 22010
(g) Two hours of instruction covering basic mortgage financing concepts and terms;	22011 22012
(h) Two hours of instruction concerning the ethical responsibilities of a licensee, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.	22013 22014 22015 22016
Division (A)(4) of this section does not apply to any applicant who has an application on file with the division of financial institutions prior to January 1, 2007.	22017 22018 22019
The proof submitted by the applicant pursuant to division (A)(4) of this section may be in the form of transcripts or a statement indicating that the applicant has, and will maintain, transcripts at the applicant's place of business for a period of five years for inspection by the superintendent at the superintendent's request.	22020 22021 22022 22023 22024 22025
(5) Any further information that the superintendent requires.	22026
(B) Upon the filing of the application and payment of the application fee, the superintendent of financial institutions shall investigate the applicant as set forth in division (B) of this section.	22027 22028 22029 22030
(1) The superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints in accordance with division (A)(11) of section 109.572 of the Revised Code. Notwithstanding	22031 22032 22033 22034 22035

division (K) of section 121.08 of the Revised Code, the 22036
superintendent of financial institutions shall request that 22037
criminal record information from the federal bureau of 22038
investigation be obtained as part of the criminal records check. 22039
Any fee required under division (C)(3) of section 109.572 of the 22040
Revised Code shall be paid by the applicant. 22041

(2) The superintendent shall conduct a civil records check. 22042

(3) If, in order to issue a license to an applicant, 22043
additional investigation by the superintendent outside this state 22044
is necessary, the superintendent may require the applicant to 22045
advance sufficient funds to pay the actual expenses of the 22046
investigation, if it appears that these expenses will exceed one 22047
hundred fifty dollars. The superintendent shall provide the 22048
applicant with an itemized statement of the actual expenses that 22049
the applicant is required to pay. 22050

(C) The superintendent shall pay all funds advanced and 22051
application and renewal fees and penalties the superintendent 22052
receives pursuant to this section and section 1322.041 of the 22053
Revised Code to the treasurer of state to the credit of the 22054
consumer finance fund created in section 1321.21 of the Revised 22055
Code. 22056

(D) If an application for a license does not contain all of 22057
the information required under division (A) of this section, and 22058
if that information is not submitted to the superintendent within 22059
ninety days after the superintendent requests the information in 22060
writing, the superintendent may consider the application 22061
withdrawn. 22062

(E)(1) The business of a loan officer shall principally be 22063
transacted at an office of the employing mortgage broker, which 22064
office is registered in accordance with division (A) of section 22065
1322.02 of the Revised Code. Each original license shall be 22066

deposited with and maintained by the employing mortgage broker at 22067
the mortgage broker's main office. A copy of the license shall be 22068
maintained and displayed at the office where the loan officer 22069
principally transacts business. 22070

(2) If a loan officer's employment is terminated, the 22071
mortgage broker shall return the original license to the 22072
superintendent within five business days after the termination. 22073
The licensee may request the transfer of the license to another 22074
mortgage broker by submitting a relocation application, along with 22075
a fifteen dollar fee, to the superintendent or may request the 22076
superintendent in writing to hold the license in escrow for a 22077
period not to exceed one year. Any licensee whose license is held 22078
in escrow shall cease activity as a loan officer. 22079

A mortgage broker may employ a loan officer on a temporary 22080
basis pending the transfer of the loan officer's license to the 22081
mortgage broker, if the mortgage broker receives written 22082
confirmation from the superintendent that the loan officer is 22083
licensed under sections 1322.01 to 1322.12 of the Revised Code. 22084

(F) A license, or the authority granted under that license, 22085
is not assignable and cannot be franchised by contract or any 22086
other means. 22087

Sec. 1322.04. (A) Upon the conclusion of the investigation 22088
required under division (B) of section 1322.03 of the Revised 22089
Code, the superintendent of financial institutions shall issue a 22090
certificate of registration to the applicant if the superintendent 22091
finds that the following conditions are met: 22092

(1) ~~Except as otherwise provided in division (A) of section~~ 22093
~~1322.03 of the Revised Code, the~~ The application is accompanied by 22094
the application fee. If a check or other draft instrument is 22095
returned to the superintendent for insufficient funds, the 22096
superintendent shall notify the registrant by certified mail, 22097

return receipt requested, that the certificate of registration 22098
issued in reliance on the check or other draft instrument will be 22099
canceled unless the registrant, within thirty days after receipt 22100
of the notice, submits the application fee and a 22101
one-hundred-dollar penalty to the superintendent. If the 22102
registrant does not submit the application fee and penalty within 22103
that time period, or if any check or other draft instrument used 22104
to pay the fee or penalty is returned to the superintendent for 22105
insufficient funds, the certificate of registration shall be 22106
canceled immediately without a hearing, and the registrant shall 22107
cease activity as a mortgage broker. 22108

(2) If the application is for a location that is a residence, 22109
that the applicant has obtained a valid zoning permit authorizing 22110
the use of the residence for commercial purposes, or has obtained 22111
a valid written opinion or other document issued by the county or 22112
political subdivision where the residence is located certifying 22113
that the use of the residence to transact business as a mortgage 22114
broker is not prohibited by the county or political subdivision. 22115
The application also is accompanied by a photograph of each 22116
location at which the mortgage broker's business will be 22117
transacted. 22118

(3) The sole proprietor or the person designated on the 22119
application pursuant to division (A)(3) of section 1322.03 of the 22120
Revised Code, as applicable, meets the experience requirements 22121
provided in division (A)(4) of section 1322.03 of the Revised Code 22122
and the education requirements set forth in division (A)(5) of 22123
section 1322.03 of the Revised Code. 22124

(4) The applicant maintains all licenses and registrations 22125
required by the secretary of state. 22126

(5) The applicant complies with the surety bond requirements 22127
of section 1322.05 of the Revised Code. 22128

(6) The applicant complies with sections 1322.01 to 1322.12 22129
of the Revised Code. 22130

(7) Neither the applicant nor any shareholder, member, 22131
partner, operations manager, or employee of the applicant has 22132
pleaded guilty to or been convicted of any criminal offense 22133
described in division (A)(8) of section 1322.03 of the Revised 22134
Code or any violation of an existing or former law of this state, 22135
any other state, or the United States that substantially is 22136
equivalent to a criminal offense described in that division. 22137
However, if the applicant or any of those other persons has 22138
pleaded guilty to or been convicted of any such offense other than 22139
theft, the superintendent shall not consider the offense if the 22140
applicant has proven to the superintendent, by a preponderance of 22141
the evidence, that the applicant's or other person's activities 22142
and employment record since the conviction show that the applicant 22143
or other person is honest, truthful, and of good reputation, and 22144
there is no basis in fact for believing that the applicant or 22145
other person will commit such an offense again. 22146

(8) Neither the applicant nor any shareholder, member, 22147
partner, operations manager, or employee of the applicant has been 22148
subject to any adverse judgment for conversion, embezzlement, 22149
misappropriation of funds, fraud, misfeasance or malfeasance, or 22150
breach of fiduciary duty, or, if the applicant or any of those 22151
other persons has been subject to such a judgment, the applicant 22152
has proven to the superintendent, by a preponderance of the 22153
evidence, that the applicant's or other person's activities and 22154
employment record since the judgment show that the applicant or 22155
other person is honest, truthful, and of good reputation, and 22156
there is no basis in fact for believing that the applicant or 22157
other person will be subject to such a judgment again. 22158

(9) The applicant's operations manager successfully completed 22159
the examination required under division (A) of section 1322.051 of 22160

the Revised Code. 22161

(10) The applicant's financial responsibility, experience, 22162
character, and general fitness command the confidence of the 22163
public and warrant the belief that the business will be operated 22164
honestly and fairly in compliance with the purposes of sections 22165
1322.01 to 1322.12 of the Revised Code. 22166

For purposes of determining whether an applicant that is a 22167
partnership, corporation, or other business entity or association 22168
has met the conditions set forth in divisions (A)(7), (A)(8), and 22169
(A)(10) of this section, the superintendent shall determine which 22170
partners, shareholders, or persons named in the application 22171
pursuant to division (A)(2) of section 1322.03 of the Revised Code 22172
must meet the conditions set forth in divisions (A)(7), (A)(8), 22173
and (A)(10) of this section. This determination shall be based on 22174
the extent and nature of the partner's, shareholder's, or person's 22175
ownership interest in the partnership, corporation, or other 22176
business entity or association that is the applicant. 22177

(B) The certificate of registration issued pursuant to 22178
division (A) of this section may be renewed annually on or before 22179
the thirtieth day of April if the superintendent finds that all of 22180
the following conditions are met: 22181

(1) The renewal application is accompanied by a nonrefundable 22182
renewal fee of ~~three~~ five hundred ~~fifty~~ dollars for each location 22183
of an office to be maintained by the applicant in accordance with 22184
division (A) of section 1322.02 of the Revised Code; ~~however, an~~ 22185
~~applicant that is registered under sections 1321.51 to 1321.60 of~~ 22186
~~the Revised Code shall not be required to pay a renewal fee.~~ If a 22187
check or other draft instrument is returned to the superintendent 22188
for insufficient funds, the superintendent shall notify the 22189
registrant by certified mail, return receipt requested, that the 22190
certificate of registration renewed in reliance on the check or 22191
other draft instrument will be canceled unless the registrant, 22192

within thirty days after receipt of the notice, submits the 22193
renewal fee and a one-hundred-dollar penalty to the 22194
superintendent. If the registrant does not submit the renewal fee 22195
and penalty within that time period, or if any check or other 22196
draft instrument used to pay the fee or penalty is returned to the 22197
superintendent for insufficient funds, the certificate of 22198
registration shall be canceled immediately without a hearing and 22199
the registrant shall cease activity as a mortgage broker. 22200

(2) On and after January 1, 2003, the operations manager 22201
designated under division (A)(3) of section 1322.03 of the Revised 22202
Code has completed, during the immediately preceding calendar 22203
year, at least six hours of continuing education as required under 22204
section 1322.052 of the Revised Code. 22205

(3) The applicant meets the conditions set forth in divisions 22206
(A)(2) to (10) of this section. 22207

(4) The applicant's certificate of registration is not 22208
subject to an order of suspension or revocation by the 22209
superintendent. 22210

(C)(1) Subject to division (C)(2) of this section, if a 22211
renewal fee is received by the superintendent after the thirtieth 22212
day of April, the certificate of registration shall not be 22213
considered renewed, and the applicant shall cease activity as a 22214
mortgage broker and apply for a certificate of registration as a 22215
mortgage broker. 22216

(2) Division (C)(1) of this section shall not apply if the 22217
applicant, no later than the thirty-first day of May, submits the 22218
renewal fee and a one-hundred-dollar penalty to the 22219
superintendent. 22220

(D) If the person designated as the operations manager 22221
pursuant to division (A)(3) of section 1322.03 of the Revised Code 22222
is no longer the operations manager, the registrant shall do all 22223

of the following: 22224

(1) Designate another person as the operations manager; 22225

(2) Within ten days after the designation described in 22226
division (D)(1) of this section, notify the superintendent in 22227
writing of the designation; 22228

(3) Submit any additional information that the superintendent 22229
requires to establish that the newly designated operations manager 22230
complies with the experience requirements set forth in division 22231
(A)(4) of section 1322.03 of the Revised Code. 22232

Sec. 1322.041. (A) Upon the conclusion of the investigation 22233
required under division (B) of section 1322.031 of the Revised 22234
Code, the superintendent of financial institutions shall issue a 22235
loan officer license to the applicant if the superintendent finds 22236
that the following conditions are met: 22237

(1) The application is accompanied by the application fee. If 22238
a check or other draft instrument is returned to the 22239
superintendent for insufficient funds, the superintendent shall 22240
notify the licensee by certified mail, return receipt requested, 22241
that the license issued in reliance on the check or other draft 22242
instrument will be canceled unless the licensee, within thirty 22243
days after receipt of the notice, submits the application fee and 22244
a one-hundred-dollar penalty to the superintendent. If the 22245
licensee does not submit the application fee and penalty within 22246
that time period, or if any check or other draft instrument used 22247
to pay the fee or penalty is returned to the superintendent for 22248
insufficient funds, the license shall be canceled immediately 22249
without a hearing, and the licensee shall cease activity as a loan 22250
officer. 22251

(2) The applicant complies with sections 1322.01 to 1322.12 22252
of the Revised Code. 22253

(3) The applicant has not been convicted of or pleaded guilty 22254
to any criminal offense described in division (A)(2) of section 22255
1322.031 of the Revised Code and the applicant has not pleaded 22256
guilty to or been convicted of a violation of an existing or 22257
former law of this state, any other state, or the United States 22258
that substantially is equivalent to a criminal offense described 22259
in that division. However, if the applicant has been convicted of 22260
or pleaded guilty to any such offense other than theft, the 22261
superintendent shall not consider the offense if the applicant has 22262
proven to the superintendent, by a preponderance of the evidence, 22263
that the applicant's activities and employment record since the 22264
conviction show that the applicant is honest, truthful, and of 22265
good reputation, and there is no basis in fact for believing that 22266
the applicant will commit such an offense again. 22267

(4) The applicant has not been subject to an adverse judgment 22268
for conversion, embezzlement, misappropriation of funds, fraud, 22269
misfeasance or malfeasance, or breach of fiduciary duty, or, if 22270
the applicant has been subject to such a judgment, the applicant 22271
has proven to the superintendent, by a preponderance of the 22272
evidence, that the applicant's activities and employment record 22273
since the judgment show that the applicant is honest, truthful, 22274
and of good reputation, and there is no basis in fact for 22275
believing that the applicant will be subject to such a judgment 22276
again. 22277

(5) The applicant successfully completed the examination 22278
required under division (B) of section 1322.051 of the Revised 22279
Code and the education requirements set forth in division (A)(4) 22280
of section 1322.031 of the Revised Code. 22281

(6) The applicant's character and general fitness command the 22282
confidence of the public and warrant the belief that the business 22283
will be operated honestly and fairly in compliance with the 22284
purposes of sections 1322.01 to 1322.12 of the Revised Code. 22285

(B) The license issued under division (A) of this section may 22286
be renewed annually on or before the thirtieth day of April if the 22287
superintendent finds that all of the following conditions are met: 22288

(1) The renewal application is accompanied by a nonrefundable 22289
renewal fee of one hundred fifty dollars. If a check or other 22290
draft instrument is returned to the superintendent for 22291
insufficient funds, the superintendent shall notify the licensee 22292
by certified mail, return receipt requested, that the license 22293
renewed in reliance on the check or other draft instrument will be 22294
canceled unless the licensee, within thirty days after receipt of 22295
the notice, submits the renewal fee and a one-hundred-dollar 22296
penalty to the superintendent. If the licensee does not submit the 22297
renewal fee and penalty within that time period, or if any check 22298
or other draft instrument used to pay the fee or penalty is 22299
returned to the superintendent for insufficient funds, the license 22300
shall be canceled immediately without a hearing, and the licensee 22301
shall cease activity as a loan officer. 22302

(2) On and after January 1, 2003, the loan officer has 22303
completed, during the immediately preceding calendar year, at 22304
least six hours of continuing education as required under section 22305
1322.052 of the Revised Code. 22306

(3) The applicant meets the conditions set forth in divisions 22307
(A)(2) to (6) of this section. 22308

(4) The applicant's license is not subject to an order of 22309
suspension or revocation by the superintendent. 22310

(C)(1) Subject to division (C)(2) of this section, if a 22311
license renewal application or renewal fee is received by the 22312
superintendent after the thirtieth day of April, the license shall 22313
not be considered renewed, and the applicant shall cease activity 22314
as a loan officer. 22315

(2) Division (C)(1) of this section shall not apply if the 22316

applicant, no later than the thirty-first day of May, submits the 22317
renewal application and fee and a one-hundred-dollar penalty to 22318
the superintendent. 22319

Sec. 1332.24. (A)(1) In accordance with section 1332.25 of 22320
the Revised Code, the director of commerce may issue to any 22321
person, or renew, a video service authorization, which 22322
authorization confers on the person the authority, subject to 22323
sections 1332.21 to 1332.34 of the Revised Code, to provide video 22324
service in its video service area; construct and operate a video 22325
service network in, along, across, or on public rights-of-way for 22326
the provision of video service; and, when necessary to provide 22327
that service, exercise the power of a telegraph company under 22328
section 4931.04 of the Revised Code. The term of a video service 22329
authorization or authorization renewal shall be ten years. 22330

(2) For the purposes of the "Cable Communications Policy Act 22331
of 1984," Pub. L. No. 98-549, 98 Stat. 2779, 47 U.S.C. 521 et 22332
seq., a video service authorization shall constitute a franchise 22333
under that law, and the director shall be the sole franchising 22334
authority under that law for video service authorizations in this 22335
state. 22336

(3) The director may impose upon and collect an annual 22337
assessment on video service providers. All money collected under 22338
division (A)(3) of this section shall be deposited to the credit 22339
of the video service authorization fund created under section 22340
1332.25 of the Revised Code. The total amount assessed in a fiscal 22341
year shall not exceed the lesser of three hundred fifty thousand 22342
dollars or, as shall be determined annually by the director, the 22343
department's actual, current fiscal year administrative costs in 22344
carrying out its duties under sections 1332.21 to 1332.34 of the 22345
Revised Code. The director shall allocate that total amount 22346
proportionately among the video service providers to be assessed, 22347

using a formula based on subscriber counts as of the thirty-first 22348
day of December of the preceding calendar year, which counts shall 22349
be submitted to the director not later than October 9, 2009, 22350
initially and by the thirty-first day of January of each 22351
subsequent year, via a notarized statement signed by an authorized 22352
officer. Any information submitted by a video service provider to 22353
the director for the purpose of determining subscriber counts 22354
shall be considered trade secret information, shall not be 22355
disclosed except by court order, and shall not constitute a public 22356
record under section 149.43 of the Revised Code. By October 16, 22357
2009, initially and on or about the first day of June of each 22358
subsequent year, the director shall send to each video service 22359
provider to be assessed written notice of its proportional amount 22360
of the total assessment. The provider shall pay that amount on a 22361
quarterly basis not later than forty-five days after the end of 22362
each calendar quarter. 22363

(B)(1) The director may investigate alleged violations of or 22364
failures to comply with division (A) of section 1332.23, division 22365
(A) of this section, division (C) of section 1332.25, division (C) 22366
or (D) of section 1332.26, division (A), (B), or (C) of section 22367
1332.27, division (A) of section 1332.28, division (A) or (B) of 22368
section 1332.29, or section 1332.30 or 1332.31 of the Revised 22369
Code, or complaints concerning any such violation or failure. 22370
Except as provided in this section, the director has no authority 22371
to regulate video service in this state, including, but not 22372
limited to, the rates, terms, or conditions of that service. 22373

(2) In conducting an investigation under division (B)(1) of 22374
this section, the director, by subpoena, may compel witnesses to 22375
testify in relation to any matter over which the director has 22376
jurisdiction and may require the production of any book, record, 22377
or other document pertaining to that matter. If a person fails to 22378
file any statement or report, obey any subpoena, give testimony, 22379

produce any book, record, or other document as required by a 22380
subpoena, or permit photocopying of any book, record, or other 22381
document subpoenaed, the court of common pleas of any county in 22382
this state, upon application made to it by the director, shall 22383
compel obedience by attachment proceedings for contempt, as in the 22384
case of disobedience of the requirements of a subpoena issued from 22385
the court or a refusal to testify. 22386

(C)(1) If the director finds that a person has violated or 22387
failed to comply with division (A) of section 1332.23, division 22388
(A) of this section, division (C) of section 1332.25, division (C) 22389
or (D) of section 1332.26, division (A), (B), or (C) of section 22390
1332.27, division (A) of section 1332.28, division (A) or (B) of 22391
section 1332.29, or section 1332.30 or 1332.31 of the Revised 22392
Code, and the person has failed to cure the violation or failure 22393
after reasonable, written notice and reasonable time to cure, the 22394
director may do any of the following: 22395

(a) Apply to the court of common pleas of any county in this 22396
state for an order enjoining the activity or requiring compliance. 22397
Such an action shall be commenced not later than three years after 22398
the date the alleged violation or failure occurred or was 22399
reasonably discovered. Upon a showing by the director that the 22400
person has engaged in a violation or failure to comply, the court 22401
shall grant an injunction, restraining order, or other appropriate 22402
relief. 22403

(b) Enter into a written assurance of voluntary compliance 22404
with the person; 22405

(c) Pursuant to an adjudication under Chapter 119. of the 22406
Revised Code, assess a civil penalty in an amount determined by 22407
the director, including for any failure to comply with an 22408
assurance of voluntary compliance under division (C)(1)(b) of this 22409
section. The amount shall be not more than one thousand dollars 22410
for each day of violation or noncompliance, not to exceed a total 22411

of ten thousand dollars, counting all subscriber impacts as a 22412
single violation or act of noncompliance. In determining whether a 22413
civil penalty is appropriate under division (C)(1)(c) of this 22414
section, the director shall consider all of the following factors: 22415

(i) The seriousness of the noncompliance; 22416

(ii) The good faith efforts of the person to comply; 22417

(iii) The person's history of noncompliance; 22418

(iv) The financial resources of the person; 22419

(v) Any other matter that justice requires. 22420

Civil penalties collected pursuant to division (C)(1)(c) of 22421
this section shall be deposited to the credit of the video service 22422
enforcement fund in the state treasury, which is hereby created, 22423
to be used by the department of commerce in carrying out its 22424
duties under this section. 22425

(2) Pursuant to an adjudication under Chapter 119. of the 22426
Revised Code, the director may revoke, in whole or in part, the 22427
video service authorization of any person that has repeatedly and 22428
knowingly violated or failed to comply with division (A) of 22429
section 1332.23, division (A) of this section, division (C) of 22430
section 1332.25, division (C) or (D) of section 1332.26, division 22431
(A), (B), or (C) of section 1332.27, division (A) of section 22432
1332.28, division (A) or (B) of section 1332.29, or section 22433
1332.30 or 1332.31 of the Revised Code and that has failed to cure 22434
the violations or noncompliances after reasonable written notice 22435
and reasonable time to cure. Such person acts knowingly, 22436
regardless of the person's purpose, when the person is aware that 22437
the person's conduct will probably cause a certain result or will 22438
probably be of a certain nature. A person has knowledge of 22439
circumstances when the person is aware that such circumstances 22440
probably exist. 22441

(3) The court shall conduct a de novo review in any appeal 22442
from an adjudication under division (C)(1)(c) or (C)(2) of this 22443
section. 22444

(D) The public utilities commission has no authority over a 22445
video service provider in its offering of video service or a cable 22446
operator in its offering of cable or video service, or over any 22447
person in its offering of video service pursuant to a competitive 22448
video service agreement. 22449

Sec. 1332.25. (A) An application made to the director of 22450
commerce for a video service authorization under section 1332.24 22451
of the Revised Code shall require and contain only the following: 22452

(1) Specification of the location of the applicant's 22453
principal place of business and the names of the applicant's 22454
principal executive officers; 22455

(2) Specification of the geographic and political boundaries 22456
of the applicant's proposed video service area; 22457

(3) A general description of the type or types of 22458
technologies the applicant will use to deliver the video 22459
programming, which may include wireline, wireless, or any other 22460
alternative technology, subject, as applicable, to section 1332.29 22461
of the Revised Code; 22462

(4) An attestation that the applicant has filed or will 22463
timely file with the federal communications commission all forms 22464
required by that agency in advance of offering video service in 22465
this state; 22466

(5) An attestation that the applicant will comply with 22467
applicable federal, state, and local laws; 22468

(6) An attestation that the applicant is legally, 22469
financially, and technically qualified to provide video service; 22470

(7) A description of the applicant's customer complaint 22471

handling process, including policies on addressing customer 22472
service issues, billing adjustments, and communication with 22473
government officials regarding customer complaints, and a local or 22474
toll-free telephone number at which a customer may contact the 22475
applicant. 22476

(B) For the purpose of division (A)(2) of this section: 22477

(1) The video service areas of video service providers may 22478
overlap. 22479

(2) A specified video service area shall be coextensive with 22480
municipal, township unincorporated area, or county boundaries, 22481
except as authorized under division (B)(3) or (4) of this section, 22482
but nothing in sections 1332.21 to 1332.34 of the Revised Code 22483
shall require a video service provider to provide access to video 22484
service within the entire video service area. 22485

(3) The specified video service area of a person using 22486
telecommunications facilities to provide video service on ~~the~~ 22487
~~effective date of this section~~ September 24, 2007, or of any other 22488
person later so using telecommunications facilities shall be the 22489
geographic area in which the person offers basic local exchange 22490
service. 22491

(4) Subject to division (C)(2) of section 1332.27 of the 22492
Revised Code, the specified video service area of an applicant 22493
cable operator that offers service under a franchise in effect on 22494
~~the effective date of this section~~ September 24, 2007, initially 22495
shall be, at minimum, the franchise area established under that 22496
franchise. 22497

(C) A video service provider shall immediately file an 22498
application to amend its video service authorization with the 22499
director to reflect any change in the information required under 22500
division (A)(1), (2), or (3) of this section. An amendment 22501
pursuant to division (A)(2) of this section shall include any new 22502

delivery technology information required by division (A)(3) of 22503
this section. 22504

(D) Within thirty days after its filing or within thirty days 22505
after the filing of supplemental information necessary to make it 22506
complete, the director shall determine the completeness of an 22507
application filed under division (A) or (C) of this section 22508
relative to the respective requirements of divisions (A), (B), and 22509
(C) of this section and, as applicable, shall notify the applicant 22510
of an incompleteness determination, state the bases for that 22511
determination, and inform the applicant that it may resubmit a 22512
corrected application. The director shall issue a video service 22513
authorization, authorization renewal, or amended authorization 22514
within fifteen days after the director's determination that the 22515
filed application is complete. 22516

If the director does not notify the applicant regarding the 22517
completeness of the application within the time period specified 22518
in this division or does not issue the authorization requested by 22519
a completed application within the applicable time period, the 22520
application shall be deemed complete, and the authorization or 22521
amended authorization deemed issued on the forty-fifth day after 22522
the application's filing date. 22523

(E) An applicant shall pay a two thousand dollar 22524
nonrefundable fee for each application filed under division (A) of 22525
this section and a one hundred dollar nonrefundable fee for each 22526
application to amend filed under division (C) of this section. 22527
Fees collected under this division shall be deposited to the 22528
credit of the video service authorization fund in the state 22529
treasury, which is hereby created, to be used by the department of 22530
commerce in carrying out its duties under ~~this section~~ sections 22531
1332.21 to 1332.34 of the Revised Code. 22532

(F) No video service provider shall identify or make 22533
reference to an application fee under division (E) of this section 22534

on any subscriber bill or in conjunction with charging any fee to 22535
the subscriber. 22536

(G) An applicant may identify any information in its 22537
application as trade secret information, and if, upon its written 22538
request to the director, the director reasonably affirms all or 22539
part of that information as trade secret information, the 22540
information so affirmed does not constitute a public record for 22541
the purpose of section 149.43 of the Revised Code. 22542

Sec. 1349.20. As used in sections 1349.20 to 1349.22 of the 22543
Revised Code: 22544

(A) "Banking day" means any day on which the federal reserve 22545
bank is open to the public for carrying on substantially all of 22546
its functions. 22547

(B) "Check" means a negotiable instrument that is drawn on a 22548
federally insured bank, savings and loan association, credit 22549
union, or savings bank and contains an unconditional order to pay, 22550
on demand, a specified sum in money. 22551

(C) "Escrow account" means a checking account with a 22552
federally insured bank, savings and loan association, credit 22553
union, or savings bank, which is used exclusively for the deposit 22554
of funds transferred electronically or otherwise, cash, money 22555
orders, or negotiable instruments that are received by the escrow 22556
or closing agent to effect an escrow transaction, but excludes an 22557
account of an attorney that is used to hold client funds and an 22558
account maintained by a real estate broker under division (A)(26) 22559
of section 4735.18 of the Revised Code. 22560

(D) "Escrow or closing agent" means a person who controls and 22561
effects, in an escrow transaction, the delivery described in 22562
division (E) of this section, but excludes a federally insured 22563
bank, savings and loan association, credit union, or savings bank 22564

that makes a loan as part of a residential real property 22565
transaction and excludes a real estate broker who, in a fiduciary 22566
capacity, receives and deposits, in an account maintained under 22567
division (A)(26) of section 4735.18 of the Revised Code, cash, 22568
funds, checks, or negotiable instruments for earnest money or good 22569
faith or other purposes. 22570

(E) "Escrow transaction" means a transaction in which a 22571
person, for the purpose of effecting and closing the sale, 22572
purchase, exchange, transfer, encumbrance, or lease of an interest 22573
in commercial or residential real property to another person, 22574
provides a written instrument or document, money, negotiable 22575
instrument, check, evidence of title to real property, or any 22576
other thing of value to an escrow or closing agent, to be held by 22577
the agent until a specified event occurs or until the performance 22578
of a prescribed condition, when it is to be delivered to a 22579
specific person by the agent in compliance with applicable 22580
instructions, whether by filing such written instrument or 22581
document in the public records or by direct tender to the 22582
appropriate person. 22583

(F) "Negotiable instrument" has the same meaning as in 22584
section 1303.03 of the Revised Code. 22585

(G) "Residential real property" means any real property 22586
improved or to be improved with a one- to four-family dwelling. 22587

Sec. 1349.22. Nothing in section 1349.21 of the Revised Code 22588
prohibits an escrow or closing agent from advancing funds not 22589
exceeding one thousand dollars from an escrow account or otherwise 22590
on behalf of a party to an escrow transaction for the purpose of 22591
paying incidental fees, such as conveyance and recording fees, in 22592
order to effect and close the sale, purchase, exchange, transfer, 22593
encumbrance, or lease of commercial or residential real property 22594
that is the subject of the escrow transaction. 22595

Sec. 1501.01. (A) Except where otherwise expressly provided, 22596
the director of natural resources shall formulate and institute 22597
all the policies and programs of the department of natural 22598
resources. The chief of any division of the department shall not 22599
enter into any contract, agreement, or understanding unless it is 22600
approved by the director. No appointee or employee of the 22601
director, other than the assistant director, may bind the director 22602
in a contract except when given general or special authority to do 22603
so by the director. 22604

(B) The director shall correlate and coordinate the work and 22605
activities of the divisions in the department to eliminate 22606
unnecessary duplications of effort and overlapping of functions. 22607
The chiefs of the various divisions of the department shall meet 22608
with the director at least once each month at a time and place 22609
designated by the director. 22610

The director may create advisory boards to any of those 22611
divisions in conformity with section 121.13 of the Revised Code. 22612

(C) The director may accept and expend gifts, devises, and 22613
bequests of money, lands, and other properties on behalf of the 22614
department or any division thereof under the terms set forth in 22615
section 9.20 of the Revised Code. Any political subdivision of 22616
this state may make contributions to the department for the use of 22617
the department or any division therein according to the terms of 22618
the contribution. 22619

(D) The director may publish and sell or otherwise distribute 22620
data, reports, and information. 22621

(E) The director may identify and develop the geographic 22622
information system needs for the department, which may include, 22623
but not be limited to, all of the following: 22624

(1) Assisting in the training and education of department 22625

<u>resource managers, administrators, and other staff in the</u>	22626
<u>application and use of geographic information system technology;</u>	22627
<u>(2) Providing technical support to the department in the</u>	22628
<u>design, preparation of data, and use of appropriate geographic</u>	22629
<u>information system applications in order to help solve resource</u>	22630
<u>related problems and to improve the effectiveness and efficiency</u>	22631
<u>of department delivered services;</u>	22632
<u>(3) Creating, maintaining, and documenting spatial digital</u>	22633
<u>data bases;</u>	22634
<u>(4) Providing information to and otherwise assisting</u>	22635
<u>government officials, planners, and resource managers in</u>	22636
<u>understanding land use planning and resource management;</u>	22637
<u>(5) Providing continuing assistance to local government</u>	22638
<u>officials and others in natural resource digital data base</u>	22639
<u>development and in applying and utilizing the geographic</u>	22640
<u>information system for land use planning, current agricultural use</u>	22641
<u>value assessment, development reviews, coastal management, and</u>	22642
<u>other resource management activities;</u>	22643
<u>(6) Coordinating and administering the remote sensing needs</u>	22644
<u>of the department, including the collection and analysis of aerial</u>	22645
<u>photography, satellite data, and other data pertaining to land,</u>	22646
<u>water, and other resources of the state;</u>	22647
<u>(7) Preparing and publishing maps and digital data relating</u>	22648
<u>to the state's land use and land cover over time on a local,</u>	22649
<u>regional, and statewide basis;</u>	22650
<u>(8) Locating and distributing hard copy maps, digital data,</u>	22651
<u>aerial photography, and other resource data and information to</u>	22652
<u>government agencies and the public;</u>	22653
<u>(9) Preparing special studies and executing any other related</u>	22654
<u>duties, functions, and responsibilities identified by the</u>	22655

director; 22656

(10) Entering into contracts or agreements with any agency of 22657
the United States government, any other public agency, or any 22658
private agency or organization for the performance of the duties 22659
specified in division (E) of this section or for accomplishing 22660
cooperative projects within those duties; 22661

(11) Entering into agreements with local government agencies 22662
for the purposes of land use inventories, Ohio capability analysis 22663
data layers, and other duties related to resource management. 22664
22665

(F) The director shall adopt rules in accordance with Chapter 22666
119. of the Revised Code to permit the department to accept by 22667
means of a credit card the payment of fees, charges, and rentals 22668
at those facilities described in section 1501.07 of the Revised 22669
Code that are operated by the department, for any data, reports, 22670
or information sold by the department, and for any other goods or 22671
services provided by the department. 22672

(G) Whenever authorized by the governor to do so, the 22673
director may appropriate property for the uses and purposes 22674
authorized to be performed by the department and on behalf of any 22675
division within the department. This authority shall be exercised 22676
in the manner provided in sections 163.01 to 163.22 of the Revised 22677
Code for the appropriation of property by the director of 22678
administrative services. This authority to appropriate property is 22679
in addition to the authority provided by law for the appropriation 22680
of property by divisions of the department. The director of 22681
natural resources also may acquire by purchase, lease, or 22682
otherwise such real and personal property rights or privileges in 22683
the name of the state as are necessary for the purposes of the 22684
department or any division therein. The director, with the 22685
approval of the governor and the attorney general, may sell, 22686
lease, or exchange portions of lands or property, real or 22687

personal, of any division of the department or grant easements or 22688
licenses for the use thereof, or enter into agreements for the 22689
sale of water from lands and waters under the administration or 22690
care of the department or any of its divisions, when the sale, 22691
lease, exchange, easement, agreement, or license for use is 22692
advantageous to the state, provided that such approval is not 22693
required for leases and contracts made under section 1501.07, 22694
1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water 22695
may be sold from a reservoir only to the extent that the reservoir 22696
was designed to yield a supply of water for a purpose other than 22697
recreation or wildlife, and the water sold is in excess of that 22698
needed to maintain the reservoir for purposes of recreation or 22699
wildlife. 22700

Money received from such sales, leases, easements, exchanges, 22701
agreements, or licenses for use, except revenues required to be 22702
set aside or paid into depositories or trust funds for the payment 22703
of bonds issued under sections 1501.12 to 1501.15 of the Revised 22704
Code, and to maintain the required reserves therefor as provided 22705
in the orders authorizing the issuance of such bonds or the trust 22706
agreements securing such bonds, revenues required to be paid and 22707
credited pursuant to the bond proceeding applicable to obligations 22708
issued pursuant to section 154.22, and revenues generated under 22709
section 1520.05 of the Revised Code, shall be deposited in the 22710
state treasury to the credit of the fund of the division of the 22711
department having prior jurisdiction over the lands or property. 22712
If no such fund exists, the money shall be credited to the general 22713
revenue fund. All such money received from lands or properties 22714
administered by the division of wildlife shall be credited to the 22715
wildlife fund. 22716

(H) The director shall provide for the custody, safekeeping, 22717
and deposit of all moneys, checks, and drafts received by the 22718
department or its employees prior to paying them to the treasurer 22719

of state under section 113.08 of the Revised Code. 22720

(I) The director shall cooperate with the nature conservancy, 22721
other nonprofit organizations, and the United States fish and 22722
wildlife service in order to secure protection of islands in the 22723
Ohio river and the wildlife and wildlife habitat of those islands. 22724

(J) Any instrument by which real property is acquired 22725
pursuant to this section shall identify the agency of the state 22726
that has the use and benefit of the real property as specified in 22727
section 5301.012 of the Revised Code. 22728

Sec. 1501.05. All chiefs of divisions in the department of 22729
natural resources shall be appointed by the director of natural 22730
resources. The chiefs of those divisions may be removed by the 22731
director. 22732

The chief engineer of the department of natural resources 22733
shall be a ~~registered~~ professional engineer registered under 22734
Chapter 4733. of the Revised Code or a professional architect 22735
certified and registered under Chapter 4703. of the Revised Code. 22736

The chief of each division and the chief engineer, with the 22737
advice and consent of the director, may employ such number of 22738
technical and administrative assistants as are necessary. 22739

All employees of the department, unless specifically exempted 22740
by law, shall be employed subject to the classified civil service 22741
laws in force at the time of their employment. 22742

Sec. 1501.07. The department of natural resources through the 22743
division of parks and recreation may plan, supervise, acquire, 22744
construct, enlarge, improve, erect, equip, and furnish public 22745
service facilities such as inns, lodges, hotels, cottages, camping 22746
sites, scenic trails, picnic sites, restaurants, commissaries, 22747
golf courses, boating and bathing facilities, and other similar 22748
facilities in state parks reasonably necessary and useful in 22749

promoting the public use of state parks under its control and may 22750
purchase lands or interests in lands in the name of the state 22751
necessary for those purposes. 22752

The chief of the division of parks and recreation shall 22753
administer state parks, establish rules, fix fees and charges for 22754
admission to parks and for the use of public service facilities 22755
therein, establish rentals for the lease of lands or interests 22756
therein within a state park the chief is authorized by law to 22757
lease, and exercise all powers of the chief, in conformity with 22758
all covenants of the director of natural resources in or with 22759
respect to state park revenue bonds and trust agreements securing 22760
such bonds and all terms, provisions, and conditions of such bonds 22761
and trust agreements. In the administration of state parks with 22762
respect to which state park revenue bonds are issued and 22763
outstanding, or any part of the moneys received from fees and 22764
charges for admission to or the use of facilities, from rentals 22765
for the lease of lands or interests or facilities therein, or for 22766
the lease of public service facilities are pledged for any such 22767
bonds, the chief shall exercise the powers and perform the duties 22768
of the chief subject to the control and approval of the director. 22769
The acquisition of such lands or interests therein and facilities 22770
shall be planned with regard to the needs of the people of the 22771
state and with regard to the purposes and uses of such state parks 22772
and, except for facilities constructed in consideration of a lease 22773
under section 1501.012 of the Revised Code, shall be paid for from 22774
the state park fund created in section 1541.22 of the Revised Code 22775
or from the proceeds of the sale of bonds issued under sections 22776
1501.12 to 1501.15 of the Revised Code. Sections 125.81 and 153.04 22777
of the Revised Code, insofar as they require a certification by 22778
the chief of the division of capital planning and improvement, do 22779
not apply to the acquisition of lands or interests therein and 22780
public service facilities to be paid for from the proceeds of 22781
bonds issued under sections 1501.12 to 1501.15 of the Revised 22782

Code. 22783

As used in sections 1501.07 to 1501.14 of the Revised Code, 22784
state parks are all of the following: 22785

(A) State reservoirs described and identified in section 22786
1541.06 of the Revised Code; 22787

(B) All lands or interests therein that are denominated as 22788
state parks in section 1541.083 of the Revised Code; 22789

(C) All lands or interests therein of the state identified as 22790
administered by the division of parks and recreation in the 22791
"inventory of state owned lands administered by department of 22792
natural resources as of June 1, 1963," as recorded in the journal 22793
of the director, which inventory was prepared by the real estate 22794
section of the department and is supported by maps on file ~~in~~ with 22795
the division ~~of real estate and land management~~; 22796

(D) All lands or interests in lands of the state hereafter 22797
designated as state parks in the journal of the director with the 22798
approval of the recreation and resources council. 22799

All such state parks shall be exclusively under the control 22800
and administration of the division of parks and recreation. With 22801
the approval of the council, the director by order may remove from 22802
the classification as state parks any of the lands or interests 22803
therein so classified by divisions (C) and (D) of this section, 22804
subject to the limitations, provisions, and conditions in any 22805
order authorizing state park revenue bonds or in any trust 22806
agreement securing such bonds. Lands or interests therein so 22807
removed shall be transferred to other divisions of the department 22808
for administration or may be sold as provided by law. Proceeds of 22809
any sale shall be used or transferred as provided in the order 22810
authorizing state park revenue bonds or in the trust agreement 22811
and, if no such provision is made, shall be transferred to the 22812
state park fund. State parks do not include any lands or interest 22813

in lands of the state administered jointly by two or more 22814
divisions of the department. The designation of lands as state 22815
parks under divisions (A) to (D) of this section shall be 22816
conclusive, and those lands shall be under the control of and 22817
administered by the division of parks and recreation. No order or 22818
proceeding designating lands as state parks or park purchase areas 22819
shall be subject to any appeal or review by any officer, board, 22820
commission, or court. 22821

Sec. 1501.30. (A) As used in sections 1501.30 to 1501.35 of 22822
the Revised Code: 22823

(1) "Consumptive use" means a use of water resources, other 22824
than a diversion, that results in a loss of that water to the 22825
basin from which it is withdrawn and includes, but is not limited 22826
to, evaporation, evapotranspiration, and incorporation of water 22827
into a product or agricultural crop. 22828

(2) "Diversion" means a withdrawal of water resources from 22829
either the Lake Erie or Ohio river drainage basin and transfer to 22830
another basin without return. "Diversion" does not include 22831
evaporative loss within the basin of withdrawal. 22832

(3) "Other great lakes states and provinces" means states 22833
other than this state that are parties to the great lakes basin 22834
compact under Chapter 6161. of the Revised Code and the Canadian 22835
provinces of Ontario and Quebec. 22836

(4) "Person" has the same meaning as in section 1.59 of the 22837
Revised Code and also includes any state, any political 22838
subdivision of a state, and any department, division, board, 22839
commission, agency, or instrumentality of a state or political 22840
subdivision of a state. 22841

(5) "Water resources" means any waters of the state that are 22842
available or may be made available to agricultural, industrial, 22843

commercial, and domestic users. 22844

(6) "Waters of the state" includes all streams, lakes, ponds, 22845
marshes, watercourses, waterways, wells, springs, irrigation 22846
systems, drainage systems, and other bodies or accumulations of 22847
water, surface and underground, natural or artificial, regardless 22848
of the depth of the strata in which underground water is located, 22849
that are situated wholly or partly within or border upon this 22850
state or are within its jurisdiction. 22851

(B) The chief of the division of soil and water resources of 22852
the department of natural resources shall define "Lake Erie 22853
drainage basin" and "Ohio river drainage basin" for the purposes 22854
of sections 1501.30 to 1501.35 of the Revised Code. 22855

Sec. 1501.50. (A) As used in this section: 22856

(1) "State agency" means an organized body, office, or agency 22857
that is established by the laws of the state for the exercise of 22858
any function of state government. 22859

(2) "Lease annual payments" means the state's share of the 22860
annual royalties from the annual production of oil or natural gas 22861
from a well pursuant to a lease entered into under this section. 22862

(3) "Lease bonus payments" means the amount of money paid to 22863
the state for the award of an oil or natural gas lease under this 22864
section. 22865

(B)(1) The department of natural resources has exclusive 22866
authority to lease lands that are owned by the state and 22867
administered by a state agency for the purpose of the exploration 22868
for, development of, and production of oil or natural gas. The 22869
extraction of oil or natural gas pursuant to a lease entered into 22870
under this section shall not unreasonably interfere with the 22871
primary use of the state land or unreasonably impact the scenic, 22872
aesthetic, and environmental quality of land on which drilling 22873

takes place as determined by the director of natural resources. 22874

(2) Notwithstanding division (B)(1) of this section, the 22875
department shall not enter into any lease for the purpose of the 22876
exploration for, development of, and production of oil or natural 22877
gas from and under the bed of Lake Erie unless such leases are 22878
authorized by federal law. 22879

(3) Notwithstanding division (B)(1) of this section, the 22880
department shall not enter into any lease for the purpose of the 22881
exploration for, development of, and production of oil or natural 22882
gas from any land that is owned or maintained by the state or a 22883
state agency if the state or state agency does not own, control, 22884
or have an interest in the mineral rights in that land. 22885

(C) The director of natural resources shall adopt rules in 22886
accordance with Chapter 119. of the Revised Code that establish 22887
all of the following: 22888

(1) Procedures for the submission of a nomination of a parcel 22889
of land that is owned or controlled by a state agency for the 22890
purpose of the exploration for, development of, and production of 22891
oil or natural gas under this section. In addition, the rules 22892
shall require, not later than ninety days after the receipt of a 22893
nomination, the director to either approve the nomination by 22894
initiating the process for the submission of competitive bids for 22895
the development or production of oil or natural gas on the 22896
nominated parcel or deny the nomination. The rules shall require 22897
that before the director makes a determination concerning a 22898
nomination, the director consider all feasible drilling methods, 22899
including directional drilling, and whether the nominated parcel 22900
will comply with the requirements established in rules adopted 22901
under division (C) of this section. The rules also shall require 22902
the director if the director denies a nomination, to notify the 22903
person that submitted the nomination of the denial and provide a 22904
written explanation of the director's denial. 22905

(2) Procedures for the submission and selection of competitive bids, by drilling locations or acreage, after the director approves a nomination by initiating the process for submission of such bids to conduct drilling for the purpose of the exploration for, development of, and production of oil or natural gas under this section; 22906
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(3) Procedures and standards for establishing the terms and conditions of leases entered into under this section. In addition, the rules shall require that the terms and conditions of leases entered into under this section ensure that the scenic, aesthetic, and environmental quality of land on which drilling takes place is maintained while maximizing revenue to the state. The rules also shall establish guidelines for determining the amount of lease annual payments and lease bonus payments under the terms and conditions of a lease. 22912
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(4) Requirements applicable to drilling conducted in accordance with a lease entered into under this section that are necessary to maintain the scenic, aesthetic, and environmental quality of land on which drilling takes place; 22921
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(5) Procedures in accordance with which a person may request to be on a notification list for the purpose of receiving notifications of the director's determinations under this section and rules adopted under it. In addition, the rules shall require the director to notify all persons on the notification list of the director's determinations concerning nominations and the submission and selection of competitive bids under this section and rules adopted under it. The rules shall authorize the director to provide the notice electronically or via other means as determined by the director. 22925
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(6) Procedures and requirements for maximization of revenue to the state; 22935
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(7) Any other procedures and requirements that the director determines are necessary to implement this section and are consistent with the purposes of this section. 22937
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(D) A lease entered into under this section shall be conditioned on the lessee's satisfying all applicable state and federal laws and regulations. The conditions shall include a requirement that the lessee comply with Chapter 1509. of the Revised Code and rules adopted under it. 22940
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(E) A lease that is entered into under this section may be assigned by the lessee with the approval of the director. 22945
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(F) All money received by the director in payment for leases entered into under this section shall be paid by the director into the state treasury to the credit of the oil and natural gas lease fund created in section 1501.51 of the Revised Code. 22947
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Sec. 1501.51. (A) There is created in the state treasury the oil and natural gas lease fund consisting of money credited to it under section 1501.50 of the Revised Code. Any investment proceeds earned on money in the fund shall be credited to the fund and used as required in division (B) of this section. 22951
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(B) The director of natural resources shall use money in the oil and natural gas lease fund to pay the costs of capital projects for and improvements to state parks as described in section 1501.07 of the Revised Code. 22956
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Sec. 1502.12. (A) There is hereby created in the state treasury the scrap tire grant fund, consisting of moneys transferred to the fund under section 3734.82 of the Revised Code. The chief of the division of recycling and litter prevention, with the approval of the director of natural resources, may make grants from the fund for the ~~purpose of supporting~~ following purposes: 22960
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(1) Supporting market development activities for scrap tires 22966

and synthetic rubber from tire manufacturing processes and tire recycling processes; 22967
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(2) Supporting scrap tire amnesty and cleanup events 22969
sponsored by solid waste management districts. ~~The grants~~ 22970

Grants awarded under division (A)(1) of this section may be 22971
awarded to individuals, businesses, and entities certified under 22972
division (A) of section 1502.04 of the Revised Code. 22973

(B) Projects and activities that are eligible for grants 22974
under division (A)(1) of this section shall be evaluated for 22975
funding using, at a minimum, the following criteria: 22976

(1) The degree to which a proposed project contributes to the 22977
increased use of scrap tires generated in this state; 22978

(2) The degree of local financial support for a proposed 22979
project; 22980

(3) The technical merit and quality of a proposed project. 22981

Sec. 1505.07. Subject to the limitation set forth in section 22982
1505.08 of the Revised Code, the director of natural resources, 22983
with the approval of the director of environmental protection, the 22984
attorney general, and the governor, may issue permits and make 22985
leases to parties making application for permission to take and 22986
remove sand, gravel, stone, and other minerals or substances from 22987
and under the bed of Lake Erie other than oil or gas, either upon 22988
a royalty or rental basis, as ~~he~~ the director of natural resources 22989
determines to be best for the state. Permits shall be issued for 22990
terms of not less than one year nor more than ten years, and 22991
leases shall be for a term of years or until the economic 22992
extraction of the mineral or other substance covered thereby has 22993
been completed. Such taking and removal shall be within certain 22994
fixed boundaries that do not conflict with the rights of littoral 22995
owners. Upon request from the holder of a permit, it shall be 22996

canceled, but in the case of any permit or lease, any equipment or 22997
buildings owned by the permittee or lessee shall be held as 22998
security by the director ~~of natural resources~~ for payment of all 22999
rentals or royalties due the state at the time of cancellation. 23000
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No person shall remove sand, gravel, stone, or other minerals 23002
or substances from and under the bed of Lake Erie without first 23003
obtaining a permit or lease therefor from the director. 23004

The director ~~of natural resources~~ may, in accordance with 23005
Chapter 119. of the Revised Code, adopt, amend, and rescind rules 23006
for the administration, implementation, and enforcement of this 23007
section. 23008

Sec. 1506.01. As used in this chapter: 23009

(A) "Coastal area" means the waters of Lake Erie, the islands 23010
in the lake, and the lands under and adjacent to the lake, 23011
including transitional areas, wetlands, and beaches. The coastal 23012
area extends in Lake Erie to the international boundary line 23013
between the United States and Canada and landward only to the 23014
extent necessary to include shorelands, the uses of which have a 23015
direct and significant impact on coastal waters as determined by 23016
the director of natural resources. 23017

(B) "Coastal management program" means the comprehensive 23018
action of the state and its political subdivisions cooperatively 23019
to preserve, protect, develop, restore, or enhance the resources 23020
of the coastal area and to ensure wise use of the land and water 23021
resources of the coastal area, giving attention to natural, 23022
cultural, historic, and aesthetic values; agricultural, 23023
recreational, energy, and economic needs; and the national 23024
interest. "Coastal management program" includes the establishment 23025
of objectives, policies, standards, and criteria concerning, 23026
without limitation, protection of air, water, wildlife, rare and 23027

endangered species, wetlands and natural areas, and other natural 23028
resources in the coastal area; management of coastal development 23029
and redevelopment; preservation and restoration of historic, 23030
cultural, and aesthetic coastal features; and public access to the 23031
coastal area for recreation purposes. 23032

(C) "Coastal management program document" means a 23033
comprehensive statement consisting of, without limitation, text, 23034
maps, and illustrations that is adopted by the director in 23035
accordance with this chapter, describes the objectives, policies, 23036
standards, and criteria of the coastal management program for 23037
guiding public and private uses of lands and waters in the coastal 23038
area, lists the governmental agencies, including, without 23039
limitation, state agencies, involved in implementing the coastal 23040
management program, describes their applicable policies and 23041
programs, and cites the statutes and rules under which they may 23042
adopt and implement those policies and programs. 23043

(D) "Person" means any agency of this state, any political 23044
subdivision of this state or of the United States, and any legal 23045
entity defined as a person under section 1.59 of the Revised Code. 23046

(E) "Director" means the director of natural resources or the 23047
director's designee. 23048

(F) "Permanent structure" means any residential, commercial, 23049
industrial, institutional, or agricultural building, any mobile 23050
home as defined in division (O) of section 4501.01 of the Revised 23051
Code, any manufactured home as defined in division (C)(4) of 23052
section 3781.06 of the Revised Code, and any septic system that 23053
receives sewage from a single-family, two-family, or three-family 23054
dwelling, but does not include any recreational vehicle as defined 23055
in section 4501.01 of the Revised Code. 23056

(G) "State agency" or "agency of the state" has the same 23057
meaning as "agency" as defined in section 111.15 of the Revised 23058

Code. 23059

(H) "Coastal flood hazard area" means any territory within 23060
the coastal area that has been identified as a flood hazard area 23061
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 23062
42 U.S.C.A. 4002, as amended. 23063

(I) "Coastal erosion area" means any territory included in 23064
Lake Erie coastal erosion areas identified by the director under 23065
section 1506.06 of the Revised Code. 23066

(J) "Conservancy district" means a conservancy district that 23067
is established under Chapter 6101. of the Revised Code. 23068

(K) "Park board" means the board of park commissioners of a 23069
park district that is created under Chapter 1545. of the Revised 23070
Code. 23071

(L) "Erosion control structure" means a structure that is 23072
designed solely and specifically to reduce or control erosion of 23073
the shore along or near Lake Erie, including, without limitation, 23074
revetments, seawalls, bulkheads, certain breakwaters, and similar 23075
structures. 23076

(M) "Shore structure" includes, but is not limited to, 23077
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 23078
certain dikes designated by the chief of the division of soil and 23079
water resources; piers; docks; jetties; wharves; marinas; boat 23080
ramps; any associated fill or debris used as part of the 23081
construction of shore structures that may affect shore erosion, 23082
wave action, or inundation; and fill or debris that is placed 23083
along or near the shore, including bluffs, banks, or beach ridges, 23084
for the purpose of stabilizing slopes. 23085

Sec. 1507.01. There is hereby created in the department of 23086
natural resources the division of engineering to be administered 23087
by the chief engineer of the department, who shall be a 23088

professional engineer registered under Chapter 4733. of the 23089
Revised Code or a professional architect certified and registered 23090
under Chapter 4703. of the Revised Code. ~~The~~ With the approval of 23091
the director of natural resources, the chief engineer shall do all 23092
of the following: 23093

(A) Administer this chapter; 23094

(B) Provide engineering, architectural, land surveying, and 23095
related administrative and maintenance support services to the 23096
other divisions in the department; 23097

(C) ~~Upon request of the director of natural resources,~~ 23098
~~implement~~ Implement the department's capital improvement program 23099
and facility maintenance projects, including all associated 23100
~~engineering, architectural,~~ planning, design, contracting, 23101
surveying, inspection, and management responsibilities and 23102
requirements; 23103

(D) ~~With the approval of the director, act~~ Act as contracting 23104
officer in departmental engineering, architectural, surveying, and 23105
construction matters regarding capital improvements except for 23106
those matters otherwise specifically provided for in law; 23107

(E) ~~Provide engineering support for the coastal management~~ 23108
~~program established under Chapter 1506. of the Revised Code;~~ 23109

~~(F)~~ Coordinate the department's roadway maintenance program 23110
with the department of transportation pursuant to section 5511.05 23111
of the Revised Code and maintain the roadway inventory of the 23112
department of natural resources; 23113

~~(G)~~(F) Coordinate the department's projects, programs, 23114
policies, procedures, and activities with the United States army 23115
corps of engineers; 23116

~~(H)~~ ~~Subject to the approval of the director, employ~~ (G) 23117
Employ professional and technical assistants and such other 23118

employees as are necessary for the performance of the activities 23119
required or authorized under this chapter, other work of the 23120
division, and any other work agreed to under working agreements or 23121
contractual arrangements; prescribe their duties; and fix their 23122
compensation in accordance with such schedules as are provided by 23123
law for the compensation of state employees-; 23124

(H) Except as otherwise provided in the Revised Code, 23125
coordinate and conduct all real estate functions for the 23126
department of natural resources, including at least acquisitions 23127
by purchase, lease, gift, devise, bequest, appropriation, or 23128
otherwise; grants through sales, leases, exchanges, easements, and 23129
licenses; inventories of land; and other related general 23130
management duties; 23131

(I) Coordinate such environmental matters concerning the 23132
department and the state as are necessary to comply with the 23133
"National Environmental Policy Act of 1969," 83 Stat. 852, 42 23134
U.S.C. 4321, as amended, the "Intergovernmental Cooperation Act of 23135
1968," 82 Stat. 1098, 31 U.S.C. 6506, and the "Federal Water 23136
Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, as 23137
amended, and regulations adopted under those acts; 23138

(J) Coordinate and administer compensatory mitigation grant 23139
programs and other programs for streams and wetlands as approved 23140
in accordance with certifications and permits issued under 23141
sections 401 and 404 of the "Federal Water Pollution Control Act," 23142
91 Stat. 1566 (1977), 33 U.S.C. 1251, as amended, by the 23143
environmental protection agency and the United States army corps 23144
of engineers; 23145

(K) Coordinate all department activities associated with the 23146
completion of drainage ditch improvements in accordance with 23147
Chapters 6131. and 6133. of the Revised Code; 23148

(L) Assist the department and its divisions by providing 23149

department-wide planning, including at least master planning, 23150
comprehensive planning, capital improvements planning, and special 23151
purpose planning. 23152

Sec. 1511.01. For the purposes of this chapter: 23153

(A) "Conservation" means the wise use and management of 23154
natural resources. 23155

(B) "Critical natural resource area" means an area identified 23156
by the director of natural resources in which occurs a natural 23157
resource that requires special management because of its 23158
importance to the well-being of the surrounding communities, the 23159
region, or the state. 23160

(C) "Pollution abatement practice" means any erosion control 23161
or animal waste pollution abatement facility, structure, or 23162
procedure and the operation and management associated with it as 23163
contained in operation and management plans developed or approved 23164
by the chief of the division of soil and water ~~conservation~~ 23165
resources or by soil and water conservation districts established 23166
under Chapter 1515. of the Revised Code. 23167

(D) "Agricultural pollution" means failure to use management 23168
or conservation practices in farming or silvicultural operations 23169
to abate wind or water erosion of the soil or to abate the 23170
degradation of the waters of the state by animal waste or soil 23171
sediment, including substances attached thereto. 23172

(E) "Waters of the state" means all streams, lakes, ponds, 23173
wetlands, watercourses, waterways, wells, springs, irrigation 23174
systems, drainage systems, and all other bodies or accumulations 23175
of water, surface and underground, natural or artificial, 23176
regardless of the depth of the strata in which underground water 23177
is located, that are situated wholly or partly within, or border 23178
upon, this state or are within its jurisdiction, except those 23179

private waters that do not combine or effect a junction with 23180
natural surface or underground waters. 23181

(F) "Operation and management plan" means a written record, 23182
developed or approved by the district board of supervisors or the 23183
chief, for the owner or operator of agricultural land or a 23184
concentrated animal feeding ~~operations~~ operation that contains 23185
implementation schedules and operational procedures for a level of 23186
management and pollution abatement practices that will abate the 23187
degradation of the waters of the state by animal waste and by soil 23188
sediment including attached pollutants. 23189

(G) "Animal waste" means animal excreta, discarded products, 23190
bedding, wash waters, waste feed, and silage drainage. "Animal 23191
waste" also includes the compost products resulting from the 23192
composting of dead animals in operations subject to section 23193
1511.022 of the Revised Code when either of the following applies: 23194

(1) The composting is conducted by the person who raises the 23195
animals and the compost product is used in agricultural operations 23196
owned or operated by that person, regardless of whether the person 23197
owns the animals; 23198

(2) The composting is conducted by the person who owns the 23199
animals, but does not raise them and the compost product is used 23200
in agricultural operations either by a person who raises the 23201
animals or by a person who raises grain that is used to feed them 23202
and that is supplied by the owner of the animals. 23203

(H) "Composting" means the controlled decomposition of 23204
organic solid material consisting of dead animals that stabilizes 23205
the organic fraction of the material. 23206

Sec. 1511.02. The chief of the division of soil and water 23207
~~conservation~~ resources, subject to the approval of the director of 23208
natural resources, shall do all of the following: 23209

(A) Provide administrative leadership to local soil and water conservation districts in planning, budgeting, staffing, and administering district programs and the training of district supervisors and personnel in their duties, responsibilities, and authorities as prescribed in this chapter and Chapter 1515. of the Revised Code;

(B) Administer this chapter and Chapter 1515. of the Revised Code pertaining to state responsibilities and provide staff assistance to the Ohio soil and water conservation commission in exercising its statutory responsibilities;

(C) Assist in expediting state responsibilities for watershed development and other natural resource conservation works of improvement;

(D) Coordinate the development and implementation of cooperative programs and working agreements between local soil and water conservation districts and divisions or sections of the department of natural resources, or other agencies of local, state, and federal government;

(E) Subject to the approval of the Ohio soil and water conservation commission, adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code. Rules adopted pursuant to this section:

(1) Shall establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in farming or silvicultural operations that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by animal waste or by soil sediment including substances attached thereto, and establish criteria for determination of the acceptability of such management and conservation practices;

(2) Shall establish technically feasible and economically

reasonable standards to achieve a level of management and 23241
conservation practices that will abate wind or water erosion of 23242
the soil or abate the degradation of the waters of the state by 23243
soil sediment in conjunction with land grading, excavating, 23244
filling, or other soil-disturbing activities on land used or being 23245
developed for nonfarm commercial, industrial, residential, or 23246
other nonfarm purposes, and establish criteria for determination 23247
of the acceptability of such management and conservation 23248
practices. The standards shall be designed to implement applicable 23249
areawide waste treatment management plans prepared under section 23250
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 23251
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 23252
shall not apply in any municipal corporation or county that adopts 23253
ordinances or rules pertaining to sediment control, nor to lands 23254
being used in a strip mine operation as defined in section 1513.01 23255
of the Revised Code, nor to lands being used in a surface mining 23256
operation as defined in section 1514.01 of the Revised Code. 23257

(3) May recommend criteria and procedures for the approval of 23258
urban sediment pollution abatement plans and issuance of permits 23259
prior to any grading, excavating, filling, or other whole or 23260
partial disturbance of five or more contiguous acres of land owned 23261
by one person or operated as one development unit and require 23262
implementation of such a plan. Areas of less than five contiguous 23263
acres are not exempt from compliance with other provisions of this 23264
chapter and rules adopted under them. 23265

(4) Shall establish procedures for administration of rules 23266
for agricultural pollution abatement and urban sediment pollution 23267
abatement and for enforcement of rules for agricultural pollution 23268
abatement; 23269

(5) Shall specify the pollution abatement practices eligible 23270
for state cost sharing and determine the conditions for 23271
eligibility, the construction standards and specifications, the 23272

useful life, the maintenance requirements, and the limits of cost 23273
sharing for those practices. Eligible practices shall be limited 23274
to practices that address agricultural or silvicultural operations 23275
and that require expenditures that are likely to exceed the 23276
economic returns to the owner or operator and that abate soil 23277
erosion or degradation of the waters of the state by animal waste 23278
or soil sediment including pollutants attached thereto. 23279

~~(6) Until June 1, 1996, shall specify the multiflora rose 23280
control practices eligible for state cost sharing, the conditions 23281
of eligibility for state cost sharing, the limits of cost sharing 23282
for those practices, specifications for carrying out those 23283
practices to ensure effective control of the multiflora rose and 23284
to safeguard the health and safety of human beings and domestic 23285
animals and the environment, and the contract provisions to be 23286
included in cost sharing agreements with landowners;~~ 23287

~~(7) Until June 1, 1996, shall establish procedures for 23288
administering grants to soil and water conservation districts for 23289
control of multiflora rose;~~ 23290

~~(8) Shall establish procedures for administering grants to 23291
owners or operators of agricultural land or concentrated animal 23292
feeding operations for the implementation of operation and 23293
management plans;~~ 23294

~~(9)(7) Shall establish procedures for administering grants to 23295
soil and water conservation districts for urban sediment pollution 23296
abatement programs, specify the types of projects eligible for 23297
grants, establish limits on the availability of grants, and 23298
establish requirements governing the execution of projects to 23299
encourage the reduction of erosion and sedimentation associated 23300
with soil-disturbing activities;~~ 23301

~~(10)(8) Shall do all of the following with regard to 23302
composting conducted in conjunction with agricultural operations:~~ 23303

(a) Provide for the distribution of educational material 23304
concerning composting to the offices of the Ohio cooperative 23305
extension service for the purposes of section 1511.022 of the 23306
Revised Code; 23307

(b) Establish methods, techniques, or practices for 23308
composting dead animals, or particular types of dead animals, that 23309
are to be used at such operations, as the chief considers to be 23310
necessary or appropriate; 23311

(c) Establish requirements and procedures governing the 23312
review and approval or disapproval of composting plans by the 23313
supervisors of soil and water conservation districts under 23314
division ~~(U)~~(Q) of section 1515.08 of the Revised Code. 23315

~~(11)~~(9) Shall be adopted, amended, or rescinded after the 23316
chief does all of the following: 23317

(a) Mails notice to each statewide organization that the 23318
chief determines represents persons or local governmental agencies 23319
who would be affected by the proposed rule, amendment thereto, or 23320
rescission thereof at least thirty-five days before any public 23321
hearing thereon; 23322

(b) Mails a copy of each proposed rule, amendment thereto, or 23323
rescission thereof to any person who requests a copy, within five 23324
days after receipt of the request; 23325

(c) Consults with appropriate state and local governmental 23326
agencies or their representatives, including statewide 23327
organizations of local governmental officials, industrial 23328
representatives, and other interested persons; 23329

(d) If the rule relates to agricultural pollution abatement, 23330
develops an economic impact statement concerning the effect of the 23331
proposed rule or amendment. 23332

~~(12)~~(10) Shall not conflict with air or water quality 23333

standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. Compliance with rules adopted pursuant to this section does not affect liability for noncompliance with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. The application of a level of management and conservation practices recommended under this section to control windblown soil from farming operations creates a presumption of compliance with section 3704.03 of the Revised Code as that section applies to windblown soil.

~~(13)~~(11) Insofar as the rules relate to urban sediment pollution, shall not be applicable in a municipal corporation or county that adopts ordinances or rules for urban sediment control, except that a municipal corporation or county that adopts such ordinances or rules may receive moneys for urban sediment control that are disbursed by the board of supervisors of the applicable soil and water conservation district under division ~~(R)~~(N) of section 1515.08 of the Revised Code. The rules shall not exempt any person from compliance with municipal ordinances enacted pursuant to Section 3 of Article XVIII, Ohio Constitution.

(F) Cost share with landowners on practices established pursuant to division (E)(5) of this section as moneys are appropriated and available for that purpose. Any practice for which cost share is provided shall be maintained for its useful life. Failure to maintain a cost share practice for its useful life shall subject the landowner to full repayment to the division.

(G) Issue orders requiring compliance with any rule adopted under division (E)(1) of this section or with section 1511.022 of the Revised Code. Before the chief issues an order, the chief shall afford each person allegedly liable an adjudication hearing under Chapter 119. of the Revised Code. The chief may require in an order that a person who has caused agricultural pollution by

failure to comply with the standards established under division 23366
(E)(1) of this section operate under an operation and management 23367
plan approved by the chief under this section. The chief shall 23368
require in an order that a person who has failed to comply with 23369
division (A) of section 1511.022 of the Revised Code prepare a 23370
composting plan in accordance with rules adopted under division 23371
(E)(10)(c) of this section and operate in accordance with that 23372
plan or that a person who has failed to operate in accordance with 23373
such a plan begin to operate in accordance with it. Each order 23374
shall be issued in writing and contain a finding by the chief of 23375
the facts upon which the order is based and the standard that is 23376
not being met. 23377

(H) Employ field assistants and such other employees as are 23378
necessary for the performance of the work prescribed by Chapter 23379
1515. of the Revised Code, for performance of work of the 23380
division, and as agreed to under working agreements or contractual 23381
arrangements with local soil and water conservation districts, 23382
prescribe their duties, and fix their compensation in accordance 23383
with such schedules as are provided by law for the compensation of 23384
state employees. 23385

All employees of the division, unless specifically exempted 23386
by law, shall be employed subject to the classified civil service 23387
laws in force at the time of employment. 23388

(I) In connection with new or relocated projects involving 23389
highways, underground cables, pipelines, railroads, and other 23390
improvements affecting soil and water resources, including surface 23391
and subsurface drainage: 23392

(1) Provide engineering service as is mutually agreeable to 23393
the Ohio soil and water conservation commission and the director 23394
to aid in the design and installation of soil and water 23395
conservation practices as a necessary component of such projects; 23396

(2) Maintain close liaison between the owners of lands on which the projects are executed, local soil and water conservation districts, and authorities responsible for such projects;

(3) Review plans for such projects to ensure their compliance with standards developed under division (E) of this section in cooperation with the department of transportation or with any other interested agency that is engaged in soil or water conservation projects in the state in order to minimize adverse impacts on soil and water resources adjacent to or otherwise affected by these projects;

(4) Recommend measures to retard erosion and protect soil and water resources through the installation of water impoundment or other soil and water conservation practices;

(5) Cooperate with other agencies and subdivisions of the state to protect the agricultural status of rural lands adjacent to such projects and control adverse impacts on soil and water resources.

(J) Collect, analyze, inventory, and interpret all available information pertaining to the origin, distribution, extent, use, and conservation of the soil resources of the state;

(K) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public;

(L) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be upon such terms as are mutually agreeable to the districts and the department of natural resources.

(M) Assist local government officials in utilizing land use 23428
planning and zoning, current agricultural use value assessment, 23429
development reviews, and land management activities; 23430

(N) When necessary for the purposes of this chapter or 23431
Chapter 1515. of the Revised Code, develop or approve operation 23432
and management plans. 23433

This section does not restrict the excrement of domestic or 23434
farm animals defecated on land outside a concentrated animal 23435
feeding operation or runoff therefrom into the waters of the 23436
state. 23437

Sec. 1511.021. (A) Any person who owns or operates 23438
agricultural land or a concentrated animal feeding operation may 23439
develop and operate under an operation and management plan 23440
approved by the chief of the division of soil and water 23441
~~conservation~~ resources under section 1511.02 of the Revised Code 23442
or by the supervisors of the local soil and water conservation 23443
district under section 1515.08 of the Revised Code. 23444

(B) Any person who wishes to make a complaint regarding 23445
nuisances involving agricultural pollution may do so orally or by 23446
submitting a written, signed, and dated complaint to the chief or 23447
to the chief's designee. After receiving an oral complaint, the 23448
chief or the chief's designee may cause an investigation to be 23449
conducted to determine whether agricultural pollution has occurred 23450
or is imminent. After receiving a written, signed, and dated 23451
complaint, the chief or the chief's designee shall cause such an 23452
investigation to be conducted. 23453

(C) In a private civil action for nuisances involving 23454
agricultural pollution, it is an affirmative defense if the person 23455
owning, operating, or otherwise responsible for agricultural land 23456
or a concentrated animal feeding operation is operating under and 23457
in substantial compliance with an approved operation and 23458

management plan developed under division (A) of this section, with 23459
an operation and management plan developed by the chief under 23460
section 1511.02 of the Revised Code or by the supervisors of the 23461
local soil and water conservation district under section 1515.08 23462
of the Revised Code, or with an operation and management plan 23463
required by an order issued by the chief under division (G) of 23464
section 1511.02 of the Revised Code. Nothing in this section is in 23465
derogation of the authority granted to the chief in division (E) 23466
of section 1511.02 and in section 1511.07 of the Revised Code. 23467

Sec. 1511.022. (A) Any person who owns or operates an 23468
agricultural operation, or owns the animals raised by the owner or 23469
operator of an agricultural operation, and who wishes to conduct 23470
composting of dead animals resulting from the agricultural 23471
operation shall do both of the following: 23472

(1) Participate in an educational course concerning 23473
composting conducted by the Ohio cooperative extension service and 23474
obtain a certificate of completion for the course; 23475

(2) Use the appropriate method, technique, or practice of 23476
composting established in rules adopted under division (E)~~(10)~~(8) 23477
of section 1511.02 of the Revised Code. 23478

(B) Any person who fails to comply with division (A) of this 23479
section shall prepare and operate under a composting plan in 23480
accordance with an order issued by the chief of the division of 23481
soil and water ~~conservation~~ resources under division (G) of 23482
section 1511.02 of the Revised Code. If the person's proposed 23483
composting plan is disapproved by the board of supervisors of the 23484
appropriate soil and water conservation district under division 23485
~~(U)~~(Q)(3) of section 1515.08 of the Revised Code, the person may 23486
appeal the plan disapproval to the chief, who shall afford the 23487
person a hearing. Following the hearing, the chief shall uphold 23488
the plan disapproval or reverse it. If the chief reverses the 23489

disapproval, the plan shall be deemed approved. 23490

Sec. 1511.03. The chief of the division of soil and water 23491
~~conservation~~ resources may enter into contracts or agreements, 23492
with the approval of the director of natural resources, with any 23493
agency of the United States government, or any other public or 23494
private agency, or organization, for the performance of the 23495
prescribed duties of the division, or for accomplishing 23496
cooperative projects within the designated duties of the division. 23497

Sec. 1511.04. The chief of the division of soil and water 23498
~~conservation~~ resources may accept, on behalf of the department of 23499
natural resources, donations, grants and contributions in money, 23500
service, or equipment to enlarge or expedite the prescribed work 23501
of the division. 23502

Sec. 1511.05. The chief of the division of soil and water 23503
~~conservation~~ resources, subject to approval of the terms of the 23504
agreement by the soil and water conservation commission, shall 23505
enter into cooperative agreements with the board of supervisors of 23506
any soil and water conservation district desiring to enter into 23507
such agreements pursuant to section 1515.08 of the Revised Code. 23508
Such agreements shall be entered into to obtain compliance with 23509
rules and orders of the chief pertaining to agricultural pollution 23510
abatement and urban sediment pollution abatement. 23511

The chief or any person designated by the chief may upon 23512
obtaining agreement with the owner, tenant, or manager of any 23513
land, public or private, enter thereon to make inspections to 23514
determine whether or not there is compliance with the rules 23515
adopted under division (E)(1) of section 1511.02 of the Revised 23516
Code. Upon reason to believe there is a violation, the chief or 23517
~~his~~ the chief's designee may apply for and a judge of the court of 23518
common pleas for the county where the land is located may issue an 23519

appropriate inspection warrant as necessary to achieve the 23520
purposes of this chapter. 23521

Sec. 1511.06. The chief of the division of soil and water 23522
~~conservation~~ resources may enter into agreements with local 23523
government agencies for the purpose of soil surveys, land use 23524
inventories, and other soil-related duties. 23525

Sec. 1511.07. (A)(1) No person shall fail to comply with an 23526
order of the chief of the division of soil and water ~~conservation~~ 23527
resources issued pursuant to division (G) of section 1511.02 of 23528
the Revised Code. 23529

(2) In addition to the remedies provided and irrespective of 23530
whether an adequate remedy at law exists, the chief may apply to 23531
the court of common pleas in the county where a violation of a 23532
standard established under division (E)(1) or ~~(10)(8)~~(b) of 23533
section 1511.02 of the Revised Code causes pollution of the waters 23534
of the state for an order to compel the violator to cease the 23535
violation and to remove the agricultural pollutant or to comply 23536
with the rules adopted under division (E)~~(10)(8)~~(b) of that 23537
section, as appropriate. 23538

(3) In addition to the remedies provided and irrespective of 23539
whether an adequate remedy at law exists, whenever the chief 23540
officially determines that an emergency exists because of an 23541
unauthorized release, spill, or discharge of animal waste, or a 23542
violation of a rule adopted under division (E)~~(10)(8)~~(b) of 23543
section 1511.02 of the Revised Code, that causes pollution of the 23544
waters of the state, the chief may, without notice or hearing, 23545
issue an order reciting the existence of the emergency and 23546
requiring that necessary action be taken to meet the emergency. 23547
The order shall be effective immediately. Any person to whom the 23548
order is directed shall comply with the order immediately, but on 23549

application to the chief shall be afforded a hearing as soon as 23550
possible, but not later than twenty days after making the 23551
application. On the basis of the hearing, the chief shall continue 23552
the order in effect, revoke it, or modify it. No emergency order 23553
shall remain in effect for more than sixty days after its 23554
issuance. If a person to whom an order is issued does not comply 23555
with the order within a reasonable period, as determined by the 23556
chief, the chief or the chief's designee may enter upon private or 23557
public lands and take action to mitigate, minimize, remove, or 23558
abate the release, spill, discharge, or conditions caused by the 23559
violation of the rule. 23560

(B) The attorney general, upon the written request of the 23561
chief, shall bring appropriate legal action in Franklin county 23562
against any person who fails to comply with an order of the chief 23563
issued pursuant to division (G) of section 1511.02 of the Revised 23564
Code. 23565

Sec. 1511.071. There is hereby created in the state treasury 23566
the agricultural pollution abatement fund, which shall be 23567
administered by the chief of the division of soil and water 23568
~~conservation~~ resources. The fund may be used to pay costs incurred 23569
by the division under division (A)(3) of section 1511.07 of the 23570
Revised Code in investigating, mitigating, minimizing, removing, 23571
or abating any pollution of the waters of the state caused by an 23572
unauthorized release, spill, or discharge of animal waste into or 23573
upon the environment that requires emergency action to protect the 23574
public health. 23575

Any person responsible for causing or allowing an 23576
unauthorized release, spill, or discharge is liable to the chief 23577
for any costs incurred by the division and soil and water 23578
conservation districts in investigating, mitigating, minimizing, 23579
removing, or abating the release, spill, or discharge, regardless 23580

of whether those costs were paid out of the agricultural pollution abatement fund or any other fund of the division or a district. Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs. Moneys recovered under this section shall be paid into the agricultural pollution abatement fund.

Sec. 1511.08. Any person claiming to be deprived of a right or protection afforded ~~him~~ the person by law by an order of the chief of the division of soil and water ~~conservation~~ resources, except an order which adopts a rule, may appeal to the court of common pleas of Franklin county or the court of common pleas of the county in which the alleged violation exists.

If the court finds that the order of the chief appealed from was lawful and reasonable, it shall affirm such order. If the court finds that such order was unreasonable or unlawful, it shall vacate such order and make the order which it finds the chief should have made. The judgment of the court is final unless reversed, vacated, or modified on appeal.

Sec. 1514.08. (A) The chief of the division of mineral resources management may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code in order to prescribe procedures for submitting applications for permits, amendments to permits, and amendments to plans of mining and reclamation; filing annual reports and final reports; requesting inspection and approval of reclamation; paying permit and filing fees; and filing and obtaining the release of performance bonds deposited with the state. For the purpose of preventing damage to adjoining property or achieving one or more of the performance standards established in division (A)(10) of section 1514.02 of the Revised Code, the chief may establish classes of mining industries, based upon industrial categories, combinations of

minerals produced, and geological conditions in which surface or 23612
in-stream mining operations occur, and may prescribe different 23613
rules consistent with the performance standards for each class. 23614
For the purpose of apportioning the workload of the division of 23615
mineral resources management among the quarters of the year, the 23616
rules may require that applications for permits and annual reports 23617
be filed in different quarters of the year, depending upon the 23618
county in which the operation is located. 23619

(B) The chief shall adopt rules under this section that do 23620
all of the following: 23621

(1) With respect to in-stream mining, and in consultation 23622
with the chief of the division of soil and water resources, 23623
determine periods of low flow, which are the only time periods 23624
during which in-stream mining is allowed, and develop and 23625
implement any criteria, in addition to the criteria established in 23626
section 1514.02 of the Revised Code, that the chief determines are 23627
necessary for the permitting of in-stream mining; 23628

(2) Establish criteria and procedures for approving or 23629
disapproving the transfer of a surface or in-stream mining permit 23630
under division (F) of section 1514.02 of the Revised Code; 23631

(3) Define when any of the following may be considered to be 23632
"significant" for purposes of section 1514.022 of the Revised 23633
Code: 23634

(a) An amendment to a permit issued under section 1514.02 of 23635
the Revised Code for a surface or in-stream mining operation; 23636

(b) An amendment to the plan of mining and reclamation that 23637
must be filed with an application for either permit under section 23638
1514.02 of the Revised Code; 23639

(c) Changes to that plan of mining and reclamation that are 23640
proposed in a permit renewal application filed under section 23641

1514.021 of the Revised Code. 23642

In defining "significant," the chief shall focus on changes 23643
that increase the likelihood that the mining operation may have a 23644
negative impact on the public. 23645

(4) Establish a framework and procedures under which the 23646
amount of any bond required to be filed under this chapter to 23647
ensure the satisfactory performance of the reclamation measures 23648
required under this chapter may be reduced by subtracting a credit 23649
based on the operator's past compliance with this chapter and 23650
rules adopted and orders issued under it. The rules also shall 23651
apply to cash, an irrevocable letter of credit, or a certificate 23652
of deposit that is on deposit in lieu of a bond. In establishing 23653
the amount of credit that an operator or applicant may receive 23654
based on past compliance, the chief may consider past compliance 23655
with respect to any permit for a surface or in-stream mining 23656
operation that has been issued in this state to the operator or 23657
applicant. 23658

(5) Establish criteria and procedures for granting a variance 23659
from compliance with the prohibitions established in divisions 23660
(E)(3) and (F)(3) of section 1514.10 of the Revised Code. The 23661
criteria shall ensure that an operator may obtain a variance only 23662
if compliance with the applicable prohibition is not necessary to 23663
prevent damage to the watercourse or surrounding areas. 23664

Sec. 1514.13. (A) The chief of the division of mineral 23665
resources management shall use the compilation of data for ground 23666
water modeling submitted under section 1514.02 of the Revised Code 23667
to establish a projected cone of depression for any surface mining 23668
operation that may result in dewatering. The chief shall consult 23669
with the chief of the division of soil and water resources when 23670
projecting a cone of depression. An applicant for a surface mining 23671
permit for such an operation may submit ground water modeling that 23672

shows a projected cone of depression for that operation to the 23673
chief, provided that the modeling complies with rules adopted by 23674
the chief regarding ground water modeling. However, the chief 23675
shall establish the projected cone of depression for the purposes 23676
of this section. 23677

The chief shall adopt, and may amend and rescind, rules in 23678
accordance with Chapter 119. of the Revised Code establishing 23679
requirements and standards governing both of the following: 23680

(1) Ground water modeling for establishing a projected cone 23681
of depression. A ground water model shall be generally accepted in 23682
the scientific community. 23683

(2) Replacement of water supplies. 23684

(B)(1) If an owner of real property who obtains all or part 23685
of the owner's water supply for domestic, agricultural, 23686
industrial, or other legitimate use from ground water has a 23687
diminution, contamination, or interruption of that water supply 23688
and the owner's real property is located within the projected cone 23689
of depression of a surface mining operation established under this 23690
section, the owner may submit a written complaint to the operator 23691
of that operation or to the chief informing the operator or the 23692
chief that there is a diminution, contamination, or interruption 23693
of the owner's water supply. The complaint shall include the 23694
owner's name, address, and telephone number. 23695

If the chief receives a written complaint, the chief 23696
immediately shall send a copy of the complaint to the operator, 23697
and the operator immediately shall respond by sending the chief a 23698
statement that explains how the operator resolved or will resolve 23699
the complaint. If the operator receives a written complaint, the 23700
operator immediately shall send to the chief a copy of the 23701
complaint and include a statement that explains how the operator 23702
resolved or will resolve the complaint. Not later than seventy-two 23703

hours after receipt of the complaint, the operator shall provide 23704
the owner a supply of water that is comparable, in quantity and 23705
quality, to the owner's water supply prior to the diminution, 23706
contamination, or interruption of the owner's water supply. The 23707
operator shall maintain that water supply until the operator 23708
provides a permanent replacement water supply to the owner under 23709
division (B)(3) of this section or until the division of mineral 23710
resources management completes the evaluation under division 23711
(B)(2) of this section, whichever is applicable. 23712

(2) A rebuttable presumption exists that the operation caused 23713
the diminution, contamination, or interruption of the owner's 23714
water supply. However, not later than fourteen days after receipt 23715
of the complaint, the operator may submit to the division 23716
information showing that the operation is not the proximate cause 23717
of the diminution, contamination, or interruption of the owner's 23718
water supply. The division shall evaluate the information 23719
submitted by the operator to determine if the presumption is 23720
rebutted. If the operator fails to rebut the presumption, the 23721
division immediately shall notify the operator that the operator 23722
failed to rebut the presumption. Not later than fourteen days 23723
after receipt of that notice, the operator shall provide the owner 23724
a permanent replacement water supply that is comparable, in 23725
quantity and quality, to the owner's water supply prior to the 23726
diminution, contamination, or interruption of the owner's water 23727
supply. If the operator rebuts the presumption, the division 23728
immediately shall notify the operator that the operator rebutted 23729
the presumption, and, upon receipt of that notice, the operator 23730
may cease providing a supply of water to the owner under division 23731
(B)(1) of this section. 23732

(3) If, within fourteen days after receipt of the complaint, 23733
the operator does not submit to the division information showing 23734
that the operation is not the proximate cause of the diminution, 23735

contamination, or interruption of the owner's water supply, the 23736
operator shall provide the owner, not later than twenty-eight days 23737
after receipt of the complaint, a permanent replacement water 23738
supply that is comparable, in quantity and quality, to the owner's 23739
water supply prior to the diminution, contamination, or 23740
interruption of the owner's water supply. 23741

(4) The division may investigate a complaint under division 23742
(B) of this section. 23743

(C) If an owner of real property who obtains all or part of 23744
the owner's water supply for domestic, agricultural, industrial, 23745
or other legitimate use from ground water has a diminution, 23746
contamination, or interruption of that water supply and the 23747
owner's real property is not located within the projected cone of 23748
depression of a surface mining operation established under this 23749
section, the owner may submit a written complaint to the operator 23750
of that operation or to the chief informing the operator or the 23751
chief that there is a diminution, contamination, or interruption 23752
of the owner's water supply. The complaint shall include the 23753
owner's name, address, and telephone number. 23754

If the operator receives a written complaint, the operator 23755
immediately shall send the chief a copy of the complaint. If the 23756
chief receives a written complaint, the chief immediately shall 23757
send the operator a copy of the complaint. The chief shall 23758
investigate any complaint submitted under this division and, upon 23759
completion of the investigation, immediately shall send the 23760
results of the investigation to the operator and to the owner that 23761
filed the complaint. 23762

An owner that submits a written complaint under this division 23763
may resolve the diminution, contamination, or interruption of the 23764
owner's water supply with the operator of that operation or may 23765
commence a civil action for that purpose. 23766

(D) An operator may request the chief to amend the plan of mining and reclamation filed with the application under section 1514.02 of the Revised Code when a ground water user may affect the projected cone of depression established for the operation under division (A) of this section. The operator shall submit additional data that reflect the ground water user's impact on the ground water. The chief shall perform ground water modeling using the additional data and may establish a revised projected cone of depression for that operation.

(E) This section shall not be construed as creating, modifying, or affecting any right, liability, or remedy of surface riparian owners.

Sec. 1515.08. The supervisors of a soil and water conservation district have the following powers in addition to their other powers:

(A) To conduct surveys, investigations, and research relating to the character of soil erosion, floodwater and sediment damages, and the preventive and control measures and works of improvement for flood prevention and the conservation, development, utilization, and disposal of water needed within the district, and to publish the results of those surveys, investigations, or research, provided that no district shall initiate any research program except in cooperation or after consultation with the Ohio agricultural research and development center;

(B) To develop plans for the conservation of soil resources, for the control and prevention of soil erosion, and for works of improvement for flood prevention and the conservation, development, utilization, and disposal of water within the district, and to publish those plans and information;

(C) To implement, construct, repair, maintain, and operate preventive and control measures and other works of improvement for

natural resource conservation and development and flood 23798
prevention, and the conservation, development, utilization, and 23799
disposal of water within the district on lands owned or controlled 23800
by this state or any of its agencies and on any other lands within 23801
the district, which works may include any facilities authorized 23802
under state or federal programs, and to acquire, by purchase or 23803
gift, to hold, encumber, or dispose of, and to lease real and 23804
personal property or interests in such property for those 23805
purposes; 23806

(D) To cooperate or enter into agreements with any occupier 23807
of lands within the district in the carrying on of natural 23808
resource conservation operations and works of improvement for 23809
flood prevention and the conservation, development, utilization, 23810
and management of natural resources within the district, subject 23811
to such conditions as the supervisors consider necessary; 23812

(E) To accept donations, gifts, grants, and contributions in 23813
money, service, materials, or otherwise, and to use or expend them 23814
according to their terms; 23815

(F) To adopt, amend, and rescind rules to carry into effect 23816
the purposes and powers of the district; 23817

(G) To sue and plead in the name of the district, and be sued 23818
and impleaded in the name of the district, with respect to its 23819
contracts and, as indicated in section 1515.081 of the Revised 23820
Code, certain torts of its officers, employees, or agents acting 23821
within the scope of their employment or official responsibilities, 23822
or with respect to the enforcement of its obligations and 23823
covenants made under this chapter; 23824

(H) To make and enter into all contracts, leases, and 23825
agreements and execute all instruments necessary or incidental to 23826
the performance of the duties and the execution of the powers of 23827
the district under this chapter, provided that all of the 23828

following apply: 23829

(1) Except as provided in section 307.86 of the Revised Code 23830
regarding expenditures by boards of county commissioners, when the 23831
cost under any such contract, lease, or agreement, other than 23832
compensation for personal services or rental of office space, 23833
involves an expenditure of more than the amount established in 23834
that section regarding expenditures by boards of county 23835
commissioners, the supervisors shall make a written contract with 23836
the lowest and best bidder after advertisement, for not less than 23837
two nor more than four consecutive weeks preceding the day of the 23838
opening of bids, in a newspaper of general circulation within the 23839
district and in such other publications as the supervisors 23840
determine. The notice shall state the general character of the 23841
work and materials to be furnished, the place where plans and 23842
specifications may be examined, and the time and place of 23843
receiving bids. 23844

(2) Each bid for a contract shall contain the full name of 23845
every person interested in it. 23846

(3) Each bid for a contract for the construction, demolition, 23847
alteration, repair, or reconstruction of an improvement shall meet 23848
the requirements of section 153.54 of the Revised Code. 23849

(4) Each bid for a contract, other than a contract for the 23850
construction, demolition, alteration, repair, or reconstruction of 23851
an improvement, at the discretion of the supervisors, may be 23852
accompanied by a bond or certified check on a solvent bank in an 23853
amount not to exceed five per cent of the bid, conditioned that, 23854
if the bid is accepted, a contract shall be entered into. 23855

(5) The supervisors may reject any and all bids. 23856

(I) To make agreements with the department of natural 23857
resources giving it control over lands of the district for the 23858
purpose of construction of improvements by the department under 23859

section 1501.011 of the Revised Code;	23860
(J) To charge, alter, and collect rentals and other charges for the use or services of any works of the district;	23861 23862
(K) To enter, either in person or by designated representatives, upon lands, private or public, in the necessary discharge of their duties;	23863 23864 23865
(L) To enter into agreements or contracts with the department for the determination, implementation, inspection, and funding of agricultural pollution abatement and urban sediment pollution abatement measures whereby landowners, operators, managers, and developers may meet adopted state standards for a quality environment, except that failure of a district board of supervisors to negotiate an agreement or contract with the department shall authorize the division of soil and water conservation <u>resources</u> to implement the required program;	23866 23867 23868 23869 23870 23871 23872 23873 23874
(M) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource conservation, development, and utilization;	23875 23876 23877
(N) Until June 1, 1996, to conduct surveys and investigations relating to the incidence of the multiflora rose within the district and of the nature and extent of the adverse effects of the multiflora rose on agriculture, forestry, recreation, and other beneficial land uses;	23878 23879 23880 23881 23882
(O) Until June 1, 1996, to develop plans for the control of the multiflora rose within the district and to publish those plans and information related to control of the multiflora rose;	23883 23884 23885
(P) Until June 1, 1996, to enter into contracts or agreements with the chief of the division of soil and water conservation to implement and administer a program for control of the multiflora rose and to receive and expend funds provided by the chief for that purpose;	23886 23887 23888 23889 23890

~~(Q) Until June 1, 1996, to enter into cost sharing agreements with landowners for control of the multiflora rose. Before entering into any such agreement, the board of supervisors shall determine that the landowner's application meets the eligibility criteria established under division (E)(6) of section 1511.02 of the Revised Code. The cost sharing agreements shall contain the contract provisions required by the rules adopted under that division and such other provisions as the board of supervisors considers appropriate to ensure effective control of the multiflora rose.~~

~~(R) To enter into contracts or agreements with the chief of the division of soil and water resources to implement and administer a program for urban sediment pollution abatement and to receive and expend moneys provided by the chief for that purpose;~~

~~(S)(O) To develop operation and management plans, as defined in section 1511.01 of the Revised Code, as necessary;~~

~~(T)(P) To determine whether operation and management plans developed under division (A) of section 1511.021 of the Revised Code comply with the standards established under division (E)(1) of section 1511.02 of the Revised Code and to approve or disapprove the plans, based on such compliance. If an operation and management plan is disapproved, the board shall provide a written explanation to the person who submitted the plan. The person may appeal the plan disapproval to the chief, who shall afford the person a hearing. Following the hearing, the chief shall uphold the plan disapproval or reverse it. If the chief reverses the plan disapproval, the plan shall be deemed approved under this division. In the event that any person operating or owning agricultural land or a concentrated animal feeding operation in accordance with an approved operation and management plan who, in good faith, is following that plan, causes agricultural pollution, the plan shall be revised in a fashion~~

necessary to mitigate the agricultural pollution, as determined 23923
and approved by the board of supervisors of the soil and water 23924
conservation district. 23925

~~(U)~~(Q) With regard to composting conducted in conjunction 23926
with agricultural operations, to do all of the following: 23927

(1) Upon request or upon their own initiative, inspect 23928
composting at any such operation to determine whether the 23929
composting is being conducted in accordance with section 1511.022 23930
of the Revised Code; 23931

(2) If the board determines that composting is not being so 23932
conducted, request the chief to issue an order under division (G) 23933
of section 1511.02 of the Revised Code requiring the person who is 23934
conducting the composting to prepare a composting plan in 23935
accordance with rules adopted under division (E)~~(10)~~(8)(c) of that 23936
section and to operate in accordance with that plan or to operate 23937
in accordance with a previously prepared plan, as applicable; 23938

(3) In accordance with rules adopted under division 23939
(E)~~(10)~~(8)(c) of section 1511.02 of the Revised Code, review and 23940
approve or disapprove any such composting plan. If a plan is 23941
disapproved, the board shall provide a written explanation to the 23942
person who submitted the plan. 23943

As used in division ~~(U)~~(Q) of this section, "composting" has 23944
the same meaning as in section 1511.01 of the Revised Code. 23945

~~(V)~~(R) With regard to conservation activities that are 23946
conducted in conjunction with agricultural operations, to assist 23947
the county auditor, upon request, in determining whether a 23948
conservation activity is a conservation practice for purposes of 23949
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 23950
Revised Code. 23951

As used in this division, "conservation practice" has the 23952
same meaning as in section 5713.30 of the Revised Code. 23953

~~(W)~~(S) To do all acts necessary or proper to carry out the 23954
powers granted in this chapter. 23955

The director of natural resources shall make recommendations 23956
to reduce the adverse environmental effects of each project that a 23957
soil and water conservation district plans to undertake under 23958
division (A), (B), (C), or (D) of this section and that will be 23959
funded in whole or in part by moneys authorized under section 23960
1515.16 of the Revised Code and shall disapprove any such project 23961
that the director finds will adversely affect the environment 23962
without equal or greater benefit to the public. The director's 23963
disapproval or recommendations, upon the request of the district 23964
filed in accordance with rules adopted by the Ohio soil and water 23965
conservation commission, shall be reviewed by the commission, 23966
which may confirm the director's decision, modify it, or add 23967
recommendations to or approve a project the director has 23968
disapproved. 23969

Any instrument by which real property is acquired pursuant to 23970
this section shall identify the agency of the state that has the 23971
use and benefit of the real property as specified in section 23972
5301.012 of the Revised Code. 23973

Sec. 1515.14. Within the limits of funds appropriated to the 23974
department of natural resources and the soil and water 23975
conservation district assistance fund created in this section, 23976
there shall be paid in each calendar year to each local soil and 23977
water conservation district an amount not to exceed one dollar for 23978
each one dollar received in accordance with section 1515.10 of the 23979
Revised Code, received from tax levies in excess of the ten-mill 23980
levy limitation approved for the benefit of local soil and water 23981
conservation districts, or received from an appropriation by a 23982
municipal corporation or a township to a maximum of eight thousand 23983
dollars, provided that the Ohio soil and water conservation 23984

commission may approve payment to a district in an amount in 23985
excess of eight thousand dollars in any calendar year upon receipt 23986
of a request and justification from the district. The county 23987
auditor shall credit such payments to the special fund established 23988
pursuant to section 1515.10 of the Revised Code for the local soil 23989
and water conservation district. The department may make advances 23990
at least quarterly to each district on the basis of the estimated 23991
contribution of the state to each district. Moneys received by 23992
each district shall be expended for the purposes of the district. 23993

For the purpose of providing money to soil and water 23994
conservation districts under this section, there is hereby created 23995
in the state treasury the soil and water conservation district 23996
assistance fund consisting of money credited to it under section 23997
3714.073 of the Revised Code. 23998

Sec. 1515.183. Upon acceptance of a petition requesting the 23999
construction of an improvement, the supervisors of a soil and 24000
water conservation district shall begin to prepare, as a guide to 24001
the board of county commissioners and the petitioners, a 24002
preliminary report regarding the proposed improvement. The 24003
supervisors shall present the completed preliminary report at the 24004
hearing that is held on the proposed improvement. 24005

The preliminary report shall include a preliminary estimate 24006
of cost, comments on the feasibility of the project, and a 24007
statement of the supervisors' opinion as to whether the benefits 24008
from the project are likely to exceed the estimated cost. The 24009
preliminary report shall identify all factors that are apparent to 24010
the supervisors, both favorable and unfavorable to the proposed 24011
improvement, so that the petitioners may be informed concerning 24012
what is involved with the construction of the improvement. 24013

In addition to reporting on the improvement as petitioned, 24014
the supervisors may submit alternate proposals to accomplish the 24015

intent of the petition. The preliminary report and all alternate 24016
proposals shall be reviewed and receive concurrence from an 24017
engineer who is employed by the division of soil and water 24018
~~conservation~~ resources or by the natural resources conservation 24019
service in the United States department of agriculture and who is 24020
responsible for providing technical assistance to the district or 24021
from any other registered professional engineer whom the 24022
supervisors choose. 24023

Sec. 1519.03. The director of natural resources, through the 24024
chief of the division of ~~real-estate~~ parks and ~~land-management~~ 24025
recreation, shall prepare and maintain a current inventory of 24026
trails, abandoned or unmaintained roads, streets, and highways, 24027
abandoned railroad rights-of-way, utility easements, canals, and 24028
other scenic or historic corridors or rights-of-way that are 24029
suitable for recreational use. The director shall prepare and 24030
publish a comprehensive plan for development of a statewide trails 24031
system to serve present and future trail recreation needs of the 24032
state. Any state department, agency, political subdivision, or 24033
planning commission shall furnish available maps, descriptions, 24034
and other pertinent information to the director or provide access 24035
to ~~his~~ the director's representatives for inspection and 24036
duplication, upon request by the director, for trail inventory and 24037
planning purposes. 24038

Sec. 1520.02. (A) The director of natural resources has 24039
exclusive authority to administer, manage, and establish policies 24040
governing canal lands. 24041

(B)(1) The director may sell, lease, exchange, give, or grant 24042
all or part of the state's interest in any canal lands in 24043
accordance with section 1501.01 of the Revised Code. The director 24044
may stipulate that an appraisal or survey need not be conducted 24045
for, and may establish any terms or conditions that the director 24046

determines appropriate for, any such conveyance. 24047

Prior to proposing the conveyance of any canal lands, the 24048
director shall consider the local government needs and economic 24049
development potential with respect to the canal lands and the 24050
recreational, ecological, and historical value of the canal lands. 24051
In addition, the conveyance of canal lands shall be conducted in 24052
accordance with the director's policies governing the protection 24053
and conservation of canal lands established under this section. 24054

(2) With regard to canal lands, the chief of the division of 24055
~~water parks and recreation~~, with the approval of the director, may 24056
sell, lease, or transfer minerals or mineral rights when the 24057
chief, with the approval of the director, determines that the 24058
sale, lease, or transfer is in the best interest of the state. 24059
Consideration for minerals and mineral rights shall be by rental 24060
or on a royalty basis as prescribed by the chief, with the 24061
approval of the director, and payable as prescribed by contract. 24062
Moneys collected under division (B)(2) of this section shall be 24063
paid into the state treasury to the credit of the canal lands fund 24064
created in section 1520.05 of the Revised Code. 24065

(C) The director may transfer to the Ohio historical society 24066
any equipment, maps, and records used on or related to canal lands 24067
that are of historical interest and that are not needed by the 24068
director to administer this chapter. 24069

(D) If the director determines that any canal lands are a 24070
necessary part of a county's drainage or ditch system and are not 24071
needed for any purpose of the department of natural resources, the 24072
director may sell, grant, or otherwise convey those canal lands to 24073
that county in accordance with division (B) of this section. The 24074
board of county commissioners shall accept the transfer of canal 24075
lands. 24076

(E) Notwithstanding any other section of the Revised Code, 24077

the county auditor shall transfer any canal lands conveyed under 24078
this section, and the county recorder shall record the deed for 24079
those lands in accordance with section 317.12 of the Revised Code. 24080

Sec. 1520.03. (A) The director of natural resources may 24081
appropriate real property in accordance with Chapter 163. of the 24082
Revised Code for the purpose of administering this chapter. 24083

(B)(1) The director shall operate and maintain all canals and 24084
canal reservoirs owned by the state except those canals that are 24085
operated by the Ohio historical society on July 1, 1989. 24086

(2) On behalf of the director, the division of ~~water parks~~ 24087
and recreation shall have the care and control of all canals and 24088
canal reservoirs owned by the state, the water in them, and canal 24089
lands and shall protect, operate, and maintain them and keep them 24090
in repair. The chief of the division of ~~water parks and recreation~~ 24091
may remove obstructions from or on them and shall make any 24092
alterations or changes in or to them and construct any feeders, 24093
dikes, reservoirs, dams, locks, or other works, devices, or 24094
improvements in or on them that are necessary in the discharge of 24095
the chief's duties. 24096

In accordance with Chapter 119. of the Revised Code, the 24097
chief may adopt, amend, and rescind rules that are necessary for 24098
the administration of this division. 24099

(C) The director may sell or lease water from any canal or 24100
canal reservoir that the director operates and maintains only to 24101
the extent that the water is in excess of the quantity that is 24102
required for navigation, recreation, and wildlife purposes. ~~The~~ 24103
With the approval of the director, the chief may adopt, amend, and 24104
rescind rules in accordance with Chapter 119. of the Revised Code 24105
necessary to administer this division. 24106

The withdrawal of water from any canal or canal reservoir for 24107

domestic use is exempt from this division. However, the director 24108
may require water conservation measures for water that is 24109
withdrawn from any canal or canal reservoir for domestic use 24110
during drought conditions or other emergencies declared by the 24111
governor. 24112

(D) No person shall take or divert water from any canal or 24113
canal reservoir operated and maintained by the director except in 24114
accordance with division (C) of this section. 24115

(E) At the request of the director, the attorney general may 24116
commence a civil action for civil penalties and injunctions, in a 24117
court of common pleas, against any person who has violated or is 24118
violating division (D) of this section. The court of common pleas 24119
in which an action for injunctive relief is filed has jurisdiction 24120
to and shall grant preliminary and permanent injunctive relief 24121
upon a showing that the person against whom the action is brought 24122
has violated or is violating that division. 24123

Upon a finding of a violation, the court shall assess a civil 24124
penalty of not more than one thousand dollars for each day of each 24125
violation if the violator is an individual who took or diverted 24126
the water in question for residential or agricultural use. The 24127
court shall assess a civil penalty of not more than five thousand 24128
dollars for each day of each violation if the violator is any 24129
other person who took or diverted the water in question for 24130
industrial or commercial use excluding agricultural use. Moneys 24131
from civil penalties assessed under this division shall be paid 24132
into the state treasury to the credit of the canal lands fund 24133
created in section 1520.05 of the Revised Code. 24134

Any action under this division is a civil action, governed by 24135
the rules of civil procedure and other rules of practice and 24136
procedure applicable to civil actions. 24137

(F) As used in this section, "person" means any agency of 24138

this state, any political subdivision of this state or of the 24139
United States, or any legal entity defined as a person under 24140
section 1.59 of the Revised Code. 24141

Sec. 1521.03. The chief of the division of soil and water 24142
resources shall do all of the following: 24143

(A) Assist in an advisory capacity any properly constituted 24144
watershed district, conservancy district, or soil and water 24145
conservation district or any county, municipal corporation, or 24146
other government agency of the state in the planning of works for 24147
ground water recharge, flood mitigation, floodplain management, 24148
flood control, flow capacity and stability of streams, rivers, and 24149
watercourses, or the establishment of water conservation 24150
practices, within the limits of the appropriations for those 24151
purposes; 24152

(B) Have authority to conduct basic inventories of the water 24153
and related natural resources in each drainage basin in the state; 24154
to develop a plan on a watershed basis that will recognize the 24155
variety of uses to which water may be put and the need for its 24156
management for those uses; with the approval of the director of 24157
natural resources and the controlling board, to transfer 24158
appropriated or other funds, authorized for those inventories and 24159
plan, to any division of the department of natural resources or 24160
other state agencies for the purpose of developing pertinent data 24161
relating to the plan of water management; and to accept and expend 24162
moneys contributed by any person for implementing the development 24163
of the plan; 24164

(C) Have authority to make detailed investigations of all 24165
factors relating to floods, floodplain management, and flood 24166
control in the state with particular attention to those factors 24167
bearing upon the hydraulic and hydrologic characteristics of 24168
rivers, streams, and watercourses, recognizing the variety of uses 24169

to which water and watercourses may be put; 24170

(D) Cooperate with the United States or any agency thereof 24171
and with any political subdivision of the state in planning and 24172
constructing flood control works; 24173

(E) Hold meetings or public hearings, whichever is considered 24174
appropriate by the chief, to assist in the resolution of conflicts 24175
between ground water users. Such meetings or hearings shall be 24176
called upon written request from boards of health of city or 24177
general health districts created by or under the authority of 24178
Chapter 3709. of the Revised Code or authorities having the duties 24179
of a board of health as authorized by section 3709.05 of the 24180
Revised Code, boards of county commissioners, boards of township 24181
trustees, legislative authorities of municipal corporations, or 24182
boards of directors of conservancy districts and may be called by 24183
the chief upon the request of any other person or at the chief's 24184
discretion. The chief shall collect and present at such meetings 24185
or hearings the available technical information relevant to the 24186
conflicts and to the ground water resource. The chief shall 24187
prepare a report, and may make recommendations, based upon the 24188
available technical data and the record of the meetings or 24189
hearings, about the use of the ground water resource. In making 24190
the report and any recommendations, the chief also may consider 24191
the factors listed in division (B) of section 1521.17 of the 24192
Revised Code. The technical information presented, the report 24193
prepared, and any recommendations made under this division shall 24194
be presumed to be prima-facie authentic and admissible as evidence 24195
in any court pursuant to Evidence Rule 902. 24196

(F) Perform stream or ground water gauging and may contract 24197
with the United States government or any other agency for the 24198
gauging of any streams or ground water within the state; 24199

(G) Primarily with regard to water quantity, have authority 24200
to collect, study, map, and interpret all available information, 24201

statistics, and data pertaining to the availability, supply, use, 24202
conservation, and replenishment of the ground and surface waters 24203
in the state in coordination with other agencies of this state; 24204

(H) Primarily with regard to water quantity and availability, 24205
be authorized to cooperate with and negotiate for the state with 24206
any agency of the United States government, of this state, or of 24207
any other state pertaining to the water resources of the state; 24208

(I) Provide engineering support for the coastal management 24209
program established under Chapter 1506. of the Revised Code. 24210

Sec. 1521.031. There is hereby created in the department of 24211
natural resources the Ohio water advisory council. The council 24212
shall consist of seven members appointed by the governor with the 24213
advice and consent of the senate. No more than four of the members 24214
shall be of the same political party. Members shall be persons who 24215
have a demonstrated interest in water management and whose 24216
expertise reflects the various responsibilities of the division of 24217
soil and water resources under this chapter and Chapter 1523. of 24218
the Revised Code, including, but not limited to, dam safety, 24219
surface water, groundwater, and flood plain management. The chief 24220
of the division of soil and water resources may participate in the 24221
deliberations of the council, but shall not vote. 24222

Terms of office of members shall be for two years commencing 24223
on the second day of February and ending on the first day of 24224
February. Each member shall hold office from the date of 24225
appointment until the end of the term for which ~~he was~~ appointed. 24226
The governor may remove any member at any time for inefficiency, 24227
neglect of duty, or malfeasance in office. In the event of the 24228
death, removal, resignation, or incapacity of any member, the 24229
governor, with the advice and consent of the senate, shall appoint 24230
a successor to hold office for the remainder of the term for which 24231
~~his~~ the member's predecessor was appointed. Any member shall 24232

continue in office following the expiration date of ~~his~~ the 24233
member's term until ~~his~~ the member's successor takes office or 24234
until sixty days have elapsed, whichever occurs first. Membership 24235
on the council does not constitute holding a public office or 24236
position of employment under the Revised Code and is not grounds 24237
for removal of public officers or employees from their offices or 24238
positions of employment. 24239

The council annually shall select from its members a ~~chairman~~ 24240
chairperson and a ~~vice-chairman~~ vice-chairperson. The council 24241
shall hold at least one meeting each calendar quarter and shall 24242
keep a record of its proceedings, which shall be open to the 24243
public for inspection. Special meetings may be called by the 24244
~~chairman~~ chairperson and shall be called upon the written request 24245
of two or more members. A majority of the members constitutes a 24246
quorum. The division shall furnish clerical, technical, legal, and 24247
other services required by the council in the performance of its 24248
duties. 24249

Members shall receive no compensation, but shall be 24250
reimbursed from the appropriations for the division for the actual 24251
and necessary expenses incurred by them in the performance of 24252
their official duties. 24253

The council shall: 24254

(A) Advise the chief of the division of soil and water 24255
resources in carrying out the duties of the division under this 24256
chapter and Chapter 1523. of the Revised Code; 24257

(B) Recommend such policy and legislation with respect to 24258
water management and conservation as will promote the economic, 24259
industrial, and social development of the state while minimizing 24260
threats to the state's natural environment; 24261

(C) Review and make recommendations on the development of 24262
plans and programs for long-term, comprehensive water management 24263

throughout the state; and 24264

(D) Recommend ways to enhance cooperation among governmental 24265
agencies having an interest in water to encourage wise use and 24266
protection of the state's ground and surface waters. To this end, 24267
the council shall request nonvoting representation from 24268
appropriate governmental agencies. 24269

Sec. 1521.04. The chief of the division of soil and water 24270
resources, with the approval of the director of natural resources, 24271
may make loans and grants from the water management fund created 24272
in section 1501.32 of the Revised Code to governmental agencies 24273
for water management, water supply improvements, and planning and 24274
may administer grants from the federal government and from other 24275
public or private sources for carrying out those functions and for 24276
the performance of any acts that may be required by the United 24277
States or by any agency or department thereof as a condition for 24278
the participation by any governmental agency in any federal 24279
financial or technical assistance program. Direct and indirect 24280
costs of administration may be paid from the fund. 24281

The chief may use the water management fund for the purposes 24282
of administering the water diversion and consumptive use permit 24283
programs established in sections 1501.30 to 1501.35 of the Revised 24284
Code; to perform watershed and water resources studies for the 24285
purposes of water management planning; and to acquire, construct, 24286
reconstruct, improve, equip, maintain, operate, and dispose of 24287
water management improvements. The chief may fix, alter, charge, 24288
and collect rates, fees, rentals, and other charges to be paid 24289
into the fund by governmental agencies and persons who are 24290
supplied with water by facilities constructed or operated by the 24291
department of natural resources in order to amortize and defray 24292
the cost of the construction, maintenance, and operation of those 24293
facilities. 24294

Sec. 1521.05. (A) As used in this section:	24295
(1) "Construct" or "construction" includes drilling, boring, digging, deepening, altering, and logging.	24296 24297
(2) "Altering" means changing the configuration of a well, including, without limitation, deepening a well, extending or replacing any portion of the inside or outside casing or wall of a well that extends below ground level, plugging a portion of a well back to a certain depth, and reaming out a well to enlarge its original diameter.	24298 24299 24300 24301 24302 24303
(3) "Logging" means describing the lithology, grain size, color, and texture of the formations encountered during the drilling, boring, digging, deepening, or altering of a well.	24304 24305 24306
(4) "Grouting" means neat cement; bentonite products in slurry, granular, or pelletized form, excluding drilling mud or fluids; or any combination of neat cement and bentonite products that is placed within a well to seal the annular space or to seal an abandoned well and that is impervious to and capable of preventing the movement of water.	24307 24308 24309 24310 24311 24312
(5) "Abandoned well" means a well whose use has been permanently discontinued and that poses potential health and safety hazards or that has the potential to transmit surface contaminants into the aquifer in which the well has been constructed.	24313 24314 24315 24316 24317
(6) "Sealing" means the complete filling of an abandoned well with grouting or other approved materials in order to permanently prevent the vertical movement of water in the well and thus prevent the contamination of ground water or the intermixing of water between aquifers.	24318 24319 24320 24321 24322
(B) Any person that constructs a well shall keep a careful and accurate log of the construction of the well. The log shall	24323 24324

show all of the following:	24325
(1) The character, including, without limitation, the lithology, color, texture, and grain size, the name, if known, and the depth of all formations passed through or encountered;	24326 24327 24328
(2) The depths at which water is encountered;	24329
(3) The static water level of the completed well;	24330
(4) A copy of the record of all pumping tests and analyses related to those tests, if any;	24331 24332
(5) Construction details, including lengths, diameters, and thicknesses of casing and screening and the volume, type of material, and method of introducing gravel packing and grouting into the well;	24333 24334 24335 24336
(6) The type of pumping equipment installed, if any;	24337
(7) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	24338 24339 24340
(8) The signature of the individual who constructed the well and filed the well log;	24341 24342
(9) Any other information required by the chief of the division of <u>soil and water resources</u> .	24343 24344
The log shall be furnished to <u>filed with</u> the division of <u>soil and water resources</u> within thirty days after the completion of construction of the well on forms prescribed and prepared by the division. The log shall be kept on file by the division.	24345 24346 24347 24348
(C) Any person that seals a well shall keep a careful and accurate report of the sealing of the well. The sealing report shall show all of the following:	24349 24350 24351
(1) The name of the owner of the well, the address of the location where the well was constructed, and either the state	24352 24353

plane coordinates or the latitude and longitude of the well; 24354

(2) The depth of the well, the size and length of its casing, 24355
and the static water level of the well; 24356

(3) The sealing procedures, including the volume and type of 24357
sealing material or materials and the method and depth of 24358
placement of each material; 24359

(4) The date on which the sealing was performed; 24360

(5) The signature of the individual who sealed the well and 24361
filed the sealing report; 24362

(6) Any other information required by the chief. 24363

The sealing report shall be ~~furnished to~~ filed with the 24364
division within thirty days after the completion of the sealing of 24365
the well on forms prescribed and prepared by the division. 24366

(D) In accordance with Chapter 119. of the Revised Code, the 24367
chief may adopt, amend, and rescind rules requiring other persons 24368
that are involved in the construction or subsequent development of 24369
a well to submit well logs under division (B) of this section 24370
containing any or all of the information specified in divisions 24371
(B)(1) to (9) of this section and specifying additional 24372
information to be included in sealing reports required under 24373
division (C) of this section. The chief shall adopt rules 24374
establishing procedures and requirements governing the payment and 24375
collection of water well log filing fees, including the amount of 24376
any filing fee to be imposed as an alternative to the 24377
twenty-dollar filing fee established in division (G) of this 24378
section and including procedures for the quarterly transfer of 24379
filing fees by boards of health and the director of environmental 24380
protection under that division. 24381

(E)(1) No person shall fail to keep and ~~submit~~ file a well 24382
log or a sealing report as required by this section. 24383

(2) No person shall make a false statement in any well log or sealing report required to be kept and ~~submitted~~ filed under this section. Violation of division (E)(2) of this section is falsification under section 2921.13 of the Revised Code.

(F) For the purposes of prosecution of a violation of division (E)(1) of this section, a prima-facie case is established when the division obtains either of the following:

(1) A certified copy of a permit for a private water system issued in accordance with rules adopted under section 3701.344 of the Revised Code, or a certified copy of the invoice or a canceled check from the owner of a well indicating the construction or sealing services performed;

(2) A certified copy of any permit issued under Chapter 3734. or 6111. of the Revised Code or plan approval granted under Chapter 6109. of the Revised Code for any activity that includes the construction or sealing of a well as applicable.

(G) In accordance with rules adopted under this section, a person or entity that constructs a well for the purpose of extracting potable water as part of a private water system that is subject to rules adopted under section 3701.344 of the Revised Code or a public water system that is required to be licensed under Chapter 6109. of the Revised Code shall pay a well log filing fee of twenty dollars per well log or, if the chief has adopted rules establishing an alternative fee amount, the fee amount established under rules. The fee shall be collected by a board of health under section 3701.344 of the Revised Code or the environmental protection agency under section 6109.22 of the Revised Code, as applicable.

Each calendar quarter, a board of health or the environmental protection agency, as applicable, shall forward all well log filing fees collected during the previous calendar quarter to the

division of soil and water resources. The fees shall be forwarded 24415
in accordance with procedures established in rules adopted under 24416
this section. 24417

Proceeds of well log filing fees shall be used by the 24418
division of soil and water resources for the purposes of 24419
acquiring, maintaining, and dispensing digital and paper records 24420
of well logs that are filed with the division. 24421

Sec. 1521.06. (A) No dam may be constructed for the purpose 24422
of storing, conserving, or retarding water, or for any other 24423
purpose, nor shall any levee be constructed for the purpose of 24424
diverting or retaining flood water, unless the person or 24425
governmental agency desiring the construction has a construction 24426
permit for the dam or levee issued by the chief of the division of 24427
soil and water resources. 24428

A construction permit is not required under this section for: 24429

(1) A dam that is or will be less than ten feet in height and 24430
that has or will have a storage capacity of not more than fifty 24431
acre-feet at the elevation of the top of the dam, as determined by 24432
the chief. For the purposes of this section, the height of a dam 24433
shall be measured from the natural stream bed or lowest ground 24434
elevation at the downstream or outside limit of the dam to the 24435
elevation of the top of the dam. 24436

(2) A dam, regardless of height, that has or will have a 24437
storage capacity of not more than fifteen acre-feet at the 24438
elevation of the top of the dam, as determined by the chief; 24439

(3) A dam, regardless of storage capacity, that is or will be 24440
six feet or less in height, as determined by the chief; 24441

(4) A dam or levee that belongs to a class exempted by the 24442
chief; 24443

(5) The repair, maintenance, improvement, alteration, or 24444

removal of a dam or levee that is subject to section 1521.062 of 24445
the Revised Code, unless the construction constitutes an 24446
enlargement or reconstruction of the structure as determined by 24447
the chief; 24448

(6) A dam or impoundment constructed under Chapter 1513. of 24449
the Revised Code. 24450

(B) Before a construction permit may be issued, three copies 24451
of the plans and specifications, including a detailed cost 24452
estimate, for the proposed construction, prepared by a registered 24453
professional engineer, together with the filing fee specified by 24454
this section and the bond or other security required by section 24455
1521.061 of the Revised Code, shall be filed with the chief. The 24456
detailed estimate of the cost shall include all costs associated 24457
with the construction of the dam or levee, including supervision 24458
and inspection of the construction by a registered professional 24459
engineer. The filing fee shall be based on the detailed cost 24460
estimate for the proposed construction as filed with and approved 24461
by the chief, and shall be determined by the following schedule 24462
unless otherwise provided by rules adopted under this section: 24463

(1) For the first one hundred thousand dollars of estimated 24464
cost, a fee of four per cent; 24465

(2) For the next four hundred thousand dollars of estimated 24466
cost, a fee of three per cent; 24467

(3) For the next five hundred thousand dollars of estimated 24468
cost, a fee of two per cent; 24469

(4) For all costs in excess of one million dollars, a fee of 24470
one-half of one per cent. 24471

In no case shall the filing fee be less than one thousand 24472
dollars or more than one hundred thousand dollars. If the actual 24473
cost exceeds the estimated cost by more than fifteen per cent, an 24474
additional filing fee shall be required equal to the fee 24475

determined by the preceding schedule less the original filing fee. 24476
All fees collected pursuant to this section, and all fines 24477
collected pursuant to section 1521.99 of the Revised Code, shall 24478
be deposited in the state treasury to the credit of the dam safety 24479
fund, which is hereby created. Expenditures from the fund shall be 24480
made by the chief for the purpose of administering this section 24481
and sections 1521.061 and 1521.062 of the Revised Code. 24482

(C) The chief shall, within thirty days from the date of the 24483
receipt of the application, fee, and bond or other security, issue 24484
or deny a construction permit for the construction or may issue a 24485
construction permit conditioned upon the making of such changes in 24486
the plans and specifications for the construction as the chief 24487
considers advisable if the chief determines that the construction 24488
of the proposed dam or levee, in accordance with the plans and 24489
specifications filed, would endanger life, health, or property. 24490

(D) The chief may deny a construction permit after finding 24491
that a dam or levee built in accordance with the plans and 24492
specifications would endanger life, health, or property, because 24493
of improper or inadequate design, or for such other reasons as the 24494
chief may determine. 24495

In the event the chief denies a permit for the construction 24496
of the dam or levee, or issues a permit conditioned upon a making 24497
of changes in the plans or specifications for the construction, 24498
the chief shall state the reasons therefor and so notify, in 24499
writing, the person or governmental agency making the application 24500
for a permit. If the permit is denied, the chief shall return the 24501
bond or other security to the person or governmental agency making 24502
application for the permit. 24503

The decision of the chief conditioning or denying a 24504
construction permit is subject to appeal as provided in Chapter 24505
119. of the Revised Code. A dam or levee built substantially at 24506
variance from the plans and specifications upon which a 24507

construction permit was issued is in violation of this section. 24508
The chief may at any time inspect any dam or levee, or site upon 24509
which any dam or levee is to be constructed, in order to determine 24510
whether it complies with this section. 24511

(E) A registered professional engineer shall inspect the 24512
construction for which the permit was issued during all phases of 24513
construction and shall furnish to the chief such regular reports 24514
of the engineer's inspections as the chief may require. When the 24515
chief finds that construction has been fully completed in 24516
accordance with the terms of the permit and the plans and 24517
specifications approved by the chief, the chief shall approve the 24518
construction. When one year has elapsed after approval of the 24519
completed construction, and the chief finds that within this 24520
period no fact has become apparent to indicate that the 24521
construction was not performed in accordance with the terms of the 24522
permit and the plans and specifications approved by the chief, or 24523
that the construction as performed would endanger life, health, or 24524
property, the chief shall release the bond or other security. No 24525
bond or other security shall be released until one year after 24526
final approval by the chief, unless the dam or levee has been 24527
modified so that it will not retain water and has been approved as 24528
nonhazardous after determination by the chief that the dam or 24529
levee as modified will not endanger life, health, or property. 24530

(F) When inspections required by this section are not being 24531
performed, the chief shall notify the person or governmental 24532
agency to which the permit has been issued that inspections are 24533
not being performed by the registered professional engineer and 24534
that the chief will inspect the remainder of the construction. 24535
Thereafter, the chief shall inspect the construction and the cost 24536
of inspection shall be charged against the owner. Failure of the 24537
registered professional engineer to submit required inspection 24538
reports shall be deemed notice that the engineer's inspections are 24539

not being performed. 24540

(G) The chief may order construction to cease on any dam or 24541
levee that is being built in violation of this section, and may 24542
prohibit the retention of water behind any dam or levee that has 24543
been built in violation of this section. The attorney general, 24544
upon written request of the chief, may bring an action for an 24545
injunction against any person who violates this section or to 24546
enforce an order or prohibition of the chief made pursuant to this 24547
section. 24548

(H) The chief may adopt rules in accordance with Chapter 119. 24549
of the Revised Code, for the design and construction of dams and 24550
levees for which a construction permit is required by this section 24551
or for which periodic inspection is required by section 1521.062 24552
of the Revised Code, for establishing a filing fee schedule in 24553
lieu of the schedule established under division (B) of this 24554
section, for deposit and forfeiture of bonds and other securities 24555
required by section 1521.061 of the Revised Code, for the periodic 24556
inspection, operation, repair, improvement, alteration, or removal 24557
of all dams and levees, as specified in section 1521.062 of the 24558
Revised Code, and for establishing classes of dams or levees that 24559
are exempt from the requirements of this section and section 24560
1521.062 of the Revised Code as being of a size, purpose, or 24561
situation that does not present a substantial hazard to life, 24562
health, or property. The chief may, by rule, limit the period 24563
during which a construction permit issued under this section is 24564
valid. The rules may allow for the extension of the period during 24565
which a permit is valid upon written request, provided that the 24566
written request includes a revised construction cost estimate, and 24567
may require the payment of an additional filing fee for the 24568
requested extension. If a construction permit expires without an 24569
extension before construction is completed, the person or agency 24570
shall apply for a new permit, and shall not continue construction 24571

until the new permit is issued. 24572

Sec. 1521.061. Except as otherwise provided in this section, 24573
a construction permit shall not be issued under section 1521.06 of 24574
the Revised Code unless the person or governmental agency applying 24575
for the permit executes and files a surety bond conditioned on 24576
completion of the dam or levee in accordance with the terms of the 24577
permit and the plans and specifications approved by the chief of 24578
the division of soil and water resources, in an amount equal to 24579
fifty per cent of the estimated cost of the project. 24580

If a permittee requests an extension of the time period 24581
during which a construction permit is valid in accordance with 24582
rules adopted under section 1521.06 of the Revised Code, the chief 24583
shall determine whether the revised construction cost estimate 24584
provided with the request exceeds the original construction cost 24585
estimate that was filed with the chief by more than twenty-five 24586
per cent. If the revised construction cost estimate exceeds the 24587
original construction cost estimate by more than twenty-five per 24588
cent, the chief may require an additional surety bond to be filed 24589
so that the total amount of the surety bonds equals at least fifty 24590
per cent of the revised construction cost estimate. 24591

The chief shall not approve any bond until it is personally 24592
signed and acknowledged by both principal and surety, or as to 24593
either by the attorney in fact thereof, with a certified copy of 24594
the power of attorney attached. The chief shall not approve the 24595
bond unless there is attached a certificate of the superintendent 24596
of insurance that the company is authorized to transact a fidelity 24597
and surety business in this state. 24598

All bonds shall be given in a form prescribed by the chief 24599
and shall run to the state as obligee. 24600

The applicant may deposit, in lieu of a bond, cash in an 24601
amount equal to the amount of the bond or United States government 24602

securities or negotiable certificates of deposit issued by any 24603
bank organized or transacting business in this state having a par 24604
value equal to or greater than the amount of the bond. Such cash 24605
or securities shall be deposited upon the same terms as bonds. If 24606
one or more certificates of deposit are deposited in lieu of a 24607
bond, the chief shall require the bank that issued any such 24608
certificate to pledge securities of the aggregate market value 24609
equal to the amount of the certificate that is in excess of the 24610
amount insured by the federal deposit insurance corporation. The 24611
securities to be pledged shall be those designated as eligible 24612
under section 135.18 of the Revised Code. The securities shall be 24613
security for the repayment of the certificate of deposit. 24614

Immediately upon a deposit of cash, securities, or 24615
certificates of deposit, the chief shall deliver them to the 24616
treasurer of state, who shall hold them in trust for the purposes 24617
for which they have been deposited. The treasurer of state is 24618
responsible for the safekeeping of such deposits. An applicant 24619
making a deposit of cash, securities, or certificates of deposit 24620
may withdraw and receive from the treasurer of state, on the 24621
written order of the chief, all or any portion of the cash, 24622
securities, or certificates of deposit, upon depositing with the 24623
treasurer of state cash, other United States government 24624
securities, or negotiable certificates of deposit issued by any 24625
bank organized or transacting business in this state equal in par 24626
value to the par value of the cash, securities, or certificates of 24627
deposit withdrawn. An applicant may demand and receive from the 24628
treasurer of state all interest or other income from any such 24629
securities or certificates as it becomes due. If securities so 24630
deposited with and in the possession of the treasurer of state 24631
mature or are called for payment by the issuer thereof, the 24632
treasurer of state, at the request of the applicant who deposited 24633
them, shall convert the proceeds of the redemption or payment of 24634
the securities into such other United States government 24635

securities, negotiable certificates of deposit issued by any bank 24636
organized or transacting business in this state, or cash as the 24637
applicant designates. 24638

When the chief finds that a person or governmental agency has 24639
failed to comply with the conditions of the person's or agency's 24640
bond, the chief shall make a finding of that fact and declare the 24641
bond, cash, securities, or certificates of deposit forfeited in 24642
the amount set by rule of the chief. The chief shall thereupon 24643
certify the total forfeiture to the attorney general, who shall 24644
proceed to collect that amount. 24645

In lieu of total forfeiture, the surety, at its option, may 24646
cause the dam or levee to be completed as required by section 24647
1521.06 of the Revised Code and rules of the chief, or otherwise 24648
rendered nonhazardous, or pay to the treasurer of state the cost 24649
thereof. 24650

All moneys collected on account of forfeitures of bonds, 24651
cash, securities, and certificates of deposit under this section 24652
shall be credited to the dam safety fund created in section 24653
1521.06 of the Revised Code. The chief shall make expenditures 24654
from the fund to complete dams and levees for which bonds have 24655
been forfeited or to otherwise render them nonhazardous. 24656

Expenditures from the fund for those purposes shall be made 24657
pursuant to contracts entered into by the chief with persons who 24658
agree to furnish all of the materials, equipment, work, and labor 24659
as specified and provided in the contract. 24660

A surety bond shall not be required for a permit for a dam or 24661
levee that is to be designed and constructed by an agency of the 24662
United States government, if the agency files with the chief 24663
written assurance of the agency's financial responsibility for the 24664
structure during the one-year period following the chief's 24665
approval of the completed construction provided for under division 24666

(E) of section 1521.06 of the Revised Code. 24667

Sec. 1521.062. (A) All dams and levees constructed in this 24668
state and not exempted by this section or by the chief of the 24669
division of soil and water resources under section 1521.06 of the 24670
Revised Code shall be inspected periodically by the chief, except 24671
for classes of dams that, in accordance with rules adopted under 24672
this section, are required to be inspected by registered 24673
professional engineers who have been approved for that purpose by 24674
the chief. The inspection shall ensure that continued operation 24675
and use of the dam or levee does not constitute a hazard to life, 24676
health, or property. Periodic inspections shall not be required of 24677
the following structures: 24678

(1) A dam that is less than ten feet in height and has a 24679
storage capacity of not more than fifty acre-feet at the elevation 24680
of the top of the dam, as determined by the chief. For the 24681
purposes of this section, the height of a dam shall be measured 24682
from the natural stream bed or lowest ground elevation at the 24683
downstream or outside limit of the dam to the elevation of the top 24684
of the dam. 24685

(2) A dam, regardless of height, that has a storage capacity 24686
of not more than fifteen acre-feet at the elevation of the top of 24687
the dam, as determined by the chief; 24688

(3) A dam, regardless of storage capacity, that is six feet 24689
or less in height, as determined by the chief; 24690

(4) A dam or levee belonging to a class exempted by the 24691
chief; 24692

(5) A dam or levee that has been exempted in accordance with 24693
rules adopted under section 1521.064 of the Revised Code. 24694

(B) In accordance with rules adopted under this section, the 24695
owner of a dam that is in a class of dams that is designated in 24696

the rules for inspection by registered professional engineers 24697
shall obtain the services of a registered professional engineer 24698
who has been approved by the chief to conduct the periodic 24699
inspection of dams pursuant to schedules and other standards and 24700
procedures established in the rules. The registered professional 24701
engineer shall prepare a report of the inspection in accordance 24702
with the rules and provide the inspection report to the dam owner 24703
who shall submit it to the chief. A dam that is designated under 24704
the rules for inspection by a registered professional engineer, 24705
but that is not inspected within a five-year period may be 24706
inspected by the chief at the owner's expense. 24707

(C) Intervals between periodic inspections shall be 24708
determined by the chief, but shall not exceed five years. 24709

(D) In the case of a dam or levee that the chief inspects, 24710
the chief shall furnish a report of the inspection to the owner of 24711
the dam or levee. With regard to a dam or levee that has been 24712
inspected, either by the chief or by a registered professional 24713
engineer, and that is the subject of an inspection report prepared 24714
or received by the chief, the chief shall inform the owner of any 24715
required repairs, maintenance, investigations, and other remedial 24716
and operational measures. The chief shall order the owner to 24717
perform such repairs, maintenance, investigations, or other 24718
remedial or operational measures as the chief considers necessary 24719
to safeguard life, health, or property. The order shall permit the 24720
owner a reasonable time in which to perform the needed repairs, 24721
maintenance, investigations, or other remedial measures, and the 24722
cost thereof shall be borne by the owner. All orders of the chief 24723
are subject to appeal as provided in Chapter 119. of the Revised 24724
Code. The attorney general, upon written request of the chief, may 24725
bring an action for an injunction against any person who violates 24726
this section or to enforce an order of the chief made pursuant to 24727
this section. 24728

(E) The owner of a dam or levee shall monitor, maintain, and operate the structure and its appurtenances safely in accordance with state rules, terms and conditions of permits, orders, and other requirements issued pursuant to this section or section 1521.06 of the Revised Code. The owner shall fully and promptly notify the division of soil and water resources and other responsible authorities of any condition that threatens the safety of the structure and shall take all necessary actions to safeguard life, health, and property.

(F) Before commencing the repair, improvement, alteration, or removal of a dam or levee, the owner shall file an application including plans, specifications, and other required information with the division and shall secure written approval of the application by the chief. Emergency actions by the owner required to safeguard life, health, or property are exempt from this requirement. The chief may, by rule, define maintenance, repairs, or other remedial measures of a routine nature that are exempt from this requirement.

(G) The chief may remove or correct, at the expense of the owner, any unsafe structures found to be constructed or maintained in violation of this section or section 1521.06 of the Revised Code. In the case of an owner other than a governmental agency, the cost of removal or correction of any unsafe structure, together with a description of the property on which the unsafe structure is located, shall be certified by the chief to the county auditor and placed by the county auditor upon the tax duplicate. This cost is a lien upon the lands from the date of entry and shall be collected as other taxes and returned to the division. In the case of an owner that is a governmental agency, the cost of removal or correction of any unsafe structure shall be recoverable from the owner by appropriate action in a court of competent jurisdiction.

(H) If the condition of any dam or levee is found, in the judgment of the chief, to be so dangerous to the safety of life, health, or property as not to permit time for the issuance and enforcement of an order relative to repair, maintenance, or operation, the chief shall employ any of the following remedial means necessary to protect life, health, and property:

(1) Lower the water level of the lake or reservoir by releasing water;

(2) Completely drain the lake or reservoir;

(3) Take such other measures or actions as the chief considers necessary to safeguard life, health, and property.

The chief shall continue in full charge and control of the dam or levee until the structure is rendered safe. The cost of the remedy shall be recoverable from the owner of the structure by appropriate action in a court of competent jurisdiction.

(I) The chief may accept and expend gifts, bequests, and grants from the United States government or from any other public or private source and may contract with the United States government or any other agency or entity for the purpose of carrying out the dam safety functions set forth in this section and section 1521.06 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, the chief may adopt, and may amend or rescind, rules that do all of the following:

(1) Designate classes of dams for which dam owners must obtain the services of a registered professional engineer to periodically inspect the dams and to prepare reports of the inspections for submittal to the chief;

(2) Establish standards in accordance with which the chief must approve or disapprove registered professional engineers to

inspect dams together with procedures governing the approval 24791
process; 24792

(3) Establish schedules, standards, and procedures governing 24793
periodic inspections and standards and procedures governing the 24794
preparation and submittal of inspection reports; 24795

(4) Establish provisions regarding the enforcement of this 24796
section and rules adopted under it. 24797

(K) The owner of a dam or levee shall notify the chief in 24798
writing of a change in ownership of the dam or levee prior to the 24799
exchange of the property. 24800

Sec. 1521.063. (A) Except for the federal government, the 24801
owner of ~~any a~~ dam, that is classified as a class I, class II, or 24802
class III dam under rules adopted under section 1521.06 of the 24803
Revised Code and subject to section 1521.062 of the Revised Code 24804
shall pay an annual fee, based upon the height of the dam, the 24805
linear foot length of the dam, and the per-acre foot of volume of 24806
water impounded by the dam. The fee shall be paid to the division 24807
of soil and water ~~on or before June 30, 1988, and~~ resources on or 24808
before the thirtieth day of June of each ~~succeeding~~ year. The 24809
annual fee shall be as follows until otherwise provided by rules 24810
adopted under this section: 24811

(1) For any dam classified as a class I dam under rules 24812
adopted by the chief of the division of soil and water resources 24813
under section 1521.06 of the Revised Code, ~~thirty~~ three hundred 24814
dollars plus ten dollars per foot of height of dam, five cents per 24815
foot of length of the dam and five cents per-acre foot of water 24816
impounded by the dam; 24817

(2) For any dam classified as a class II dam under those 24818
rules, ~~thirty~~ ninety dollars plus ~~one dollar~~ six dollars per foot 24819
of height of dam, five cents per foot of length of the dam and 24820

five cents per-acre foot of water impounded by the dam; 24821

(3) For any dam classified as a class III dam under those 24822
rules, thirty ninety dollars plus four dollars per foot of height 24823
of the dam, five cents per foot of length of the dam, and five 24824
cents per-acre foot of volume of water impounded by the dam. 24825

For purposes of this section, the height of a dam is the 24826
vertical height, to the nearest foot, as determined by the 24827
division under section 1521.062 of the Revised Code. 24828

All fees collected under this section shall be deposited in 24829
the dam safety fund created in section 1521.06 of the Revised 24830
Code. Any owner who fails to pay any annual fee required by this 24831
section within sixty days after the due date shall be assessed a 24832
penalty of ten per cent of the annual fee plus interest at the 24833
rate of one-half per cent per month from the due date until the 24834
date of payment. 24835

There is hereby created the compliant dam discount program to 24836
be administered by the chief. Under the program, the chief may 24837
reduce the amount of the annual fee that an owner of a dam is 24838
required to pay under division (A)(1), (2), or (3) of this section 24839
if the owner is in compliance with section 1521.062 of the Revised 24840
Code and has developed an emergency action plan pursuant to 24841
standards established in rules adopted under this section. The 24842
chief shall not discount an annual fee by more than twenty-five 24843
per cent of the total annual fee that is due. In addition, the 24844
chief shall not discount the annual fee that is due from the owner 24845
of a dam who has been assessed a penalty under this section. 24846

(B) The chief shall, in accordance with Chapter 119. of the 24848
Revised Code and subject to the prior approval of the director of 24849
natural resources, adopt, and may amend or rescind, rules for the 24850
collection of fees and the administration, implementation, and 24851

enforcement of this section and for the establishment of an annual 24852
fee schedule in lieu of the schedule established ~~under~~ in division 24853
(A) of this section. 24854

(C)(1) No person, political subdivision, or state 24855
governmental agency shall violate or fail to comply with this 24856
section or any rule or order adopted or issued under it. 24857

(2) The attorney general, upon written request of the chief, 24858
may commence an action against any such violator. Any action under 24859
division (C)(2) of this section is a civil action. 24860

(D) As used in this section, "political subdivision" includes 24861
townships, municipal corporations, counties, school districts, 24862
municipal universities, park districts, sanitary districts, and 24863
conservancy districts and subdivisions thereof. 24864

Sec. 1521.064. The chief of the division of soil and water 24865
resources, in accordance with Chapter 119. of the Revised Code, 24866
shall adopt, and may amend and rescind, rules establishing a 24867
program under which dams and levees may be exempted from 24868
inspections under section 1521.062 of the Revised Code if the 24869
continued operation and use of, and any rupturing of or other 24870
structural damage to, the dams and levees will not constitute a 24871
hazard to life, health, or property. The rules shall establish, 24872
without limitation, all of the following: 24873

(A) A procedure by which the owner of such a dam or levee may 24874
apply for an exemption under this section; 24875

(B) The standards that a dam or levee shall meet in order to 24876
be exempted under this section; 24877

(C) A procedure by which the chief shall periodically review 24878
the status of a dam or levee that has been exempted under this 24879
section to determine if the exemption should be rescinded; 24880

(D) A requirement that the owner of any dam or levee exempted 24881

under this section shall agree, in writing, to accept liability 24882
for any injury, death, or loss to persons or property caused by 24883
the rupturing of or other structural damage to the dam or levee. 24884

Sec. 1521.07. The chief of the division of soil and water 24885
resources or any employee in the service of the division may enter 24886
upon lands to make surveys and inspections in accordance with this 24887
chapter, when necessary in the discharge of the duties enumerated 24888
in this chapter. 24889

Sec. 1521.10. In order to be entitled to the compensation 24890
provided for in section 1521.09 of the Revised Code, the landowner 24891
~~must~~ shall have prepared and submit to the division of soil and 24892
water resources complete plans for the dam provided for in such 24893
section. The plans shall have the approval of the chief of the 24894
division of soil and water resources and the dam shall be 24895
constructed in accordance with such plans before compensation can 24896
be claimed. 24897

Sec. 1521.11. Upon the completion of the dam referred to in 24898
section 1521.09 of the Revised Code to the satisfaction of the 24899
division of soil and water resources, it shall certify the 24900
completion and the capacity thereof to the county auditor who 24901
shall thereupon make such reduction in the assessed valuation of 24902
the contiguous landowner as ~~he~~ the contiguous landowner is 24903
entitled to receive under sections 1521.09 to 1521.12, ~~inclusive,~~ 24904
of the Revised Code. 24905

Sec. 1521.12. In the event that any dam is constructed before 24906
plans are submitted to and approved by the division of soil and 24907
water resources as required by section 1521.10 of the Revised 24908
Code, the landowner may submit plans of the dam ~~he~~ the landowner 24909
has built, showing the area of the drainage basin above the dam, a 24910

cross section of the dam site, a cross section, plan, and 24911
elevation of the dam, a map of the spillway, a topographic map of 24912
the reservoir basin, and such other data and information as the 24913
division requires. If the plans receive the approval of the 24914
division, and upon examination the dam is found to be 24915
satisfactorily completed in accordance with such plans, ~~said the~~ the 24916
division shall certify the completion and capacity thereof to the 24917
county auditor. If the plans fail to meet the requirements of the 24918
division, the owner may submit revised plans, and when such 24919
revised plans have been approved and the dam rebuilt to conform to 24920
such plans, the completion of the dam and its capacity shall then 24921
be certified to the auditor who shall thereupon make such 24922
reduction in the assessed valuation of the contiguous land as such 24923
owner is entitled to receive under sections 1521.09 to 1521.12~~7~~ 24924
~~inclusive~~, of the Revised Code. 24925

Sec. 1521.13. (A) Development in one-hundred-year floodplain 24926
areas shall be protected to at least the one-hundred-year flood 24927
level, and flood water conveyance shall be maintained, at a 24928
minimum, in accordance with standards established under the 24929
national flood insurance program. This division does not preclude 24930
a state agency or political subdivision from establishing flood 24931
protection standards that are more restrictive than this division. 24932

(B) Prior to the expenditure of money for or the construction 24933
of buildings, structures, roads, bridges, or other facilities in 24934
locations that may be subject to flooding or flood damage, all 24935
state agencies and political subdivisions shall notify and consult 24936
with the division of soil and water resources and shall furnish 24937
information that the division reasonably requires in order to 24938
avoid the uneconomic, hazardous, or unnecessary use of floodplains 24939
in connection with such facilities. 24940

(C) The chief of the division of soil and water resources 24941

- shall do all of the following: 24942
- (1) Coordinate the floodplain management activities of state 24943
agencies and political subdivisions with the floodplain management 24944
activities of the United States, including the national flood 24945
insurance program; 24946
- (2) Collect, prepare, and maintain technical data and 24947
information on floods and floodplain management and make the data 24948
and information available to the public, state agencies, political 24949
subdivisions, and agencies of the United States; 24950
- (3) Cooperate and enter into agreements with persons for the 24951
preparation of studies and reports on floods and floodplain 24952
management; 24953
- (4) Assist any county, municipal corporation, or state agency 24954
in developing comprehensive floodplain management programs; 24955
- (5) Provide technical assistance to any county, municipal 24956
corporation, or state agency through engineering assistance, data 24957
collection, preparation of model laws, training, and other 24958
activities relating to floodplain management; 24959
- (6) For the purpose of reducing damages and the threat to 24960
life, health, and property in the event of a flood, cooperate with 24961
state agencies, political subdivisions, and the United States in 24962
the development of flood warning systems, evacuation plans, and 24963
flood emergency preparedness plans; 24964
- (7) Upon request, assist the emergency management agency 24965
established by section 5502.22 of the Revised Code in the 24966
preparation of flood hazard mitigation reports required as a 24967
condition for receiving federal disaster aid under the "Disaster 24968
Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended, 24969
and regulations adopted under it; 24970
- (8) Adopt, and may amend or rescind, rules in accordance with 24971

Chapter 119. of the Revised Code for the administration, 24972
implementation, and enforcement of this section and sections 24973
1521.14 and 1521.18 of the Revised Code; 24974

(9) Establish, by rule, technical standards for the 24975
delineation and mapping of floodplains and for the conduct of 24976
engineering studies to determine the vertical and horizontal 24977
limits of floodplains and for the assessment of development 24978
impacts on flood heights and flood conveyance. The standards 24979
established in rules adopted under this division shall be 24980
consistent with and no more stringent than the analogous standards 24981
established under the national flood insurance program. 24982

(10) On behalf of the director of natural resources, 24983
administer section 1506.04 of the Revised Code. 24984

In addition to the duties imposed in divisions (C)(1) to (10) 24985
of this section, and with respect to existing publicly owned 24986
facilities that have suffered flood damage or that may be subject 24987
to flood damage, the chief may conspicuously mark past and 24988
probable flood heights in order to assist in creating public 24989
awareness of and knowledge about flood hazards. 24990

(D)(1) Development that is funded, financed, undertaken, or 24991
preempted by state agencies shall comply with division (A) of this 24992
section and with rules adopted under division (C)(9) of this 24993
section. 24994

(2) State agencies shall apply floodproofing measures in 24995
order to reduce potential additional flood damage of existing 24996
publicly owned facilities that have suffered flood damage. 24997

(3) Before awarding funding or financing or granting a 24998
license, permit, or other authorization for a development that is 24999
or is to be located within a one-hundred-year floodplain, a state 25000
agency shall require the applicant to demonstrate to the 25001
satisfaction of the agency that the development will comply with 25002

division (A) of this section, rules adopted under division (C)(9) 25003
of this section, and any applicable local floodplain management 25004
resolution or ordinance. 25005

(4) Prior to the disbursement of any state disaster 25006
assistance money in connection with any incident of flooding to or 25007
within a county or municipal corporation that is not listed by the 25008
chief as being in compliance under division (D)(1) of section 25009
1521.18 of the Revised Code, a state agency that has authority to 25010
disburse such money shall require the county or municipal 25011
corporation to establish or reestablish compliance as provided in 25012
that division. 25013

(E)(1) Subject to section 1521.18 of the Revised Code, a 25014
county or a municipal corporation may do all of the following: 25015

(a) Adopt floodplain maps that reflect the best available 25016
data and that indicate the areas to be regulated under a 25017
floodplain management resolution or ordinance, as applicable; 25018

(b) Develop and adopt a floodplain management resolution or 25019
ordinance, as applicable; 25020

(c) Adopt floodplain management standards that exceed the 25021
standards that are established under the national flood insurance 25022
program. 25023

(2) A county or municipal corporation shall examine and 25024
apply, where economically feasible, floodproofing measures in 25025
order to reduce potential additional flood damage of existing 25026
publicly owned facilities that have suffered flood damage. 25027

(3) A county that adopts a floodplain management resolution 25028
shall do so in accordance with the procedures established in 25029
section 307.37 of the Revised Code. The county may enforce the 25030
resolution by issuing stop work orders, seeking injunctive relief, 25031
or pursuing other civil actions that the county considers 25032
necessary to ensure compliance with the resolution. In addition, 25033

failure to comply with the floodplain management resolution 25034
constitutes a violation of division (D) of section 307.37 of the 25035
Revised Code. 25036

(4) No action challenging the validity of a floodplain 25037
management resolution adopted by a county or a floodplain 25038
management ordinance adopted by a municipal corporation, or an 25039
amendment to such a resolution or ordinance, because of a 25040
procedural error in the adoption of the resolution, ordinance, or 25041
amendment shall be brought more than two years after the adoption 25042
of the resolution, ordinance, or amendment. 25043

Sec. 1521.14. Upon the written request of the director of 25044
natural resources, the attorney general shall bring an action for 25045
appropriate relief in a court of competent jurisdiction against 25046
any development that is not in compliance with the standards of 25047
the national flood insurance program and that is one of the 25048
following: 25049

(A) Located in a county or municipal corporation that is not 25050
listed by the chief of the division of soil and water resources as 25051
being in compliance under division (D)(1) of section 1521.18 of 25052
the Revised Code; 25053

(B) Funded, financed, undertaken, or preempted by a state 25054
agency. 25055

Sec. 1521.15. (A) The chief of the division of soil and water 25056
resources shall develop and maintain, in cooperation with local, 25057
state, federal, and private agencies and entities, a water 25058
resources inventory for the collection, interpretation, storage, 25059
retrieval, exchange, and dissemination of information concerning 25060
the water resources of this state, including, but not limited to, 25061
information on the location, type, quantity, and use of those 25062
resources and the location, type, and quantity of consumptive use 25063

and diversion of the water resources. The water resources 25064
inventory also shall include, without limitation, information to 25065
assist in determining the reasonableness of water use and sharing 25066
under common law, promoting reasonable use and development of 25067
water resources, and resolving water use conflicts. 25068

All agencies of the state shall cooperate with the chief in 25069
the development and maintenance of the inventory. 25070

(B) The chief shall cooperate with the other great lakes 25071
states and provinces to develop a common base of data regarding 25072
the management of the water resources of the Lake Erie drainage 25073
basin and to establish systematic arrangements for the exchange of 25074
those data. 25075

~~(C) The chief shall prepare and present to the governor no 25076
later than September 1, 1998, a long term water resources plan for 25077
the protection, conservation, and management of the water 25078
resources of the Lake Erie drainage basin. The plan shall include, 25079
without limitation, all of the following: 25080~~

~~(1) An inventory of surface and ground water resources; 25081~~

~~(2) Identification and assessment of existing uses and future 25082
demand for all of the following: 25083~~

~~(a) Withdrawal of water resources for domestic, agricultural, 25084
manufacturing, mining, navigation, power production, recreation, 25085
fish and wildlife, and other uses; 25086~~

~~(b) Diversion; 25087~~

~~(c) Consumptive use. 25088~~

~~(3) Guidelines to minimize consumptive use; 25089~~

~~(4) Guidelines and procedures to coordinate, conserve, 25090
develop, protect, use, and manage the water resources of the Lake 25091
Erie drainage basin. 25092~~

Sec. 1521.16. (A) Any person who owns a facility that has the capacity to withdraw waters of the state in an amount greater than one hundred thousand gallons per day from all sources and whose construction is completed before January 1, 1990, shall register the facility by January 1, 1991, with the chief of the division of soil and water resources, and any person who owns a facility that has the capacity to withdraw waters of the state in such an amount and whose construction is completed on or after January 1, 1990, shall register the facility with the chief within three months after the facility is completed. The person shall register the facility using a form prescribed by the chief that shall include, without limitation, the name and address of the registrant and date of registration; the locations and sources of the facility's water supply; the facility's withdrawal capacity per day and the amount withdrawn from each source; the uses made of the water, places of use, and places of discharge; and such other information as the chief may require by rule.

The registration date of any facility whose construction was completed prior to January 1, 1990, and that is registered under this division prior to January 1, 1991, shall be January 1, 1990. The registration date of any facility whose construction was completed prior to January 1, 1990, and that is required to register under this division prior to January 1, 1991, but that is not registered prior to that date, and the registration date of any facility whose construction was completed after January 1, 1990, and that is required to register under this division shall be the date on which the registration is received by the chief.

(B) In accordance with division (D) of this section, the chief shall adopt rules establishing standards and criteria for determining when an area of ground water is a ground water stress area, the geographic limits of such an area, and a threshold withdrawal capacity for the area below which registration under

this division shall not be required. At any time following the 25125
adoption of those rules, the chief may by order designate an area 25126
of ground water as a ground water stress area and shall establish 25127
in any such order a threshold withdrawal capacity for the area 25128
below which registration under this division shall not be 25129
required. 25130

Following the designation of a ground water stress area, the 25131
chief immediately shall give notice by publication in a newspaper 25132
of general circulation in the designated area that shall include a 25133
map delineating the designated ground water stress area and a 25134
statement of the threshold withdrawal capacity established for the 25135
area below which registration under this division shall not be 25136
required. The notice shall not appear in the legal notices section 25137
of the newspaper. Any person who owns a facility in the designated 25138
ground water stress area that is not registered under division (A) 25139
of this section and that has the capacity to withdraw waters of 25140
the state in an amount greater than the threshold withdrawal 25141
capacity for the area from all sources shall register ~~his~~ the 25142
facility with the chief not later than thirty days after 25143
publication of the notice. A person registering a facility under 25144
this division shall do so using a form prescribed by the chief. 25145
The form shall include the information specified in division (A) 25146
of this section. 25147

(C) Any person who owns a facility registered under division 25148
(A) or (B) of this section shall file a report annually with the 25149
chief listing the amount of water withdrawn per day by the 25150
facility, the return flow per day, and any other information the 25151
chief may require by rule. Any person who, under Chapter 6109. of 25152
the Revised Code, provides such information to the Ohio 25153
environmental protection agency is exempt from reporting under 25154
this division. The director of environmental protection shall 25155
provide the chief any such reported information upon ~~his~~ request. 25156

(D) The chief shall adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code to carry out this section.

(E)(1) No person knowingly shall fail to register a facility or file a report as required under this section.

(2) No person shall file a false report under this section. Violation of division (E)(2) of this section is falsification under section 2921.13 of the Revised Code.

(F) At the request of the director of natural resources, the attorney general may commence a civil action to compel compliance with this section, in a court of common pleas, against any person who has violated or is violating division (E)(1) of this section. The court of common pleas in which a civil action is commenced under this division has jurisdiction to and shall compel compliance with this section upon a showing that the person against whom the action is brought has violated or is violating that division.

Any action under this division is a civil action, governed by the rules of civil procedure and other rules of practice and procedure applicable to civil actions.

Sec. 1521.18. (A) For the purposes of this section, a one-hundred-year floodplain is limited to an area identified as a one-hundred-year floodplain in accordance with the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended.

(B) Each municipal corporation or county that has within its boundaries a one-hundred-year floodplain and that adopts a floodplain management ordinance or resolution or any amendments to such an ordinance or resolution on or after April 11, 1991, after adopting the ordinance, resolution, or amendments and before

submitting the ordinance, resolution, or amendments to the federal 25187
emergency management agency for final approval for compliance with 25188
applicable standards adopted under the "National Flood Insurance 25189
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall 25190
submit the ordinance, resolution, or amendments to the chief of 25191
the division of soil and water resources for the chief's review 25192
for compliance with those standards. Within forty-five days after 25193
receiving any such ordinance, resolution, or amendments, the chief 25194
shall complete the review and notify the municipal corporation or 25195
county as to whether the ordinance, resolution, or amendments 25196
comply with those standards. If the chief finds that the 25197
ordinance, resolution, or amendments comply with those standards, 25198
the chief shall forward it or them to the federal emergency 25199
management agency for final approval. 25200

(C)(1) If the chief determines that a county or municipal 25201
corporation that has adopted a floodplain management resolution or 25202
ordinance fails to administer or enforce the resolution or 25203
ordinance, the chief shall send a written notice by certified mail 25204
to the board of county commissioners of the county or the chief 25205
executive officer of the municipal corporation stating the nature 25206
of the noncompliance. 25207

(2) In order to maintain its compliance status in accordance 25208
with division (D) of this section, a county or municipal 25209
corporation that has received a notice of noncompliance under 25210
division (C)(1) of this section may submit information to the 25211
chief not later than thirty days after receiving the notice that 25212
demonstrates compliance or indicates the actions that the county 25213
or municipal corporation is taking to administer or enforce the 25214
resolution or ordinance. The chief shall review the information 25215
and shall issue a final determination by certified mail to the 25216
county or municipal corporation of the compliance or noncompliance 25217
status of the county or municipal corporation. If the chief issues 25218

a final determination of noncompliance, the chief shall send a 25219
copy of that determination to the federal emergency management 25220
agency concurrently with mailing the notice to the municipal 25221
corporation or county. 25222

(D)(1) A county or municipal corporation is considered to be 25223
in compliance for the purposes of this section if either of the 25224
following applies: 25225

(a) The county or municipal corporation has adopted a 25226
floodplain management resolution or ordinance that the chief has 25227
determined complies with applicable standards adopted under the 25228
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 25229
4001, as amended, and is adequately administering and enforcing it 25230
as determined under division (C) of this section. 25231

(b) The county or municipal corporation is participating in 25232
the national flood insurance program and has not received a notice 25233
of noncompliance under division (B) or (C) of this section. 25234

(2) The chief shall maintain a list of all counties and 25235
municipal corporations that have one-hundred-year floodplains 25236
within their boundaries. The list shall indicate whether each such 25237
county or municipal corporation is in compliance or noncompliance 25238
as provided in division (D)(1) of this section and whether each 25239
such county or municipal corporation is participating in the 25240
national flood insurance program. The chief shall provide a copy 25241
of the list to the general assembly and all state agencies 25242
annually and shall notify the general assembly and the agencies of 25243
any changes at least quarterly. 25244

(E) Any county or municipal corporation that is adversely 25245
affected by any determination of the chief under this section may 25246
appeal it in accordance with Chapter 119. of the Revised Code not 25247
later than thirty days after the final determination. 25248

Sec. 1521.19. (A) There is hereby created the Ohio water resources council consisting of the directors of agriculture, development, environmental protection, health, natural resources, transportation, and the Ohio public works commission, the chairperson of the public utilities commission of Ohio, the executive director of the Ohio water development authority, and an executive assistant in the office of the governor appointed by the governor. The governor shall appoint one of the members of the council to serve as its chairperson. The council may adopt bylaws that are necessary for the implementation of this section. The council shall provide a forum for policy development, collaboration and coordination among state agencies, and strategic direction with respect to state water resource programs. The council shall be assisted in its functions by a state agency coordinating group and an advisory group as provided in this section.

(B) The state agency coordinating group shall consist of the executive director of the Ohio Lake Erie commission and a member or members from each state agency, commission, and authority represented on the council, to be appointed by the applicable director, chairperson, or executive director. However, the environmental protection agency shall be represented on the group by the chiefs of the divisions within that agency having responsibility for surface water programs and drinking and ground water programs, and the department of natural resources shall be represented on the group by the chief of the division of ~~water and the chief of the division of soil and water conservation~~ resources. The chairperson of the council shall appoint a leader of the state agency coordinating group. The group shall provide assistance to and perform duties on behalf of the council as directed by the council.

(C) The advisory group shall consist of not more than

twenty-four members, each representing an organization or entity 25281
with an interest in water resource issues. The council shall 25282
appoint the members of the advisory group. Of the initial 25283
appointments, not more than ten members shall be appointed for 25284
one-year terms, and not more than ten members shall be appointed 25285
for two-year terms. Of the four initial appointments made after 25286
~~the effective date of this amendment~~ April 6, 2007, two of the 25287
members shall be appointed for one-year terms, and two of the 25288
members shall be appointed for two-year terms. Thereafter, all 25289
advisory group members shall serve two-year terms. Members may be 25290
reappointed. Each member shall hold office from the date of the 25291
member's appointment until the end of the member's term. A member 25292
shall continue in office subsequent to the expiration date of the 25293
member's term until the member's successor takes office or until a 25294
period of sixty days has elapsed, whichever occurs first. The 25295
council may remove a member for misfeasance, nonfeasance, or 25296
malfeasance in office. The council shall appoint members to fill 25297
any vacancies on the group. A member appointed to fill a vacancy 25298
shall hold office for the remainder of the term for which that 25299
member was appointed. 25300

The chairperson of the council shall appoint a chairperson of 25301
the advisory group. The advisory group shall advise the council on 25302
water resources issues addressed by the council. 25303

(D) There is hereby created in the state treasury the Ohio 25304
water resources council fund. The department of natural resources 25305
shall serve as the fiscal agent for the fund. The departments of 25306
agriculture, development, environmental protection, health, 25307
natural resources, and transportation shall transfer moneys to the 25308
fund in equal amounts via intrastate transfer voucher. The public 25309
utilities commission of Ohio, Ohio public works commission, and 25310
Ohio water development authority may transfer moneys to the fund. 25311
If a voluntary transfer of moneys is made to the fund, the portion 25312

that is required to be transferred by the departments of 25313
agriculture, development, environmental protection, health, 25314
natural resources, and transportation may be equally reduced. 25315
Moneys in the fund shall be used to pay the operating expenses of 25316
the Ohio water resources council, including those specified in 25317
division (E) of this section. 25318

(E) The Ohio water resources council may hire staff to 25319
support its activities. The council may enter into contracts and 25320
agreements with federal agencies, state agencies, political 25321
subdivisions, and private entities to assist in accomplishing its 25322
objectives. Advisory group members shall be reimbursed for 25323
expenses necessarily incurred in the performance of their duties 25324
pursuant to section 126.31 of the Revised Code and any applicable 25325
rules pertaining to travel reimbursement adopted by the office of 25326
budget and management. 25327

Sec. 1523.01. In addition to all other powers granted to and 25328
duties devolving upon the chief of the division of soil and water 25329
resources, when in the chief's judgment it is for the public 25330
welfare and the best interests of the citizens of the state that 25331
the surplus, flood, and other waters of any of the watersheds, 25332
rivers, streams, watercourses, or public waters should be 25333
conserved, impounded, and stored in order to insure and promote 25334
the public health, welfare, and safety and to encourage and 25335
promote agriculture, commerce, manufacturing, and other public 25336
purposes, such chief shall proceed in furtherance of the purposes 25337
of sections 1523.01 to 1523.13 of the Revised Code, and for the 25338
preservation of the use of such waters for navigation, in case 25339
such waters are required for navigation, to construct such 25340
reservoirs, dams, storage basins, dikes, canals, raceways, and 25341
other improvements as are necessary for such purposes, or the 25342
chief may make additions to, enlarge, and make alterations in and 25343
upon such reservoirs, dams, storage basins, dikes, canals, 25344

raceways, and other improvements already in existence and 25345
constituting a part of the public works, as are necessary for such 25346
purposes. Any rights or privileges granted by sections 1523.01 to 25347
1523.13 of the Revised Code, shall not interfere with the control 25348
and maintenance of the state reservoirs or public parks which have 25349
been dedicated to the public for purposes of recreation and 25350
pleasure. 25351

~~Said~~ The chief, subject to the written approval of the 25352
director of natural resources and the governor, may acquire by 25353
gift, purchase, or by appropriation proceedings, in the name of 25354
and on behalf of the state, such real and personal property, 25355
rights, privileges, and appurtenances as are necessary in the 25356
chief's judgment for the construction of such reservoirs, dams, 25357
storage basins, dikes, canals, raceways, and other improvements, 25358
or for the alteration, enlargement, or maintenance of existing 25359
reservoirs, dams, and other improvements, together with such 25360
rights of way, drives, and roadways as are necessary for 25361
convenient access thereto. The appropriation proceedings referred 25362
to in this section shall be restricted to private property only. 25363

Before proceeding to purchase or appropriate any such 25364
property or rights, the cost of which, together with the land or 25365
real estate necessary upon which to locate and construct such 25366
improvements, including damages to remaining property, is in 25367
excess of one thousand dollars, the chief shall prepare plans, 25368
specifications, and estimates of such cost, including all material 25369
and labor therefor, together with the cost of such land or real 25370
estate and damages, and shall thereupon submit such plans, 25371
specifications, and estimates to the director, who in turn shall 25372
submit them to the governor for approval. 25373

The governor shall thereupon publish written notice once a 25374
week for two consecutive weeks in a newspaper published in and of 25375
general circulation in the counties where any such improvements 25376

are proposed to be constructed, setting forth the location and 25377
character of the proposed improvements, that the plans, 25378
specifications, and estimates therefor are on file in the 25379
governor's office, and that objections thereto will be heard by 25380
the governor on a day to be named in ~~said~~ the notice, which day 25381
shall be not less than ten nor more than twenty days after the 25382
first publication thereof. Within thirty days after the date fixed 25383
for ~~said~~ the hearing, the governor shall return such plans, 25384
specifications, and estimates to the director, with the governor's 25385
written approval or rejection thereof indorsed thereon. The 25386
director shall immediately return such plans, specifications, and 25387
estimates, together with the governor's indorsement thereon, to 25388
the chief. 25389

Any instrument by which real property is acquired pursuant to 25390
this section shall identify the agency of the state that has the 25391
use and benefit of the real property as specified in section 25392
5301.012 of the Revised Code. 25393

Sec. 1523.02. If the governor approves the plans, 25394
specifications, and estimates authorized by section 1523.01 of the 25395
Revised Code, the chief of the division of soil and water 25396
resources shall thereupon proceed, as provided in sections 1523.02 25397
to 1523.13 of the Revised Code, to construct the improvements or 25398
to make alterations in or to enlarge those already existing, in 25399
such manner and form as is shown by such plans and specifications. 25400
In order to provide the funds for such construction, alteration, 25401
or enlargement, the chief shall issue and sell bonds of the state, 25402
not in excess of the estimated cost of such improvements. The 25403
bonds shall be issued in denominations of not less than one 25404
hundred dollars payable as a whole or in series on or before fifty 25405
years from the date thereof, with interest not to exceed the rate 25406
provided in section 9.95 of the Revised Code, payable either 25407
annually or semiannually. 25408

The bonds shall show on their face the purpose for which 25409
issued and shall create no liability upon or be considered an 25410
indebtedness of the state, but both the principal and interest 25411
shall be paid solely out of the proceeds arising from the 25412
improvements constructed, altered, or enlarged by the chief, or 25413
from the proceeds of the sale or foreclosure of the lien securing 25414
the bonds on such improvement or such part thereof as is 25415
constructed from the money realized from the sale of the bonds. 25416

The form of the bonds shall be approved by the attorney 25417
general, and they shall be signed by the governor and attested by 25418
the director of natural resources and the chief. The bonds may be 25419
issued as coupon bonds, payable to bearer only, or upon demand of 25420
the owner or holder thereof as registered bonds. 25421

Such bonds shall be sold by the chief to the highest bidder 25422
therefor, but for not less than the par value thereof, with 25423
accrued interest thereon, after thirty days' notice in at least 25424
two newspapers of general circulation in the county where such 25425
improvements are to be constructed, altered, or enlarged, setting 25426
forth the nature, amount, rate of interest, and length of time the 25427
bonds have to run, with the time and place of sale. 25428

The treasurer of state shall be the treasurer of the fund 25429
realized from the sale of such bonds, and the auditor of state 25430
shall be the auditor of such fund. The proceeds of such sale shall 25431
be turned over to the treasurer of state and shall be deposited by 25432
the treasurer of state in a solvent bank, located either in 25433
Columbus or in the county in which such improvements are located. 25434
Such proceeds shall be kept by such bank in a fund to be known as 25435
the water conservation improvement fund. Such fund shall be used 25436
to acquire the necessary real estate and to construct such new 25437
improvements and for no other purpose, except that the treasurer 25438
of state may pay the interest on the bonds during the period of 25439
condemnation and the construction, alteration, or enlargement of 25440

such improvements out of the proceeds arising from the sale of the 25441
bonds for a term not exceeding three years from the date on which 25442
the bonds are issued. The bank shall give bond to the state in 25443
such amount as the treasurer of state considers advisable, and 25444
with surety to the satisfaction of the treasurer of state, for the 25445
benefit of the holders of the bonds, and for the benefit of any 25446
contractors performing labor or furnishing material for such 25447
improvements, as provided by law, conditioned that it will safely 25448
keep the money and will make no payments or disbursements 25449
therefrom except as provided in sections 1523.01 to 1523.13 of the 25450
Revised Code. 25451

The treasurer of state shall hold such fund as trustee for 25452
the holders of the bonds and for all persons performing labor or 25453
furnishing material for the construction, alteration, or 25454
enlargement of any improvement made under such sections. Such 25455
funds shall not be turned into the state treasury, but shall be 25456
deposited and disbursed by the treasurer of state as provided in 25457
such sections. The interest coupons attached to such bonds shall 25458
bear the signature of the treasurer of state, executed by the 25459
treasurer of state or printed or lithographed thereon. 25460

Both the interest and principal of such bonds shall be made 25461
payable at the office of the treasurer of state in Columbus, and 25462
shall be paid by the treasurer of state, without warrant or 25463
authority of the director of budget and management, to the owner 25464
or holder of such bonds upon presentation by the owner or holder 25465
of matured interest coupons or bonds. 25466

Sec. 1523.03. Immediately after the sale of the bonds 25467
authorized by section 1523.02 of the Revised Code and the payment 25468
of the proceeds thereof to the treasurer of state as provided in 25469
such section, the chief of the division of soil and water 25470
resources shall make a written contract for the construction of 25471

the improvements or for the making of additions to or alterations 25472
in existing improvements with the lowest responsive and 25473
responsible bidder, in accordance with section 9.312 of the 25474
Revised Code, after advertisements once a week for four 25475
consecutive weeks in one newspaper in each of the cities of 25476
Columbus, Cleveland, and Cincinnati having a general circulation 25477
therein, one trade paper having a circulation among contractors 25478
engaged in the construction of public improvement work of like 25479
character, and two newspapers having a general circulation within 25480
the county in which the dam, reservoir, storage basin, or other 25481
improvement is located or is to be located. 25482

All bids shall be filed with the chief, within the time fixed 25483
for the filing of such bids in ~~said~~ the advertisement. The bids 25484
shall be opened and publicly read by the chief at twelve noon on 25485
the last day for filing them. Each bid shall contain the full 25486
names of every person or company interested in it, shall 25487
separately state the price of both the labor and material to be 25488
furnished under it, and shall meet the requirements of section 25489
153.54 of the Revised Code. 25490

The chief may reject any bids. If the chief rejects all bids, 25491
the chief shall within sixty days thereafter readvertise for bids 25492
for the construction of such improvements, as provided in this 25493
section, and may continue to readvertise for bids every sixty days 25494
until bids are received which are made to the chief's satisfaction 25495
and in conformity to sections 1523.01 to 1523.13 of the Revised 25496
Code. 25497

The chief may award separate contracts to bidders for each 25498
part of the labor to be done or material to be furnished for the 25499
construction of such improvements, provided that the amount of the 25500
contract, if awarded as a whole, or the aggregate of ~~said~~ the 25501
several contracts, if awarded separately, shall not, together with 25502
the cost of the land necessary for such improvements and the 25503

estimated damages to remaining property, be in excess of the 25504
estimated cost of the construction thereof, including such land 25505
and damages. Such contracts shall provide that all payments 25506
thereunder shall be made only from the proceeds of the sale of the 25507
bonds issued for the construction of such improvements. No 25508
contractor shall receive payment for any work or labor performed 25509
or material furnished for such improvements unless the contract 25510
therefor was, at the time of its execution, approved by the 25511
governor by the governor's written indorsement on such contract. 25512

Sec. 1523.04. When estimates or statements for either 25513
material theretofore furnished or labor theretofore performed 25514
under a contract entered into as provided in section 1523.03 of 25515
the Revised Code are presented to the chief of the division of 25516
soil and water ~~of the department of natural~~ resources by the 25517
contractor, certified as to the correctness thereof under oath by 25518
~~him~~ the contractor or ~~his~~ the contractor's authorized agent and 25519
approved in writing by the chief, the chief shall pay the amount 25520
of such estimates or statements from the water conservation 25521
improvement fund. 25522

Sec. 1523.05. The chief of the division of soil and water 25523
resources shall by contract in writing sell or lease for 25524
agricultural, commercial, manufacturing, or other lawful purposes, 25525
for any term not exceeding fifty years, the water, or any part 25526
thereof, conserved and stored by the improvements then existing, 25527
or that will be conserved and stored by any improvements 25528
thereafter to be constructed by ~~him~~ the chief. The chief may lease 25529
the land surrounding ~~said~~ the water for a term not exceeding fifty 25530
years, as shown by the plans and specifications prepared by ~~him~~ 25531
the chief and approved by the governor as provided in section 25532
1523.01 of the Revised Code. Such agreements shall be for a 25533
certain price or rental for the water or lands furnished to or 25534

used by the grantees, lessees, or their assigns, to be paid 25535
quarterly, semiannually, or annually as the chief deems advisable. 25536

~~Said~~ The chief may, for a term not exceeding fifty years, 25537
sell or lease power generated by any head of water raised or 25538
maintained by any such improvement, or ~~he~~ the chief may sell or 25539
lease the right to use such head of water for generating power or 25540
other hydraulic purposes. 25541

All such contracts of sale or lease, whether for water or 25542
power, shall contain such reservations or restrictions as the 25543
chief deems necessary and proper in furtherance of the purposes of 25544
sections 1523.01 to 1523.13, ~~inclusive~~, of the Revised Code, and 25545
the preservation of the use of such waters for navigation in case 25546
they are required therefor. 25547

Such contracts or leases ~~must~~ shall be approved by the 25548
attorney general as to their general form and legality and, before 25549
becoming binding obligations on the state, they shall be approved 25550
by the governor by ~~his~~ the governor's written indorsement thereon. 25551

Sec. 1523.06. (A) The chief of the division of soil and water 25552
resources before selling bonds as provided in section 1523.02 of 25553
the Revised Code or before receiving bids for the construction of 25554
improvements as authorized by section 1523.03 of the Revised Code 25555
may enter into tentative agreements for the sale or lease of water 25556
or power to: 25557

(1) Ascertain whether the public interest and welfare 25558
reasonably require the proposed improvements in the proposed 25559
locality; 25560

(2) Determine whether the revenues which the state may derive 25561
from the lease of lands and the lease and sale of the waters which 25562
are estimated will be conserved, impounded, and stored, or from 25563
the sale or lease of the power generated by such improvements, 25564

will be sufficient: 25565

(a) To pay the interest on bonds issued under section 1523.02 25566
of the Revised Code; 25567

(b) To create a sinking fund to retire ~~said~~ the bonds at 25568
their maturity; 25569

(c) To maintain and keep ~~said~~ the improvements in repair. 25570

(B) The performance and carrying out of such tentative 25571
agreements shall be conditioned upon the ability of such chief to: 25572

(1) Sell ~~said~~ the proposed bonds at not less than par and 25573
accrued interest; 25574

(2) Secure bids for the furnishing of all the labor and 25575
material necessary in the construction of such improvements, 25576
including all real estate required and damages incurred, at such a 25577
price that the rentals or compensation to be paid will provide 25578
during the terms of such contracts or leases a sum sufficient to 25579
pay ~~said~~ the interest, retire ~~said~~ the bonds, and maintain and 25580
keep ~~said~~ the improvements in repair. 25581

Sec. 1523.07. The treasurer of state shall be treasurer and 25582
the auditor of state shall be auditor of all moneys derived from 25583
the use of the improvements authorized by sections 1523.01 to 25584
1523.13, ~~inclusive,~~ of the Revised Code. The treasurer of state 25585
shall hold ~~said~~ the moneys as trustee for the maintenance of any 25586
improvements constructed under such sections, and for the holders 25587
of any bonds issued in accordance with section 1523.02 of the 25588
Revised Code. ~~Said~~ The moneys shall not be turned into the state 25589
treasury, but shall be deposited and disbursed by the treasurer of 25590
state in the manner provided in this section. All such moneys 25591
shall be collected by the treasurer of state on statements to be 25592
furnished by the chief of the division of soil and water resources 25593
and when so collected shall be deposited in solvent banks in the 25594

state upon the same terms as state funds are now loaned. ~~Said~~ The 25595
funds shall be kept by such banks in a fund known as the "water 25596
conservation fund" and shall be used, first, to maintain and keep 25597
in repair the dams, reservoirs, storage basins, and other 25598
improvements, and, second, to pay the interest upon and principal 25599
of the bonds issued and sold pursuant to section 1523.02 of the 25600
Revised Code, as such interest falls due or ~~said~~ the bonds mature. 25601

The banks in which the treasurer of state deposits any of the 25602
moneys belonging either to the water conservation improvement fund 25603
provided for in section 1523.02 of the Revised Code or the water 25604
conservation fund provided for in this section shall be state 25605
depository banks as provided for in sections 135.01 to 135.21~~7~~ 25606
~~inclusive~~, of the Revised Code. An amount not to exceed fifty 25607
thousand dollars of the money on deposit at any one time in the 25608
water conservation improvement fund, and an amount not to exceed 25609
ten thousand dollars in the water conservation fund shall be held 25610
by any of ~~said~~ the banks as an active deposit, and ~~said~~ the banks 25611
shall pay the treasurer of state on such deposits, both active and 25612
inactive, the same rate of interest then being paid by them upon 25613
the funds of the state then deposited with them by the treasurer 25614
of state. All such payments of interest shall be credited to the 25615
respective funds upon which such interest is paid. 25616

Sec. 1523.08. When the cost of any repairs to the 25617
improvements authorized by section 1523.01 of the Revised Code 25618
does not exceed one thousand dollars, the chief of the division of 25619
soil and water ~~of the department of natural~~ resources either may 25620
make such repairs ~~himself~~ or may let a contract therefor without 25621
advertising for bids. If the cost of any such repairs is in excess 25622
of one thousand dollars, the chief shall advertise for bids for 25623
the making of such repairs and let a contract therefor as provided 25624
in section 1523.03 of the Revised Code. 25625

When itemized statements are presented to the chief showing 25626
the amount of labor performed and material furnished in the making 25627
of such repairs, verified by the person making them and approved 25628
in writing by the chief, the chief shall pay the amount of such 25629
statement from the water conservation fund. 25630

Sec. 1523.09. If a reservoir, dam, storage basin, or other 25631
improvement constructed or enlarged by the chief of the division 25632
of soil and water resources as provided in sections 1523.01 to 25633
1523.13 of the Revised Code constitutes a part of the canal system 25634
of the state or is located upon any river, stream, or body of 25635
water formerly used as a feeder for the canal system, no water 25636
shall be sold or leased from the improvement ~~by the chief~~ except 25637
in accordance with section 1520.03 of the Revised Code. 25638

Sec. 1523.10. The funds derived from the sale, use, or lease 25639
of the water impounded and conserved or the power generated by the 25640
improvements constructed pursuant to sections 1523.01 to 1523.13~~7~~ 25641
~~inclusive~~, of the Revised Code, or from the lease of the lands and 25642
improvements adjacent thereto are hereby expressly pledged for the 25643
purpose of maintaining and keeping ~~said~~ the improvements in repair 25644
and for the payment of the interest on and principal of the bonds 25645
issued under section 1523.02 of the Revised Code, as the same fall 25646
due and mature. The owners of such bonds are hereby given a lien 25647
for the payment of the principal and interest of such bonds upon 25648
any dam, reservoir, storage basin, or other improvements, or any 25649
part thereof, with the appurtenances belonging thereto, 25650
constructed by the chief of the division of soil and water 25651
resources with the funds derived from the sale of such bonds. 25652

If default is made in the payment of the interest on any of 25653
~~said~~ the bonds for three or more successive years, or if bonds, 25654
aggregating in par value not less than ten per cent of the total 25655
amount of such bonds then outstanding are not paid at maturity, 25656

then all of ~~said~~ the bonds, both principal and interest, shall 25657
become due and payable, and the owners of any of ~~said~~ the bonds, 25658
aggregating in par value not less than ten per cent of the total 25659
amount of such bonds then outstanding, may institute proceedings 25660
to foreclose such lien against the state in the court of common 25661
pleas of the county in which is located any of ~~said~~ the 25662
improvements, constructed, altered, or enlarged out of the 25663
proceeds of the sale of such bonds. 25664

~~Said~~ The court shall have jurisdiction of such action with 25665
full power to foreclose such lien and to make an order to the 25666
sheriff of ~~said~~ the county, acting as a master commissioner, 25667
directing ~~him~~ the sheriff to make a sale of such improvements or 25668
part thereof at not less than two-thirds of the appraised value 25669
thereof, and upon such terms and in manner and form as provided 25670
for in ~~said~~ the order, and to pay the proceeds of such sale to the 25671
clerk of the court of common pleas. Upon motion of the purchaser 25672
of such improvements at such sale, the court, if such sale is 25673
found to be regular in all respects and according to law, shall 25674
confirm the sale and order the sheriff to execute a deed to such 25675
purchaser and ~~his~~ the purchaser's assigns, conveying to ~~him~~ the 25676
purchaser and the purchaser's assigns all the right, title, and 25677
interest of the holders of ~~said~~ the bonds in and to ~~said~~ the 25678
improvements, and all the right, title, and interest of the state, 25679
for a period of not more than fifty years from the date of such 25680
conveyance, in the same, with full right and franchise, for ~~said~~ 25681
the period of not to exceed fifty years, to operate ~~said~~ the 25682
improvements and dispose of the water conserved or the power 25683
generated thereby, with the further right, for ~~said~~ the period of 25684
fifty years, to flow, transport, and convey ~~said~~ the water from 25685
~~said~~ the improvements, or to conduct and transmit power generated 25686
thereby through, over, and upon any of the lands of the state or 25687
channels or beds of any of its reservoirs, lakes, canals, races, 25688
aqueducts, or watercourses. In the exercise of such rights, such 25689

purchaser or ~~his~~ the purchaser's assigns shall at all times during 25690
the term of ~~said~~ the grant maintain the improvements so conveyed 25691
to them in a good state of repair and shall not interfere with the 25692
navigation of the canals of the state or with the control and 25693
maintenance thereof or with the sale of water by the state from 25694
its dams, reservoirs, and improvements other than those so 25695
constructed. The state does not incur any liability by reason of 25696
such sale and the rights granted thereunder to continue to 25697
maintain such canals, races, channels, or watercourses, or to 25698
continue the use thereof. Such conveyance or grant by the sheriff 25699
as such master commissioner shall contain a clause giving the 25700
chief such control of waste gates and wickets as to regulate the 25701
flow of water in the state reservoirs or canals, in such manner as 25702
to maintain the proper level therein and to prevent the flowing 25703
into such reservoirs and canals of such quantities of water as 25704
might impair any of the property of the state or its lessees, 25705
except as otherwise provided in section 1520.03 of the Revised 25706
Code. 25707

Upon the foreclosure of ~~said~~ the lien and the sale of ~~said~~ 25708
the improvements, all contracts or leases for the sale, use, or 25709
lease of water, the lands and improvements adjacent thereto, or 25710
power rights then outstanding shall become void, and the rights of 25711
the state and the several lessees thereunder, shall cease. 25712

Upon the making of an order by the court for the sale of such 25713
improvements, and before they are offered for sale by the sheriff, 25714
the court shall appoint three disinterested appraisers, one of 25715
whom shall be a water-works or hydraulic engineer with at least 25716
five years' experience in the practice of ~~his~~ the engineer's 25717
profession, and two of whom shall be freeholders residing in the 25718
county in which any of such improvements are located. ~~Said~~ The 25719
appraisers shall appraise ~~said~~ the improvements and shall, within 25720
the time fixed by the court, file such appraisal in writing with 25721

the clerk. If the lien given by this section as security for the 25722
payment of ~~said~~ the bonds covers a part only of ~~said~~ the 25723
improvements, ~~said~~ the appraisers shall appraise ~~said~~ the 25724
improvements as an entirety, and shall also appraise separately 25725
the part constructed from the proceeds of the sale of ~~said~~ the 25726
bonds, the lien of which is being foreclosed in such proceeding. 25727

In making such appraisal and fixing the value of ~~said~~ the 25728
improvements or of such part thereof, ~~said~~ the appraisers shall 25729
have access to all papers and documents on file in the office of 25730
the chief relating to such improvements, including the plans and 25731
specifications therefor, and the bids made and contracts entered 25732
into for the construction thereof, and all leases and contracts 25733
for the sale of water impounded therein and power generated 25734
thereby. The order of the court shall direct the sale only of such 25735
part of ~~said~~ the improvements as have been constructed from the 25736
proceeds of the sale of ~~said~~ the bonds. The purchaser at such 25737
sale, in the operation of such improvements during the term of the 25738
franchise granted to ~~him~~ the purchaser by this section, shall draw 25739
from the dam or reservoir impounding such water only such portion 25740
thereof as the appraised value of that part of such improvements, 25741
constructed from the proceeds of the sale of such bonds and sold 25742
to ~~him~~ the purchaser under the order of the court, bears to the 25743
entire appraised value of such improvements. 25744

If at any time during the term of the franchise granted to 25745
the purchaser of such improvements at such foreclosure sale any 25746
controversy arises between ~~him~~ the purchaser or ~~his~~ the 25747
purchaser's assigns and the chief as to the operation of such 25748
improvements, or as to the amount of water which ~~said~~ the 25749
purchaser is drawing or is entitled to draw therefrom, either ~~said~~ 25750
the purchaser or ~~said~~ the chief may file a petition in ~~said~~ the 25751
court, setting forth the facts connected with such controversy. 25752

Notice in writing of the filing of such petition shall be 25753

given to the opposite party to ~~said the~~ controversy within thirty 25754
days from the date of the filing thereof, either by service of 25755
such notice personally upon such opposite party by the sheriff of 25756
such county or by service by mail by the clerk. Such notice shall 25757
be mailed to the name and address which the purchaser filed with 25758
~~said the~~ clerk at the time of the delivery to the purchaser by the 25759
sheriff of the deed. Within thirty days from the serving or 25760
mailing of such notice, the opposite party to ~~said the~~ controversy 25761
shall file ~~his an~~ answer in ~~said the~~ court, and thereupon the 25762
court shall hear and determine ~~said the~~ controversy and make such 25763
order in regard to it as is just and proper, which order shall be 25764
binding upon all the parties to ~~said the~~ controversy. 25765

At the termination of ~~said the~~ period of not to exceed fifty 25766
years, all of the rights and privileges conveyed to ~~said the~~ 25767
purchaser by the deed and grant of such sheriff as master 25768
commissioner shall cease and ~~said the~~ improvements, with all the 25769
appurtenances belonging thereto, shall revert to and become the 25770
property of the state, free and clear of any claims whatever 25771
against them. 25772

The clerk shall distribute and pay the money received by ~~him~~ 25773
the clerk from the sheriff as such master commissioner from the 25774
sale of such improvements to the holders of ~~said the~~ bonds pro 25775
rata, and upon such payment to any of ~~said the~~ bondholders, they 25776
shall surrender to the ~~said the~~ clerk their bonds, with all unpaid 25777
interest coupons thereon. The clerk shall thereupon cancel the 25778
same and deliver them, so canceled, to the treasurer of the water 25779
conservation improvement fund. 25780

Sec. 1523.11. All appropriations of property made by the 25781
chief of the division of soil and water resources in carrying out 25782
sections 1523.01 to 1523.13, ~~inclusive,~~ of the Revised Code, shall 25783
be made in accordance with sections 163.01 to 163.22, ~~inclusive,~~ 25784

of the Revised Code, provided that possession of any property so 25785
appropriated shall not be taken by the state or the chief before 25786
the compensation and damages awarded therefor in the appropriation 25787
proceedings have been paid into court. 25788

Sec. 1523.12. Sections 1523.01 to 1523.13, ~~inclusive~~, of the 25789
Revised Code do not authorize any reduction in the quantity or any 25790
impairment in the quality of the water in any watershed, stream, 25791
or basin, developed or undeveloped, from which any political 25792
subdivision is, at the time the chief of the division of soil and 25793
water resources proposes and is proceeding to construct in such 25794
watershed, stream, or basin any of the improvements authorized by 25795
such sections, taking water for the use of itself or its 25796
inhabitants, or has plans under way, or has made or begun 25797
appropriation of any property or rights in such watershed, stream, 25798
or basin for the purpose of acquiring a water supply for itself or 25799
its inhabitants for either domestic, industrial, or other uses. 25800
Such sections do not authorize the chief to sell or lease the 25801
right to use water at any time for any purpose or to such an 25802
extent as to prejudice, abrogate, or supersede any of the water 25803
rights granted by the state to the city of Akron as provided in 25804
volume 102, Ohio Laws, page 175, sections 1 to 3, ~~inclusive~~. 25805

Sec. 1523.13. If by reason of severe drought or other causes 25806
the water supply of any political subdivision is, in the judgment 25807
of the chief of the division of soil and water resources, at any 25808
time so reduced or impaired as to endanger the property of such 25809
political subdivision, or the health, safety, or property of the 25810
inhabitants thereof, then the chief, under such regulations as ~~he~~ 25811
the chief prescribes, may grant to such political subdivision the 25812
right, during the continuance of such emergency, to draw or take 25813
such quantity of water as is necessary to protect the property of 25814
such political subdivision and the health, safety, or property of 25815

its inhabitants from any improvement constructed under sections 25816
1523.01 to 1523.13, ~~inclusive~~, of the Revised Code, before any of 25817
the lessees or grantees of the state using the water for 25818
industrial purposes take water therefrom. Such political 25819
subdivision shall pay such price per thousand gallons for the 25820
water so taken by it as is fixed by the chief and the governor. 25821
The price so fixed shall not exceed the maximum price then being 25822
paid for water to the state by any of its lessees or grantees. 25823
Such grant by the chief to such political subdivision shall not 25824
modify the terms or impair the validity of any leases then 25825
existing between the state and other persons, firms, or 25826
corporations, except as expressly provided in this section. 25827

Sec. 1523.14. The director of transportation in constructing 25828
highways, bridges, and culverts as provided by law; the board of 25829
county commissioners in constructing highways, bridges, and 25830
culverts as provided by law; the board of township trustees of any 25831
township in constructing highways, bridges, and culverts as 25832
provided by law; and any municipal corporation constructing or 25833
improving viaducts, bridges, and culverts under section 717.01 of 25834
the Revised Code, either severally or jointly, upon request of the 25835
chief of the division of soil and water resources and with the 25836
approval of the director of transportation, may construct and 25837
maintain slack-water dams in connection with ~~said~~ the highway, 25838
highway bridge, or culvert so as to create reservoirs, ponds, 25839
water parks, basins, lakes, or other incidental works to conserve 25840
the water supply of the state. 25841

Sec. 1523.15. The chief of the division of soil and water ~~of~~ 25842
~~the department of natural~~ resources may request the public 25843
authority having charge of the construction of state, county, or 25844
township highways, highway bridges, and culverts, or municipal 25845
streets, for the construction of slack-water dams in connection 25846

with the construction of any such highway, street, highway bridge, 25847
or culvert whenever, in ~~his~~ the chief's opinion, the construction 25848
of such dam is desirable and feasible for the economical creation 25849
and construction of reservoirs, ponds, water parks, basins, lakes, 25850
or other incidental works for the conservation of the water supply 25851
of the state. 25852

The public authority having charge of such construction may 25853
approve such request when, in its opinion, the construction of 25854
such dams will not unnecessarily delay or hinder the construction 25855
of the highway, street, highway bridge, or culvert, or will not 25856
interfere with its value or use for highway purposes. 25857

If such request is approved, the chief, in cooperation with 25858
the department of transportation and the public authority 25859
participating in the project, shall make a survey and prepare 25860
plans, specifications, and estimates for the construction of such 25861
dams and the reservoir, pond, water park, basin, lake, or other 25862
incidental works in connection therewith. 25863

Upon approval of the plans and specifications and 25864
determination to proceed with the project, the chief shall enter 25865
into an agreement with the public authority on the distribution of 25866
the cost and expense of the construction of such dams and 25867
incidental works in connection therewith. The portion of the cost 25868
to be paid by the division of soil and water resources shall be 25869
paid from any funds appropriated for or paid into the division and 25870
available for such purpose. 25871

Such dams shall be constructed under and subject to any laws 25872
governing the construction of state, county, or township highways, 25873
bridges, or culverts. Any public authority undertaking 25874
construction under sections 1523.14 to 1523.20 of the Revised Code 25875
shall proceed in the same manner as provided for the construction 25876
of highway or street improvements. 25877

Sec. 1523.16. Any department or division of the state 25878
government, or any county, township, municipal corporation, park 25879
board, or district, or any organization, club, corporation, or 25880
private person may petition the chief of the division of soil and 25881
water resources for the construction of dams and reservoir 25882
projects in connection with the construction of any highway, 25883
highway bridge, or culvert. 25884

Upon receipt of such a petition and its approval by the 25885
chief, ~~he~~ the chief shall proceed as authorized by section 1523.15 25886
of the Revised Code. If the public authority having charge of the 25887
construction of such highway, street, highway bridge, or culvert 25888
approves the request, then the chief shall enter into an agreement 25889
with the public authority, organization, or person petitioning for 25890
the construction of such dam or reservoir on the apportionment of 25891
the cost and expense of construction. The cost and expense of such 25892
dam project shall include the cost of clearing and grubbing and 25893
the cost of property and damages incidental thereto. Such 25894
agreement shall also contain provisions for the proper maintenance 25895
and repair of such projects after completion, and also apportion 25896
the revenue derived therefrom between the division of soil and 25897
water resources and the petitioner. 25898

Sec. 1523.17. In all cases in which a public authority, 25899
private organization, or person petitions for the construction of 25900
a dam and reservoir project as authorized by ~~section~~ sections 25901
1523.14 to 1523.20 of the Revised Code, the chief of the division 25902
of soil and water ~~of the department of natural~~ resources, as a 25903
condition precedent to the construction of such project, shall 25904
require the petitioning authority, organization, or person to pay 25905
~~his~~ the petitioning authority's, organization's, or person's share 25906
of the cost and expense of such project. 25907

Any deficiency shall be made up by the parties bearing the 25908

cost before any further work is done. If the deficiency is not 25909
made up within sixty days after it is known, the amount paid in, 25910
less the expense incurred by the chief and the cooperating public 25911
authorities, shall be refunded to the donor. After completion of 25912
the work, any amount remaining to the credit of the project shall 25913
likewise be refunded. 25914

Sec. 1523.18. In the construction of dams, reservoirs, and 25915
other incidental works under sections 1523.14 to 1523.20 of the 25916
Revised Code, the chief of the division of soil and water 25917
resources shall proceed as provided by law, and shall enter into 25918
contracts therefor as provided in sections 153.01 to 153.29 of the 25919
Revised Code. The director of transportation, the chief of the 25920
division of wildlife with the approval of the director of natural 25921
resources, and any county, township, municipal corporation, and 25922
public park board or district may proceed with the letting of 25923
contracts for the construction of such dams or reservoir projects, 25924
approved by the chief of the division of soil and water resources, 25925
under any laws regulating the letting of contracts applicable to 25926
their respective departments, divisions, districts, or political 25927
subdivisions, and the authority of sections 1523.14 to 1523.20 of 25928
the Revised Code. 25929

Sec. 1523.19. The chief of the division of soil and water 25930
resources shall have the supervision, care, and control of all 25931
dams, reservoirs, ponds, water parks, basins, lakes, or other 25932
incidental works constructed under sections 1523.14 to 1523.20~~7~~ 25933
~~inclusive~~, of the Revised Code, and shall maintain and keep them 25934
in repair. The cost of such maintenance and repair shall be paid 25935
from any funds appropriated to the division of soil and water 25936
resources for that purpose or paid into the state treasury as 25937
agreed upon with the public or contracting authorities 25938
co-operating in the construction of such projects. 25939

Such projects may also be maintained by any department or 25940
division of state government or other public authorities leasing 25941
or operating the projects, through agreements made with ~~said~~ the 25942
chief. All rentals derived from the lessees of such projects shall 25943
be used by ~~said~~ the chief in the maintenance or repair of all such 25944
projects constructed under such sections. The costs and expenses 25945
of the reconstruction of any such projects shall be distributed, 25946
unless otherwise agreed, on the same basis and pro-rata share of 25947
the costs and expenses as was paid by the contracting authorities 25948
contributing to the cost of the original project. 25949

Sec. 1523.20. When the chief of the division of soil and 25950
water resources and the owners of the lands, waters, or riparian 25951
rights are unable to agree upon the terms, purchase price, and 25952
sale thereof, the chief may acquire the lands by appropriation 25953
proceedings in the manner provided by sections 163.01 to 163.22 of 25954
the Revised Code. 25955

The title or lease to any such lands, waters, or riparian 25956
rights shall be taken by the chief, subject to the approval of the 25957
governor and the attorney general, in the name of the state. The 25958
lease rentals or purchase price of any such lands, waters, or 25959
riparian rights, as well as all costs and expenses of constructing 25960
any such reservoirs, ponds, water parks, basins, lakes, or other 25961
incidental works on those lands, may be paid for from any funds 25962
appropriated for the use of or paid into the division of soil and 25963
water resources and available for that purpose. The chief may 25964
accept contributions to those funds from individuals, 25965
associations, clubs, organizations, and corporations. 25966

Sec. 1531.01. As used in this chapter and Chapter 1533. of 25967
the Revised Code: 25968

(A) "Person" means a person as defined in section 1.59 of the 25969

Revised Code or a company; an employee, agent, or officer of such 25970
a person or company; a combination of individuals; the state; a 25971
political subdivision of the state; an interstate body created by 25972
a compact; or the federal government or a department, agency, or 25973
instrumentality of it. 25974

(B) "Resident" means any individual who has resided in this 25975
state for not less than six months next preceding the date of 25976
making application for a license. 25977

(C) "Nonresident" means any individual who does not qualify 25978
as a resident. 25979

(D) "Division rule" or "rule" means any rule adopted by the 25980
chief of the division of wildlife under section 1531.10 of the 25981
Revised Code unless the context indicates otherwise. 25982

(E) "Closed season" means that period of time during which 25983
the taking of wild animals protected by this chapter and Chapter 25984
1533. of the Revised Code is prohibited. 25985

(F) "Open season" means that period of time during which the 25986
taking of wild animals protected by this chapter and Chapter 1533. 25987
of the Revised Code is permitted. 25988

(G) "Take or taking" includes pursuing, shooting, hunting, 25989
killing, trapping, angling, fishing with a trotline, or netting 25990
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 25991
wild bird, or wild quadruped, and any lesser act, such as 25992
wounding, or placing, setting, drawing, or using any other device 25993
for killing or capturing any wild animal, whether it results in 25994
killing or capturing the animal or not. "Take or taking" includes 25995
every attempt to kill or capture and every act of assistance to 25996
any other person in killing or capturing or attempting to kill or 25997
capture a wild animal. 25998

(H) "Possession" means both actual and constructive 25999
possession and any control of things referred to. 26000

(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.

(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.

(K) "Sell and sale" means barter, exchange, or offer or expose for sale.

(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole.

(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.

(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.

(O) "Fish" means a cold-blooded vertebrate having fins.

(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.

(Q) "Wild birds" includes game birds and nongame birds.

(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.

(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated

grouse, wild turkey, Hungarian partridge, Chukar partridge, 26031
woodcocks, black-breasted plover, golden plover, Wilson's snipe or 26032
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 26033
duck, geese, brant, and crows. 26034

(T) "Nongame birds" includes all other wild birds not 26035
included and defined as game birds or migratory game birds. 26036

(U) "Wild quadrupeds" includes game quadrupeds and 26037
fur-bearing animals. 26038

(V) "Game quadrupeds" includes cottontail rabbits, gray 26039
squirrels, black squirrels, fox squirrels, red squirrels, flying 26040
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 26041
wild boar, and black bears. 26042

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 26043
skunks, opossums, muskrats, fox, beavers, badgers, otters, 26044
coyotes, and bobcats. 26045

(X) "Wild animals" includes mollusks, crustaceans, aquatic 26046
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, 26047
and all other wild mammals, but does not include domestic deer. 26048

(Y) "Hunting" means pursuing, shooting, killing, following 26049
after or on the trail of, lying in wait for, shooting at, or 26050
wounding wild birds or wild quadrupeds while employing any device 26051
commonly used to kill or wound wild birds or wild quadrupeds 26052
whether or not the acts result in killing or wounding. "Hunting" 26053
includes every attempt to kill or wound and every act of 26054
assistance to any other person in killing or wounding or 26055
attempting to kill or wound wild birds or wild quadrupeds. 26056

(Z) "Trapping" means securing or attempting to secure 26057
possession of a wild bird or wild quadruped by means of setting, 26058
placing, drawing, or using any device that is designed to close 26059
upon, hold fast, confine, or otherwise capture a wild bird or wild 26060
quadruped whether or not the means results in capture. "Trapping" 26061

includes every act of assistance to any other person in capturing 26062
wild birds or wild quadrupeds by means of the device whether or 26063
not the means results in capture. 26064

(AA) "Muskrat spear" means any device used in spearing 26065
muskrats. 26066

(BB) "Channels and passages" means those narrow bodies of 26067
water lying between islands or between an island and the mainland 26068
in Lake Erie. 26069

(CC) "Island" means a rock or land elevation above the waters 26070
of Lake Erie having an area of five or more acres above water. 26071

(DD) "Reef" means an elevation of rock, either broken or in 26072
place, or gravel shown by the latest United States chart to be 26073
above the common level of the surrounding bottom of the lake, 26074
other than the rock bottom, or in place forming the base or 26075
foundation rock of an island or mainland and sloping from the 26076
shore of it. "Reef" also means all elevations shown by that chart 26077
to be above the common level of the sloping base or foundation 26078
rock of an island or mainland, whether running from the shore of 26079
an island or parallel with the contour of the shore of an island 26080
or in any other way and whether formed by rock, broken or in 26081
place, or from gravel. 26082

(EE) "Fur farm" means any area used exclusively for raising 26083
fur-bearing animals or in addition thereto used for hunting game, 26084
the boundaries of which are plainly marked as such. 26085

(FF) "Waters" includes any lake, pond, reservoir, stream, 26086
channel, lagoon, or other body of water, or any part thereof, 26087
whether natural or artificial. 26088

(GG) "Crib" or "car" refers to that particular compartment of 26089
the net from which the fish are taken when the net is lifted. 26090

(HH) "Commercial fish" means those species of fish permitted 26091

to be taken, possessed, bought, or sold unless otherwise	26092
restricted by the Revised Code or division rule and are alewife	26093
(<i>Alosa pseudoharengus</i>), American eel (<i>Anguilla rostrata</i>), bowfin	26094
(<i>Amia calva</i>), burbot (<i>Lota lota</i>), carp (<i>Cyprinus carpio</i>),	26095
smallmouth buffalo (<i>Ictiobus bubalus</i>), bigmouth buffalo (<i>Ictiobus</i>	26096
<i>cyprinellus</i>), black bullhead (<i>Ictalurus melas</i>), yellow bullhead	26097
(<i>Ictalurus natalis</i>), brown bullhead (<i>Ictalurus nebulosus</i>), channel	26098
catfish (<i>Ictalurus punctatus</i>), flathead catfish (<i>Pylodictis</i>	26099
<i>olivaris</i>), whitefish (<i>Coregonus</i> sp.), cisco (<i>Coregonus</i> sp.),	26100
freshwater drum or sheepshead (<i>Aplodinotus grunniens</i>), gar	26101
(<i>Lepisosteus</i> sp.), gizzard shad (<i>Dorosoma cepedianum</i>), goldfish	26102
(<i>Carassius auratus</i>), lake trout (<i>Salvelinus namaycush</i>), mooneye	26103
(<i>Hiodon tergisus</i>), quillback (<i>Carpionodes cyprinus</i>), smelt	26104
(<i>Allosmerus elongatus</i> , <i>Hypomesus</i> sp., <i>Osmerus</i> sp., <i>Spirinchus</i>	26105
sp.), sturgeon (<i>Acipenser</i> sp., <i>Scaphirhynchus</i> sp.), sucker other	26106
than buffalo and quillback (<i>Carpionodes</i> sp., <i>Catostomus</i> sp.,	26107
<i>Hypentelium</i> sp., <i>Minytrema</i> sp., <i>Moxostoma</i> sp.), white bass (<i>Morone</i>	26108
<i>chrysops</i>), white perch (<i>Roccus americanus</i>), and yellow perch	26109
(<i>Perca flavescens</i>). When the common name of a fish is used in this	26110
chapter or Chapter 1533. of the Revised Code, it refers to the	26111
fish designated by the scientific name in this definition.	26112
(II) "Fishing" means taking or attempting to take fish by any	26113
method, and all other acts such as placing, setting, drawing, or	26114
using any device commonly used to take fish whether resulting in a	26115
taking or not.	26116
(JJ) "Fillet" means the pieces of flesh taken or cut from	26117
both sides of a fish, joined to form one piece of flesh.	26118
(KK) "Part fillet" means a piece of flesh taken or cut from	26119
one side of a fish.	26120
(LL) "Round" when used in describing fish means with head and	26121
tail intact.	26122

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.

(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.

(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.

(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or

otherwise specifically marked fish within a limited period of 26154
time. 26155

(UU) "Tenant" means an individual who resides on land for 26156
which the individual pays rent and whose annual income is 26157
primarily derived from agricultural production conducted on that 26158
land, as "agricultural production" is defined in section 929.01 of 26159
the Revised Code. 26160

(VV) "Nonnative wildlife" means any wild animal not 26161
indigenous to this state, but does not include domestic deer. 26162

(WW) "Reptiles" includes common musk turtle (*sternotherus* 26163
odoratus), common snapping turtle (*Chelydra serpentina* 26164
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 26165
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 26166
blandingii), common map turtle (*Graptemys geographica*), ouachita 26167
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 26168
painted turtle (*Chrysemys picta marginata*), red-eared slider 26169
(*Trachemys scripta elegans*), eastern spiny softshell turtle 26170
(*Apalone spinifera spinifera*), midland smooth softshell turtle 26171
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 26172
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 26173
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 26174
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 26175
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 26176
septemvittata), Kirtland's snake (*Clonophis kirtlandii*), northern 26177
water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake 26178
(*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia* 26179
erythrogaster neglecta), northern brown snake (*Storeria dekayi* 26180
dekayi), midland brown snake (*Storeria dekayi wrightorum*), 26181
northern redbelly snake (*Storeria occipitomaculata* 26182
occipitomaculata), eastern garter snake (*Thamnophis sirtalis* 26183
sirtalis), eastern plains garter snake (*Thamnophis radix radix*), 26184
Butler's garter snake (*Thamnophis butleri*), shorthead garter snake 26185

(*Thamnophis brachystoma*), eastern ribbon snake (*Thamnophis sauritus sauritus*), northern ribbon snake (*Thamnophis septentrionalis*), eastern hognose snake (*Heterodon platirhinos*), eastern smooth earth snake (*Virginia valeriae valeriae*), northern ringneck snake (*Diadophis punctatus edwardsii*), midwest worm snake (*Carphophis amoenus helenae*), eastern worm snake (*Carphophis amoenus amoenus*), black racer (*Coluber constrictor constrictor*), blue racer (*Coluber constrictor foxii*), rough green snake (*Opheodrys aestivus*), smooth green snake (*Opheodrys vernalis vernalis*), black rat snake (*Elaphe obsoleta obsoleta*), eastern fox snake (*Elaphe vulpina gloydi*), black kingsnake (*Lampropeltis getula nigra*), eastern milk snake (*Lampropeltis triangulum triangulum*), northern copperhead (*Agkistrodon contortrix mokasen*), eastern massasauga (*Sistrurus catenatus catenatus*), and timber rattlesnake (*Crotalus horridus horridus*).

(XX) "Amphibians" includes eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*), mudpuppy (*Necturus maculosus maculosus*), red-spotted newt (*Notophthalmus viridescens viridescens*), Jefferson salamander (*Ambystoma jeffersonianum*), spotted salamander (*Ambystoma maculatum*), blue-spotted salamander (*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*), streamside salamander (*Ambystoma barbouri*), marbled salamander (*Ambystoma opacum*), eastern tiger salamander (*Ambystoma tigrinum tigrinum*), northern dusky salamander (*Desmognathus fuscus fuscus*), mountain dusky salamander (*Desmognathus ochrophaeus*), redback salamander (*Plethodon cinereus*), ravine salamander (*Plethodon richmondi*), northern slimy salamander (*Plethodon glutinosus*), Wehrle's salamander (*Plethodon wehrlei*), four-toed salamander (*Hemidactylium scutatum*), Kentucky spring salamander (*Gyrinophilus porphyriticus duryi*), northern spring salamander (*Gyrinophilus porphyriticus porphyriticus*), mud salamander (*Pseudotriton montanus*), northern red salamander (*Pseudotriton ruber ruber*), green salamander (*Aneides aeneus*), northern two-lined salamander

(Eurycea bislineata), longtail salamander (Eurycea longicauda longicauda), cave salamander (Eurycea lucifuga), southern two-lined salamander (Eurycea cirrigera), Fowler's toad (Bufo woodhousii fowleri), American toad (Bufo americanus), eastern spadefoot (Scaphiopus holbrookii), Blanchard's cricket frog (Acris crepitans blanchardi), northern spring peeper (Pseudacris crucifer crucifer), gray treefrog (Hyla versicolor), Cope's gray treefrog (Hyla chrysoscelis), western chorus frog (Pseudacris triseriata triseriata), mountain chorus frog (Pseudacris brachyphona), bullfrog (Rana catesbeiana), green frog (Rana clamitans melanota), northern leopard frog (Rana pipiens), pickerel frog (Rana palustris), southern leopard frog (Rana utricularia), and wood frog (Rana sylvatica).	26219 26220 26221 26222 26223 26224 26225 26226 26227 26228 26229 26230 26231
(YY) "Deer" means white-tailed deer (Odocoileus virginianus).	26232 26233
(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.	26234 26235 26236
(AAA) "Migratory game bird" includes waterfowl (Anatidae); doves (Columbidae); cranes (Gruidae); cormorants (Phalacrocoracidae); rails, coots, and gallinules (Rallidae); and woodcock and snipe (Scolopacidae).	26237 26238 26239 26240
(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.	26241 26242 26243
(CCC) "Electric-powered all-purpose vehicle" means any battery-powered self-propelled electric vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as	26244 26245 26246 26247 26248 26249

all-terrain vehicles, all-season vehicles, mini-bikes, and trail 26250
bikes. "Electric-powered all-purpose vehicle" does not include a 26251
utility vehicle as defined in section 4501.01 of the Revised Code, 26252
any vehicle that is principally used in playing golf, any motor 26253
vehicle or aircraft that is required to be registered under 26254
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is 26255
excluded from the definition of "motor vehicle" as provided in 26256
division (B) of section 4501.01 of the Revised Code. 26257

(DDD) "Children" means biological or adopted sons or 26258
daughters and adopted stepsons or stepdaughters. 26259

(EEE) "Grandchildren" means the children of one's child. 26260

Sec. 1531.06. (A) The chief of the division of wildlife, with 26261
the approval of the director of natural resources, may acquire by 26262
gift, lease, purchase, or otherwise lands or surface rights upon 26263
lands and waters or surface rights upon waters for wild animals, 26264
fish or game management, preservation, propagation, and 26265
protection, outdoor and nature activities, public fishing and 26266
hunting grounds, and flora and fauna preservation. The chief, with 26267
the approval of the director, may receive by grant, devise, 26268
bequest, donation, or assignment evidences of indebtedness, the 26269
proceeds of which are to be used for the purchase of such lands or 26270
surface rights upon lands and waters or surface rights upon 26271
waters. 26272

(B)(1) The chief shall adopt rules for the protection of 26273
state-owned or leased lands and waters and property under the 26274
control of the division of wildlife against wrongful use or 26275
occupancy that will ensure the carrying out of the intent of this 26276
section, protect those lands, waters, and property from 26277
depredations, and preserve them from molestation, spoilation, 26278
destruction, or any improper use or occupancy thereof, including 26279
rules with respect to recreational activities and for the 26280

government and use of such lands, waters, and property. 26281

(2) The chief may adopt rules benefiting wild animals, fish 26282
or game management, preservation, propagation, and protection, 26283
outdoor and nature activities, public fishing and hunting grounds, 26284
and flora and fauna preservation, and regulating the taking and 26285
possession of wild animals on any lands or waters owned or leased 26286
or under the division's supervision and control and, for a 26287
specified period of years, may prohibit or recall the taking and 26288
possession of any wild animal on any portion of such lands or 26289
waters. The division clearly shall define and mark the boundaries 26290
of the lands and waters owned or leased or under its supervision 26291
and control upon which the taking of any wild animal is 26292
prohibited. 26293

(C) The chief, with the approval of the director, may acquire 26294
by gift, lease, or purchase land for the purpose of establishing 26295
state fish hatcheries and game farms and may erect on it buildings 26296
or structures that are necessary. 26297

The title to or lease of such lands and waters shall be taken 26298
by the chief in the name of the state. The lease or purchase price 26299
of all such lands and waters may be paid from hunting and trapping 26300
and fishing licenses and any other funds. 26301

(D) To provide more public recreation, stream and lake 26302
agreements for public fishing only may be obtained under rules 26303
adopted by the chief. 26304

(E) The chief, with the approval of the director, may 26305
establish user fees for the use of special public facilities or 26306
participation in special activities on lands and waters 26307
administered by the division. The special facilities and 26308
activities may include hunting or fishing on special designated 26309
public lands and waters intensively managed or stocked with 26310
artificially propagated game birds or fish, field trial 26311

facilities, wildlife nature centers, firearm ranges, boat mooring 26312
facilities, camping sites, and other similar special facilities 26313
and activities. The chief shall determine whether the user fees 26314
are refundable and shall ensure that that information is provided 26315
at the time the user fees are paid. 26316

(F) The chief, with the approval of the director, may enter 26317
into lease agreements for rental of concessions or other special 26318
projects situated on state-owned or leased lands or waters or 26319
other property under the division's control. The chief shall set 26320
and collect the fees for concession rentals or other special 26321
projects; regulate through contracts between the division and 26322
concessionaires the sale of tangible objects at concessions or 26323
other special projects; and keep a record of all such fee payments 26324
showing the amount received, from whom received, and for what 26325
purpose the fee was collected. 26326

(G) The chief may sell or donate conservation-related items 26327
or items that promote wildlife conservation, including, but not 26328
limited to, stamps, pins, badges, books, bulletins, maps, 26329
publications, calendars, and any other educational article or 26330
artifact pertaining to wild animals; sell confiscated or forfeited 26331
items; and sell surplus structures and equipment, and timber or 26332
crops from lands owned, administered, leased, or controlled by the 26333
division. The chief, with the approval of the director, also may 26334
engage in campaigns and special events that promote wildlife 26335
conservation by selling or donating wildlife-related materials, 26336
memberships, and other items of promotional value. 26337

(H) The chief may sell, lease, or transfer minerals or 26338
mineral rights, with the approval of the director, when the chief 26339
and the director determine it to be in the best interest of the 26340
state. Upon approval of the director, the chief may make, execute, 26341
and deliver contracts, including leases, to mine, drill, or 26342
excavate iron ore, stone, coal, ~~petroleum, gas,~~ salt, and other 26343

minerals, other than oil or gas, upon and under lands owned by the 26344
state and administered by the division to any person who complies 26345
with the terms of such a contract. No such contract shall be valid 26346
for more than fifty years from its effective date. Consideration 26347
for minerals and mineral rights shall be by rental or royalty 26348
basis as prescribed by the chief and payable as prescribed by 26349
contract. Moneys collected under this division shall be paid into 26350
the state treasury to the credit of the wildlife habitat fund 26351
created in section 1531.33 of the Revised Code. Contracts entered 26352
into under this division also may provide for consideration for 26353
minerals or mineral rights in the form of acquisition of lands as 26354
provided under divisions (A) and (C) of this section. 26355

(I) All moneys received under divisions (E), (F), and (G) of 26356
this section shall be paid into the state treasury to the credit 26357
of a fund that shall be used for the purposes outlined in section 26358
1533.15 of the Revised Code and for the management of other wild 26359
animals for their ecological and nonconsumptive recreational value 26360
or benefit. 26361

(J) The chief, with the approval of the director, may barter 26362
or sell wild animals to other states, state or federal agencies, 26363
and conservation or zoological organizations. Moneys received from 26364
the sale of wild animals shall be deposited into the wild animal 26365
fund created in section 1531.34 of the Revised Code. 26366

(K) The chief shall adopt rules establishing standards and 26367
guidelines for the administration of contraceptive chemicals to 26368
noncaptive wild animals. The rules may specify chemical delivery 26369
methods and devices and monitoring requirements. 26370

The chief shall establish criteria for the issuance of and 26371
shall issue permits for the administration of contraceptive 26372
chemicals to noncaptive wild animals. No person shall administer 26373
contraceptive chemicals to noncaptive wild animals without a 26374
permit issued by the chief. 26375

(L) All fees set by the chief under this section shall be 26376
approved by the wildlife council. 26377

(M) Information contained in the wildlife diversity database 26378
that is established pursuant to division (B)(2) of this section 26379
and section 1531.25 of the Revised Code may be made available to 26380
any individual or public or private agency for research, 26381
educational, environmental, land management, or other similar 26382
purposes that are not detrimental to the conservation of a species 26383
or feature. Information regarding sensitive site locations of 26384
species that are listed pursuant to section 1531.25 of the Revised 26385
Code and of features that are included in the wildlife diversity 26386
database is not subject to section 149.43 of the Revised Code if 26387
the chief determines that the release of the information could be 26388
detrimental to the conservation of a species or feature. 26389

Sec. 1533.10. Except as provided in this section or division 26390
(A)(2) of section 1533.12 of the Revised Code, no person shall 26391
hunt any wild bird or wild quadruped without a hunting license. 26392
Each day that any person hunts within the state without procuring 26393
such a license constitutes a separate offense. Except as otherwise 26394
provided in this section, every applicant for a hunting license 26395
who is a resident of the state and eighteen years of age or more 26396
shall procure a resident hunting license or an apprentice resident 26397
hunting license, the fee for which shall be eighteen dollars 26398
unless the rules adopted under division (B) of section 1533.12 of 26399
the Revised Code provide for issuance of a resident hunting 26400
license to the applicant free of charge. Except as provided in 26401
rules adopted under division (B)(2) of that section, each 26402
applicant who is a resident of this state and who at the time of 26403
application is sixty-six years of age or older shall procure a 26404
special senior hunting license, the fee for which shall be 26405
one-half of the regular hunting license fee. Every applicant who 26406
is under the age of eighteen years shall procure a special youth 26407

hunting license or an apprentice youth hunting license, the fee 26408
for which shall be one-half of the regular hunting license fee. 26409
The owner of lands in the state and the owner's children of any 26410
age and grandchildren ~~under eighteen years~~ of any age may hunt on 26411
the lands without a hunting license. The tenant and children of 26412
the tenant, residing on lands in the state, may hunt on them 26413
without a hunting license. Except as otherwise provided in 26414
division (A)(1) of section 1533.12 of the Revised Code, every 26415
applicant for a hunting license who is a nonresident of the state 26416
and who is eighteen years of age or older shall procure a 26417
nonresident hunting license or an apprentice nonresident hunting 26418
license, the fee for which shall be one hundred twenty-four 26419
dollars unless the applicant is a resident of a state that is a 26420
party to an agreement under section 1533.91 of the Revised Code, 26421
in which case the fee shall be eighteen dollars. Apprentice 26422
resident hunting licenses, apprentice youth hunting licenses, and 26423
apprentice nonresident hunting licenses are subject to the 26424
requirements established under section 1533.102 of the Revised 26425
Code and rules adopted pursuant to it. 26426

The chief of the division of wildlife may issue a small game 26427
hunting license expiring three days from the effective date of the 26428
license to a nonresident of the state, the fee for which shall be 26429
thirty-nine dollars. No person shall take or possess deer, wild 26430
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 26431
animal while possessing only a small game hunting license. A small 26432
game hunting license or an apprentice nonresident hunting license 26433
does not authorize the taking or possessing of ducks, geese, or 26434
brant without having obtained, in addition to the small game 26435
hunting license or the apprentice nonresident hunting license, a 26436
wetlands habitat stamp as provided in section 1533.112 of the 26437
Revised Code. A small game hunting license or an apprentice 26438
nonresident hunting license does not authorize the taking or 26439
possessing of deer, wild turkeys, or fur-bearing animals. A 26440

nonresident of the state who wishes to take or possess deer, wild 26441
turkeys, or fur-bearing animals in this state shall procure, 26442
respectively, a deer or wild turkey permit as provided in section 26443
1533.11 of the Revised Code or a fur taker permit as provided in 26444
section 1533.111 of the Revised Code in addition to a nonresident 26445
hunting license, an apprentice nonresident hunting license, a 26446
special youth hunting license, or an apprentice youth hunting 26447
license, as applicable, as provided in this section. 26448

No person shall procure or attempt to procure a hunting 26449
license by fraud, deceit, misrepresentation, or any false 26450
statement. 26451

This section does not authorize the taking and possessing of 26452
deer or wild turkeys without first having obtained, in addition to 26453
the hunting license required by this section, a deer or wild 26454
turkey permit as provided in section 1533.11 of the Revised Code 26455
or the taking and possessing of ducks, geese, or brant without 26456
first having obtained, in addition to the hunting license required 26457
by this section, a wetlands habitat stamp as provided in section 26458
1533.112 of the Revised Code. 26459

This section does not authorize the hunting or trapping of 26460
fur-bearing animals without first having obtained, in addition to 26461
a hunting license required by this section, a fur taker permit as 26462
provided in section 1533.111 of the Revised Code. 26463

No hunting license shall be issued unless it is accompanied 26464
by a written explanation of the law in section 1533.17 of the 26465
Revised Code and the penalty for its violation, including a 26466
description of terms of imprisonment and fines that may be 26467
imposed. 26468

No hunting license, other than an apprentice hunting license, 26469
shall be issued unless the applicant presents to the agent 26470
authorized to issue the license a previously held hunting license 26471

or evidence of having held such a license in content and manner 26472
approved by the chief, a certificate of completion issued upon 26473
completion of a hunter education and conservation course approved 26474
by the chief, or evidence of equivalent training in content and 26475
manner approved by the chief. A previously held apprentice hunting 26476
license does not satisfy the requirement concerning the 26477
presentation of a previously held hunting license or evidence of 26478
it. 26479

No person shall issue a hunting license, except an apprentice 26480
hunting license, to any person who fails to present the evidence 26481
required by this section. No person shall purchase or obtain a 26482
hunting license, other than an apprentice hunting license, without 26483
presenting to the issuing agent the evidence required by this 26484
section. Issuance of a hunting license in violation of the 26485
requirements of this section is an offense by both the purchaser 26486
of the illegally obtained hunting license and the clerk or agent 26487
who issued the hunting license. Any hunting license issued in 26488
violation of this section is void. 26489

The chief, with approval of the wildlife council, shall adopt 26490
rules prescribing a hunter education and conservation course for 26491
first-time hunting license buyers, other than buyers of apprentice 26492
hunting licenses, and for volunteer instructors. The course shall 26493
consist of subjects including, but not limited to, hunter safety 26494
and health, use of hunting implements, hunting tradition and 26495
ethics, the hunter and conservation, the law in section 1533.17 of 26496
the Revised Code along with the penalty for its violation, 26497
including a description of terms of imprisonment and fines that 26498
may be imposed, and other law relating to hunting. Authorized 26499
personnel of the division or volunteer instructors approved by the 26500
chief shall conduct such courses with such frequency and at such 26501
locations throughout the state as to reasonably meet the needs of 26502
license applicants. The chief shall issue a certificate of 26503

completion to each person who successfully completes the course 26504
and passes an examination prescribed by the chief. 26505

Sec. 1533.11. (A) Except as provided in this section, no 26506
person shall hunt deer on lands of another without first obtaining 26507
an annual deer permit. Except as provided in this section, no 26508
person shall hunt wild turkeys on lands of another without first 26509
obtaining an annual wild turkey permit. Each applicant for a deer 26510
or wild turkey permit shall pay an annual fee of twenty-three 26511
dollars for each permit unless the rules adopted under division 26512
(B) of section 1533.12 of the Revised Code provide for issuance of 26513
a deer or wild turkey permit to the applicant free of charge. 26514
Except as provided in rules adopted under division (B)(2) of that 26515
section, each applicant who is a resident of this state and who at 26516
the time of application is sixty-six years of age or older shall 26517
procure a senior deer or wild turkey permit, the fee for which 26518
shall be one-half of the regular deer or wild turkey permit fee. 26519
Each applicant who is under the age of eighteen years shall 26520
procure a youth deer or wild turkey permit, the fee for which 26521
shall be one-half of the regular deer or wild turkey permit fee. 26522
Except as provided in division (A)(2) of section 1533.12 of the 26523
Revised Code, a deer or wild turkey permit shall run concurrently 26524
with the hunting license. The money received shall be paid into 26525
the state treasury to the credit of the wildlife fund, created in 26526
section 1531.17 of the Revised Code, exclusively for the use of 26527
the division of wildlife in the acquisition and development of 26528
land for deer or wild turkey management, for investigating deer or 26529
wild turkey problems, and for the stocking, management, and 26530
protection of deer or wild turkey. Every person, while hunting 26531
deer or wild turkey on lands of another, shall carry the person's 26532
deer or wild turkey permit and exhibit it to any enforcement 26533
officer so requesting. Failure to so carry and exhibit such a 26534
permit constitutes an offense under this section. The chief of the 26535

division of wildlife shall adopt any additional rules the chief 26536
considers necessary to carry out this section and section 1533.10 26537
of the Revised Code. 26538

The owner and the children of the owner of lands in this 26539
state may hunt deer or wild turkey thereon without a deer or wild 26540
turkey permit. The tenant and children of the tenant may hunt deer 26541
or wild turkey on lands where they reside without a deer or wild 26542
turkey permit. 26543

(B) A deer or wild turkey permit is not transferable. No 26544
person shall carry a deer or wild turkey permit issued in the name 26545
of another person. 26546

(C) The wildlife refunds fund is hereby created in the state 26547
treasury. The fund shall consist of money received from 26548
application fees for deer permits that are not issued. Money in 26549
the fund shall be used to make refunds of such application fees. 26550

(D) If the division establishes a system for the electronic 26551
submission of information regarding deer or wild turkey that are 26552
taken, the division shall allow the owner and the children of the 26553
owner of lands in this state to use the owner's name or address 26554
for purposes of submitting that information electronically via 26555
that system. 26556

Sec. 1533.12. (A)(1) Except as otherwise provided in division 26557
(A)(2) of this section, every person on active duty in the armed 26558
forces of the United States who is stationed in this state and who 26559
wishes to engage in an activity for which a license, permit, or 26560
stamp is required under this chapter first shall obtain the 26561
requisite license, permit, or stamp. Such a person is eligible to 26562
obtain a resident hunting or fishing license regardless of whether 26563
the person qualifies as a resident of this state. To obtain a 26564
resident hunting or fishing license, the person shall present a 26565
card or other evidence identifying the person as being on active 26566

duty in the armed forces of the United States and as being 26567
stationed in this state. 26568

(2) Every person on active duty in the armed forces of the 26569
United States, while on leave or furlough, may take or catch fish 26570
of the kind lawfully permitted to be taken or caught within the 26571
state, may hunt any wild bird or wild quadruped lawfully permitted 26572
to be hunted within the state, and may trap fur-bearing animals 26573
lawfully permitted to be trapped within the state, without 26574
procuring a fishing license, a hunting license, a fur taker 26575
permit, or a wetlands habitat stamp required by this chapter, 26576
provided that the person shall carry on the person when fishing, 26577
hunting, or trapping, a card or other evidence identifying the 26578
person as being on active duty in the armed forces of the United 26579
States, and provided that the person is not otherwise violating 26580
any of the hunting, fishing, and trapping laws of this state. 26581

In order to hunt deer or wild turkey, any such person shall 26582
obtain a deer or wild turkey permit, as applicable, under section 26583
1533.11 of the Revised Code. However, the person need not obtain a 26584
hunting license in order to obtain such a permit. 26585

(B) The chief of the division of wildlife shall provide by 26586
rule adopted under section 1531.10 of the Revised Code all of the 26587
following: 26588

(1) Every resident of this state with a disability that has 26589
been determined by the veterans administration to be permanently 26590
and totally disabling, who receives a pension or compensation from 26591
the veterans administration, and who received an honorable 26592
discharge from the armed forces of the United States, and every 26593
veteran to whom the registrar of motor vehicles has issued a set 26594
of license plates under section 4503.41 of the Revised Code, shall 26595
be issued a fishing license, hunting license, fur taker permit, 26596
deer or wild turkey permit, or wetlands habitat stamp, or any 26597
combination of those licenses, permits, and stamp, free of charge 26598

on an annual, multi-year, or lifetime basis as determined 26599
appropriate by the chief when application is made to the chief in 26600
the manner prescribed by and on forms provided by the chief. 26601

(2) Every resident of the state who was born on or before 26602
December 31, 1937, shall be issued an annual fishing license, 26603
hunting license, fur taker permit, deer or wild turkey permit, or 26604
wetlands habitat stamp, or any combination of those licenses, 26605
permits, and stamp, free of charge when application is made to the 26606
chief in the manner prescribed by and on forms provided by the 26607
chief. 26608

(3) Every resident of state or county institutions, 26609
charitable institutions, and military homes in this state shall be 26610
issued an annual fishing license free of charge when application 26611
is made to the chief in the manner prescribed by and on forms 26612
provided by the chief. 26613

(4) Any mobility impaired or blind person, as defined in 26614
section 955.011 of the Revised Code, who is a resident of this 26615
state and who is unable to engage in fishing without the 26616
assistance of another person shall be issued an annual fishing 26617
license free of charge when application is made to the chief in 26618
the manner prescribed by and on forms provided by the chief. The 26619
person who is assisting the mobility impaired or blind person may 26620
assist in taking or catching fish of the kind permitted to be 26621
taken or caught without procuring the license required under 26622
section 1533.32 of the Revised Code, provided that only one line 26623
is used by both persons. 26624

(5) As used in division (B)(5) of this section, "prisoner of 26625
war" means any regularly appointed, enrolled, enlisted, or 26626
inducted member of the military forces of the United States who 26627
was captured, separated, and incarcerated by an enemy of the 26628
United States. 26629

Any person who has been a prisoner of war, was honorably discharged from the military forces, and is a resident of this state shall be issued a fishing license, hunting license, fur taker permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge on an annual, multi-year, or lifetime basis as determined appropriate by the chief when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(6) Every member of the Ohio national guard shall be issued an annual fishing license, hunting license, or combination of those licenses free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(C) The chief shall adopt rules pursuant to section 1531.08 of the Revised Code designating not more than two days, which need not be consecutive, in each year as "free sport fishing days" on which any resident may exercise the privileges accorded the holder of a fishing license issued under section 1533.32 of the Revised Code without procuring such a license, provided that the person is not otherwise violating any of the fishing laws of this state.

Sec. 1541.03. All lands and waters dedicated and set apart for state park purposes shall be under the control and management of the division of parks and recreation, which shall protect, maintain, and keep them in repair. The division shall have the following powers over all such lands and waters:

(A) To make alterations and improvements;

(B) To construct and maintain dikes, wharves, landings, docks, dams, and other works;

(C) To construct and maintain roads and drives in, around, upon, and to the lands and waters to make them conveniently

accessible and useful to the public;	26660
(D) Except as otherwise provided in this section, to adopt,	26661
amend, and rescind, in accordance with Chapter 119. of the Revised	26662
Code, rules necessary for the proper management of state parks,	26663
bodies of water, and the lands adjacent to them under its	26664
jurisdiction and control, including the following:	26665
(1) Governing opening and closing times and dates of the	26666
parks;	26667
(2) Establishing fees and charges for use of facilities in	26668
state parks;	26669
(3) Governing camps, camping, and fees for camps and camping;	26670
(4) Governing the application for and rental of, rental fees	26671
for, and the use of cottages;	26672
(5) Relating to public use of state park lands, and governing	26673
the operation of motor vehicles, including speeds, and parking on	26674
those lands;	26675
(6) Governing all advertising within state parks and the	26676
requirements for the operation of places selling tangible personal	26677
property and control of food service sales on lands and waters	26678
under the control of the division, which rules shall establish	26679
uniform requirements;	26680
(7) Providing uniform standards relating to the size, type,	26681
location, construction, and maintenance of structures and devices	26682
used for fishing or moorage of watercraft, rowboats, sailboats,	26683
and powercraft, as those terms are defined in section 1547.01 of	26684
the Revised Code, over waters under the control of the division	26685
and establishing reasonable fees for the construction of and	26686
annual use permits for those structures and devices;	26687
(8) Governing state beaches, swimming, inflatable devices,	26688
and fees for them;	26689

(9) Governing the removal and disposition of any watercraft, rowboat, sailboat, or powercraft, as those terms are defined in section 1547.01 of the Revised Code, left unattended for more than seven days on any lands or waters under the control of the division;

(10) Governing the establishment and collection of check collection charges for checks that are returned to the division or dishonored for any reason.

(E) To coordinate and plan trails in accordance with section 1519.03 of the Revised Code;

(F) To cooperate with the United States and agencies of it and with political subdivisions in administering federal recreation moneys under the "Land and Water Conservation Fund Act of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, as amended; prepare and distribute the statewide comprehensive outdoor recreation plan; and administer the state recreational vehicle fund created in section 4519.11 of the Revised Code;

(G) To administer any state or federally funded grant program that is related to natural resources and recreation as considered necessary by the director of natural resources;

(H) To assist the department of natural resources and its divisions by providing department-wide planning, capital improvements planning, and special purpose planning.

With the approval of the director, the chief of the division of parks and recreation may enter into contracts or agreements with any agency of the United States government, any other public agency, or any private entity or organization for the performance of the duties of the division.

The division shall adopt rules under this section establishing a discount program for all persons who are issued a golden buckeye card under section 173.06 of the Revised Code. The

discount program shall provide a discount for all park services 26721
and rentals, but shall not provide a discount for the purchase of 26722
merchandise. 26723

The division shall not adopt rules establishing fees or 26724
charges for parking a motor vehicle in a state park or for 26725
admission to a state park. 26726

Every resident of this state with a disability that has been 26727
determined by the veterans administration to be permanently and 26728
totally disabling, who receives a pension or compensation from the 26729
veterans administration, and who received an honorable discharge 26730
from the armed forces of the United States, and every veteran to 26731
whom the registrar of motor vehicles has issued a set of license 26732
plates under section 4503.41 of the Revised Code, shall be exempt 26733
from the fees for camping, provided that the resident or veteran 26734
carries in the state park such evidence of the resident's or 26735
veteran's disability as the chief ~~of the division of parks and~~ 26736
~~recreation~~ prescribes by rule. 26737

Unless otherwise provided by division rule, every resident of 26738
this state who is sixty-five years of age or older or who is 26739
permanently and totally disabled and who furnishes evidence of 26740
that age or disability in a manner prescribed by division rule 26741
shall be charged one-half of the regular fee for camping, except 26742
on the weekends and holidays designated by the division, and shall 26743
not be charged more than ninety per cent of the regular charges 26744
for state recreational facilities, equipment, services, and food 26745
service operations utilized by the person at any time of year, 26746
whether maintained or operated by the state or leased for 26747
operation by another entity. 26748

As used in this section, "food service operations" means 26749
restaurants that are owned by the department of natural resources 26750
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state 26751
parks or are part of a state park lodge. "Food service operations" 26752

does not include automatic vending machines, concession stands, or snack bars.

As used in this section, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States. Any person who has been a prisoner of war, was honorably discharged from the military forces, and is a resident of this state is exempt from the fees for camping. To claim this exemption, the person shall present written evidence in the form of a record of separation, a letter from one of the military forces of the United States, or such other evidence as the chief prescribes by rule that satisfies the eligibility criteria established by this section.

Sec. 1545.073. (A) A board of park commissioners of a park district may create a building department and employ the personnel it determines necessary to administer and enforce this section. The building department may enforce the state nonresidential building code adopted pursuant to Chapter 3781. of the Revised Code regarding any building existing or constructed on the park district's property if the building department is certified pursuant to section 3781.10 of the Revised Code to enforce that code.

(B) The board may direct the building department, upon certification, to exercise enforcement authority and to accept and approve plans regarding any building existing or constructed on the park district's property pursuant to sections 3781.10 and 3791.04 of the Revised Code for the class of building for which the department and personnel are certified.

(C) Where a municipal, township, or county building department is located within the same jurisdiction of a park district building department certified to exercise enforcement

authority pursuant to sections 3781.10 and 3791.04 of the Revised Code, the municipal, township, or county building department shall not exercise its enforcement authority regarding any buildings existing or constructed on the park district's property.

Sec. 1548.10. (A) The clerk of the court of common pleas shall charge and retain fees as follows:

(1) Fifteen dollars for each duplicate copy of a certificate of title. The clerk shall retain that entire fee.

(2) Fifteen dollars for each certificate of title, which shall include any notation or indication of any lien or security interest on a certificate of title and any memorandum certificate of title or non-negotiable evidence of ownership requested at the time the certificate of title is issued. The clerk shall retain ten dollars and fifty cents of that fee when there is a notation of a lien or security interest on the certificate of title and twelve dollars when there is no lien or security interest noted on the certificate of title.

(3) Five dollars for each certificate of title with no security interest noted that is issued to a licensed watercraft dealer for resale purposes. The clerk shall retain two dollars of that fee.

(4) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee.

(B) The fees charged for a certificate of title and the notation or indication of any lien or security interest on a certificate of title that are not retained by the clerk shall be paid to the chief of the division of watercraft by monthly returns, which shall be forwarded to the chief not later than the fifth day of the month next succeeding that in which the

certificate is forwarded, or that in which the chief is notified 26814
of a lien or security interest or cancellation of a lien or 26815
security interest. 26816

The chief shall deposit one dollar of the amount the chief 26817
receives for each certificate of title in the automated title 26818
processing fund created in section 4505.09 of the Revised Code. 26819
Moneys deposited in that fund under this section shall be used for 26820
the purpose specified in division (B)(3)(b) of that section. 26821

Sec. 1707.17. (A)(1) The license of every dealer in and 26822
salesperson of securities shall expire on the thirty-first day of 26823
December of each year, and may be renewed upon the filing with the 26824
division of securities of an application for renewal, and the 26825
payment of the fee prescribed in this section. The division shall 26826
give notice, without unreasonable delay, of its action on any 26827
application for renewal of a dealer's or salesperson's license. 26828

(2) The license of every investment adviser and investment 26829
adviser representative licensed under section 1707.141 or 1707.161 26830
of the Revised Code shall expire on the thirty-first day of 26831
December of each year. The licenses may be renewed upon the filing 26832
with the division of an application for renewal, and the payment 26833
of the fee prescribed in division (B) of this section. The 26834
division shall give notice, without unreasonable delay, of its 26835
action on any application for renewal. 26836

(3) An investment adviser required to make a notice filing 26837
under division (B) of section 1707.141 of the Revised Code 26838
annually shall file with the division the notice filing and the 26839
fee prescribed in division (B) of this section, no later than the 26840
thirty-first day of December of each year. 26841

(4) The license of every state retirement system investment 26842
officer licensed under section 1707.163 of the Revised Code and 26843
the license of a bureau of workers' compensation chief investment 26844

officer issued under section 1707.165 of the Revised Code shall 26845
expire on the thirtieth day of June of each year. The licenses may 26846
be renewed on the filing with the division of an application for 26847
renewal, and the payment of the fee prescribed in division (B) of 26848
this section. The division shall give notice, without unreasonable 26849
delay, of its action on any application for renewal. 26850

(B)(1) The fee for each dealer's license, and for each annual 26851
renewal thereof, shall be ~~one~~ two hundred dollars. 26852

(2) The fee for each salesperson's license, and for each 26853
annual renewal thereof, shall be ~~fifty~~ sixty dollars. 26854

(3) The fee for each investment adviser's license, and for 26855
each annual renewal thereof, shall be ~~fifty~~ one hundred dollars. 26856

(4) The fee for each investment adviser notice filing 26857
required by division (B) of section 1707.141 of the Revised Code 26858
shall be ~~fifty~~ one hundred dollars. 26859

(5) The fee for each investment adviser representative's 26860
license, and for each annual renewal thereof, shall be thirty-five 26861
dollars. 26862

(6) The fee for each state retirement system investment 26863
officer's license, and for each annual renewal thereof, shall be 26864
fifty dollars. 26865

(7) The fee for a bureau of workers' compensation chief 26866
investment officer's license, and for each annual renewal thereof, 26867
shall be fifty dollars. 26868

(C) A dealer's, salesperson's, investment adviser's, 26869
investment adviser representative's, bureau of workers' 26870
compensation chief investment officer's, or state retirement 26871
system investment officer's license may be issued at any time for 26872
the remainder of the calendar year. In that event, the annual fee 26873
shall not be reduced. 26874

Sec. 1710.02. (A) A special improvement district may be 26875
created within the boundaries of any one municipal corporation, 26876
any one township, or any combination of contiguous municipal 26877
corporations and townships by a petition of the property owners 26878
within the proposed district, for the purpose of developing and 26879
implementing plans for public improvements and public services 26880
that benefit the district. All territory in a district shall be 26881
contiguous. 26882

The district shall be governed by the board of trustees of a 26883
nonprofit corporation. This board shall be known as the board of 26884
directors of the special improvement district. No special 26885
improvement district shall include any church property, or 26886
property of the federal or state government or a county, township, 26887
or municipal corporation, unless the church or the county, 26888
township, or municipal corporation specifically requests in 26889
writing that the property be included within the district. More 26890
than one district may be created within a participating political 26891
subdivision, but no real property may be included within more than 26892
one district unless the owner of the property files a written 26893
consent with the clerk of the legislative authority, the township 26894
fiscal officer, or the village clerk, as appropriate. The area of 26895
each district shall be contiguous. 26896

(B) Except as provided in division (C) of this section, a 26897
district created under this chapter is not a political 26898
subdivision. A district created under this chapter shall be 26899
considered a public agency under section 102.01 and a public 26900
authority under section 4115.03 of the Revised Code. Each member 26901
of the board of directors of a district, each member's designee or 26902
proxy, and each officer and employee of a district shall be 26903
considered a public official or employee under section 102.01 of 26904
the Revised Code and a public official and public servant under 26905
section 2921.42 of the Revised Code. Districts created under this 26906

chapter are not subject to section ~~121.24~~ 121.251 of the Revised Code. Districts created under this chapter are subject to sections 121.22 and 121.23 of the Revised Code.

(C) Each district created under this chapter shall be considered a political subdivision for purposes of section 4905.34 of the Revised Code.

Membership on the board of directors of the district shall not be considered as holding a public office. Directors and their designees shall be entitled to the immunities provided by Chapter 1702. and to the same immunity as an employee under division (A)(6) of section 2744.03 of the Revised Code, except that directors and their designees shall not be entitled to the indemnification provided in section 2744.07 of the Revised Code unless the director or designee is an employee or official of a participating political subdivision of the district and is acting within the scope of the director's or designee's employment or official responsibilities.

District officers and district members and directors and their designees or proxies shall not be required to file a statement with the Ohio ethics commission under section 102.02 of the Revised Code. All records of the district shall be treated as public records under section 149.43 of the Revised Code, except that records of organizations contracting with a district shall not be considered to be public records under section 149.43 or section 149.431 of the Revised Code solely by reason of any contract with a district.

(D) Except as otherwise provided in this section, the nonprofit corporation that governs a district shall be organized in the manner described in Chapter 1702. of the Revised Code. The corporation's articles of incorporation are required to be approved, as provided in division (E) of this section, by resolution of the legislative authority of each participating

political subdivision of the district. A copy of that resolution 26939
shall be filed along with the articles of incorporation in the 26940
secretary of state's office. 26941

In addition to meeting the requirements for articles of 26942
incorporation set forth in Chapter 1702. of the Revised Code, the 26943
articles of incorporation for the nonprofit corporation governing 26944
a district formed under this chapter shall provide all the 26945
following: 26946

(1) The name for the district, which shall include the name 26947
of each participating political subdivision of the district; 26948

(2) A description of the territory within the district, which 26949
may be all or part of each participating political subdivision. 26950
The description shall be specific enough to enable real property 26951
owners to determine if their property is located within the 26952
district. 26953

(3) A description of the procedure by which the articles of 26954
incorporation may be amended. The procedure shall include 26955
receiving approval of the amendment, by resolution, from the 26956
legislative authority of each participating political subdivision 26957
and filing the approved amendment and resolution with the 26958
secretary of state. 26959

(4) The reasons for creating the district, plus an 26960
explanation of how the district will be conducive to the public 26961
health, safety, peace, convenience, and welfare of the district. 26962

(E) The articles of incorporation for a nonprofit corporation 26963
governing a district created under this chapter and amendments to 26964
them shall be submitted to the municipal executive, if any, and 26965
the legislative authority of each municipal corporation or 26966
township in which the proposed district is to be located, 26967
accompanied by a petition signed either by the owners of at least 26968
sixty per cent of the front footage of all real property located 26969

in the proposed district that abuts upon any street, alley, public 26970
road, place, boulevard, parkway, park entrance, easement, or other 26971
existing public improvement within the proposed district, 26972
excluding church property or property owned by the state, county, 26973
township, municipal, or federal government, unless a church, 26974
county, township, or municipal corporation has specifically 26975
requested in writing that the property be included in the 26976
district, or by the owners of at least seventy-five per cent of 26977
the area of all real property located within the proposed 26978
district, excluding church property or property owned by the 26979
state, county, township, municipal, or federal government, unless 26980
a church, county, township, or municipal corporation has 26981
specifically requested in writing that the property be included in 26982
the district. For purposes of determining compliance with these 26983
requirements, the area of the district, or the front footage and 26984
ownership of property, shall be as shown in the most current 26985
records available at the county recorder's office and the county 26986
engineer's office sixty days prior to the date on which the 26987
petition is filed. 26988

Each municipal corporation or township with which the 26989
petition is filed has sixty days to approve or disapprove, by 26990
resolution, the petition, including the articles of incorporation. 26991
This chapter does not prohibit or restrict the rights of municipal 26992
corporations under Article XVIII of the Ohio Constitution or the 26993
right of the municipal legislative authority to impose reasonable 26994
conditions in a resolution of approval. 26995

(F) Persons proposing creation and operation of the district 26996
may propose an initial plan for public services or public 26997
improvements that benefit all or any part of the district. Any 26998
initial plan shall be submitted as part of the petition proposing 26999
creation of the district. 27000

An initial plan may include provisions for the following: 27001

(1) Creation and operation of the district and of the nonprofit corporation to govern the district under this chapter;	27002 27003
(2) Hiring employees and professional services;	27004
(3) Contracting for insurance;	27005
(4) Purchasing or leasing office space and office equipment;	27006
(5) Other actions necessary initially to form, operate, or organize the district and the nonprofit corporation to govern the district;	27007 27008 27009
(6) A plan for public improvements or public services that benefit all or part of the district, which plan shall comply with the requirements of division (A) of section 1710.06 of the Revised Code and may include, but is not limited to, any of the permissive provisions described in the fourth sentence of that division or listed in divisions (A)(1) to (5) of that section.	27010 27011 27012 27013 27014 27015
After the initial plan is approved by all municipal corporations and townships to which it is submitted for approval and the district is created, each participating subdivision shall levy a special assessment within its boundaries to pay for the costs of the initial plan. The levy shall be for no more than ten years from the date of the approval of the initial plan. For purposes of levying an assessment for this initial plan, the services or improvements included in the initial plan shall be deemed a special benefit to property owners within the district.	27016 27017 27018 27019 27020 27021 27022 27023 27024
(G) Each nonprofit corporation governing a district under this chapter may do the following:	27025 27026
(1) Exercise all powers of nonprofit corporations granted under Chapter 1702. of the Revised Code that do not conflict with this chapter;	27027 27028 27029
(2) Develop, adopt, revise, implement, and repeal plans for public improvements and public services for all or any part of the	27030 27031

district; 27032

(3) Contract with any person, political subdivision as 27033
defined in section 2744.01 of the Revised Code, or state agency as 27034
defined in section 1.60 of the Revised Code to develop and 27035
implement plans for public improvements or public services within 27036
the district; 27037

(4) Contract and pay for insurance for the district and for 27038
directors, officers, agents, contractors, employees, or members of 27039
the district for any consequences of the implementation of any 27040
plan adopted by the district or any actions of the district. 27041

Sec. 1721.211. (A) As used in this section, "preneed cemetery 27042
merchandise and services contract" means a written agreement, 27043
contract, or series of contracts to sell or otherwise provide an 27044
outer burial container, monument, marker, urn, other type of 27045
merchandise customarily sold by cemeteries, or opening and closing 27046
services to be used or provided in connection with the final 27047
disposition of a dead human body, where payment for the container, 27048
monument, marker, urn, other type of merchandise customarily sold 27049
by cemeteries, or opening and closing services is made either 27050
outright or on an installment basis, prior to the death of the 27051
person so purchasing or for whom so purchased. "Preneed cemetery 27052
merchandise and services contract" does not include any preneed 27053
funeral contract or any agreement, contract, or series of 27054
contracts pertaining to the sale of any burial lot, burial or 27055
interment right, entombment right, or columbarium right with 27056
respect to which an endowment care trust is established or is 27057
exempt from establishment pursuant to section 1721.21 of the 27058
Revised Code. 27059

(B) Subject to the limitations and restrictions contained in 27060
Chapters 1101. to 1127. of the Revised Code, a trust company 27061
licensed under Chapter 1111. of the Revised Code or a national 27062

bank or federal savings association that pledges securities in 27063
accordance with section 1111.04 of the Revised Code or the 27064
individuals described in division (C)(2) of this section have the 27065
power as trustee to receive and to hold and invest in accordance 27066
with sections 2109.37 and 2109.371 of the Revised Code moneys 27067
under a preneed cemetery merchandise and services contract. 27068

(C)(1) The greater of one hundred ten per cent of the 27069
seller's actual cost or thirty per cent of the seller's retail 27070
price of the merchandise and seventy per cent of the seller's 27071
retail price of the services to be provided under a preneed 27072
cemetery merchandise and services contract shall remain intact as 27073
a fund until the death of the person for whose benefit the 27074
contract is made or the merchandise is delivered as set forth in 27075
division (K) of this section. However, any moneys held pursuant to 27076
this section shall be released upon demand of the person for whose 27077
benefit the contract was made or upon the demand of the seller for 27078
its share of the moneys held and earned interest if the contract 27079
has been canceled as set forth in division (G) of this section. 27080

(2) The trustee of the fund described in division (C)(1) of 27081
this section shall be a trust company licensed under Chapter 1111. 27082
of the Revised Code or a national bank or federal savings 27083
association that pledges securities in accordance with section 27084
1111.04 of the Revised Code or at least three individuals who have 27085
been residents of the county in which the seller is located for at 27086
least one year, each of whom shall be bonded by a corporate surety 27087
in an amount that is at least equal to the amount deposited in the 27088
fund of which those persons serve as trustee. Amounts in the fund 27089
shall be held and invested in the manner in which trust funds are 27090
permitted to be held and invested pursuant to sections 2109.37 and 27091
2109.371 of the Revised Code. 27092

(3) Every preneed cemetery and merchandise contract entered 27093
into on or after the effective date of this amendment shall 27094

include a provision in substantially the following form: 27095

NOTICE: Under Ohio law, the person holding the right of 27096
disposition of the remains of the beneficiary of this contract 27097
pursuant to section 2108.70 or 2108.81 of the Revised Code will 27098
have the right to purchase cemetery merchandise and services 27099
inconsistent with the merchandise and services set forth in this 27100
contract. However, the beneficiary is encouraged to state his or 27101
her preferences as to the manner of final disposition in a 27102
declaration of the right of disposition pursuant to section 27103
2108.72 of the Revised Code, including that the arrangements set 27104
forth in this contract shall be followed. 27105

(D) Within thirty days after the last business day of the 27106
month in which the seller of cemetery merchandise or services 27107
receives final contractual payment under a preneed cemetery 27108
merchandise and services contract, the seller shall deliver the 27109
greater of one hundred ten per cent of the seller's actual cost or 27110
thirty per cent of the seller's retail price of the merchandise 27111
and seventy per cent of the seller's current retail price of the 27112
services as of the date of the contract to a trustee or to 27113
trustees as described in division (C)(2) of this section, and the 27114
moneys and accruals or income on the moneys shall be held in a 27115
fund and designated for the person for whose benefit the fund was 27116
established as a preneed cemetery merchandise and services 27117
contract fund. 27118

(E) The moneys received from more than one preneed cemetery 27119
merchandise and services contract may, at the option of the 27120
persons for whose benefit the contracts are made, be placed in a 27121
common or pooled trust fund in this state under a single trust 27122
instrument. If three individuals are designated as the trustees as 27123
provided in division (C)(2) of this section, they shall be bonded 27124
by a corporate surety or fidelity bond in an aggregate amount of 27125
not less than one hundred per cent of the funds held by them as 27126

trustees. The trustees or their agent shall, on a continuous 27127
basis, keep exact records as to the amount of funds under a single 27128
trust instrument being held for the individual beneficiaries 27129
showing the amount paid, the amount deposited and invested, and 27130
accruals and income. 27131

(F) The (1) Except as provided in division (F)(2) of this 27132
section, the seller of merchandise or services under a preneed 27133
cemetery merchandise and services contract shall annually submit 27134
to the division of real estate of the department of commerce an 27135
affidavit in a form prescribed by the division, sworn under oath, 27136
specifying each of the following: 27137

~~(1)~~(a) That, within the time specified in division (D) of 27138
this section, the amounts required by that division were deposited 27139
in an appropriate fund; 27140

~~(2)~~(b) That the fund has not been used to collateralize or 27141
guarantee loans and has not otherwise been subjected to any 27142
consensual lien; 27143

~~(3)~~(c) That the fund is invested in compliance with the 27144
investing standards set forth in sections 2109.37 and 2109.371 of 27145
the Revised Code; 27146

~~(4)~~(d) That no moneys have been removed from the fund, except 27147
as provided for in this section. 27148

(2) A licensed funeral director who sells preneed funeral 27149
contracts and who also sells merchandise or services under a 27150
preneed cemetery merchandise and services contract shall be deemed 27151
to have met the requirement in division (F)(1) of this section by 27152
submitting the annual preneed cemetery merchandise and services 27153
contract affidavit to the board of embalmers and funeral directors 27154
along with or as part of the annual preneed funeral contract 27155
report required under divisions (I) and (J) of section 4717.31 of 27156
the Revised Code. 27157

(G) This division is subject to division (I) of this section. 27158

Any person upon initially entering into a preneed cemetery 27159
merchandise and services contract may, within seven days, cancel 27160
the contract and request and receive from the seller one hundred 27161
per cent of all payments made under the contract. After the 27162
expiration of the above period, any person who has entered into a 27163
preneed cemetery merchandise and services contract may, on not 27164
less than fifteen days' notice, cancel the contract and request 27165
and receive from the seller sixty per cent of the payments made 27166
under the contract which have been paid up to the time of 27167
cancellation; except that, if a preneed cemetery merchandise and 27168
services contract stipulates a firm or fixed or guaranteed price 27169
for the merchandise or services for future use at a time 27170
determined by the death of the person on behalf of whom payments 27171
are made, the person who has entered into the contract may, if the 27172
merchandise has not been delivered or the services have not been 27173
performed as set forth in division (K) or (L) of this section, on 27174
not less than fifteen days' notice, cancel the contract and 27175
receive from the seller sixty per cent of the principal paid 27176
pursuant to the contract and not less than eighty per cent of any 27177
interest paid, up to the time of cancellation, and not less than 27178
eighty per cent of any accrual or income earned while the moneys 27179
have been held pursuant to divisions (C) and (D) of this section, 27180
up to the time of cancellation. Upon cancellation, after the 27181
moneys have been distributed to the beneficiary pursuant to this 27182
division, all remaining moneys being held pursuant to divisions 27183
(C) and (D) of this section shall be paid to the seller. If more 27184
than one person enters into the contract, all of those persons 27185
must request cancellation for it to be effective under this 27186
division. In such a case, the seller shall refund to each person 27187
only those moneys that each person has paid under the contract. 27188

(H) Upon receipt of a certified copy of the certificate of 27189

death or evidence of delivery of the merchandise or performance of 27190
the services pursuant to division (K) or (L) of this section, the 27191
trustee described in division (C)(2) of this section or its agent, 27192
shall forthwith pay the fund and accumulated interest, if any, to 27193
the person entitled to them under the preneed cemetery merchandise 27194
and services contract. The payment of the fund and accumulated 27195
interest pursuant to this section, either to a seller or person 27196
making the payments, shall relieve the trustee of any further 27197
liability on the fund or accumulated interest. 27198

(I) Notwithstanding any other provision of this section, any 27199
preneed cemetery merchandise and services contract may specify 27200
that it is irrevocable. All irrevocable preneed cemetery 27201
merchandise and services contracts shall include a clear and 27202
conspicuous disclosure of irrevocability in the contract and any 27203
person entering into an irrevocable preneed cemetery merchandise 27204
and services contract shall sign a separate acknowledgment of the 27205
person's waiver of the right to revoke. If a contract satisfies 27206
the requirements of this division, division (G) of this section 27207
does not apply to that contract. 27208

(J) Any preneed cemetery merchandise and services contract 27209
that involves the payment of money shall be in writing and in 27210
compliance with the laws and rules of this state. 27211

(K) For purposes of this section, the seller is considered to 27212
have delivered merchandise pursuant to a preneed cemetery 27213
merchandise and services contract when either of the following 27214
occur: 27215

(1) The seller makes actual delivery of the merchandise to 27216
the beneficiary, or the seller pays for the merchandise and 27217
identifies it as being stored for the benefit of the beneficiary 27218
at a manufacturer's warehouse. 27219

(2) The seller receives delivery of the merchandise on behalf 27220

of the beneficiary, and all of the following occur: 27221

(a) The merchandise is permanently affixed to or stored upon 27222
the real property of a cemetery located in this state. 27223

(b) The seller notifies the beneficiary of receipt of the 27224
merchandise and identifies the specific location of the 27225
merchandise. 27226

(c) The seller at the time of the beneficiary's final payment 27227
provides the beneficiary with evidence of ownership in the 27228
beneficiary's name showing the merchandise to be free and clear of 27229
any liens or other encumbrances. 27230

(L) For purposes of this section, a seller is considered to 27231
have performed services pursuant to a preneed cemetery merchandise 27232
and services contract when the beneficiary's next of kin signs a 27233
written statement that the services have been performed or, if no 27234
next of kin of the beneficiary can be located through reasonable 27235
diligence, when the owner or other person responsible for the 27236
operation of the cemetery signs a statement of that nature. 27237

(M) Notwithstanding any other provision of this chapter, any 27238
trust may be charged a trustee's fee, which is to be deducted from 27239
the earned income or accruals on that trust. The fee shall not 27240
exceed the amount that is regularly or usually charged for similar 27241
services rendered by the trustee described in division (C)(2) of 27242
this section when serving as a trustee. 27243

(N) The general assembly intends that this section be 27244
construed as a limitation upon the manner in which a person is 27245
permitted to accept moneys in prepayment for merchandise and 27246
services to be delivered or provided in the future, or merchandise 27247
and services to be used or provided in connection with the final 27248
disposition of human remains, to the end that at all times members 27249
of the public may have an opportunity to arrange and pay for 27250
merchandise and services for themselves and their families in 27251

advance of need while at the same time providing all possible 27252
safeguards whereunder the prepaid moneys cannot be dissipated, 27253
whether intentionally or not, so as to be available for the 27254
payment for merchandise and services and the providing of 27255
merchandise and services used or provided in connection with the 27256
final disposition of dead human bodies. 27257

(O) This section does not apply to the seller or provider of 27258
merchandise or services under a preneed cemetery merchandise and 27259
services contract if the contract pertains to a cemetery that is 27260
owned and operated entirely and exclusively by an established and 27261
legally cognizable church or denomination that is exempt from 27262
federal income taxation under section 501(c)(3) of the "Internal 27263
Revenue Code of 1954," 26 U.S.C.A. 501, an established fraternal 27264
organization, or a municipal corporation or other political 27265
subdivision of the state, to a cemetery that is a national 27266
cemetery, or to a cemetery that is a family cemetery as defined in 27267
section 4767.02 of the Revised Code; provided that, on a voluntary 27268
basis, rules and other measures are adopted to safeguard and 27269
secure all moneys received under a preneed cemetery merchandise 27270
and services contract. 27271

(P) This section does not prohibit persons other than 27272
cemetery corporations or associations from selling outer burial 27273
containers, monuments, markers, urns, or other types of 27274
merchandise customarily sold by cemeteries pursuant to a preneed 27275
cemetery merchandise and services contract; however all sellers of 27276
merchandise pursuant to a preneed cemetery merchandise and 27277
services contract shall comply with this section unless the seller 27278
is specifically exempt from this section. 27279

(Q) Any contract for preneed services or merchandise entered 27280
into with a cemetery not registered under section 4767.03 of the 27281
Revised Code is voidable. 27282

Sec. 1739.05. (A) A multiple employer welfare arrangement 27283
that is created pursuant to sections 1739.01 to 1739.22 of the 27284
Revised Code and that operates a group self-insurance program may 27285
be established only if any of the following applies: 27286

(1) The arrangement has and maintains a minimum enrollment of 27287
three hundred employees of two or more employers. 27288

(2) The arrangement has and maintains a minimum enrollment of 27289
three hundred self-employed individuals. 27290

(3) The arrangement has and maintains a minimum enrollment of 27291
three hundred employees or self-employed individuals in any 27292
combination of divisions (A)(1) and (2) of this section. 27293

(B) A multiple employer welfare arrangement that is created 27294
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 27295
that operates a group self-insurance program shall comply with all 27296
laws applicable to self-funded programs in this state, including 27297
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 27298
to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 27299
3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.80, 27300
3924.031, 3924.032, and 3924.27 of the Revised Code. 27301

(C) A multiple employer welfare arrangement created pursuant 27302
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 27303
enrollments only through agents or solicitors licensed pursuant to 27304
Chapter 3905. of the Revised Code to sell or solicit sickness and 27305
accident insurance. 27306

(D) A multiple employer welfare arrangement created pursuant 27307
to sections 1739.01 to 1739.22 of the Revised Code shall provide 27308
benefits only to individuals who are members, employees of 27309
members, or the dependents of members or employees, or are 27310
eligible for continuation of coverage under section 1751.53 or 27311
3923.38 of the Revised Code or under Title X of the "Consolidated 27312

Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 27313
U.S.C.A. 1161, as amended. 27314

Sec. 1751.03. (A) Each application for a certificate of 27315
authority under this chapter shall be verified by an officer or 27316
authorized representative of the applicant, shall be in a format 27317
prescribed by the superintendent of insurance, and shall set forth 27318
or be accompanied by the following: 27319

(1) A certified copy of the applicant's articles of 27320
incorporation and all amendments to the articles of incorporation; 27321

(2) A copy of any regulations adopted for the government of 27322
the corporation, any bylaws, and any similar documents, and a copy 27323
of all amendments to these regulations, bylaws, and documents. The 27324
corporate secretary shall certify that these regulations, bylaws, 27325
documents, and amendments have been properly adopted or approved. 27326

(3) A list of the names, addresses, and official positions of 27327
the persons responsible for the conduct of the applicant, 27328
including all members of the board, the principal officers, and 27329
the person responsible for completing or filing financial 27330
statements with the department of insurance, accompanied by a 27331
completed original biographical affidavit and release of 27332
information for each of these persons on forms acceptable to the 27333
department; 27334

(4) A full and complete disclosure of the extent and nature 27335
of any contractual or other financial arrangement between the 27336
applicant and any provider or a person listed in division (A)(3) 27337
of this section, including, but not limited to, a full and 27338
complete disclosure of the financial interest held by any such 27339
provider or person in any health care facility, provider, or 27340
insurer that has entered into a financial relationship with the 27341
health insuring corporation; 27342

- (5) A description of the applicant, its facilities, and its personnel, including, but not limited to, the location, hours of operation, and telephone numbers of all contracted facilities; 27343
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- (6) The applicant's projected annual enrollee population over a three-year period; 27346
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- (7) A clear and specific description of the health care plan or plans to be used by the applicant, including a description of the proposed providers, procedures for accessing care, and the form of all proposed and existing contracts relating to the administration, delivery, or financing of health care services; 27348
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- (8) A copy of each type of evidence of coverage and identification card or similar document to be issued to subscribers; 27353
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- (9) A copy of each type of individual or group policy, contract, or agreement to be used; 27356
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- (10) The schedule of the proposed contractual periodic prepayments or premium rates, or both, accompanied by appropriate supporting data; 27358
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27360
- (11) A financial plan which provides a three-year projection of operating results, including the projected expenses, income, and sources of working capital; 27361
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27363
- (12) The enrollee complaint procedure to be utilized as required under section 1751.19 of the Revised Code; 27364
27365
- (13) A description of the procedures and programs to be implemented on an ongoing basis to assure the quality of health care services delivered to enrollees, including, if applicable, a description of a quality assurance program complying with the requirements of sections 1751.73 to 1751.75 of the Revised Code; 27366
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- (14) A statement describing the geographic area or areas to be served, by county; 27371
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(15) A copy of all solicitation documents;	27373
(16) A balance sheet and other financial statements showing the applicant's assets, liabilities, income, and other sources of financial support;	27374 27375 27376
(17) A description of the nature and extent of any reinsurance program to be implemented, and a demonstration that errors and omission insurance and, if appropriate, fidelity insurance, will be in place upon the applicant's receipt of a certificate of authority;	27377 27378 27379 27380 27381
(18) Copies of all proposed or in force related-party or intercompany agreements with an explanation of the financial impact of these agreements on the applicant. If the applicant intends to enter into a contract for managerial or administrative services, with either an affiliated or an unaffiliated person, the applicant shall provide a copy of the contract and a detailed description of the person to provide these services. The description shall include that person's experience in managing or administering health care plans, a copy of that person's most recent audited financial statement, and a completed biographical affidavit on a form acceptable to the superintendent for each of that person's principal officers and board members and for any additional employee to be directly involved in providing managerial or administrative services to the health insuring corporation. If the person to provide managerial or administrative services is affiliated with the health insuring corporation, the contract must provide for payment for services based on actual costs.	27382 27383 27384 27385 27386 27387 27388 27389 27390 27391 27392 27393 27394 27395 27396 27397 27398 27399
(19) A statement from the applicant's board that the admitted assets of the applicant have not been and will not be pledged or hypothecated;	27400 27401 27402
(20) A statement from the applicant's board that the	27403

applicant will submit monthly financial statements during the	27404
first year of operations;	27405
(21) The name and address of the applicant's Ohio statutory	27406
agent for service of process, notice, or demand;	27407
(22) Copies of all documents the applicant filed with the	27408
secretary of state;	27409
(23) The location of those books and records of the applicant	27410
that must be maintained, which books and records shall be	27411
maintained in Ohio if the applicant is a domestic corporation, and	27412
which may be maintained either in the applicant's state of	27413
domicile or in Ohio if the applicant is a foreign corporation;	27414
(24) The applicant's federal identification number, corporate	27415
address, and mailing address;	27416
(25) An internal and external organizational chart;	27417
(26) A list of the assets representing the initial net worth	27418
of the applicant;	27419
(27) If the applicant has a parent company, the parent	27420
company's guaranty, on a form acceptable to the superintendent,	27421
that the applicant will maintain Ohio's minimum net worth. If no	27422
parent company exists, a statement regarding the availability of	27423
future funds if needed.	27424
(28) The names and addresses of the applicant's actuary and	27425
external auditors;	27426
(29) If the applicant is a foreign corporation, a copy of the	27427
most recent financial statements filed with the insurance	27428
regulatory agency in the applicant's state of domicile;	27429
(30) If the applicant is a foreign corporation, a statement	27430
from the insurance regulatory agency of the applicant's state of	27431
domicile stating that the regulatory agency has no objection to	27432
the applicant applying for an Ohio license and that the applicant	27433

is in good standing in the applicant's state of domicile; 27434

(31) Any other information that the superintendent may 27435
require; 27436

(32) Documentation acceptable to the superintendent of the 27437
bond or securities required by section 1751.271 of the Revised 27438
Code. 27439

(B)(1) A health insuring corporation, unless otherwise 27440
provided for in this chapter or in section 3901.321 of the Revised 27441
Code, shall file a timely notice with the superintendent 27442
describing any change to the corporation's articles of 27443
incorporation or regulations, or any major modification to its 27444
operations as set out in the information required by division (A) 27445
of this section that affects any of the following: 27446

(a) The solvency of the health insuring corporation; 27447

(b) The health insuring corporation's continued provision of 27448
services that it has contracted to provide; 27449

(c) The manner in which the health insuring corporation 27450
conducts its business. 27451

(2) If the change or modification is to be the result of an 27452
action to be taken by the health insuring corporation, the notice 27453
shall be filed with the superintendent prior to the health 27454
insuring corporation taking the action. The action shall be deemed 27455
approved if the superintendent does not disapprove it within sixty 27456
days of filing. 27457

(3) The filing of a notice pursuant to division (B)(1) or (2) 27458
of this section shall also serve as the submission of a notice 27459
when required for the superintendent's review for purposes of 27460
section 3901.341 of the Revised Code, if the notice contains all 27461
of the information that section 3901.341 of the Revised Code 27462
requires for such submissions and a copy of any written agreement. 27463

The filing of such a notice, for the purpose of satisfying this 27464
division and section 3901.341 of the Revised Code, shall be 27465
subject to the sixty-day review period of division (B)(2) of this 27466
section. 27467

(C)(1) No health insuring corporation shall expand its 27468
approved service area until a copy of the request for expansion, 27469
accompanied by documentation of the network of providers, forms of 27470
all proposed or existing provider contracts relating to the 27471
delivery of health care services, a schedule of proposed 27472
contractual periodic prepayments and premium rates for group 27473
contracts accompanied by appropriate supporting data, enrollment 27474
projections, plan of operation, and any other changes have been 27475
filed with the superintendent. 27476

~~(2) Within ten calendar days after receipt of a complete 27477
filing under division (C)(1) of this section, the superintendent 27478
shall refer the appropriate jurisdictional issues to the director 27479
of health if required pursuant to section 1751.04 of the Revised 27480
Code. 27481~~

~~(3) Within seventy-five days after the superintendent's 27482
receipt of a complete filing under division (C)(1) of this 27483
section, the superintendent shall determine whether the plan for 27484
expansion is lawful, fair, and reasonable. If a referral is 27485
required pursuant to section 1751.04 of the Revised Code, the 27486
superintendent may not make a determination until the 27487
superintendent has received the director's certification of 27488
compliance, which the director shall furnish within forty five 27489
days after the referral under division (C)(2) of this section. The 27490
director shall not certify that the requirements of section 27491
1751.04 of the Revised Code are not met, unless the applicant has 27492
been given an opportunity for a hearing as provided in division 27493
(D) of section 1751.04 of the Revised Code. The forty five day and 27494
seventy five day review periods provided for in division (C)(3) of 27495~~

~~this section shall cease to run as of the date on which the notice
of the applicant's right to request a hearing is mailed and shall
remain suspended until the director issues a final certification.~~

~~(4)~~ If the superintendent has not approved or disapproved all
or a portion of a service area expansion within the
seventy-five-day period ~~provided for in division (C)(3) of this
section~~, the filing shall be deemed approved.

~~(5)~~(3) Disapproval of all or a portion of the filing shall be
effected by written notice, which shall state the grounds for the
order of disapproval and shall be given in accordance with Chapter
119. of the Revised Code.

Sec. 1751.04. (A) Except as provided by division ~~(F)~~(D) of
this section, upon the receipt by the superintendent of insurance
of a complete application for a certificate of authority to
establish or operate a health insuring corporation, which
application sets forth or is accompanied by the information and
documents required by division (A) of section 1751.03 of the
Revised Code, the superintendent shall ~~transmit copies of the
application and accompanying documents to the director of health.~~

~~(B)~~ The director shall review the application and
accompanying documents and make findings as to whether the
applicant for a certificate of authority has done all of the
following with respect to any basic health care services and
supplemental health care services to be furnished:

(1) Demonstrated the willingness and potential ability to
ensure that all basic health care services and supplemental health
care services described in the evidence of coverage will be
provided to all its enrollees as promptly as is appropriate and in
a manner that assures continuity;

(2) Made effective arrangements to ensure that its enrollees

have reliable access to qualified providers in those specialties 27526
that are generally available in the geographic area or areas to be 27527
served by the applicant and that are necessary to provide all 27528
basic health care services and supplemental health care services 27529
described in the evidence of coverage; 27530

(3) Made appropriate arrangements for the availability of 27531
short-term health care services in emergencies within the 27532
geographic area or areas to be served by the applicant, 27533
twenty-four hours per day, seven days per week, and for the 27534
provision of adequate coverage whenever an out-of-area emergency 27535
arises; 27536

(4) Made appropriate arrangements for an ongoing evaluation 27537
and assurance of the quality of health care services provided to 27538
enrollees, including, if applicable, the development of a quality 27539
assurance program complying with the requirements of sections 27540
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 27541
personnel, facilities, and equipment by or through which the 27542
services are rendered; 27543

(5) Developed a procedure to gather and report statistics 27544
relating to the cost and effectiveness of its operations, the 27545
pattern of utilization of its services, and the quality, 27546
availability, and accessibility of its services. 27547

~~(C) Within ninety days of the director's receipt of (B) Based~~ 27548
~~upon the information provided in the application for issuance of a~~ 27549
certificate of authority, the ~~director shall certify to the~~ 27550
superintendent shall determine whether or not the applicant meets 27551
the requirements of division ~~(B)(A)~~ of this section ~~and sections~~ 27552
~~3702.51 to 3702.62 of the Revised Code.~~ If the ~~director certifies~~ 27553
superintendent determines that the applicant does not meet these 27554
requirements, the ~~director~~ superintendent shall specify in what 27555
respects it is deficient. However, the ~~director~~ superintendent 27556
shall not ~~certify that~~ deny an application because the 27557

requirements of this section are not met unless the applicant has 27558
been given an opportunity for a hearing on that issue. 27559

~~(D)(C)~~ If the applicant requests a hearing, the ~~director~~ 27560
superintendent shall hold a hearing before ~~certifying that denying~~ 27561
an application because the applicant does not meet the 27562
requirements of this section. The hearing shall be held in 27563
accordance with Chapter 119. of the Revised Code. 27564

~~(E)~~ The ninety day review period provided for under division 27565
~~(C)~~ of this section shall cease to run as of the date on which the 27566
notice of the applicant's right to request a hearing is mailed and 27567
shall remain suspended until the director issues a final 27568
certification order. 27569

~~(F)(D)~~ Nothing in this section requires the ~~director~~ 27570
superintendent to review or make findings with regard to an 27571
application and accompanying documents to establish or operate any 27572
of the following: 27573

(1) A health insuring corporation to cover solely medicaid 27574
recipients; 27575

(2) A health insuring corporation to cover solely medicare 27576
beneficiaries; 27577

(3) A health insuring corporation to cover solely medicaid 27578
recipients and medicare beneficiaries; 27579

(4) A health insuring corporation to cover solely 27580
participants of the children's buy-in program; 27581

(5) A health insuring corporation to cover solely medicaid 27582
recipients and participants of the children's buy-in program; 27583

(6) A health insuring corporation to cover solely medicaid 27584
recipients, medicare beneficiaries, and participants of the 27585
children's buy-in program. 27586

Sec. 1751.05. (A) The superintendent of insurance shall issue 27587
or deny a certificate of authority to ~~health insuring corporations~~ 27588
~~within the deadlines specified as follows:~~ 27589

~~(1) For a health insuring corporation filing an application 27590
pursuant to section 1751.03 of the Revised Code, forty five days 27591
from the superintendent's receipt of the certification from the 27592
director of health under division (C) of section 1751.04 of the 27593
Revised Code;~~ 27594

~~(2) One one hundred thirty-five days from the 27595
superintendent's receipt of a complete application and 27596
accompanying documents if the health insuring corporation is to 27597
cover solely the following:~~ 27598

~~(a) Medicaid recipients;~~ 27599

~~(b) Medicare beneficiaries;~~ 27600

~~(c) Medicaid recipients and medicare beneficiaries;~~ 27601

~~(d) Participants of the children's buy in program;~~ 27602

~~(e) Medicaid recipients and participants of the children's 27603
buy in program;~~ 27604

~~(f) Medicaid recipients, medicare beneficiaries, and 27605
participants of the children's buy in program.~~ 27606

(B) A certificate of authority shall be issued upon payment 27607
of the application fee prescribed in section 1751.44 of the 27608
Revised Code if the superintendent is satisfied that the following 27609
conditions are met: 27610

(1) The persons responsible for the conduct of the affairs of 27611
the applicant are competent, trustworthy, and possess good 27612
reputations. 27613

(2) The ~~director certifies~~ superintendent determines, in 27614
accordance with division ~~(C)~~(B) of section 1751.04 of the Revised 27615

Code, that the organization's proposed plan of operation meets the 27616
requirements of division ~~(B)~~(A) of that section and sections 27617
~~3702.51 to 3702.62~~ of the Revised Code. If, after the director has 27618
~~certified compliance, the application is amended in a manner that~~ 27619
~~affects its approval under section 1751.04 of the Revised Code,~~ 27620
~~the superintendent shall request the director to review and~~ 27621
~~recertify the amended plan of operation. Within forty five days of~~ 27622
~~receipt of the amended plan from the superintendent, the director~~ 27623
~~shall certify to the superintendent, pursuant to section 1751.04~~ 27624
~~of the Revised Code, whether or not the amended plan meets the~~ 27625
~~requirements of section 1751.04 of the Revised Code. The~~ 27626
~~superintendent's forty five day review period shall cease to run~~ 27627
~~as of the date on which the amended plan is transmitted to the~~ 27628
~~director and shall remain suspended until the superintendent~~ 27629
~~receives a new certification from the director.~~ 27630

(3) The applicant constitutes an appropriate mechanism to 27631
effectively provide or arrange for the provision of the basic 27632
health care services, supplemental health care services, or 27633
specialty health care services to be provided to enrollees. 27634

(4) The applicant is financially responsible, complies with 27635
section 1751.28 of the Revised Code, and may reasonably be 27636
expected to meet its obligations to enrollees and prospective 27637
enrollees. In making this determination, the superintendent may 27638
consider: 27639

(a) The financial soundness of the applicant's arrangements 27640
for health care services, including the applicant's proposed 27641
contractual periodic prepayments or premiums and the use of 27642
copayments and deductibles; 27643

(b) The adequacy of working capital; 27644

(c) Any agreement with an insurer, a government, or any other 27645
person for insuring the payment of the cost of health care 27646

services or providing for automatic applicability of an 27647
alternative coverage in the event of discontinuance of the health 27648
insuring corporation's operations; 27649

(d) Any agreement with providers or health care facilities 27650
for the provision of health care services; 27651

(e) Any deposit of securities submitted in accordance with 27652
section 1751.27 of the Revised Code as a guarantee that the 27653
obligations will be performed. 27654

(5) The applicant has submitted documentation of an 27655
arrangement to provide health care services to its enrollees until 27656
the expiration of the enrollees' contracts with the applicant if a 27657
health care plan or the operations of the health insuring 27658
corporation are discontinued prior to the expiration of the 27659
enrollees' contracts. An arrangement to provide health care 27660
services may be made by using any one, or any combination, of the 27661
following methods: 27662

(a) The maintenance of insolvency insurance; 27663

(b) A provision in contracts with providers and health care 27664
facilities, but no health insuring corporation shall rely solely 27665
on such a provision for more than thirty days; 27666

(c) An agreement with other health insuring corporations or 27667
insurers, providing enrollees with automatic conversion rights 27668
upon the discontinuation of a health care plan or the health 27669
insuring corporation's operations; 27670

(d) Such other methods as approved by the superintendent. 27671

(6) Nothing in the applicant's proposed method of operation, 27672
as shown by the information submitted pursuant to section 1751.03 27673
of the Revised Code or by independent investigation, will cause 27674
harm to an enrollee or to the public at large, as determined by 27675
the superintendent. 27676

(7) Any deficiencies ~~certified~~ identified by the ~~director~~ 27677
superintendent under section 1751.04 of the Revised Code have been 27678
corrected. 27679

(8) The applicant has deposited securities as set forth in 27680
section 1751.27 of the Revised Code. 27681

(C) If an applicant elects to fulfill the requirements of 27682
division ~~(A)~~(B)(5) of this section through an agreement with other 27683
health insuring corporations or insurers, the agreement shall 27684
require those health insuring corporations or insurers to give 27685
thirty days' notice to the superintendent prior to cancellation or 27686
discontinuation of the agreement for any reason. 27687

(D) A certificate of authority shall be denied only after 27688
compliance with the requirements of section 1751.36 of the Revised 27689
Code. 27690

Sec. 1751.19. (A) A health insuring corporation shall 27691
establish and maintain a complaint system that has been approved 27692
by the superintendent of insurance to provide adequate and 27693
reasonable procedures for the expeditious resolution of written 27694
complaints initiated by subscribers or enrollees concerning any 27695
matter relating to services provided, directly or indirectly, by 27696
the health insuring corporation, including, but not limited to, 27697
complaints regarding cancellations or nonrenewals of coverage. 27698
Complaints regarding a health insuring corporation's decision to 27699
deny, reduce, or terminate coverage for health care services are 27700
subject to section 1751.83 of the Revised Code. 27701

(B) A health insuring corporation shall provide a timely 27702
written response to each written complaint it receives. 27703

(C)(1) Copies of complaints and responses, including medical 27704
records related to those complaints, shall be available to the 27705
superintendent ~~and the director of health~~ for inspection for three 27706

years. Any document or information provided to the superintendent 27707
pursuant to this division that contains a medical record is 27708
confidential, and is not a public record subject to section 149.43 27709
of the Revised Code. 27710

(2) Notwithstanding division (C)(1) of this section, the 27711
superintendent may share documents and information that contain a 27712
medical record in connection with the investigation or prosecution 27713
of any illegal or criminal activity with the chief deputy 27714
rehabilitator, the chief deputy liquidator, other deputy 27715
rehabilitators and liquidators, and any other person employed by, 27716
or acting on behalf of, the superintendent pursuant to Chapter 27717
3901. or 3903. of the Revised Code, with other local, state, 27718
federal, and international regulatory and law enforcement 27719
agencies, with local, state, and federal prosecutors, and with the 27720
national association of insurance commissioners and its affiliates 27721
and subsidiaries, provided that the recipient agrees to maintain 27722
the confidential or privileged status of the confidential or 27723
privileged document or information and has authority to do so. 27724

(3) Nothing in this section shall prohibit the superintendent 27725
from receiving documents and information in accordance with 27726
section 3901.045 of the Revised Code. 27727

(4) The superintendent may enter into agreements governing 27728
the sharing and use of documents and information consistent with 27729
the requirements of this section. 27730

(5) No waiver of any applicable privilege or claim of 27731
confidentiality in the documents and information described in 27732
division (C)(1) of this section occurs as a result of sharing or 27733
receiving documents and information as authorized in divisions 27734
(C)(2) and (3) of this section. 27735

(D) A health insuring corporation shall establish and 27736
maintain a procedure to accept complaints over the telephone or in 27737

person. These complaints are not subject to the reporting 27738
requirement under division (C) of section 1751.32 of the Revised 27739
Code. 27740

(E) A health insuring corporation may comply with this 27741
section and section 1751.83 of the Revised Code by establishing 27742
one system for receiving and reviewing complaints and requests for 27743
internal review from enrollees and subscribers if the system meets 27744
the requirements of both sections. 27745

Sec. 1751.32. Each health insuring corporation, annually, on 27746
or before the first day of March, shall file a report with the 27747
superintendent of insurance ~~and the director of health~~, covering 27748
the preceding calendar year. 27749

The report shall be verified by an officer of the health 27750
insuring corporation, shall be in the form the superintendent 27751
prescribes, and shall include: 27752

(A) A financial statement of the health insuring corporation, 27753
including its balance sheet and receipts and disbursements for the 27754
preceding year, which reflect, at a minimum: 27755

(1) All premium rate and other payments received for health 27756
care services rendered; 27757

(2) Expenditures with respect to all categories of providers, 27758
facilities, insurance companies, and other persons engaged to 27759
fulfill obligations of the health insuring corporation arising out 27760
of its health care policies, contracts, certificates, and 27761
agreements; 27762

(3) Expenditures for capital improvements or additions 27763
thereto, including, but not limited to, construction, renovation, 27764
or purchase of facilities and equipment. 27765

(B) A description of the enrollee population and composition, 27766
group and nongroup; 27767

(C) A summary of enrollee written complaints and their disposition;	27768 27769
(D) A statement of the number of subscriber policies, contracts, certificates, and agreements that have been terminated by action of the health insuring corporation, including the number of enrollees affected;	27770 27771 27772 27773
(E) A summary of the information compiled pursuant to division (B)(5) of section 1751.04 of the Revised Code;	27774 27775
(F) A current report of the names and addresses of the persons responsible for the conduct of the affairs of the health insuring corporation as required by section 1751.03 of the Revised Code. Additionally, the report shall include the amount of wages, expense reimbursements, and other payments to these persons for services to the health insuring corporation, and shall include a full disclosure of the financial interests related to the operations of the health insuring corporation acquired by these persons during the preceding year.	27776 27777 27778 27779 27780 27781 27782 27783 27784
(G) An actuarial opinion in the form prescribed by the superintendent by rule;	27785 27786
(H) Any other information relating to the performance of the health insuring corporation that is necessary to enable the superintendent to carry out the superintendent's duties under this chapter.	27787 27788 27789 27790
Sec. 1751.321. Each health insuring corporation, annually, on or before the first day of June, shall file with the superintendent of insurance and the director of health an audit report certified by an independent certified public accountant covering the preceding calendar year. The report shall be verified by an officer of the health insuring corporation and shall be in the form prescribed by the superintendent by rule.	27791 27792 27793 27794 27795 27796 27797

Sec. 1751.34. (A) Each health insuring corporation and each 27798
applicant for a certificate of authority under this chapter shall 27799
be subject to examination by the superintendent of insurance in 27800
accordance with section 3901.07 of the Revised Code. Section 27801
3901.07 of the Revised Code shall govern every aspect of the 27802
examination, including the circumstances under and frequency with 27803
which it is conducted, the authority of the superintendent and any 27804
examiner or other person appointed by the superintendent, the 27805
liability for the assessment of expenses incurred in conducting 27806
the examination, and the remittance of the assessment to the 27807
superintendent's examination fund. 27808

(B) The ~~director of health~~ superintendent shall make an 27809
examination concerning the matters subject to the ~~director's~~ 27810
superintendent's consideration in section 1751.04 of the Revised 27811
Code as often as the ~~director~~ superintendent considers it 27812
necessary for the protection of the interests of the people of 27813
this state, ~~but not less frequently than once every three years.~~ 27814
The expenses of such examinations shall be assessed against the 27815
health insuring corporation being examined in the manner in which 27816
expenses of examinations are assessed against an insurance company 27817
under section 3901.07 of the Revised Code. Nothing in this 27818
division requires the ~~director~~ superintendent to make an 27819
examination of any of the following: 27820

(1) A health insuring corporation that covers solely medicaid 27821
recipients; 27822

(2) A health insuring corporation that covers solely medicare 27823
beneficiaries; 27824

(3) A health insuring corporation that covers solely medicaid 27825
recipients and medicare beneficiaries; 27826

(4) A health insuring corporation that covers solely 27827
participants of the children's buy-in program; 27828

(5) A health insuring corporation that covers solely medicaid recipients and participants of the children's buy-in program; 27829
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(6) A health insuring corporation that covers solely medicaid recipients, medicare beneficiaries, and participants of the children's buy-in program. 27831
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(C) An examination, pursuant to section 3901.07 of the Revised Code, of an insurance company holding a certificate of authority under this chapter to organize and operate a health insuring corporation shall include an examination of the health insuring corporation pursuant to this section and the examination shall satisfy the requirements of divisions (A) and (B) of this section. 27834
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(D) The superintendent may conduct market conduct examinations pursuant to section 3901.011 of the Revised Code of any health insuring corporation as often as the superintendent considers it necessary for the protection of the interests of subscribers and enrollees. The expenses of such market conduct examinations shall be assessed against the health insuring corporation being examined. All costs, assessments, or fines collected under this division shall be paid into the state treasury to the credit of the department of insurance operating fund. 27841
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Sec. 1751.35. (A) The superintendent of insurance may suspend or revoke any certificate of authority issued to a health insuring corporation under this chapter if the superintendent finds that: 27851
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(1) The health insuring corporation is operating in contravention of its articles of incorporation, its health care plan or plans, or in a manner contrary to that described in and reasonably inferred from any other information submitted under section 1751.03 of the Revised Code, unless amendments to such 27855
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submissions have been filed and have taken effect in compliance with this chapter.	27860 27861
(2) The health insuring corporation fails to issue evidences of coverage in compliance with the requirements of section 1751.11 of the Revised Code.	27862 27863 27864
(3) The contractual periodic prepayments or premium rates used do not comply with the requirements of section 1751.12 of the Revised Code.	27865 27866 27867
(4) The health insuring corporation enters into a contract, agreement, or other arrangement with any health care facility or provider, that does not comply with the requirements of section 1751.13 of the Revised Code, or the corporation fails to provide an annual certificate as required by section 1751.13 of the Revised Code.	27868 27869 27870 27871 27872 27873
(5) The director of health has certified <u>superintendent</u> <u>determines</u> , after a hearing conducted in accordance with Chapter 119. of the Revised Code, that the health insuring corporation no longer meets the requirements of section 1751.04 of the Revised Code.	27874 27875 27876 27877 27878
(6) The health insuring corporation is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees.	27879 27880 27881
(7) The health insuring corporation has failed to implement the complaint system that complies with the requirements of section 1751.19 of the Revised Code.	27882 27883 27884
(8) The health insuring corporation, or any agent or representative of the corporation, has advertised, merchandised, or solicited on its behalf in contravention of the requirements of section 1751.31 of the Revised Code.	27885 27886 27887 27888
(9) The health insuring corporation has unlawfully	27889

discriminated against any enrollee or prospective enrollee with 27890
respect to enrollment, disenrollment, or price or quality of 27891
health care services. 27892

(10) The continued operation of the health insuring 27893
corporation would be hazardous or otherwise detrimental to its 27894
enrollees. 27895

(11) The health insuring corporation has submitted false 27896
information in any filing or submission required under this 27897
chapter or any rule adopted under this chapter. 27898

(12) The health insuring corporation has otherwise failed to 27899
substantially comply with this chapter or any rule adopted under 27900
this chapter. 27901

(13) The health insuring corporation is not operating a 27902
health care plan. 27903

(14) The health insuring corporation has failed to comply 27904
with any of the requirements of sections 1751.77 to 1751.88 of the 27905
Revised Code. 27906

(B) A certificate of authority shall be suspended or revoked 27907
only after compliance with the requirements of Chapter 119. of the 27908
Revised Code. 27909

(C) When the certificate of authority of a health insuring 27910
corporation is suspended, the health insuring corporation, during 27911
the period of suspension, shall not enroll any additional 27912
subscribers or enrollees except newborn children or other newly 27913
acquired dependents of existing subscribers or enrollees, and 27914
shall not engage in any advertising or solicitation whatsoever. 27915

(D) When the certificate of authority of a health insuring 27916
corporation is revoked, the health insuring corporation, following 27917
the effective date of the order of revocation, shall conduct no 27918
further business except as may be essential to the orderly 27919

conclusion of the affairs of the health insuring corporation. The 27920
health insuring corporation shall engage in no further advertising 27921
or solicitation whatsoever. The superintendent, by written order, 27922
may permit such further operation of the health insuring 27923
corporation as the superintendent may find to be in the best 27924
interest of enrollees, to the end that enrollees will be afforded 27925
the greatest practical opportunity to obtain continuing health 27926
care coverage. 27927

Sec. 1751.36. (A) When the superintendent of insurance has 27928
cause to believe that grounds for the denial of an application for 27929
a certificate of authority exist, or that grounds for the 27930
suspension or revocation of a certificate of authority exist, the 27931
superintendent shall notify the applicant or health insuring 27932
corporation ~~and the director of health~~ in writing, specifically 27933
stating the grounds for the denial, suspension, or revocation and 27934
setting a date of at least thirty days after the notification for 27935
a hearing on the matter. 27936

(B) ~~The recommendations and findings of the director of~~ 27937
~~health with respect to matters subject to the director's~~ 27938
~~consideration under section 1751.04 of the Revised Code, provided~~ 27939
~~in connection with any decision regarding the denial, suspension,~~ 27940
~~or revocation of a certificate of authority, shall be reviewed and~~ 27941
~~considered by the superintendent.~~ After the hearing authorized by 27942
division (A) of this section, or upon the failure of the applicant 27943
or health insuring corporation to appear at the hearing, the 27944
superintendent shall take such action as in accordance with law 27945
and the evidence. The action shall be set out in written findings 27946
which shall be mailed to the applicant or health insuring 27947
corporation ~~with a copy to the director of health.~~ The action of 27948
the superintendent is subject to review in accordance with Chapter 27949
119. of the Revised Code, ~~except that a certification by the~~ 27950
~~director under division (D) of section 1751.04 or division (A)(5)~~ 27951

~~of section 1751.35 of the Revised Code that was made in accordance 27952~~
~~with Chapter 119. of the Revised Code shall be final as to the 27953~~
~~matters certified. 27954~~

(C) Chapter 119. of the Revised Code applies to proceedings 27955
under this section to the extent that it is not in conflict with 27956
divisions (A) and (B) of this section. 27957

Sec. 1751.45. (A) In lieu of the suspension or revocation of 27958
a certificate of authority under section 1751.35 of the Revised 27959
Code, the superintendent of insurance, pursuant to an adjudication 27960
hearing initiated and conducted in accordance with Chapter 119. of 27961
the Revised Code, or by consent of the health insuring corporation 27962
without an adjudication hearing, may levy an administrative 27963
penalty. The administrative penalty shall be in an amount 27964
determined by the superintendent, but the administrative penalty 27965
shall not exceed one hundred thousand dollars per violation. 27966
Additionally, the superintendent may require the health insuring 27967
corporation to correct any deficiency that may be the basis for 27968
the suspension or revocation of the health insuring corporation's 27969
certificate of authority. All penalties collected shall be paid 27970
into the state treasury to the credit of the department of 27971
insurance operating fund. 27972

(B) If the superintendent ~~or the director of health~~ for any 27973
reason has cause to believe that any violation of this chapter has 27974
occurred or is threatened, the superintendent ~~or the director~~ may 27975
give notice to the health insuring corporation and to the 27976
representatives or other persons who appear to be involved in the 27977
suspected violation to arrange a conference with the suspected 27978
violators or their authorized representatives for the purpose of 27979
attempting to ascertain the facts relating to the suspected 27980
violation, and, if it appears that any violation has occurred or 27981
is threatened, to arrive at an adequate and effective means of 27982

correcting or preventing the violation. 27983

Proceedings under this division shall not be covered by any 27984
formal procedural requirements, and may be conducted in the manner 27985
the superintendent ~~or the director of health~~ may consider 27986
appropriate under the circumstances. 27987

(C)(1) The superintendent may issue an order directing a 27988
health insuring corporation or a representative of the health 27989
insuring corporation to cease and desist from engaging in any act 27990
or practice in violation of this chapter. Within thirty days after 27991
service of the order to cease and desist, the respondent may 27992
request a hearing on the question of whether acts or practices in 27993
violation of this chapter have occurred. Such hearings shall be 27994
conducted in accordance with Chapter 119. of the Revised Code and 27995
judicial review shall be available as provided by that chapter. 27996

(2) If the superintendent has reasonable cause to believe 27997
that an order issued pursuant to this division has been violated 27998
in whole or in part, the superintendent may request the attorney 27999
general to commence and prosecute any appropriate action or 28000
proceeding in the name of the state against the violators in the 28001
court of common pleas of Franklin county. The court in any such 28002
action or proceeding may levy civil penalties, not to exceed one 28003
hundred thousand dollars per violation, in addition to any other 28004
appropriate relief, including requiring a violator to pay the 28005
expenses reasonably incurred by the superintendent in enforcing 28006
the order. The penalties and fees collected under this division 28007
shall be paid into the state treasury to the credit of the 28008
department of insurance operating fund. 28009

Sec. 1751.46. (A) The superintendent of insurance ~~and the~~ 28010
~~director of health~~ may contract with qualified persons to make 28011
recommendations concerning the determinations required to be made 28012
by the superintendent ~~or the director~~ relative to an expansion of 28013

a service area pursuant to division (C) of section 1751.03 of the Revised Code, an application for a certificate of authority pursuant to sections 1751.04 and 1751.05 of the Revised Code, a contractual periodic prepayment or premium rate pursuant to section 1751.12 of the Revised Code, and an examination pursuant to division (B) of section 1751.34 of the Revised Code. The recommendations may be accepted in full or in part, or may be rejected, by the superintendent ~~or director~~.

The total cost of a contract with a qualified person pursuant to this division shall represent the fair market value of the services provided and shall be borne by the health insuring corporation that is the subject of the determination required to be made by the superintendent ~~or the director~~.

(B) No qualified person placed on contract by the superintendent ~~or the director~~ pursuant to division (A) of this section shall have a conflict of interest with the department of insurance, ~~the department of health~~, or the health insuring corporation.

Sec. 1751.48. ~~(A)~~ The superintendent of insurance may adopt rules as are necessary to carry out the provisions of this chapter. These rules shall be adopted in accordance with Chapter 119. of the Revised Code.

~~(B) The director of health may make recommendations to the superintendent for rules that are necessary to enable the director to carry out the director's responsibilities under this chapter, including rules that prescribe standards relating to the requirements set forth in division (B) of section 1751.04 of the Revised Code. In adopting any rules pertaining to the director's responsibilities, the superintendent shall consider the recommendations of the director.~~

Sec. 1751.831. The superintendent of insurance shall 28044
establish and maintain a system for receiving and reviewing 28045
requests for review from or on behalf of enrollees who, under 28046
section 1751.83 of the Revised Code, have been denied coverage of 28047
a health care service or had coverage reduced or terminated when 28048
the grounds for the denial, reduction, or termination is that the 28049
service is not a service covered under the terms of the enrollee's 28050
policy, contract, or agreement. 28051

On receipt of a written request from an enrollee or 28052
authorized person, the superintendent shall consider whether the 28053
health care service is a service covered under the terms of the 28054
enrollee's policy, contract, or agreement, except that the 28055
superintendent shall not conduct a review under this section 28056
unless the enrollee has exhausted the health insuring 28057
corporation's internal review process established pursuant to 28058
section 1751.83 of the Revised Code. The health insuring 28059
corporation and the enrollee or authorized person shall provide 28060
the superintendent with any information required by the 28061
superintendent that is in their possession and is germane to the 28062
review. 28063

Unless the superintendent is not able to do so because making 28064
the determination requires resolution of a medical issue, the 28065
superintendent shall determine whether the health care service at 28066
issue is a service covered under the terms of the enrollee's 28067
contract, policy, or agreement. The superintendent shall notify 28068
the enrollee, or authorized person, and the health insuring 28069
corporation of the superintendent's determination or that the 28070
superintendent is not able to make a determination. 28071

If the superintendent notifies the health insuring 28072
corporation that making the determination requires the resolution 28073
of a medical issue, the health insuring corporation shall ~~afford~~ 28074

~~the enrollee an opportunity for~~ initiate an external review under 28075
section 1751.84 or 1751.85 of the Revised Code. If the 28076
superintendent notifies the health insuring corporation that the 28077
health service is a covered service, the health insuring 28078
corporation shall either cover the service or afford the enrollee 28079
an opportunity for an external review under section 1751.84 or 28080
1751.85 of the Revised Code. If the superintendent notifies the 28081
health insuring corporation that the health care service is not a 28082
covered service, the health insuring corporation is not required 28083
to cover the service or afford the enrollee an external review. 28084

Sec. 1751.84. (A) Except as provided in divisions (B) and (C) 28085
of this section, a health insuring corporation shall afford an 28086
enrollee an opportunity for an external review if both of the 28087
following are the case: 28088

(1) The health insuring corporation has denied, reduced, or 28089
terminated coverage for what would be a covered health care 28090
service except for the fact that the health insuring corporation 28091
has determined that the health care service is not medically 28092
necessary; 28093

(2) Except in the case of an expedited review, the service, 28094
plus any ancillary services and follow-up care, will cost the 28095
enrollee more than five hundred dollars if the proposed service is 28096
not covered by the health insuring corporation. 28097

External review shall be conducted in accordance with this 28098
section, except that if an enrollee with a terminal condition 28099
meets all of the criteria of division (A) of section 1751.85 of 28100
the Revised Code, an external review shall be conducted under that 28101
section. 28102

(B) An enrollee need not be afforded a review under this 28103
section in any of the following circumstances: 28104

(1) The superintendent of insurance has determined under 28105
section 1751.831 of the Revised Code that the health care service 28106
is not a service covered under the terms of the enrollee's policy, 28107
contract, or agreement. 28108

(2) Except as provided in section 1751.811 of the Revised 28109
Code, the enrollee has failed to exhaust the health insuring 28110
corporation's internal review process established pursuant to 28111
section 1751.83 of the Revised Code. 28112

(3) The enrollee has previously been afforded an external 28113
review for the same adverse determination and no new clinical 28114
information has been submitted to the health insuring corporation. 28115

(C)(1) A health insuring corporation may deny a request for 28116
an external review of an adverse determination if it is requested 28117
later than ~~sixty~~ one hundred eighty days after the enrollee's 28118
receipt of notice of the result of an internal review brought 28119
under section 1751.83 of the Revised Code. An external review may 28120
be requested by the enrollee, an authorized person, the enrollee's 28121
provider, or a health care facility rendering health care service 28122
to the enrollee. The enrollee may request a review without the 28123
approval of the provider or the health care facility rendering the 28124
health care service. The provider or health care facility may not 28125
request a review without the prior consent of the enrollee. 28126

(2) An external review must be requested in writing, except 28127
that if the enrollee has a condition that requires expedited 28128
review, the review may be requested orally or by electronic means. 28129
When an oral or electronic request for review is made, written 28130
confirmation of the request shall be submitted to the health 28131
insuring corporation not later than five days after the oral or 28132
written request is submitted. 28133

Except in the case of an expedited review, a request for an 28134
external review must be accompanied by written certification from 28135

the enrollee's provider or the health care facility rendering the 28136
health care service to the enrollee that the proposed service, 28137
plus any ancillary services and follow-up care, will cost the 28138
enrollee more than five hundred dollars if the proposed service is 28139
not covered by the health insuring corporation. 28140

(3) For an expedited review, the enrollee's provider must 28141
certify that the enrollee's condition could, in the absence of 28142
immediate medical attention, result in any of the following: 28143

(a) Placing the health of the enrollee or, with respect to a 28144
pregnant woman, the health of the enrollee or the unborn child, in 28145
serious jeopardy; 28146

(b) Serious impairment to bodily functions; 28147

(c) Serious dysfunction of any bodily organ or part. 28148

(D) The procedures used in conducting an external review of 28149
an adverse determination shall include all of the following: 28150

(1) The review shall be conducted by an independent review 28151
organization assigned by the superintendent of insurance under 28152
section 3901.80 of the Revised Code. 28153

(2) Except as provided in division (D)(3) and (4) of this 28154
section, neither the clinical peer nor any health care facility 28155
with which the clinical peer is affiliated shall have any 28156
professional, familial, or financial affiliation with any of the 28157
following: 28158

(a) The health insuring corporation or any officer, director, 28159
or managerial employee of the health insuring corporation; 28160

(b) The enrollee, the enrollee's provider, or the practice 28161
group of the enrollee's provider; 28162

(c) The health care facility at which the health care service 28163
requested by the enrollee would be provided; 28164

(d) The development or manufacture of the principal drug, 28165

device, procedure, or therapy proposed for the enrollee. 28166

(3) Division (D)(2) of this section does not prohibit a 28167
clinical peer from conducting a review under any of the following 28168
circumstances: 28169

(a) The clinical peer is affiliated with an academic medical 28170
center that provides health care services to enrollees of the 28171
health insuring corporation. 28172

(b) The clinical peer has staff privileges at a health care 28173
facility that provides health care services to enrollees of the 28174
health insuring corporation. 28175

(c) The clinical peer is a participating provider but was not 28176
involved with the health insuring corporation's adverse 28177
determination. 28178

(4) Division (D)(2) of this section does not prohibit the 28179
health insuring corporation from paying the independent review 28180
organization for the conduct of the review. 28181

(5) An enrollee shall not be required to pay for any part of 28182
the cost of the review. The cost of the review shall be borne by 28183
the health insuring corporation. 28184

(6)(a) The health insuring corporation shall provide to the 28185
independent review organization conducting the review a copy of 28186
those records in its possession that are relevant to the 28187
enrollee's medical condition and the review. The records shall be 28188
used solely for the purpose of this division. 28189

At the request of the independent review organization, the 28190
health insuring corporation, enrollee, or the provider or health 28191
care facility rendering health care services to the enrollee shall 28192
provide any additional information the independent review 28193
organization requests to complete the review. A request for 28194
additional information may be made in writing, orally, or by 28195

electronic means. The independent review organization shall submit 28196
the request to the enrollee and health insuring corporation. If a 28197
request is submitted orally or by electronic means to an enrollee 28198
or health insuring corporation, not later than five days after the 28199
request is submitted, the independent review organization shall 28200
provide written confirmation of the request. If the review was 28201
initiated by a provider or health care facility, a copy of the 28202
request shall be submitted to the provider or health care 28203
facility. 28204

(b) An independent review organization is not required to 28205
make a decision if it has not received any requested information 28206
that it considers necessary to complete a review. An independent 28207
review organization that does not make a decision for this reason 28208
shall notify the enrollee and the health insuring corporation that 28209
a decision is not being made. The notice may be made in writing, 28210
orally, or by electronic means. An oral or electronic notice shall 28211
be confirmed in writing not later than five days after the oral or 28212
electronic notice is made. If the review was initiated by a 28213
provider or health care facility, a copy of the notice shall be 28214
submitted to the provider or health care facility. 28215

(7) The health insuring corporation may elect to cover the 28216
service requested and terminate the review. The health insuring 28217
corporation shall notify the enrollee and all other parties 28218
involved with the decision by mail or, with the consent or 28219
approval of the enrollee, by electronic means. 28220

(8) In making its decision, an independent review 28221
organization conducting the review shall take into account all of 28222
the following: 28223

(a) Information submitted by the health insuring corporation, 28224
the enrollee, the enrollee's provider, and the health care 28225
facility rendering the health care service, including the 28226
following: 28227

(i) The enrollee's medical records;	28228
(ii) The standards, criteria, and clinical rationale used by the health insuring corporation to make its decision.	28229 28230
(b) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations, including the national institutes of health or any board recognized by the national institutes of health, the national cancer institute, the national academy of sciences, the United States food and drug administration, the health care financing administration of the United States department of health and human services, and the agency for health care policy and research;	28231 28232 28233 28234 28235 28236 28237 28238
(c) Relevant findings in peer-reviewed medical or scientific literature, published opinions of nationally recognized medical experts, and clinical guidelines adopted by relevant national medical societies.	28239 28240 28241 28242
(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the health insuring corporation and the enrollee. If the enrollee's provider or the health care facility rendering health care services to the enrollee requested the review, the independent review organization shall also send a copy of its decision to the enrollee's provider or the health care facility.	28243 28244 28245 28246 28247 28248 28249 28250 28251 28252 28253 28254
(b) The independent review organization's decision shall include a description of the enrollee's condition and the principal reasons for the decision and an explanation of the clinical rationale for the decision.	28255 28256 28257 28258

(E) The independent review organization shall base its 28259
decision on the information submitted under division (D)(8) of 28260
this section. In making its decision, the independent review 28261
organization shall consider safety, efficacy, appropriateness, and 28262
cost effectiveness. 28263

(F) The health insuring corporation shall provide any 28264
coverage determined by the independent review organization's 28265
decision to be medically necessary, subject to the other terms, 28266
limitations, and conditions of the enrollee's contract. The 28267
decision shall apply only to the individual enrollee's external 28268
review. 28269

Sec. 1751.85. (A) Each health insuring corporation shall 28270
establish a reasonable external, independent review process to 28271
examine the health insuring corporation's coverage decisions for 28272
enrollees who meet all of the following criteria: 28273

(1) The enrollee has a terminal condition that, according to 28274
the current diagnosis of the enrollee's physician, has a high 28275
probability of causing death within two years. 28276

(2) The enrollee requests a review not later than ~~sixty one~~ 28277
hundred eighty days after receipt by the enrollee of notice of the 28278
result of an internal review under section 1751.83 of the Revised 28279
Code. 28280

(3) The enrollee's physician certifies that the enrollee has 28281
the condition described in division (A)(1) of this section and any 28282
of the following situations are applicable: 28283

(a) Standard therapies have not been effective in improving 28284
the condition of the enrollee; 28285

(b) Standard therapies are not medically appropriate for the 28286
enrollee; 28287

(c) There is no standard therapy covered by the health 28288

insuring corporation that is more beneficial than therapy 28289
described in division (A)(4) of this section. 28290

(4) The enrollee's physician has recommended a drug, device, 28291
procedure, or other therapy that the physician certifies, in 28292
writing, is likely to be more beneficial to the enrollee, in the 28293
physician's opinion, than standard therapies, or, the enrollee has 28294
requested a therapy that has been found in a preponderance of 28295
peer-reviewed published studies to be associated with effective 28296
clinical outcomes for the same condition. 28297

(5) The enrollee has been denied coverage by the health 28298
insuring corporation for a drug, device, procedure, or other 28299
therapy recommended or requested pursuant to division (A)(4) of 28300
this section, and has exhausted the health insuring corporation's 28301
internal review process established pursuant to section 1751.83 of 28302
the Revised Code. 28303

(6) The drug, device, procedure, or other therapy, for which 28304
coverage has been denied would be a covered health care service 28305
except for the health insuring corporation's determination that 28306
the drug, device, procedure, or other therapy is experimental or 28307
investigational. 28308

(B) A review shall be requested in writing, except that if 28309
the enrollee's physician determines that a therapy would be 28310
significantly less effective if not promptly initiated, the review 28311
may be requested orally or by electronic means. When an oral or 28312
electronic request for review is made, written confirmation of the 28313
request shall be submitted to the health insuring corporation not 28314
later than five days after the oral or written request is 28315
submitted. 28316

(C) The external, independent review process established by a 28317
health insuring corporation shall meet all of the following 28318
criteria: 28319

(1) Except as provided in division (E) of this section, the process shall afford all enrollees who meet the criteria set forth in division (A) of this section the opportunity to have the health insuring corporation's decision to deny coverage of the recommended or requested therapy reviewed under the process.

(2) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.

The independent review organization shall select a panel to conduct the review, which panel shall be composed of at least three physicians or other providers who, through clinical experience in the past three years, are experts in the treatment of the enrollee's medical condition and knowledgeable about the recommended or requested therapy.

In either of the following circumstances, an exception may be made to the requirement that the review be conducted by an expert panel composed of a minimum of three physicians or other providers:

(a) A review may be conducted by an expert panel composed of only two physicians or other providers if an enrollee has consented in writing to a review by the smaller panel;

(b) A review may be conducted by a single expert physician or other provider if only one expert physician or other provider is available for the review.

(3) Neither the health insuring corporation nor the enrollee shall choose, or control the choice of, the physician or other provider experts.

(4) The selected experts, any health care facility with which an expert is affiliated, and the independent review organization arranging for the experts' review, shall not have any professional, familial, or financial affiliation with any of the

following: 28351

(a) The health insuring corporation or any officer, director, 28352
or managerial employee of the health insuring corporation; 28353

(b) The enrollee, the enrollee's physician, or the practice 28354
group of the enrollee's physician; 28355

(c) The health care facility at which the recommended or 28356
requested therapy would be provided; 28357

(d) The development or manufacture of the principal drug, 28358
device, procedure, or therapy involved in the recommended or 28359
requested therapy. 28360

However, experts affiliated with academic medical centers who 28361
provide health care services to enrollees of the health insuring 28362
corporation may serve as experts on the review panel. Further, 28363
experts with staff privileges at a health care facility that 28364
provides health care services to enrollees of the health insuring 28365
corporation, as well as experts who are participating providers, 28366
but who were not involved with the health insuring corporation's 28367
denial of coverage for the therapy under review, may serve as 28368
experts on the review panel. These nonaffiliation provisions do 28369
not preclude a health insuring corporation from paying for the 28370
experts' review, as specified in division (C)(5) of this section. 28371

(5) Enrollees shall not be required to pay for any part of 28372
the cost of the review. The cost of the review shall be borne by 28373
the health insuring corporation. 28374

(6) The health insuring corporation shall provide to the 28375
independent review organization arranging for the experts' review 28376
a copy of those records in the health insuring corporation's 28377
possession that are relevant to the enrollee's medical condition 28378
and the review. The records shall be disclosed solely to the 28379
expert reviewers and shall be used solely for the purpose of this 28380
section. At the request of the expert reviewers, the health 28381

insuring corporation or the physician recommending the therapy 28382
shall provide any additional information that the expert reviewers 28383
request to complete the review. An expert reviewer is not required 28384
to render an opinion if the reviewer has not received any 28385
requested information that the reviewer considers necessary to 28386
complete the review. 28387

(7)(a) The opinions of the experts on the panel shall be 28388
rendered within thirty days after the enrollee's request for 28389
review. If the enrollee's physician determines that a therapy 28390
would be significantly less effective if not promptly initiated, 28391
the opinions shall be rendered within seven days after the 28392
enrollee's request for review. 28393

(b) In conducting the review, the experts on the panel shall 28394
take into account all of the following: 28395

(i) Information submitted by the health insuring corporation, 28396
the enrollee, and the enrollee's physician, including the 28397
enrollee's medical records and the standards, criteria, and 28398
clinical rationale used by the health insuring corporation to 28399
reach its coverage decision; 28400

(ii) Findings, studies, research, and other relevant 28401
documents of government agencies and nationally recognized 28402
organizations; 28403

(iii) Relevant findings in peer-reviewed medical or 28404
scientific literature and published opinions of nationally 28405
recognized medical experts; 28406

(iv) Clinical guidelines adopted by relevant national medical 28407
societies; 28408

(v) Safety, efficacy, appropriateness, and cost 28409
effectiveness. 28410

(8) Each expert on the panel shall provide the independent 28411

review organization with a professional opinion as to whether 28412
there is sufficient evidence to demonstrate that the recommended 28413
or requested therapy is likely to be more beneficial to the 28414
enrollee than standard therapies. 28415

(9) Each expert's opinion shall be presented in written form 28416
and shall include the following information: 28417

(a) A description of the enrollee's condition; 28418

(b) A description of the indicators relevant to determining 28419
whether there is sufficient evidence to demonstrate that the 28420
recommended or requested therapy is more likely than not to be 28421
more beneficial to the enrollee than standard therapies; 28422

(c) A description and analysis of any relevant findings 28423
published in peer-reviewed medical or scientific literature or the 28424
published opinions of medical experts or specialty societies; 28425

(d) A description of the enrollee's suitability to receive 28426
the recommended or requested therapy according to a treatment 28427
protocol in a clinical trial, if applicable. 28428

(10) The independent review organization shall provide the 28429
health insuring corporation with the opinions of the experts. The 28430
health insuring corporation shall make the experts' opinions 28431
available to the enrollee and the enrollee's physician, upon 28432
request. 28433

(11) The opinion of the majority of the experts on the panel, 28434
rendered pursuant to division (C)(8) of this section, is binding 28435
on the health insuring corporation with respect to that enrollee. 28436
If the opinions of the experts on the panel are evenly divided as 28437
to whether the therapy should be covered, then the health insuring 28438
corporation's final decision shall be in favor of coverage. If 28439
less than a majority of the experts on the panel recommend 28440
coverage of the therapy, the health insuring corporation may, in 28441
its discretion, cover the therapy. However, any coverage provided 28442

pursuant to division (C)(11) of this section is subject to the 28443
terms, limitations, and conditions of the enrollee's contract with 28444
the health insuring corporation. 28445

(12) The health insuring corporation shall have written 28446
policies describing the external, independent review process. 28447

(D) At any time during the external, independent review 28448
process, the health insuring corporation may elect to cover the 28449
recommended or requested health care service and terminate the 28450
review. The health insuring corporation shall notify the enrollee 28451
and all other parties involved by mail or, with the consent or 28452
approval of the enrollee, by electronic means. 28453

(E) If a health insuring corporation's initial denial of 28454
coverage for a therapy recommended or requested pursuant to 28455
division (A)(4) of this section is based upon an external, 28456
independent review of that therapy meeting the requirements of 28457
division (C) of this section, this section shall not be a basis 28458
for requiring a second external, independent review of the 28459
recommended or requested therapy. 28460

(F) The health insuring corporation shall annually file a 28461
certificate with the superintendent of insurance certifying its 28462
compliance with the requirements of this section. 28463

Sec. 1753.09. (A) Except as provided in division (D) of this 28464
section, prior to terminating the participation of a provider on 28465
the basis of the participating provider's failure to meet the 28466
health insuring corporation's standards for quality or utilization 28467
in the delivery of health care services, a health insuring 28468
corporation shall give the participating provider notice of the 28469
reason or reasons for its decision to terminate the provider's 28470
participation and an opportunity to take corrective action. The 28471
health insuring corporation shall develop a performance 28472
improvement plan in conjunction with the participating provider. 28473

If after being afforded the opportunity to comply with the performance improvement plan, the participating provider fails to do so, the health insuring corporation may terminate the participation of the provider.

(B)(1) A participating provider whose participation has been terminated under division (A) of this section may appeal the termination to the appropriate medical director of the health insuring corporation. The medical director shall give the participating provider an opportunity to discuss with the medical director the reason or reasons for the termination.

(2) If a satisfactory resolution of a participating provider's appeal cannot be reached under division (B)(1) of this section, the participating provider may appeal the termination to a panel composed of participating providers who have comparable or higher levels of education and training than the participating provider making the appeal. A representative of the participating provider's specialty shall be a member of the panel, if possible. This panel shall hold a hearing, and shall render its recommendation in the appeal within thirty days after holding the hearing. The recommendation shall be presented to the medical director and to the participating provider.

(3) The medical director shall review and consider the panel's recommendation before making a decision. The decision rendered by the medical director shall be final.

(C) A provider's status as a participating provider shall remain in effect during the appeal process set forth in division (B) of this section unless the termination was based on any of the reasons listed in division (D) of this section.

(D) Notwithstanding division (A) of this section, a provider's participation may be immediately terminated if the participating provider's conduct presents an imminent risk of harm

to an enrollee or enrollees; or if there has occurred unacceptable 28505
quality of care, fraud, patient abuse, loss of clinical 28506
privileges, loss of professional liability coverage, incompetence, 28507
or loss of authority to practice in the participating provider's 28508
field; or if a governmental action has impaired the participating 28509
provider's ability to practice. 28510

(E) Divisions (A) to (D) of this section apply only to 28511
providers who are natural persons. 28512

(F)(1) Nothing in this section prohibits a health insuring 28513
corporation from rejecting a provider's application for 28514
participation, or from terminating a participating provider's 28515
contract, if the health insuring corporation determines that the 28516
health care needs of its enrollees are being met and no need 28517
exists for the provider's or participating provider's services. 28518

(2) Nothing in this section shall be construed as prohibiting 28519
a health insuring corporation from terminating a participating 28520
provider who does not meet the terms and conditions of the 28521
participating provider's contract. 28522

(3) Nothing in this section shall be construed as prohibiting 28523
a health insuring corporation from terminating a participating 28524
provider's contract pursuant to any provision of the contract 28525
described in division (E)(2) of section 3963.02 of the Revised 28526
Code, except that, notwithstanding any provision of a contract 28527
described in that division, this section applies to the 28528
termination of a participating provider's contract for any of the 28529
causes described in divisions (A), (D), and (F)(1) and (2) of this 28530
section. 28531

(G) The superintendent of insurance may adopt rules as 28532
necessary to implement and enforce sections 1753.06, 1753.07, and 28533
1753.09 of the Revised Code. Such rules shall be adopted in 28534
accordance with Chapter 119. of the Revised Code. ~~The director of~~ 28535

~~health may make recommendations to the superintendent for rules 28536
necessary to implement and enforce sections 1753.06, 1753.07, and 28537
1753.09 of the Revised Code. In adopting any rules pursuant to 28538
this division, the superintendent shall consider the 28539
recommendations of the director. 28540~~

Sec. 1901.26. (A) Subject to division (E) of this section, 28541
costs in a municipal court shall be fixed and taxed as follows: 28542

(1)(a) The municipal court shall require an advance deposit 28543
for the filing of any new civil action or proceeding when required 28544
by division (C) of this section, and in all other cases, by rule, 28545
shall establish a schedule of fees and costs to be taxed in any 28546
civil or criminal action or proceeding. 28547

(b)(i) The legislative authority of a municipal corporation 28548
may by ordinance establish a schedule of fees to be taxed as costs 28549
in any civil, criminal, or traffic action or proceeding in a 28550
municipal court for the performance by officers or other employees 28551
of the municipal corporation's police department or marshal's 28552
office of any of the services specified in sections 311.17 and 28553
509.15 of the Revised Code. No fee in the schedule shall be higher 28554
than the fee specified in section 311.17 of the Revised Code for 28555
the performance of the same service by the sheriff. If a fee 28556
established in the schedule conflicts with a fee for the same 28557
service established in another section of the Revised Code or a 28558
rule of court, the fee established in the other section of the 28559
Revised Code or the rule of court shall apply. 28560

(ii) When an officer or employee of a municipal police 28561
department or marshal's office performs in a civil, criminal, or 28562
traffic action or proceeding in a municipal court a service 28563
specified in section 311.17 or 509.15 of the Revised Code for 28564
which a taxable fee has been established under this or any other 28565
section of the Revised Code, the applicable legal fees and any 28566

other extraordinary expenses, including overtime, provided for the 28567
service shall be taxed as costs in the case. The clerk of the 28568
court shall pay those legal fees and other expenses, when 28569
collected, into the general fund of the municipal corporation that 28570
employs the officer or employee. 28571

(iii) If a bailiff of a municipal court performs in a civil, 28572
criminal, or traffic action or proceeding in that court a service 28573
specified in section 311.17 or 509.15 of the Revised Code for 28574
which a taxable fee has been established under this section or any 28575
other section of the Revised Code, the fee for the service is the 28576
same and is taxable to the same extent as if the service had been 28577
performed by an officer or employee of the police department or 28578
marshal's office of the municipal corporation in which the court 28579
is located. The clerk of that court shall pay the fee, when 28580
collected, into the general fund of the entity or entities that 28581
fund the bailiff's salary, in the same prorated amount as the 28582
salary is funded. 28583

(iv) Division (A)(1)(b) of this section does not authorize or 28584
require any officer or employee of a police department or 28585
marshal's office of a municipal corporation or any bailiff of a 28586
municipal court to perform any service not otherwise authorized by 28587
law. 28588

(2) The municipal court, by rule, may require an advance 28589
deposit for the filing of any civil action or proceeding and 28590
publication fees as provided in section 2701.09 of the Revised 28591
Code. The court may waive the requirement for advance deposit upon 28592
affidavit or other evidence that a party is unable to make the 28593
required deposit. 28594

(3) When a jury trial is demanded in any civil action or 28595
proceeding, the party making the demand may be required to make an 28596
advance deposit as fixed by rule of court, unless, upon affidavit 28597
or other evidence, the court concludes that the party is unable to 28598

make the required deposit. If a jury is called, the fees of a jury 28599
shall be taxed as costs. 28600

(4) In any civil or criminal action or proceeding, each 28601
witness shall receive twelve dollars for each full day's 28602
attendance and six dollars for each half day's attendance. Each 28603
witness in a municipal court that is not a county-operated 28604
municipal court also shall receive fifty and one-half cents for 28605
each mile necessarily traveled to and from the witness's place of 28606
residence to the action or proceeding. 28607

(5) A reasonable charge for driving, towing, carting, 28608
storing, keeping, and preserving motor vehicles and other personal 28609
property recovered or seized in any proceeding may be taxed as 28610
part of the costs in a trial of the cause, in an amount that shall 28611
be fixed by rule of court. 28612

(6) Chattel property seized under any writ or process issued 28613
by the court shall be preserved pending final disposition for the 28614
benefit of all persons interested and may be placed in storage 28615
when necessary or proper for that preservation. The custodian of 28616
any chattel property so stored shall not be required to part with 28617
the possession of the property until a reasonable charge, to be 28618
fixed by the court, is paid. 28619

(7) The municipal court, as it determines, may refund all 28620
deposits and advance payments of fees and costs, including those 28621
for jurors and summoning jurors, when they have been paid by the 28622
losing party. 28623

(8) Charges for the publication of legal notices required by 28624
statute or order of court may be taxed as part of the costs, as 28625
provided by section 7.13 of the Revised Code. 28626

(B)(1) The municipal court may determine that, for the 28627
efficient operation of the court, additional funds are necessary 28628
to acquire and pay for special projects of the court including, 28629

but not limited to, the acquisition of additional facilities or 28630
the rehabilitation of existing facilities, the acquisition of 28631
equipment, the hiring and training of staff, community service 28632
programs, mediation or dispute resolution services, the employment 28633
of magistrates, the training and education of judges, acting 28634
judges, and magistrates, and other related services. Upon that 28635
determination, the court by rule may charge a fee, in addition to 28636
all other court costs, on the filing of each criminal cause, civil 28637
action or proceeding, or judgment by confession. 28638

If the municipal court offers a special program or service in 28639
cases of a specific type, the municipal court by rule may assess 28640
an additional charge in a case of that type, over and above court 28641
costs, to cover the special program or service. The municipal 28642
court shall adjust the special assessment periodically, but not 28643
retroactively, so that the amount assessed in those cases does not 28644
exceed the actual cost of providing the service or program. 28645

All moneys collected under division (B) of this section shall 28646
be paid to the county treasurer if the court is a county-operated 28647
municipal court or to the city treasurer if the court is not a 28648
county-operated municipal court for deposit into either a general 28649
special projects fund or a fund established for a specific special 28650
project. Moneys from a fund of that nature shall be disbursed upon 28651
an order of the court in an amount no greater than the actual cost 28652
to the court of a project. If a specific fund is terminated 28653
because of the discontinuance of a program or service established 28654
under division (B) of this section, the municipal court may order 28655
that moneys remaining in the fund be transferred to an account 28656
established under this division for a similar purpose. 28657

(2) The court may disburse moneys deposited into either a 28658
general special projects fund or a fund established for a specific 28659
special project to a county program that is not operated by the 28660
court and that addresses issues of domestic violence if the court 28661

determines that the program assists in the efficient operation of 28662
the court. 28663

(3) As used in division (B) of this section: 28664

(a) "Criminal cause" means a charge alleging the violation of 28665
a statute or ordinance, or subsection of a statute or ordinance, 28666
that requires a separate finding of fact or a separate plea before 28667
disposition and of which the defendant may be found guilty, 28668
whether filed as part of a multiple charge on a single summons, 28669
citation, or complaint or as a separate charge on a single 28670
summons, citation, or complaint. "Criminal cause" does not include 28671
separate violations of the same statute or ordinance, or 28672
subsection of the same statute or ordinance, unless each charge is 28673
filed on a separate summons, citation, or complaint. 28674

(b) "Civil action or proceeding" means any civil litigation 28675
that must be determined by judgment entry. 28676

(C) The municipal court shall collect in all its divisions 28677
except the small claims division the sum of ~~twenty-six~~ thirty-one 28678
dollars as additional filing fees in each new civil action or 28679
proceeding for the charitable public purpose of providing 28680
financial assistance to legal aid societies that operate within 28681
the state and to support the office of the state public defender. 28682
The municipal court shall collect in its small claims division the 28683
sum of eleven dollars as additional filing fees in each new civil 28684
action or proceeding for the charitable public purpose of 28685
providing financial assistance to legal aid societies that operate 28686
within the state and to support the office of the state public 28687
defender. This division does not apply to any execution on a 28688
judgment, proceeding in aid of execution, or other post-judgment 28689
proceeding arising out of a civil action. The filing fees required 28690
to be collected under this division shall be in addition to any 28691
other court costs imposed in the action or proceeding and shall be 28692
collected at the time of the filing of the action or proceeding. 28693

The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives the advanced payment of all filing fees in the action or proceeding. All such moneys collected during a month except for an amount equal to up to one per cent of those moneys retained to cover administrative costs shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state in a manner prescribed by the treasurer of state or by the Ohio legal assistance foundation. The treasurer of state shall deposit four per cent of the funds collected under this division to the credit of the civil case filing fee fund established under section 120.07 of the Revised Code and ninety-six per cent of the funds collected under this division to the credit of the legal aid fund established under section 120.52 of the Revised Code.

The Ohio legal assistance foundation or any recipient of financial assistance from the foundation that receives, or benefits from, any portion of the additional filing fees that are collected and transmitted under this division shall not bring or maintain any class action and shall not bring or maintain any action against the state or any political subdivision of the state.

The court may retain up to one per cent of the moneys it collects under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division. If the court fails to transmit to the treasurer of state the moneys the court collects under this division in a manner prescribed by the treasurer of state or by the Ohio legal assistance foundation, the court shall forfeit the moneys the court retains under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division, and shall transmit

to the treasurer of state all moneys collected under this 28726
division, including the forfeited amount retained for 28727
administrative costs, for deposit in the legal aid fund. 28728

(D) In the Cleveland municipal court, reasonable charges for 28729
investigating titles of real estate to be sold or disposed of 28730
under any writ or process of the court may be taxed as part of the 28731
costs. 28732

(E) Under the circumstances described in sections 2969.21 to 28733
2969.27 of the Revised Code, the clerk of the municipal court 28734
shall charge the fees and perform the other duties specified in 28735
those sections. 28736

(F) As used in this section: 28737

(1) "Full day's attendance" means a day on which a witness is 28738
required or requested to be present at an action or proceeding 28739
before and after twelve noon, regardless of whether the witness 28740
actually testifies. 28741

(2) "Half day's attendance" means a day on which a witness is 28742
required or requested to be present at an action or proceeding 28743
either before or after twelve noon, but not both, regardless of 28744
whether the witness actually testifies. 28745

Sec. 1901.31. The clerk and deputy clerks of a municipal 28746
court shall be selected, be compensated, give bond, and have 28747
powers and duties as follows: 28748

(A) There shall be a clerk of the court who is appointed or 28749
elected as follows: 28750

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 28751
county, Portage county, and Wayne county municipal courts and 28752
through December 31, 2008, the Cuyahoga Falls municipal court, if 28753
the population of the territory equals or exceeds one hundred 28754
thousand at the regular municipal election immediately preceding 28755

the expiration of the term of the present clerk, the clerk shall 28756
be nominated and elected by the qualified electors of the 28757
territory in the manner that is provided for the nomination and 28758
election of judges in section 1901.07 of the Revised Code. 28759

The clerk so elected shall hold office for a term of six 28760
years, which term shall commence on the first day of January 28761
following the clerk's election and continue until the clerk's 28762
successor is elected and qualified. 28763

(b) In the Hamilton county municipal court, the clerk of 28764
courts of Hamilton county shall be the clerk of the municipal 28765
court and may appoint an assistant clerk who shall receive the 28766
compensation, payable out of the treasury of Hamilton county in 28767
semimonthly installments, that the board of county commissioners 28768
prescribes. The clerk of courts of Hamilton county, acting as the 28769
clerk of the Hamilton county municipal court and assuming the 28770
duties of that office, shall receive compensation at one-fourth 28771
the rate that is prescribed for the clerks of courts of common 28772
pleas as determined in accordance with the population of the 28773
county and the rates set forth in sections 325.08 and 325.18 of 28774
the Revised Code. This compensation shall be paid from the county 28775
treasury in semimonthly installments and is in addition to the 28776
annual compensation that is received for the performance of the 28777
duties of the clerk of courts of Hamilton county, as provided in 28778
sections 325.08 and 325.18 of the Revised Code. 28779

(c) In the Portage county and Wayne county municipal courts, 28780
the clerks of courts of Portage county and Wayne county shall be 28781
the clerks, respectively, of the Portage county and Wayne county 28782
municipal courts and may appoint a chief deputy clerk for each 28783
branch that is established pursuant to section 1901.311 of the 28784
Revised Code and assistant clerks as the judges of the municipal 28785
court determine are necessary, all of whom shall receive the 28786
compensation that the legislative authority prescribes. The clerks 28787

of courts of Portage county and Wayne county, acting as the clerks 28788
of the Portage county and Wayne county municipal courts and 28789
assuming the duties of these offices, shall receive compensation 28790
payable from the county treasury in semimonthly installments at 28791
one-fourth the rate that is prescribed for the clerks of courts of 28792
common pleas as determined in accordance with the population of 28793
the county and the rates set forth in sections 325.08 and 325.18 28794
of the Revised Code. 28795

(d) Except as otherwise provided in division (A)(1)(d) of 28796
this section, in the Akron municipal court, candidates for 28797
election to the office of clerk of the court shall be nominated by 28798
primary election. The primary election shall be held on the day 28799
specified in the charter of the city of Akron for the nomination 28800
of municipal officers. Notwithstanding any contrary provision of 28801
section 3513.05 or 3513.257 of the Revised Code, the declarations 28802
of candidacy and petitions of partisan candidates and the 28803
nominating petitions of independent candidates for the office of 28804
clerk of the Akron municipal court shall be signed by at least 28805
fifty qualified electors of the territory of the court. 28806

The candidates shall file a declaration of candidacy and 28807
petition, or a nominating petition, whichever is applicable, not 28808
later than four p.m. of the seventy-fifth day before the day of 28809
the primary election, in the form prescribed by section 3513.07 or 28810
3513.261 of the Revised Code. The declaration of candidacy and 28811
petition, or the nominating petition, shall conform to the 28812
applicable requirements of section 3513.05 or 3513.257 of the 28813
Revised Code. 28814

If no valid declaration of candidacy and petition is filed by 28815
any person for nomination as a candidate of a particular political 28816
party for election to the office of clerk of the Akron municipal 28817
court, a primary election shall not be held for the purpose of 28818
nominating a candidate of that party for election to that office. 28819

If only one person files a valid declaration of candidacy and 28820
petition for nomination as a candidate of a particular political 28821
party for election to that office, a primary election shall not be 28822
held for the purpose of nominating a candidate of that party for 28823
election to that office, and the candidate shall be issued a 28824
certificate of nomination in the manner set forth in section 28825
3513.02 of the Revised Code. 28826

Declarations of candidacy and petitions, nominating 28827
petitions, and certificates of nomination for the office of clerk 28828
of the Akron municipal court shall contain a designation of the 28829
term for which the candidate seeks election. At the following 28830
regular municipal election, all candidates for the office shall be 28831
submitted to the qualified electors of the territory of the court 28832
in the manner that is provided in section 1901.07 of the Revised 28833
Code for the election of the judges of the court. The clerk so 28834
elected shall hold office for a term of six years, which term 28835
shall commence on the first day of January following the clerk's 28836
election and continue until the clerk's successor is elected and 28837
qualified. 28838

(e) Except as otherwise provided in division (A)(1)(e) of 28839
this section, in the Barberton municipal court, candidates for 28840
election to the office of clerk of the court shall be nominated by 28841
primary election. The primary election shall be held on the day 28842
specified in the charter of the city of Barberton for the 28843
nomination of municipal officers. Notwithstanding any contrary 28844
provision of section 3513.05 or 3513.257 of the Revised Code, the 28845
declarations of candidacy and petitions of partisan candidates and 28846
the nominating petitions of independent candidates for the office 28847
of clerk of the Barberton municipal court shall be signed by at 28848
least fifty qualified electors of the territory of the court. 28849

The candidates shall file a declaration of candidacy and 28850
petition, or a nominating petition, whichever is applicable, not 28851

later than four p.m. of the seventy-fifth day before the day of 28852
the primary election, in the form prescribed by section 3513.07 or 28853
3513.261 of the Revised Code. The declaration of candidacy and 28854
petition, or the nominating petition, shall conform to the 28855
applicable requirements of section 3513.05 or 3513.257 of the 28856
Revised Code. 28857

If no valid declaration of candidacy and petition is filed by 28858
any person for nomination as a candidate of a particular political 28859
party for election to the office of clerk of the Barberton 28860
municipal court, a primary election shall not be held for the 28861
purpose of nominating a candidate of that party for election to 28862
that office. If only one person files a valid declaration of 28863
candidacy and petition for nomination as a candidate of a 28864
particular political party for election to that office, a primary 28865
election shall not be held for the purpose of nominating a 28866
candidate of that party for election to that office, and the 28867
candidate shall be issued a certificate of nomination in the 28868
manner set forth in section 3513.02 of the Revised Code. 28869

Declarations of candidacy and petitions, nominating 28870
petitions, and certificates of nomination for the office of clerk 28871
of the Barberton municipal court shall contain a designation of 28872
the term for which the candidate seeks election. At the following 28873
regular municipal election, all candidates for the office shall be 28874
submitted to the qualified electors of the territory of the court 28875
in the manner that is provided in section 1901.07 of the Revised 28876
Code for the election of the judges of the court. The clerk so 28877
elected shall hold office for a term of six years, which term 28878
shall commence on the first day of January following the clerk's 28879
election and continue until the clerk's successor is elected and 28880
qualified. 28881

(f)(i) Through December 31, 2008, except as otherwise 28882
provided in division (A)(1)(f)(i) of this section, in the Cuyahoga 28883

Falls municipal court, candidates for election to the office of 28884
clerk of the court shall be nominated by primary election. The 28885
primary election shall be held on the day specified in the charter 28886
of the city of Cuyahoga Falls for the nomination of municipal 28887
officers. Notwithstanding any contrary provision of section 28888
3513.05 or 3513.257 of the Revised Code, the declarations of 28889
candidacy and petitions of partisan candidates and the nominating 28890
petitions of independent candidates for the office of clerk of the 28891
Cuyahoga Falls municipal court shall be signed by at least fifty 28892
qualified electors of the territory of the court. 28893

The candidates shall file a declaration of candidacy and 28894
petition, or a nominating petition, whichever is applicable, not 28895
later than four p.m. of the seventy-fifth day before the day of 28896
the primary election, in the form prescribed by section 3513.07 or 28897
3513.261 of the Revised Code. The declaration of candidacy and 28898
petition, or the nominating petition, shall conform to the 28899
applicable requirements of section 3513.05 or 3513.257 of the 28900
Revised Code. 28901

If no valid declaration of candidacy and petition is filed by 28902
any person for nomination as a candidate of a particular political 28903
party for election to the office of clerk of the Cuyahoga Falls 28904
municipal court, a primary election shall not be held for the 28905
purpose of nominating a candidate of that party for election to 28906
that office. If only one person files a valid declaration of 28907
candidacy and petition for nomination as a candidate of a 28908
particular political party for election to that office, a primary 28909
election shall not be held for the purpose of nominating a 28910
candidate of that party for election to that office, and the 28911
candidate shall be issued a certificate of nomination in the 28912
manner set forth in section 3513.02 of the Revised Code. 28913

Declarations of candidacy and petitions, nominating 28914
petitions, and certificates of nomination for the office of clerk 28915

of the Cuyahoga Falls municipal court shall contain a designation 28916
of the term for which the candidate seeks election. At the 28917
following regular municipal election, all candidates for the 28918
office shall be submitted to the qualified electors of the 28919
territory of the court in the manner that is provided in section 28920
1901.07 of the Revised Code for the election of the judges of the 28921
court. The clerk so elected shall hold office for a term of six 28922
years, which term shall commence on the first day of January 28923
following the clerk's election and continue until the clerk's 28924
successor is elected and qualified. 28925

(ii) Division (A)(1)(f)(i) of this section shall have no 28926
effect after December 31, 2008. 28927

(g) Except as otherwise provided in division (A)(1)(g) of 28928
this section, in the Toledo municipal court, candidates for 28929
election to the office of clerk of the court shall be nominated by 28930
primary election. The primary election shall be held on the day 28931
specified in the charter of the city of Toledo for the nomination 28932
of municipal officers. Notwithstanding any contrary provision of 28933
section 3513.05 or 3513.257 of the Revised Code, the declarations 28934
of candidacy and petitions of partisan candidates and the 28935
nominating petitions of independent candidates for the office of 28936
clerk of the Toledo municipal court shall be signed by at least 28937
fifty qualified electors of the territory of the court. 28938

The candidates shall file a declaration of candidacy and 28939
petition, or a nominating petition, whichever is applicable, not 28940
later than four p.m. of the seventy-fifth day before the day of 28941
the primary election, in the form prescribed by section 3513.07 or 28942
3513.261 of the Revised Code. The declaration of candidacy and 28943
petition, or the nominating petition, shall conform to the 28944
applicable requirements of section 3513.05 or 3513.257 of the 28945
Revised Code. 28946

If no valid declaration of candidacy and petition is filed by 28947

any person for nomination as a candidate of a particular political 28948
party for election to the office of clerk of the Toledo municipal 28949
court, a primary election shall not be held for the purpose of 28950
nominating a candidate of that party for election to that office. 28951
If only one person files a valid declaration of candidacy and 28952
petition for nomination as a candidate of a particular political 28953
party for election to that office, a primary election shall not be 28954
held for the purpose of nominating a candidate of that party for 28955
election to that office, and the candidate shall be issued a 28956
certificate of nomination in the manner set forth in section 28957
3513.02 of the Revised Code. 28958

Declarations of candidacy and petitions, nominating 28959
petitions, and certificates of nomination for the office of clerk 28960
of the Toledo municipal court shall contain a designation of the 28961
term for which the candidate seeks election. At the following 28962
regular municipal election, all candidates for the office shall be 28963
submitted to the qualified electors of the territory of the court 28964
in the manner that is provided in section 1901.07 of the Revised 28965
Code for the election of the judges of the court. The clerk so 28966
elected shall hold office for a term of six years, which term 28967
shall commence on the first day of January following the clerk's 28968
election and continue until the clerk's successor is elected and 28969
qualified. 28970

(2)(a) Except for the Alliance, Auglaize county, Brown 28971
county, Columbiana county, Holmes county, Lorain, Massillon, and 28972
Youngstown municipal courts, in a municipal court for which the 28973
population of the territory is less than one hundred thousand, the 28974
clerk shall be appointed by the court, and the clerk shall hold 28975
office until the clerk's successor is appointed and qualified. 28976

(b) In the Alliance, Lorain, Massillon, and Youngstown 28977
municipal courts, the clerk shall be elected for a term of office 28978
as described in division (A)(1)(a) of this section. 28979

(c) In the Auglaize county, Brown county, and Holmes county 28980
municipal courts, the clerks of courts of Auglaize county, Brown 28981
county, and Holmes county shall be the clerks, respectively, of 28982
the Auglaize county, Brown county, and Holmes county municipal 28983
courts and may appoint a chief deputy clerk for each branch office 28984
that is established pursuant to section 1901.311 of the Revised 28985
Code, and assistant clerks as the judge of the court determines 28986
are necessary, all of whom shall receive the compensation that the 28987
legislative authority prescribes. The clerks of courts of Auglaize 28988
county, Brown county, and Holmes county, acting as the clerks of 28989
the Auglaize county, Brown county, and Holmes county municipal 28990
courts and assuming the duties of these offices, shall receive 28991
compensation payable from the county treasury in semimonthly 28992
installments at one-fourth the rate that is prescribed for the 28993
clerks of courts of common pleas as determined in accordance with 28994
the population of the county and the rates set forth in sections 28995
325.08 and 325.18 of the Revised Code. 28996

(d) In the Columbiana county municipal court, the clerk of 28997
courts of Columbiana county shall be the clerk of the municipal 28998
court, may appoint a chief deputy clerk for each branch office 28999
that is established pursuant to section 1901.311 of the Revised 29000
Code, and may appoint any assistant clerks that the judges of the 29001
court determine are necessary. All of the chief deputy clerks and 29002
assistant clerks shall receive the compensation that the 29003
legislative authority prescribes. The clerk of courts of 29004
Columbiana county, acting as the clerk of the Columbiana county 29005
municipal court and assuming the duties of that office, shall 29006
receive in either biweekly installments or semimonthly 29007
installments, as determined by the payroll administrator, 29008
compensation payable from the county treasury at one-fourth the 29009
rate that is prescribed for the clerks of courts of common pleas 29010
as determined in accordance with the population of the county and 29011
the rates set forth in sections 325.08 and 325.18 of the Revised 29012

Code. 29013

(3) During the temporary absence of the clerk due to illness, 29014
vacation, or other proper cause, the court may appoint a temporary 29015
clerk, who shall be paid the same compensation, have the same 29016
authority, and perform the same duties as the clerk. 29017

(B) Except in the Hamilton county, Portage county, and Wayne 29018
county municipal courts, if a vacancy occurs in the office of the 29019
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 29020
court or occurs in the office of the clerk of a municipal court 29021
for which the population of the territory equals or exceeds one 29022
hundred thousand because the clerk ceases to hold the office 29023
before the end of the clerk's term or because a clerk-elect fails 29024
to take office, the vacancy shall be filled, until a successor is 29025
elected and qualified, by a person chosen by the residents of the 29026
territory of the court who are members of the county central 29027
committee of the political party by which the last occupant of 29028
that office or the clerk-elect was nominated. Not less than five 29029
nor more than fifteen days after a vacancy occurs, those members 29030
of that county central committee shall meet to make an appointment 29031
to fill the vacancy. At least four days before the date of the 29032
meeting, the chairperson or a secretary of the county central 29033
committee shall notify each such member of that county central 29034
committee by first class mail of the date, time, and place of the 29035
meeting and its purpose. A majority of all such members of that 29036
county central committee constitutes a quorum, and a majority of 29037
the quorum is required to make the appointment. If the office so 29038
vacated was occupied or was to be occupied by a person not 29039
nominated at a primary election, or if the appointment was not 29040
made by the committee members in accordance with this division, 29041
the court shall make an appointment to fill the vacancy. A 29042
successor shall be elected to fill the office for the unexpired 29043
term at the first municipal election that is held more than one 29044

hundred twenty days after the vacancy occurred. 29045

(C)(1) In a municipal court, other than the Auglaize county, 29046
the Brown county, the Columbiana county, the Holmes county, and 29047
the Lorain municipal courts, for which the population of the 29048
territory is less than one hundred thousand, the clerk of the 29049
municipal court shall receive the annual compensation that the 29050
presiding judge of the court prescribes, if the revenue of the 29051
court for the preceding calendar year, as certified by the auditor 29052
or chief fiscal officer of the municipal corporation in which the 29053
court is located or, in the case of a county-operated municipal 29054
court, the county auditor, is equal to or greater than the 29055
expenditures, including any debt charges, for the operation of the 29056
court payable under this chapter from the city treasury or, in the 29057
case of a county-operated municipal court, the county treasury for 29058
that calendar year, as also certified by the auditor or chief 29059
fiscal officer. If the revenue of a municipal court, other than 29060
the Auglaize county, the Brown county, the Columbiana county, and 29061
the Lorain municipal courts, for which the population of the 29062
territory is less than one hundred thousand for the preceding 29063
calendar year as so certified is not equal to or greater than 29064
those expenditures for the operation of the court for that 29065
calendar year as so certified, the clerk of a municipal court 29066
shall receive the annual compensation that the legislative 29067
authority prescribes. As used in this division, "revenue" means 29068
the total of all costs and fees that are collected and paid to the 29069
city treasury or, in a county-operated municipal court, the county 29070
treasury by the clerk of the municipal court under division (F) of 29071
this section and all interest received and paid to the city 29072
treasury or, in a county-operated municipal court, the county 29073
treasury in relation to the costs and fees under division (G) of 29074
this section. 29075

(2) In a municipal court, other than the Hamilton county, 29076

Portage county, and Wayne county municipal courts, for which the 29077
population of the territory is one hundred thousand or more, and 29078
in the Lorain municipal court, the clerk of the municipal court 29079
shall receive annual compensation in a sum equal to eighty-five 29080
per cent of the salary of a judge of the court. 29081

(3) The compensation of a clerk described in division (C)(1) 29082
or (2) of this section and of the clerk of the Columbiana county 29083
municipal court is payable in either semimonthly installments or 29084
biweekly installments, as determined by the payroll administrator, 29085
from the same sources and in the same manner as provided in 29086
section 1901.11 of the Revised Code, except that the compensation 29087
of the clerk of the Carroll county municipal court is payable in 29088
biweekly installments. 29089

(D) Before entering upon the duties of the clerk's office, 29090
the clerk of a municipal court shall give bond of not less than 29091
six thousand dollars to be determined by the judges of the court, 29092
conditioned upon the faithful performance of the clerk's duties. 29093

(E) The clerk of a municipal court may do all of the 29094
following: administer oaths, take affidavits, and issue executions 29095
upon any judgment rendered in the court, including a judgment for 29096
unpaid costs; issue, sign, and attach the seal of the court to all 29097
writs, process, subpoenas, and papers issuing out of the court; 29098
and approve all bonds, sureties, recognizances, and undertakings 29099
fixed by any judge of the court or by law. The clerk may refuse to 29100
accept for filing any pleading or paper submitted for filing by a 29101
person who has been found to be a vexatious litigator under 29102
section 2323.52 of the Revised Code and who has failed to obtain 29103
leave to proceed under that section. The clerk shall do all of the 29104
following: file and safely keep all journals, records, books, and 29105
papers belonging or appertaining to the court; record the 29106
proceedings of the court; perform all other duties that the judges 29107
of the court may prescribe; and keep a book showing all receipts 29108

and disbursements, which book shall be open for public inspection 29109
at all times. 29110

The clerk shall prepare and maintain a general index, a 29111
docket, and other records that the court, by rule, requires, all 29112
of which shall be the public records of the court. In the docket, 29113
the clerk shall enter, at the time of the commencement of an 29114
action, the names of the parties in full, the names of the 29115
counsel, and the nature of the proceedings. Under proper dates, 29116
the clerk shall note the filing of the complaint, issuing of 29117
summons or other process, returns, and any subsequent pleadings. 29118
The clerk also shall enter all reports, verdicts, orders, 29119
judgments, and proceedings of the court, clearly specifying the 29120
relief granted or orders made in each action. The court may order 29121
an extended record of any of the above to be made and entered, 29122
under the proper action heading, upon the docket at the request of 29123
any party to the case, the expense of which record may be taxed as 29124
costs in the case or may be required to be prepaid by the party 29125
demanding the record, upon order of the court. 29126

(F) The clerk of a municipal court shall receive, collect, 29127
and issue receipts for all costs, fees, fines, bail, and other 29128
moneys payable to the office or to any officer of the court. The 29129
clerk shall each month disburse to the proper persons or officers, 29130
and take receipts for, all costs, fees, fines, bail, and other 29131
moneys that the clerk collects. Subject to sections 3375.50 and 29132
4511.193 of the Revised Code and to any other section of the 29133
Revised Code that requires a specific manner of disbursement of 29134
any moneys received by a municipal court and except for the 29135
Hamilton county, Lawrence county, and Ottawa county municipal 29136
courts, the clerk shall pay all fines received for violation of 29137
municipal ordinances into the treasury of the municipal 29138
corporation the ordinance of which was violated and shall pay all 29139
fines received for violation of township resolutions adopted 29140

pursuant to section 503.52 or 503.53 or Chapter 504. of the 29141
Revised Code into the treasury of the township the resolution of 29142
which was violated. Subject to sections 1901.024 and 4511.193 of 29143
the Revised Code, in the Hamilton county, Lawrence county, and 29144
Ottawa county municipal courts, the clerk shall pay fifty per cent 29145
of the fines received for violation of municipal ordinances and 29146
fifty per cent of the fines received for violation of township 29147
resolutions adopted pursuant to section 503.52 or 503.53 or 29148
Chapter 504. of the Revised Code into the treasury of the county. 29149
Subject to sections 3375.50, 3375.53, 4511.19, and 5503.04 of the 29150
Revised Code and to any other section of the Revised Code that 29151
requires a specific manner of disbursement of any moneys received 29152
by a municipal court, the clerk shall pay all fines collected for 29153
the violation of state laws into the county treasury. Except in a 29154
county-operated municipal court, the clerk shall pay all costs and 29155
fees the disbursement of which is not otherwise provided for in 29156
the Revised Code into the city treasury. The clerk of a 29157
county-operated municipal court shall pay the costs and fees the 29158
disbursement of which is not otherwise provided for in the Revised 29159
Code into the county treasury. Moneys deposited as security for 29160
costs shall be retained pending the litigation. The clerk shall 29161
keep a separate account of all receipts and disbursements in civil 29162
and criminal cases, which shall be a permanent public record of 29163
the office. On the expiration of the term of the clerk, the clerk 29164
shall deliver the records to the clerk's successor. The clerk 29165
shall have other powers and duties as are prescribed by rule or 29166
order of the court. 29167

(G) All moneys paid into a municipal court shall be noted on 29168
the record of the case in which they are paid and shall be 29169
deposited in a state or national bank, or a domestic savings and 29170
loan association, as defined in section 1151.01 of the Revised 29171
Code, that is selected by the clerk. Any interest received upon 29172
the deposits shall be paid into the city treasury, except that, in 29173

a county-operated municipal court, the interest shall be paid into 29174
the treasury of the county in which the court is located. 29175

On the first Monday in January of each year, the clerk shall 29176
make a list of the titles of all cases in the court that were 29177
finally determined more than one year past in which there remains 29178
unclaimed in the possession of the clerk any funds, or any part of 29179
a deposit for security of costs not consumed by the costs in the 29180
case. The clerk shall give notice of the moneys to the parties who 29181
are entitled to the moneys or to their attorneys of record. All 29182
the moneys remaining unclaimed on the first day of April of each 29183
year shall be paid by the clerk to the city treasurer, except 29184
that, in a county-operated municipal court, the moneys shall be 29185
paid to the treasurer of the county in which the court is located. 29186
The treasurer shall pay any part of the moneys at any time to the 29187
person who has the right to the moneys upon proper certification 29188
of the clerk. 29189

(H) Deputy clerks of a municipal court other than the Carroll 29190
county municipal court may be appointed by the clerk and shall 29191
receive the compensation, payable in either biweekly installments 29192
or semimonthly installments, as determined by the payroll 29193
administrator, out of the city treasury, that the clerk may 29194
prescribe, except that the compensation of any deputy clerk of a 29195
county-operated municipal court shall be paid out of the treasury 29196
of the county in which the court is located. The judge of the 29197
Carroll county municipal court may appoint deputy clerks for the 29198
court, and the deputy clerks shall receive the compensation, 29199
payable in biweekly installments out of the county treasury, that 29200
the judge may prescribe. Each deputy clerk shall take an oath of 29201
office before entering upon the duties of the deputy clerk's 29202
office and, when so qualified, may perform the duties appertaining 29203
to the office of the clerk. The clerk may require any of the 29204
deputy clerks to give bond of not less than three thousand 29205

dollars, conditioned for the faithful performance of the deputy clerk's duties. 29206
29207

(I) For the purposes of this section, whenever the population of the territory of a municipal court falls below one hundred thousand but not below ninety thousand, and the population of the territory prior to the most recent regular federal census exceeded one hundred thousand, the legislative authority of the municipal corporation may declare, by resolution, that the territory shall be considered to have a population of at least one hundred thousand. 29208
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(J) The clerk or a deputy clerk shall be in attendance at all sessions of the municipal court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and receive verdicts. 29216
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Sec. 1907.24. (A) Subject to division (C) of this section, a county court shall fix and tax fees and costs as follows: 29220
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(1) The county court shall require an advance deposit for the filing of any new civil action or proceeding when required by division (C) of this section and, in all other cases, shall establish a schedule of fees and costs to be taxed in any civil or criminal action or proceeding. 29222
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(2) The county court by rule may require an advance deposit for the filing of a civil action or proceeding and publication fees as provided in section 2701.09 of the Revised Code. The court may waive an advance deposit requirement upon the presentation of an affidavit or other evidence that establishes that a party is unable to make the requisite deposit. 29227
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(3) When a party demands a jury trial in a civil action or proceeding, the county court may require the party to make an advance deposit as fixed by rule of court, unless the court 29233
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concludes, on the basis of an affidavit or other evidence 29236
presented by the party, that the party is unable to make the 29237
requisite deposit. If a jury is called, the county court shall tax 29238
the fees of a jury as costs. 29239

(4) In a civil or criminal action or proceeding, the county 29240
court shall fix the fees of witnesses in accordance with sections 29241
2335.06 and 2335.08 of the Revised Code. 29242

(5) A county court may tax as part of the costs in a trial of 29243
the cause, in an amount fixed by rule of court, a reasonable 29244
charge for driving, towing, carting, storing, keeping, and 29245
preserving motor vehicles and other personal property recovered or 29246
seized in a proceeding. 29247

(6) The court shall preserve chattel property seized under a 29248
writ or process issued by the court pending final disposition for 29249
the benefit of all interested persons. The court may place the 29250
chattel property in storage when necessary or proper for its 29251
preservation. The custodian of chattel property so stored shall 29252
not be required to part with the possession of the property until 29253
a reasonable charge, to be fixed by the court, is paid. 29254

(7) The county court, as it determines, may refund all 29255
deposits and advance payments of fees and costs, including those 29256
for jurors and summoning jurors, when they have been paid by the 29257
losing party. 29258

(8) The court may tax as part of costs charges for the 29259
publication of legal notices required by statute or order of 29260
court, as provided by section 7.13 of the Revised Code. 29261

(B)(1) The county court may determine that, for the efficient 29262
operation of the court, additional funds are necessary to acquire 29263
and pay for special projects of the court including, but not 29264
limited to, the acquisition of additional facilities or the 29265
rehabilitation of existing facilities, the acquisition of 29266

equipment, the hiring and training of staff, community service 29267
programs, mediation or dispute resolution services, the employment 29268
of magistrates, the training and education of judges, acting 29269
judges, and magistrates, and other related services. Upon that 29270
determination, the court by rule may charge a fee, in addition to 29271
all other court costs, on the filing of each criminal cause, civil 29272
action or proceeding, or judgment by confession. 29273

If the county court offers a special program or service in 29274
cases of a specific type, the county court by rule may assess an 29275
additional charge in a case of that type, over and above court 29276
costs, to cover the special program or service. The county court 29277
shall adjust the special assessment periodically, but not 29278
retroactively, so that the amount assessed in those cases does not 29279
exceed the actual cost of providing the service or program. 29280

All moneys collected under division (B) of this section shall 29281
be paid to the county treasurer for deposit into either a general 29282
special projects fund or a fund established for a specific special 29283
project. Moneys from a fund of that nature shall be disbursed upon 29284
an order of the court in an amount no greater than the actual cost 29285
to the court of a project. If a specific fund is terminated 29286
because of the discontinuance of a program or service established 29287
under division (B) of this section, the county court may order 29288
that moneys remaining in the fund be transferred to an account 29289
established under this division for a similar purpose. 29290

(2) As used in division (B) of this section: 29291

(a) "Criminal cause" means a charge alleging the violation of 29292
a statute or ordinance, or subsection of a statute or ordinance, 29293
that requires a separate finding of fact or a separate plea before 29294
disposition and of which the defendant may be found guilty, 29295
whether filed as part of a multiple charge on a single summons, 29296
citation, or complaint or as a separate charge on a single 29297
summons, citation, or complaint. "Criminal cause" does not include 29298

separate violations of the same statute or ordinance, or 29299
subsection of the same statute or ordinance, unless each charge is 29300
filed on a separate summons, citation, or complaint. 29301

(b) "Civil action or proceeding" means any civil litigation 29302
that must be determined by judgment entry. 29303

(C) Subject to division (E) of this section, the county court 29304
shall collect in all its divisions except the small claims 29305
division the sum of ~~twenty-six~~ thirty-one dollars as additional 29306
filing fees in each new civil action or proceeding for the 29307
charitable public purpose of providing financial assistance to 29308
legal aid societies that operate within the state and to support 29309
the office of the state public defender. Subject to division (E) 29310
of this section, the county court shall collect in its small 29311
claims division the sum of eleven dollars as additional filing 29312
fees in each new civil action or proceeding for the charitable 29313
public purpose of providing financial assistance to legal aid 29314
societies that operate within the state and to support the office 29315
of the state public defender. This division does not apply to any 29316
execution on a judgment, proceeding in aid of execution, or other 29317
post-judgment proceeding arising out of a civil action. The filing 29318
fees required to be collected under this division shall be in 29319
addition to any other court costs imposed in the action or 29320
proceeding and shall be collected at the time of the filing of the 29321
action or proceeding. The court shall not waive the payment of the 29322
additional filing fees in a new civil action or proceeding unless 29323
the court waives the advanced payment of all filing fees in the 29324
action or proceeding. All such moneys collected during a month 29325
except for an amount equal to up to one per cent of those moneys 29326
retained to cover administrative costs shall be transmitted on or 29327
before the twentieth day of the following month by the clerk of 29328
the court to the treasurer of state in a manner prescribed by the 29329
treasurer of state or by the Ohio legal assistance foundation. The 29330

treasurer of state shall deposit four per cent of the funds 29331
collected under this division to the credit of the civil case 29332
filing fee fund established under section 120.07 of the Revised 29333
Code and ninety-six per cent of the funds collected under this 29334
division to the credit of the legal aid fund established under 29335
section 120.52 of the Revised Code. 29336

The Ohio legal assistance foundation or any recipient of 29337
financial assistance from the foundation that receives, or 29338
benefits from, any portion of the additional filing fees that are 29339
collected and transmitted under this division shall not bring or 29340
maintain any class action and shall not bring or maintain any 29341
action against the state or any political subdivision of the 29342
state. 29343

The court may retain up to one per cent of the moneys it 29344
collects under this division to cover administrative costs, 29345
including the hiring of any additional personnel necessary to 29346
implement this division. If the court fails to transmit to the 29347
treasurer of state the moneys the court collects under this 29348
division in a manner prescribed by the treasurer of state or by 29349
the Ohio legal assistance foundation, the court shall forfeit the 29350
moneys the court retains under this division to cover 29351
administrative costs, including the hiring of any additional 29352
personnel necessary to implement this division, and shall transmit 29353
to the treasurer of state all moneys collected under this 29354
division, including the forfeited amount retained for 29355
administrative costs, for deposit in the legal aid fund. 29356

(D) The county court shall establish by rule a schedule of 29357
fees for miscellaneous services performed by the county court or 29358
any of its judges in accordance with law. If judges of the court 29359
of common pleas perform similar services, the fees prescribed in 29360
the schedule shall not exceed the fees for those services 29361
prescribed by the court of common pleas. 29362

(E) Under the circumstances described in sections 2969.21 to 29363
2969.27 of the Revised Code, the clerk of the county court shall 29364
charge the fees and perform the other duties specified in those 29365
sections. 29366

Sec. 2303.201. (A)(1) The court of common pleas of any county 29367
may determine that for the efficient operation of the court 29368
additional funds are required to computerize the court, to make 29369
available computerized legal research services, or to do both. 29370
Upon making a determination that additional funds are required for 29371
either or both of those purposes, the court shall authorize and 29372
direct the clerk of the court of common pleas to charge one 29373
additional fee, not to exceed three dollars, on the filing of each 29374
cause of action or appeal under divisions (A), (Q), and (U) of 29375
section 2303.20 of the Revised Code. 29376

(2) All fees collected under division (A)(1) of this section 29377
shall be paid to the county treasurer. The treasurer shall place 29378
the funds from the fees in a separate fund to be disbursed, upon 29379
an order of the court, in an amount not greater than the actual 29380
cost to the court of procuring and maintaining computerization of 29381
the court, computerized legal research services, or both. 29382

(3) If the court determines that the funds in the fund 29383
described in division (A)(2) of this section are more than 29384
sufficient to satisfy the purpose for which the additional fee 29385
described in division (A)(1) of this section was imposed, the 29386
court may declare a surplus in the fund and expend those surplus 29387
funds for other appropriate technological expenses of the court. 29388

(B)(1) The court of common pleas of any county may determine 29389
that, for the efficient operation of the court, additional funds 29390
are required to computerize the office of the clerk of the court 29391
of common pleas and, upon that determination, authorize and direct 29392
the clerk of the court of common pleas to charge an additional 29393

fee, not to exceed ten dollars, on the filing of each cause of 29394
action or appeal, on the filing, docketing, and endorsing of each 29395
certificate of judgment, or on the docketing and indexing of each 29396
aid in execution or petition to vacate, revive, or modify a 29397
judgment under divisions (A), (P), (Q), (T), and (U) of section 29398
2303.20 of the Revised Code. Subject to division (B)(2) of this 29399
section, all moneys collected under division (B)(1) of this 29400
section shall be paid to the county treasurer to be disbursed, 29401
upon an order of the court of common pleas and subject to 29402
appropriation by the board of county commissioners, in an amount 29403
no greater than the actual cost to the court of procuring and 29404
maintaining computer systems for the office of the clerk of the 29405
court of common pleas. 29406

(2) If the court of common pleas of a county makes the 29407
determination described in division (B)(1) of this section, the 29408
board of county commissioners of that county may issue one or more 29409
general obligation bonds for the purpose of procuring and 29410
maintaining the computer systems for the office of the clerk of 29411
the court of common pleas. In addition to the purposes stated in 29412
division (B)(1) of this section for which the moneys collected 29413
under that division may be expended, the moneys additionally may 29414
be expended to pay debt charges on and financing costs related to 29415
any general obligation bonds issued pursuant to division (B)(2) of 29416
this section as they become due. General obligation bonds issued 29417
pursuant to division (B)(2) of this section are Chapter 133. 29418
securities. 29419

(C) The court of common pleas shall collect the sum of 29420
~~twenty-six~~ thirty-one dollars as additional filing fees in each 29421
new civil action or proceeding for the charitable public purpose 29422
of providing financial assistance to legal aid societies that 29423
operate within the state and to support the office of the state 29424
public defender. This division does not apply to a domestic 29425

relations division of a court of common pleas, except that the 29426
additional filing fee shall apply to proceedings concerning 29427
annulments, dissolutions of marriage, divorces, and legal 29428
separation, ~~spousal support, marital property or separate property~~ 29429
~~distribution, support, or other domestic relations matters;~~ to a 29430
juvenile division of a court of common pleas; to a probate 29431
division of a court of common pleas, except that the additional 29432
filing fees shall apply to name change, guardianship, adoption, 29433
and decedents' estate proceedings; or to an execution on a 29434
judgment, proceeding in aid of execution, or other post-judgment 29435
proceeding arising out of a civil action. The filing fees required 29436
to be collected under this division shall be in addition to any 29437
other filing fees imposed in the action or proceeding and shall be 29438
collected at the time of the filing of the action or proceeding. 29439
The court shall not waive the payment of the additional filing 29440
fees in a new civil action or proceeding unless the court waives 29441
the advanced payment of all filing fees in the action or 29442
proceeding. All such moneys collected during a month except for an 29443
amount equal to up to one per cent of those moneys retained to 29444
cover administrative costs shall be transmitted on or before the 29445
twentieth day of the following month by the clerk of the court to 29446
the treasurer of state in a manner prescribed by the treasurer of 29447
state or by the Ohio legal assistance foundation. The treasurer of 29448
state shall deposit four per cent of the funds collected under 29449
this division to the credit of the civil case filing fee fund 29450
established under section 120.07 of the Revised Code and 29451
ninety-six per cent of the funds collected under this division to 29452
the credit of the legal aid fund established under section 120.52 29453
of the Revised Code. 29454

The Ohio legal assistance foundation or any recipient of 29455
financial assistance from the foundation that receives, or 29456
benefits from, any portion of the additional filing fees that are 29457
collected and transmitted under this division shall not bring or 29458

maintain any class action and shall not bring or maintain any 29459
action against the state or any political subdivision of the 29460
state. 29461

The court may retain up to one per cent of the moneys it 29462
collects under this division to cover administrative costs, 29463
including the hiring of any additional personnel necessary to 29464
implement this division. If the court fails to transmit to the 29465
treasurer of state the moneys the court collects under this 29466
division in a manner prescribed by the treasurer of state or by 29467
the Ohio legal assistance foundation, the court shall forfeit the 29468
moneys the court retains under this division to cover 29469
administrative costs, including the hiring of any additional 29470
personnel necessary to implement this division, and shall transmit 29471
to the treasurer of state all moneys collected under this 29472
division, including the forfeited amount retained for 29473
administrative costs, for deposit in the legal aid fund. 29474

(D) On and after the thirtieth day after December 9, 1994, 29475
the court of common pleas shall collect the sum of thirty-two 29476
dollars as additional filing fees in each new action or proceeding 29477
for annulment, divorce, or dissolution of marriage for the purpose 29478
of funding shelters for victims of domestic violence pursuant to 29479
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 29480
required to be collected under this division shall be in addition 29481
to any other filing fees imposed in the action or proceeding and 29482
shall be collected at the time of the filing of the action or 29483
proceeding. The court shall not waive the payment of the 29484
additional filing fees in a new action or proceeding for 29485
annulment, divorce, or dissolution of marriage unless the court 29486
waives the advanced payment of all filing fees in the action or 29487
proceeding. On or before the twentieth day of each month, all 29488
moneys collected during the immediately preceding month pursuant 29489
to this division shall be deposited by the clerk of the court into 29490

the county treasury in the special fund used for deposit of 29491
additional marriage license fees as described in section 3113.34 29492
of the Revised Code. Upon their deposit into the fund, the moneys 29493
shall be retained in the fund and expended only as described in 29494
section 3113.34 of the Revised Code. 29495

(E)(1) The court of common pleas may determine that, for the 29496
efficient operation of the court, additional funds are necessary 29497
to acquire and pay for special projects of the court, including, 29498
but not limited to, the acquisition of additional facilities or 29499
the rehabilitation of existing facilities, the acquisition of 29500
equipment, the hiring and training of staff, community service 29501
programs, mediation or dispute resolution services, the employment 29502
of magistrates, the training and education of judges, acting 29503
judges, and magistrates, and other related services. Upon that 29504
determination, the court by rule may charge a fee, in addition to 29505
all other court costs, on the filing of each criminal cause, civil 29506
action or proceeding, or judgment by confession. 29507

If the court of common pleas offers a special program or 29508
service in cases of a specific type, the court by rule may assess 29509
an additional charge in a case of that type, over and above court 29510
costs, to cover the special program or service. The court shall 29511
adjust the special assessment periodically, but not retroactively, 29512
so that the amount assessed in those cases does not exceed the 29513
actual cost of providing the service or program. 29514

All moneys collected under division (E) of this section shall 29515
be paid to the county treasurer for deposit into either a general 29516
special projects fund or a fund established for a specific special 29517
project. Moneys from a fund of that nature shall be disbursed upon 29518
an order of the court in an amount no greater than the actual cost 29519
to the court of a project. If a specific fund is terminated 29520
because of the discontinuance of a program or service established 29521
under division (E) of this section, the court may order that 29522

moneys remaining in the fund be transferred to an account 29523
established under this division for a similar purpose. 29524

(2) As used in division (E) of this section: 29525

(a) "Criminal cause" means a charge alleging the violation of 29526
a statute or ordinance, or subsection of a statute or ordinance, 29527
that requires a separate finding of fact or a separate plea before 29528
disposition and of which the defendant may be found guilty, 29529
whether filed as part of a multiple charge on a single summons, 29530
citation, or complaint or as a separate charge on a single 29531
summons, citation, or complaint. "Criminal cause" does not include 29532
separate violations of the same statute or ordinance, or 29533
subsection of the same statute or ordinance, unless each charge is 29534
filed on a separate summons, citation, or complaint. 29535

(b) "Civil action or proceeding" means any civil litigation 29536
that must be determined by judgment entry. 29537

Sec. 2315.50. (A) This section applies to an action 29538
maintained as a class action in which the settlement agreement or 29539
judgment includes a monetary award, including compensatory or 29540
punitive and exemplary damages, restitution, or any other payment 29541
of money due from each defendant to the members of the class. 29542

(B) It is the policy of this state, insofar as it is not 29543
inconsistent with federal law, that all unpaid moneys remaining 29544
after the distribution to the members of the class of monetary 29545
awards in class actions described in division (A) of this section 29546
shall be used for charitable public purposes. Fifteen per cent of 29547
those moneys shall provide financial assistance to legal aid 29548
societies that operate within this state. The remaining 29549
eighty-five per cent of those moneys shall be distributed to 29550
charities, nonprofit organizations, and charitable programs 29551
selected in the action and approved by the court. With respect to 29552
the moneys for legal aid societies, not later than the twentieth 29553

day of the month immediately following the month during which the 29554
amount of unpaid moneys, if any, remaining after that distribution 29555
of the monetary award in the class action is identified, each 29556
defendant from whom the unpaid moneys are due, in a manner and 29557
form prescribed in the rules established by the Ohio legal 29558
assistance foundation under section 120.52 of the Revised Code, 29559
shall do both of the following: 29560

(1) Remit fifteen per cent of the sum of the unpaid moneys to 29561
the treasurer of state for deposit in the legal aid fund 29562
established under section 120.52 of the Revised Code; 29563

(2) Notify the Ohio legal assistance foundation of all of the 29564
following: 29565

(a) The amount of moneys remitted under division (B)(1) of 29566
this section; 29567

(b) The case name and case number of the class action and the 29568
court that approved the settlement agreement or rendered the 29569
judgment in the class action. 29570

(C) The Ohio legal assistance foundation or any recipient of 29571
financial assistance from the foundation that receives, or 29572
benefits from, any portion of the moneys that are remitted under 29573
division (B)(1) of this section shall not bring or maintain any 29574
class action and shall not bring or maintain any action against 29575
the state or any political subdivision of the state. 29576

Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 29577
2317.41 of the Revised Code but subject to division (B) of this 29578
section, the records, or copies or photographs of the records, of 29579
a hospital, homes required to be licensed pursuant to section 29580
3721.01 of the Revised Code, ~~and of~~ adult care facilities required 29581
to be licensed pursuant to Chapter 3722. of the Revised Code, ~~and~~ 29582
~~community alternative homes licensed pursuant to section 3724.03~~ 29583

~~of the Revised Code,~~ in lieu of the testimony in open court of 29584
their custodian, person who made them, or person under whose 29585
supervision they were made, may be qualified as authentic evidence 29586
if any such person endorses thereon the person's verified 29587
certification identifying such records, giving the mode and time 29588
of their preparation, and stating that they were prepared in the 29589
usual course of the business of the institution. Such records, 29590
copies, or photographs may not be qualified by certification as 29591
provided in this section unless the party intending to offer them 29592
delivers a copy of them, or of their relevant portions, to the 29593
attorney of record for each adverse party not less than five days 29594
before trial. Nothing in this section shall be construed to limit 29595
the right of any party to call the custodian, person who made such 29596
records, or person under whose supervision they were made, as a 29597
witness. 29598

(B) Division (A) of this section does not apply to any 29599
certified copy of the results of any test given to determine the 29600
presence or concentration of alcohol, a drug of abuse, a 29601
combination of them, a controlled substance, or a metabolite of a 29602
controlled substance in a patient's whole blood, blood serum or 29603
plasma, breath, or urine at any time relevant to a criminal 29604
offense that is submitted in a criminal action or proceeding in 29605
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 29606
of the Revised Code. 29607

Sec. 2503.17. ~~(A) Except as provided in division (B) and~~ 29608
~~subject to division (C) of this section, the~~ The clerk of the 29609
supreme court shall charge and collect ~~forty~~ one hundred dollars, 29610
as a filing fee, for each case entered upon the ~~minute book,~~ 29611
~~including, but not limited to, original actions in the court,~~ 29612
~~appeals filed as of right, and cases certified by the courts of~~ 29613
~~appeals for review on the ground of conflict of decisions; and for~~ 29614
~~each motion to certify the record of a court of appeals or for~~ 29615

~~leave to file a notice of appeal in criminal cases docket. The~~ 29616
~~filing fees so charged and collected shall be in full for~~ 29617
~~docketing the cases or motions, making dockets from term to term,~~ 29618
~~indexing and entering appearances, issuing process, filing papers,~~ 29619
~~entering rules, motions, orders, continuances, decrees, and~~ 29620
~~judgments, making lists of causes on the regular docket for~~ 29621
~~publication each year, making and certifying orders, decrees, and~~ 29622
~~judgments of the court to other tribunals, and the issuing of~~ 29623
~~mandates. Except as provided in division (B) of this section, the~~ 29624
~~each case filed in the supreme court under the Rules of Practice~~ 29625
~~of the Supreme Court. The party invoking the action of the court~~ 29626
~~shall pay the filing fee to the clerk before the case or motion is~~ 29627
~~docketed, and it shall be taxed as costs and recovered from the~~ 29628
~~other party if the party invoking the action of the court~~ 29629
~~succeeds, unless the court otherwise directs.~~ 29630

~~(B)(1) As used in this division, "prosecutor" has the same~~ 29631
~~meaning as in section 2935.01 of the Revised Code.~~ 29632

~~(2) The clerk of the supreme court shall not charge to and~~ 29633
~~collect from a prosecutor the forty dollar filing fee prescribed~~ 29634
~~by division (A) of this section when all of the following~~ 29635
~~circumstances apply:~~ 29636

~~(a) In accordance with the Rules of Practice of the Supreme~~ 29637
~~Court of Ohio, an indigent defendant in a criminal action or~~ 29638
~~proceeding files in the appropriate court of appeals a notice of~~ 29639
~~appeal within thirty days from the date of the entry of the~~ 29640
~~judgment or final order that is the subject of the appeal.~~ 29641

~~(b) The indigent defendant fails to file or offer for filing~~ 29642
~~in the supreme court within thirty days from the date of the~~ 29643
~~filing of the notice of appeal in the court of appeals, a copy of~~ 29644
~~the notice of appeal supported by a memorandum in support of~~ 29645
~~jurisdiction and other documentation and information as required~~ 29646
~~by the Rules of Practice of the Supreme Court of Ohio.~~ 29647

~~(c) The prosecutor or a representative of the prosecutor associated with the criminal action or proceeding files a motion to docket and dismiss the appeal of the indigent defendant for lack of prosecution as authorized by the Rules of Practice of the Supreme Court of Ohio.~~ 29648
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~~(d) The prosecutor states in the motion that the forty dollar filing fee does not accompany the motion because of the applicability of this division, and the clerk of the supreme court determines that this division applies. No filing fee or security deposit shall be charged to an indigent party upon determination of indigency by the supreme court pursuant to the Rules of Practice of the Supreme Court.~~ 29653
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Sec. 2505.09. Except as provided in section 2505.11 or 2505.12 or another section of the Revised Code or in applicable rules governing courts, the perfection of an appeal, including an administrative-related appeal, does not operate as a stay of execution until a stay of execution has been obtained pursuant to the Rules of Appellate Procedure or in another applicable manner, and a supersedeas bond is executed by the appellant to the appellee, with sufficient sureties and in a sum that is not less than, if applicable, the cumulative total for all claims covered by the final order, judgment, or decree and interest involved, except that the bond shall not exceed fifty million dollars excluding interest and costs, as directed by the court that rendered the final order, judgment, or decree that is sought to be superseded or by the court to which the appeal is taken. That bond shall be conditioned as provided in section 2505.14 of the Revised Code. 29660
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Sec. 2505.12. An appellant is not required to give a supersedeas bond in connection with any of the following: 29676
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(A) An <u>Perfection of an</u> appeal by any of the following:	29678
(1) An executor, administrator, guardian, receiver, trustee, or trustee in bankruptcy who is acting in that person's trust capacity and who has given bond in this state, with surety according to law;	29679 29680 29681 29682
(2) The state or any political subdivision of the state;	29683
(3) Any public officer of the state or of any of its political subdivisions who is suing or is sued solely in the public officer's representative capacity as that officer.	29684 29685 29686
(B) An <u>Perfection of an</u> administrative-related appeal of a final order that is not for the payment of money.	29687 29688
<u>Sec. 2505.122. An appellant who obtains a stay of execution pending the appeal of a final order, adjudication, or decision pursuant to section 2506.01 of the Revised Code shall execute a supersedeas bond to the appellee, with sufficient sureties and in such an amount as is determined by the court. That bond shall be conditioned as provided in section 2505.14 of the Revised Code.</u>	29689 29690 29691 29692 29693 29694
Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the Revised Code:	29695 29696
(A) "Claimant" means both of the following categories of persons:	29697 29698
(1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	29699 29700
(a) A victim who was one of the following at the time of the criminally injurious conduct:	29701 29702
(i) A resident of the United States;	29703
(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of	29704 29705

offenses committed in that country.	29706
(b) A dependent of a deceased victim who is described in division (A)(1)(a) of this section;	29707 29708
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(1)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	29709 29710 29711 29712 29713 29714 29715
(d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section;	29716 29717 29718
(e) The estate of a deceased victim who is described in division (A)(1)(a) of this section.	29719 29720
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	29721 29722
(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	29723 29724 29725 29726
(i) Had a permanent place of employment in this state;	29727
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	29728 29729 29730 29731
(iii) Was retired and receiving social security or any other retirement income;	29732 29733
(iv) Was sixty years of age or older;	29734
(v) Was temporarily in another state for the purpose of	29735

receiving medical treatment;	29736
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	29737 29738 29739 29740
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	29741 29742 29743 29744
(viii) Was a full-time student at an academic institution, college, or university located in another state;	29745 29746
(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.	29747 29748 29749 29750
(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;	29751 29752
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(2)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	29753 29754 29755 29756 29757 29758 29759
(d) A person who is authorized to act on behalf of any person who is described in division (A)(2)(a), (b), or (c) of this section;	29760 29761 29762
(e) The estate of a deceased victim who is described in division (A)(2)(a) of this section.	29763 29764
(B) "Collateral source" means a source of benefits or	29765

advantages for economic loss otherwise reparable that the victim 29766
or claimant has received, or that is readily available to the 29767
victim or claimant, from any of the following sources: 29768

(1) The offender; 29769

(2) The government of the United States or any of its 29770
agencies, a state or any of its political subdivisions, or an 29771
instrumentality of two or more states, unless the law providing 29772
for the benefits or advantages makes them excess or secondary to 29773
benefits under sections 2743.51 to 2743.72 of the Revised Code; 29774

(3) Social security, medicare, and medicaid; 29775

(4) State-required, temporary, nonoccupational disability 29776
insurance; 29777

(5) Workers' compensation; 29778

(6) Wage continuation programs of any employer; 29779

(7) Proceeds of a contract of insurance payable to the victim 29780
for loss that the victim sustained because of the criminally 29781
injurious conduct; 29782

(8) A contract providing prepaid hospital and other health 29783
care services, or benefits for disability; 29784

(9) That portion of the proceeds of all contracts of 29785
insurance payable to the claimant on account of the death of the 29786
victim that exceeds fifty thousand dollars; 29787

(10) Any compensation recovered or recoverable under the laws 29788
of another state, district, territory, or foreign country because 29789
the victim was the victim of an offense committed in that state, 29790
district, territory, or country. 29791

"Collateral source" does not include any money, or the 29792
monetary value of any property, that is subject to sections 29793
2969.01 to 2969.06 of the Revised Code or that is received as a 29794
benefit from the Ohio public safety officers death benefit fund 29795

created by section 742.62 of the Revised Code. 29796

(C) "Criminally injurious conduct" means one of the 29797
following: 29798

(1) For the purposes of any person described in division 29799
(A)(1) of this section, any conduct that occurs or is attempted in 29800
this state; poses a substantial threat of personal injury or 29801
death; and is punishable by fine, imprisonment, or death, or would 29802
be so punishable but for the fact that the person engaging in the 29803
conduct lacked capacity to commit the crime under the laws of this 29804
state. Criminally injurious conduct does not include conduct 29805
arising out of the ownership, maintenance, or use of a motor 29806
vehicle, except when any of the following applies: 29807

(a) The person engaging in the conduct intended to cause 29808
personal injury or death; 29809

(b) The person engaging in the conduct was using the vehicle 29810
to flee immediately after committing a felony or an act that would 29811
constitute a felony but for the fact that the person engaging in 29812
the conduct lacked the capacity to commit the felony under the 29813
laws of this state; 29814

(c) The person engaging in the conduct was using the vehicle 29815
in a manner that constitutes an OVI violation; 29816

(d) The conduct occurred on or after July 25, 1990, and the 29817
person engaging in the conduct was using the vehicle in a manner 29818
that constitutes a violation of section 2903.08 of the Revised 29819
Code; 29820

(e) The person engaging in the conduct acted in a manner that 29821
caused serious physical harm to a person and that constituted a 29822
violation of section 4549.02 or 4549.021 of the Revised Code. 29823

(2) For the purposes of any person described in division 29824
(A)(2) of this section, any conduct that occurs or is attempted in 29825

another state, district, territory, or foreign country; poses a 29826
substantial threat of personal injury or death; and is punishable 29827
by fine, imprisonment, or death, or would be so punishable but for 29828
the fact that the person engaging in the conduct lacked capacity 29829
to commit the crime under the laws of the state, district, 29830
territory, or foreign country in which the conduct occurred or was 29831
attempted. Criminally injurious conduct does not include conduct 29832
arising out of the ownership, maintenance, or use of a motor 29833
vehicle, except when any of the following applies: 29834

(a) The person engaging in the conduct intended to cause 29835
personal injury or death; 29836

(b) The person engaging in the conduct was using the vehicle 29837
to flee immediately after committing a felony or an act that would 29838
constitute a felony but for the fact that the person engaging in 29839
the conduct lacked the capacity to commit the felony under the 29840
laws of the state, district, territory, or foreign country in 29841
which the conduct occurred or was attempted; 29842

(c) The person engaging in the conduct was using the vehicle 29843
in a manner that constitutes an OVI violation; 29844

(d) The conduct occurred on or after July 25, 1990, the 29845
person engaging in the conduct was using the vehicle in a manner 29846
that constitutes a violation of any law of the state, district, 29847
territory, or foreign country in which the conduct occurred, and 29848
that law is substantially similar to a violation of section 29849
2903.08 of the Revised Code; 29850

(e) The person engaging in the conduct acted in a manner that 29851
caused serious physical harm to a person and that constituted a 29852
violation of any law of the state, district, territory, or foreign 29853
country in which the conduct occurred, and that law is 29854
substantially similar to section 4549.02 or 4549.021 of the 29855
Revised Code. 29856

(3) For the purposes of any person described in division 29857
(A)(1) or (2) of this section, terrorism that occurs within or 29858
outside the territorial jurisdiction of the United States. 29859

(D) "Dependent" means an individual wholly or partially 29860
dependent upon the victim for care and support, and includes a 29861
child of the victim born after the victim's death. 29862

(E) "Economic loss" means economic detriment consisting only 29863
of allowable expense, work loss, funeral expense, unemployment 29864
benefits loss, replacement services loss, cost of crime scene 29865
cleanup, and cost of evidence replacement. If criminally injurious 29866
conduct causes death, economic loss includes a dependent's 29867
economic loss and a dependent's replacement services loss. 29868
Noneconomic detriment is not economic loss; however, economic loss 29869
may be caused by pain and suffering or physical impairment. 29870

(F)(1) "Allowable expense" means reasonable charges incurred 29871
for reasonably needed products, services, and accommodations, 29872
including those for medical care, rehabilitation, rehabilitative 29873
occupational training, and other remedial treatment and care and 29874
including replacement costs for eyeglasses and other corrective 29875
lenses. It does not include that portion of a charge for a room in 29876
a hospital, clinic, convalescent home, nursing home, or any other 29877
institution engaged in providing nursing care and related services 29878
in excess of a reasonable and customary charge for semiprivate 29879
accommodations, unless accommodations other than semiprivate 29880
accommodations are medically required. 29881

(2) An immediate family member of a victim of criminally 29882
injurious conduct that consists of a homicide, a sexual assault, 29883
domestic violence, or a severe and permanent incapacitating injury 29884
resulting in paraplegia or a similar life-altering condition, who 29885
requires psychiatric care or counseling as a result of the 29886
criminally injurious conduct, may be reimbursed for that care or 29887
counseling as an allowable expense through the victim's 29888

application. The cumulative allowable expense for care or 29889
counseling of that nature shall not exceed two thousand five 29890
hundred dollars for each immediate family member of a victim of 29891
that type and seven thousand five hundred dollars in the aggregate 29892
for all immediate family members of a victim of that type. 29893

(3) A family member of a victim who died as a proximate 29894
result of criminally injurious conduct may be reimbursed as an 29895
allowable expense through the victim's application for wages lost 29896
and travel expenses incurred in order to attend criminal justice 29897
proceedings arising from the criminally injurious conduct. The 29898
cumulative allowable expense for wages lost and travel expenses 29899
incurred by a family member to attend criminal justice proceedings 29900
shall not exceed five hundred dollars for each family member of 29901
the victim and two thousand dollars in the aggregate for all 29902
family members of the victim. 29903

(4) "Allowable expense" includes attorney's fees not 29904
exceeding ~~two~~ one thousand ~~five~~ three hundred twenty dollars, at a 29905
rate not exceeding ~~one hundred fifty~~ sixty dollars per hour, 29906
incurred to successfully obtain a restraining order, custody 29907
order, or other order to physically separate a victim from an 29908
offender, if the attorney has not received payment under section 29909
2743.65 of the Revised Code for assisting a claimant with an 29910
application for an award of reparations under sections 2743.51 to 29911
2743.72 of the Revised Code and provided that, except as otherwise 29912
provided in this division, the attorney or the attorney's law firm 29913
may only receive attorney's fees as an allowable expense for the 29914
services described in this division in an amount that does not 29915
exceed a cumulative total of thirty thousand dollars in any 29916
calendar year. The thirty thousand-dollar maximum specified in 29917
this division does not apply to an attorney who is an employee of 29918
a legal aid society regarding the services described in this 29919
division that the attorney performs while so employed and does not 29920

apply to a legal aid society. Attorney's fees for the services 29921
described in this division may include an amount for reasonable 29922
travel time incurred while performing those services, assessed at 29923
a rate not exceeding thirty dollars per hour. 29924

(G) "Work loss" means loss of income from work that the 29925
injured person would have performed if the person had not been 29926
injured and expenses reasonably incurred by the person to obtain 29927
services in lieu of those the person would have performed for 29928
income, reduced by any income from substitute work actually 29929
performed by the person, or by income the person would have earned 29930
in available appropriate substitute work that the person was 29931
capable of performing but unreasonably failed to undertake. 29932

(H) "Replacement services loss" means expenses reasonably 29933
incurred in obtaining ordinary and necessary services in lieu of 29934
those the injured person would have performed, not for income, but 29935
for the benefit of the person's self or family, if the person had 29936
not been injured. 29937

(I) "Dependent's economic loss" means loss after a victim's 29938
death of contributions of things of economic value to the victim's 29939
dependents, not including services they would have received from 29940
the victim if the victim had not suffered the fatal injury, less 29941
expenses of the dependents avoided by reason of the victim's 29942
death. If a minor child of a victim is adopted after the victim's 29943
death, the minor child continues after the adoption to incur a 29944
dependent's economic loss as a result of the victim's death. If 29945
the surviving spouse of a victim remarries, the surviving spouse 29946
continues after the remarriage to incur a dependent's economic 29947
loss as a result of the victim's death. 29948

(J) "Dependent's replacement services loss" means loss 29949
reasonably incurred by dependents after a victim's death in 29950
obtaining ordinary and necessary services in lieu of those the 29951
victim would have performed for their benefit if the victim had 29952

not suffered the fatal injury, less expenses of the dependents 29953
avoided by reason of the victim's death and not subtracted in 29954
calculating the dependent's economic loss. If a minor child of a 29955
victim is adopted after the victim's death, the minor child 29956
continues after the adoption to incur a dependent's replacement 29957
services loss as a result of the victim's death. If the surviving 29958
spouse of a victim remarries, the surviving spouse continues after 29959
the remarriage to incur a dependent's replacement services loss as 29960
a result of the victim's death. 29961

(K) "Noneconomic detriment" means pain, suffering, 29962
inconvenience, physical impairment, or other nonpecuniary damage. 29963

(L) "Victim" means a person who suffers personal injury or 29964
death as a result of any of the following: 29965

(1) Criminally injurious conduct; 29966

(2) The good faith effort of any person to prevent criminally 29967
injurious conduct; 29968

(3) The good faith effort of any person to apprehend a person 29969
suspected of engaging in criminally injurious conduct. 29970

(M) "Contributory misconduct" means any conduct of the 29971
claimant or of the victim through whom the claimant claims an 29972
award of reparations that is unlawful or intentionally tortious 29973
and that, without regard to the conduct's proximity in time or 29974
space to the criminally injurious conduct, has a causal 29975
relationship to the criminally injurious conduct that is the basis 29976
of the claim. 29977

(N)(1) "Funeral expense" means any reasonable charges that 29978
are not in excess of seven thousand five hundred dollars per 29979
funeral and that are incurred for expenses directly related to a 29980
victim's funeral, cremation, or burial and any wages lost or 29981
travel expenses incurred by a family member of a victim in order 29982
to attend the victim's funeral, cremation, or burial. 29983

(2) An award for funeral expenses shall be applied first to expenses directly related to the victim's funeral, cremation, or burial. An award for wages lost or travel expenses incurred by a family member of the victim shall not exceed five hundred dollars for each family member and shall not exceed in the aggregate the difference between seven thousand five hundred dollars and expenses that are reimbursed by the program and that are directly related to the victim's funeral, cremation, or burial.

(O) "Unemployment benefits loss" means a loss of unemployment benefits pursuant to Chapter 4141. of the Revised Code when the loss arises solely from the inability of a victim to meet the able to work, available for suitable work, or the actively seeking suitable work requirements of division (A)(4)(a) of section 4141.29 of the Revised Code.

(P) "OVI violation" means any of the following:

(1) A violation of section 4511.19 of the Revised Code, of any municipal ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or of any municipal ordinance prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(2) A violation of division (A)(1) of section 2903.06 of the Revised Code;

(3) A violation of division (A)(2), (3), or (4) of section 2903.06 of the Revised Code or of a municipal ordinance substantially similar to any of those divisions, if the offender was under the influence of alcohol, a drug of abuse, or a combination of them, at the time of the commission of the offense;

(4) For purposes of any person described in division (A)(2) of this section, a violation of any law of the state, district,

territory, or foreign country in which the criminally injurious 30015
conduct occurred, if that law is substantially similar to a 30016
violation described in division (P)(1) or (2) of this section or 30017
if that law is substantially similar to a violation described in 30018
division (P)(3) of this section and the offender was under the 30019
influence of alcohol, a drug of abuse, or a combination of them, 30020
at the time of the commission of the offense. 30021

(Q) "Pendency of the claim" for an original reparations 30022
application or supplemental reparations application means the 30023
period of time from the date the criminally injurious conduct upon 30024
which the application is based occurred until the date a final 30025
decision, order, or judgment concerning that original reparations 30026
application or supplemental reparations application is issued. 30027

(R) "Terrorism" means any activity to which all of the 30028
following apply: 30029

(1) The activity involves a violent act or an act that is 30030
dangerous to human life. 30031

(2) The act described in division (R)(1) of this section is 30032
committed within the territorial jurisdiction of the United States 30033
and is a violation of the criminal laws of the United States, this 30034
state, or any other state or the act described in division (R)(1) 30035
of this section is committed outside the territorial jurisdiction 30036
of the United States and would be a violation of the criminal laws 30037
of the United States, this state, or any other state if committed 30038
within the territorial jurisdiction of the United States. 30039

(3) The activity appears to be intended to do any of the 30040
following: 30041

(a) Intimidate or coerce a civilian population; 30042

(b) Influence the policy of any government by intimidation or 30043
coercion; 30044

(c) Affect the conduct of any government by assassination or kidnapping. 30045
30046

(4) The activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity appears intended to intimidate or coerce, or the area or locale in which the perpetrator or perpetrators of the activity operate or seek asylum. 30047
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(S) "Transcends the national boundaries of the United States" means occurring outside the territorial jurisdiction of the United States in addition to occurring within the territorial jurisdiction of the United States. 30054
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(T) "Cost of crime scene cleanup" means reasonable and necessary costs of cleaning the scene and repairing, for the purpose of personal security, property damaged at the scene where the criminally injurious conduct occurred, not to exceed seven hundred fifty dollars in the aggregate per claim. 30058
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(U) "Cost of evidence replacement" means costs for replacement of property confiscated for evidentiary purposes related to the criminally injurious conduct, not to exceed seven hundred fifty dollars in the aggregate per claim. 30063
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(V) "Provider" means any person who provides a victim or claimant with a product, service, or accommodations that are an allowable expense or a funeral expense. 30067
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(W) "Immediate family member" means an individual who resided in the same permanent household as a victim at the time of the criminally injurious conduct and who is related to the victim by affinity or consanguinity. 30070
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(X) "Family member" means an individual who is related to a victim by affinity or consanguinity. 30074
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Sec. 2903.214. (A) As used in this section:	30076
(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.	30077 30078
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	30079 30080
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	30081 30082
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	30083 30084
(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	30085 30086
(6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	30087 30088
(B) The court has jurisdiction over all proceedings under this section.	30089 30090
(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following:	30091 30092 30093 30094 30095
(1) An allegation that the respondent engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation;	30096 30097 30098 30099 30100 30101
(2) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in	30102 30103 30104

conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;

(3) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code or a sexually oriented offense against the person to be protected by the protection order.

(2)(a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following

reasons, the court may grant a continuance of the full hearing to 30137
a reasonable time determined by the court: 30138

(i) Prior to the date scheduled for the full hearing under 30139
this division, the respondent has not been served with the 30140
petition filed pursuant to this section and notice of the full 30141
hearing. 30142

(ii) The parties consent to the continuance. 30143

(iii) The continuance is needed to allow a party to obtain 30144
counsel. 30145

(iv) The continuance is needed for other good cause. 30146

(b) An ex parte order issued under this section does not 30147
expire because of a failure to serve notice of the full hearing 30148
upon the respondent before the date set for the full hearing under 30149
division (D)(2)(a) of this section or because the court grants a 30150
continuance under that division. 30151

(3) If a person who files a petition pursuant to this section 30152
does not request an ex parte order, or if a person requests an ex 30153
parte order but the court does not issue an ex parte order after 30154
an ex parte hearing, the court shall proceed as in a normal civil 30155
action and grant a full hearing on the matter. 30156

(E)(1)(a) After an ex parte or full hearing, the court may 30157
issue any protection order, with or without bond, that contains 30158
terms designed to ensure the safety and protection of the person 30159
to be protected by the protection order, including, but not 30160
limited to, a requirement that the respondent refrain from 30161
entering the residence, school, business, or place of employment 30162
of the petitioner or family or household member. If the court 30163
includes a requirement that the respondent refrain from entering 30164
the residence, school, business, or place of employment of the 30165
petitioner or family or household member in the order, it also 30166
shall include in the order provisions of the type described in 30167

division (E)(5) of this section. 30168

(b) After a full hearing, if the court considering a petition 30169
that includes an allegation of the type described in division 30170
(C)(2) of this section, or the court upon its own motion, finds 30171
upon clear and convincing evidence that the petitioner reasonably 30172
believed that the respondent's conduct at any time preceding the 30173
filing of the petition endangered the health, welfare, or safety 30174
of the person to be protected and that the respondent presents a 30175
continuing danger to the person to be protected, the court may 30176
order that the respondent be electronically monitored for a period 30177
of time and under the terms and conditions that the court 30178
determines are appropriate. Electronic monitoring shall be in 30179
addition to any other relief granted to the petitioner. 30180

(2)(a) Any protection order issued pursuant to this section 30181
shall be valid until a date certain but not later than five years 30182
from the date of its issuance. 30183

(b) Any protection order issued pursuant to this section may 30184
be renewed in the same manner as the original order was issued. 30185

(3) A court may not issue a protection order that requires a 30186
petitioner to do or to refrain from doing an act that the court 30187
may require a respondent to do or to refrain from doing under 30188
division (E)(1) of this section unless all of the following apply: 30189

(a) The respondent files a separate petition for a protection 30190
order in accordance with this section. 30191

(b) The petitioner is served with notice of the respondent's 30192
petition at least forty-eight hours before the court holds a 30193
hearing with respect to the respondent's petition, or the 30194
petitioner waives the right to receive this notice. 30195

(c) If the petitioner has requested an ex parte order 30196
pursuant to division (D) of this section, the court does not delay 30197
any hearing required by that division beyond the time specified in 30198

that division in order to consolidate the hearing with a hearing 30199
on the petition filed by the respondent. 30200

(d) After a full hearing at which the respondent presents 30201
evidence in support of the request for a protection order and the 30202
petitioner is afforded an opportunity to defend against that 30203
evidence, the court determines that the petitioner has committed a 30204
violation of section 2903.211 of the Revised Code against the 30205
person to be protected by the protection order issued pursuant to 30206
this section, has committed a sexually oriented offense against 30207
the person to be protected by the protection order, or has 30208
violated a protection order issued pursuant to section 2903.213 of 30209
the Revised Code relative to the person to be protected by the 30210
protection order issued pursuant to this section. 30211

(4) No protection order issued pursuant to this section shall 30212
in any manner affect title to any real property. 30213

(5)(a) If the court issues a protection order under this 30214
section that includes a requirement that the alleged offender 30215
refrain from entering the residence, school, business, or place of 30216
employment of the petitioner or a family or household member, the 30217
order shall clearly state that the order cannot be waived or 30218
nullified by an invitation to the alleged offender from the 30219
complainant to enter the residence, school, business, or place of 30220
employment or by the alleged offender's entry into one of those 30221
places otherwise upon the consent of the petitioner or family or 30222
household member. 30223

(b) Division (E)(5)(a) of this section does not limit any 30224
discretion of a court to determine that an alleged offender 30225
charged with a violation of section 2919.27 of the Revised Code, 30226
with a violation of a municipal ordinance substantially equivalent 30227
to that section, or with contempt of court, which charge is based 30228
on an alleged violation of a protection order issued under this 30229
section, did not commit the violation or was not in contempt of 30230

court. 30231

(F)(1) The court shall cause the delivery of a copy of any 30232
protection order that is issued under this section to the 30233
petitioner, to the respondent, and to all law enforcement agencies 30234
that have jurisdiction to enforce the order. The court shall 30235
direct that a copy of the order be delivered to the respondent on 30236
the same day that the order is entered. 30237

(2) Upon the issuance of a protection order under this 30238
section, the court shall provide the parties to the order with the 30239
following notice orally or by form: 30240

"NOTICE 30241

As a result of this order, it may be unlawful for you to 30242
possess or purchase a firearm, including a rifle, pistol, or 30243
revolver, or ammunition pursuant to federal law under 18 U.S.C. 30244
922(g)(8). If you have any questions whether this law makes it 30245
illegal for you to possess or purchase a firearm or ammunition, 30246
you should consult an attorney." 30247

(3) All law enforcement agencies shall establish and maintain 30248
an index for the protection orders delivered to the agencies 30249
pursuant to division (F)(1) of this section. With respect to each 30250
order delivered, each agency shall note on the index the date and 30251
time that it received the order. 30252

(4) Regardless of whether the petitioner has registered the 30253
protection order in the county in which the officer's agency has 30254
jurisdiction pursuant to division (M) of this section, any officer 30255
of a law enforcement agency shall enforce a protection order 30256
issued pursuant to this section by any court in this state in 30257
accordance with the provisions of the order, including removing 30258
the respondent from the premises, if appropriate. 30259

(G) Any proceeding under this section shall be conducted in 30260
accordance with the Rules of Civil Procedure, except that a 30261

protection order may be obtained under this section with or 30262
without bond. An order issued under this section, other than an ex 30263
parte order, that grants a protection order, or that refuses to 30264
grant a protection order, is a final, appealable order. The 30265
remedies and procedures provided in this section are in addition 30266
to, and not in lieu of, any other available civil or criminal 30267
remedies. 30268

(H) The filing of proceedings under this section does not 30269
excuse a person from filing any report or giving any notice 30270
required by section 2151.421 of the Revised Code or by any other 30271
law. 30272

(I) Any law enforcement agency that investigates an alleged 30273
violation of section 2903.211 of the Revised Code or an alleged 30274
commission of a sexually oriented offense shall provide 30275
information to the victim and the family or household members of 30276
the victim regarding the relief available under this section and 30277
section 2903.213 of the Revised Code. 30278

(J) Notwithstanding any provision of law to the contrary and 30279
regardless of whether a protection order is issued or a consent 30280
agreement is approved by a court of another county or by a court 30281
of another state, no court or unit of state or local government 30282
shall charge any fee, cost, deposit, or money in connection with 30283
the filing of a petition pursuant to this section, in connection 30284
with the filing, issuance, registration, or service of a 30285
protection order or consent agreement, or for obtaining a 30286
certified copy of a protection order or consent agreement. 30287

(K)(1) A person who violates a protection order issued under 30288
this section is subject to the following sanctions: 30289

(a) Criminal prosecution for a violation of section 2919.27 30290
of the Revised Code, if the violation of the protection order 30291
constitutes a violation of that section; 30292

(b) Punishment for contempt of court. 30293

(2) The punishment of a person for contempt of court for 30294
violation of a protection order issued under this section does not 30295
bar criminal prosecution of the person for a violation of section 30296
2919.27 of the Revised Code. However, a person punished for 30297
contempt of court is entitled to credit for the punishment imposed 30298
upon conviction of a violation of that section, and a person 30299
convicted of a violation of that section shall not subsequently be 30300
punished for contempt of court arising out of the same activity. 30301

(L) In all stages of a proceeding under this section, a 30302
petitioner may be accompanied by a victim advocate. 30303

(M)(1) A petitioner who obtains a protection order under this 30304
section or a protection order under section 2903.213 of the 30305
Revised Code may provide notice of the issuance or approval of the 30306
order to the judicial and law enforcement officials in any county 30307
other than the county in which the order is issued by registering 30308
that order in the other county pursuant to division (M)(2) of this 30309
section and filing a copy of the registered order with a law 30310
enforcement agency in the other county in accordance with that 30311
division. A person who obtains a protection order issued by a 30312
court of another state may provide notice of the issuance of the 30313
order to the judicial and law enforcement officials in any county 30314
of this state by registering the order in that county pursuant to 30315
section 2919.272 of the Revised Code and filing a copy of the 30316
registered order with a law enforcement agency in that county. 30317

(2) A petitioner may register a protection order issued 30318
pursuant to this section or section 2903.213 of the Revised Code 30319
in a county other than the county in which the court that issued 30320
the order is located in the following manner: 30321

(a) The petitioner shall obtain a certified copy of the order 30322
from the clerk of the court that issued the order and present that 30323

certified copy to the clerk of the court of common pleas or the 30324
clerk of a municipal court or county court in the county in which 30325
the order is to be registered. 30326

(b) Upon accepting the certified copy of the order for 30327
registration, the clerk of the court of common pleas, municipal 30328
court, or county court shall place an endorsement of registration 30329
on the order and give the petitioner a copy of the order that 30330
bears that proof of registration. 30331

(3) The clerk of each court of common pleas, municipal court, 30332
or county court shall maintain a registry of certified copies of 30333
protection orders that have been issued by courts in other 30334
counties pursuant to this section or section 2903.213 of the 30335
Revised Code and that have been registered with the clerk. 30336

(N) If the court orders electronic monitoring of the 30337
respondent under this section, the court shall direct the 30338
sheriff's office or any other appropriate law enforcement agency 30339
to install the electronic monitoring device and to monitor the 30340
respondent. Unless the court determines that the respondent is 30341
indigent, the court shall order the respondent to pay the cost of 30342
the installation and monitoring of the electronic monitoring 30343
device. If the court determines that the respondent is indigent, 30344
the cost of the installation and monitoring of the electronic 30345
monitoring device ~~shall~~ may be paid out of funds from the 30346
reparations fund created pursuant to section 2743.191 of the 30347
Revised Code. The total amount of costs for the installation and 30348
monitoring of electronic monitoring devices paid pursuant to this 30349
division from the reparations fund shall not exceed three hundred 30350
thousand dollars per year. The attorney general may promulgate 30351
rules pursuant to section 111.15 of the Revised Code to govern 30352
payments made from the reparations fund pursuant to this division. 30353
The rules may include reasonable limits on the total cost paid 30354
pursuant to this division per respondent, the amount of the three 30355

hundred thousand dollars allocated to each county, and how 30356
invoices may be submitted by a county, court, or other entity. 30357

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the 30358
Revised Code: 30359

(A) "Care facility" means any of the following: 30360

(1) Any "home" as defined in section 3721.10 or 5111.20 of 30361
the Revised Code; 30362

(2) Any "residential facility" as defined in section 5123.19 30363
of the Revised Code; 30364

(3) Any institution or facility operated or provided by the 30365
department of mental health or by the department of mental 30366
retardation and developmental disabilities pursuant to sections 30367
5119.02 and 5123.03 of the Revised Code; 30368

(4) Any "residential facility" as defined in section 5119.22 30369
of the Revised Code; 30370

(5) Any unit of any hospital, as defined in section 3701.01 30371
of the Revised Code, that provides the same services as a nursing 30372
home, as defined in section 3721.01 of the Revised Code; 30373

(6) Any institution, residence, or facility that provides, 30374
for a period of more than twenty-four hours, whether for a 30375
consideration or not, accommodations to one individual or two 30376
unrelated individuals who are dependent upon the services of 30377
others; 30378

(7) Any "adult care facility" as defined in section 3722.01 30379
of the Revised Code; 30380

(8) Any adult foster home certified by the department of 30381
aging or its designee under section 173.36 of the Revised Code; 30382

~~(9) Any "community alternative home" as defined in section 30383
3724.01 of the Revised Code. 30384~~

(B) "Abuse" means knowingly causing physical harm or 30385
recklessly causing serious physical harm to a person by physical 30386
contact with the person or by the inappropriate use of a physical 30387
or chemical restraint, medication, or isolation on the person. 30388

(C)(1) "Gross neglect" means knowingly failing to provide a 30389
person with any treatment, care, goods, or service that is 30390
necessary to maintain the health or safety of the person when the 30391
failure results in physical harm or serious physical harm to the 30392
person. 30393

(2) "Neglect" means recklessly failing to provide a person 30394
with any treatment, care, goods, or service that is necessary to 30395
maintain the health or safety of the person when the failure 30396
results in serious physical harm to the person. 30397

(D) "Inappropriate use of a physical or chemical restraint, 30398
medication, or isolation" means the use of physical or chemical 30399
restraint, medication, or isolation as punishment, for staff 30400
convenience, excessively, as a substitute for treatment, or in 30401
quantities that preclude habilitation and treatment. 30402

Sec. 2907.27. (A)(1) If a person is charged with a violation 30403
of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 30404
2907.25 of the Revised Code or with a violation of a municipal 30405
ordinance that is substantially equivalent to any of those 30406
sections, the arresting authorities or a court, upon the request 30407
of the prosecutor in the case or upon the request of the victim, 30408
shall cause the accused to submit to one or more appropriate tests 30409
to determine if the accused is suffering from a venereal disease. 30410

(2) If the accused is found to be suffering from a venereal 30411
disease in an infectious stage, the accused shall be required to 30412
submit to medical treatment for that disease. The cost of the 30413
medical treatment shall be charged to and paid by the accused who 30414
undergoes the treatment. If the accused is indigent, the court 30415

shall order the accused to report to a facility operated by a city 30416
health district or a general health district for treatment. If the 30417
accused is convicted of or pleads guilty to the offense with which 30418
the accused is charged and is placed under a community control 30419
sanction, a condition of community control shall be that the 30420
offender submit to and faithfully follow a course of medical 30421
treatment for the venereal disease. If the offender does not seek 30422
the required medical treatment, the court may revoke the 30423
offender's community control and order the offender to undergo 30424
medical treatment during the period of the offender's 30425
incarceration and to pay the cost of that treatment. 30426

(B)(1)(a) ~~Notwithstanding the requirements for informed~~ 30427
~~consent in section 3701.242 of the Revised Code, if~~ If a person is 30428
charged with a violation of division (B) of section 2903.11 or of 30429
section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 30430
2907.241, or 2907.25 of the Revised Code or with a violation of a 30431
municipal ordinance that is substantially equivalent to that 30432
division or any of those sections, the court, upon the request of 30433
the prosecutor in the case, upon the request of the victim, or 30434
upon the request of any other person whom the court reasonably 30435
believes had contact with the accused in circumstances related to 30436
the violation that could have resulted in the transmission to that 30437
person of ~~a virus that causes acquired immunodeficiency syndrome~~
the human immunodeficiency virus, shall cause the accused to 30438
submit to one or more tests designated by the director of health 30439
under section 3701.241 of the Revised Code to determine if the 30440
accused is ~~a carrier of a virus that causes acquired~~ 30441
~~immunodeficiency syndrome~~ infected with HIV. The court, upon the 30442
request of the prosecutor in the case, upon the request of the 30443
victim with the agreement of the prosecutor, or upon the request 30444
of any other person with the agreement of the prosecutor, may 30445
cause an accused who is charged with a violation of any other 30446
section of the Revised Code or with a violation of any other 30447
30448

municipal ordinance to submit to one or more tests so designated 30449
by the director of health if the circumstances of the violation 30450
indicate probable cause to believe that the accused, if the 30451
accused is infected with ~~the virus that causes acquired~~ 30452
~~immunodeficiency syndrome~~ HIV, might have transmitted ~~the virus~~ 30453
HIV to any of the following persons in committing the violation: 30454

(i) In relation to a request made by the prosecuting 30455
attorney, to the victim or to any other person; 30456

(ii) In relation to a request made by the victim, to the 30457
victim making the request; 30458

(iii) In relation to a request made by any other person, to 30459
the person making the request. 30460

(b) The results of a test performed under division (B)(1)(a) 30461
of this section shall be communicated in confidence to the court, 30462
and the court shall inform the accused of the result. The court 30463
shall inform the victim that the test was performed and that the 30464
victim has a right to receive the results on request. If the test 30465
was performed upon the request of a person other than the 30466
prosecutor in the case and other than the victim, the court shall 30467
inform the person who made the request that the test was performed 30468
and that the person has a right to receive the results upon 30469
request. Additionally, regardless of who made the request that was 30470
the basis of the test being performed, if the court reasonably 30471
believes that, in circumstances related to the violation, a person 30472
other than the victim had contact with the accused that could have 30473
resulted in the transmission of ~~the virus~~ HIV to that person, the 30474
court may inform that person that the test was performed and that 30475
the person has a right to receive the results of the test on 30476
request. If the accused tests positive for ~~a virus that causes~~ 30477
~~acquired immunodeficiency syndrome~~ HIV, the test results shall be 30478
reported to the department of health in accordance with section 30479
3701.24 of the Revised Code and to the sheriff, head of the state 30480

correctional institution, or other person in charge of any jail or 30481
prison in which the accused is incarcerated. If the accused tests 30482
positive for a ~~virus that causes acquired immunodeficiency~~ 30483
~~syndrome~~ HIV and the accused was charged with, and was convicted 30484
of or pleaded guilty to, a violation of section 2907.24, 2907.241, 30485
or 2907.25 of the Revised Code or a violation of a municipal 30486
ordinance that is substantially equivalent to any of those 30487
sections, the test results also shall be reported to the law 30488
enforcement agency that arrested the accused, and the law 30489
enforcement agency may use the test results as the basis for any 30490
future charge of a violation of division (B) of any of those 30491
sections or a violation of a municipal ordinance that is 30492
substantially equivalent to division (B) of any of those sections. 30493
No other disclosure of the test results or the fact that a test 30494
was performed shall be made, other than as evidence in a grand 30495
jury proceeding or as evidence in a judicial proceeding in 30496
accordance with the Rules of Evidence. If the test result is 30497
negative, and the charge has not been dismissed or if the accused 30498
has been convicted of the charge or a different offense arising 30499
out of the same circumstances as the offense charged, the court 30500
shall order that the test be repeated not earlier than three 30501
months nor later than six months after the original test. 30502

(2) If an accused who is free on bond refuses to submit to a 30503
test ordered by the court pursuant to division (B)(1) of this 30504
section, the court may order that the accused's bond be revoked 30505
and that the accused be incarcerated until the test is performed. 30506
If an accused who is incarcerated refuses to submit to a test 30507
ordered by the court pursuant to division (B)(1) of this section, 30508
the court shall order the person in charge of the jail or prison 30509
in which the accused is incarcerated to take any action necessary 30510
to facilitate the performance of the test, including the forcible 30511
restraint of the accused for the purpose of drawing blood to be 30512
used in the test. 30513

(3) A state agency, a political subdivision of the state, or an employee of a state agency or of a political subdivision of the state is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with the performance of the duties required under division (B)(2) of this section unless the acts or omissions are with malicious purpose, in bad faith, or in a wanton or reckless manner.

(C) As used in this section, ~~"community:~~ 30522

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 30523
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(2) "HIV" means the human immunodeficiency virus. 30525

Sec. 2911.21. (A) No person, without privilege to do so, shall do any of the following: 30526
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(1) Knowingly enter or remain on the land or premises of another; 30528
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(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes, or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard; 30530
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(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access; 30535
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(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the 30541
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owner or occupant, or the agent or servant of either. 30544

(B) It is no defense to a charge under this section that the 30545
land or premises involved was owned, controlled, or in custody of 30546
a public agency. 30547

(C) It is no defense to a charge under this section that the 30548
offender was authorized to enter or remain on the land or premises 30549
involved, when such authorization was secured by deception. 30550

(D)(1) Whoever violates this section is guilty of criminal 30551
trespass, a misdemeanor of the fourth degree. 30552

(2) Notwithstanding section 2929.28 of the Revised Code, if 30553
the person, in committing the violation of this section, used ~~an~~ a 30554
snowmobile, off-highway motorcycle, or all-purpose vehicle, the 30555
court shall impose a fine of two times the usual amount imposed 30556
for the violation. 30557

(3) If an offender previously has been convicted of or 30558
pleaded guilty to two or more violations of this section or a 30559
substantially equivalent municipal ordinance, and the offender, in 30560
committing each violation, used ~~an~~ a snowmobile, off-highway 30561
motorcycle, or all-purpose vehicle, the court, in addition to or 30562
independent of all other penalties imposed for the violation, may 30563
impound the certificate of registration of that snowmobile or 30564
off-highway motorcycle or the certificate of registration and 30565
license plate of that all-purpose vehicle for not less than sixty 30566
days. In such a case, section 4519.47 of the Revised Code applies. 30567

(E) Notwithstanding any provision of the Revised Code, if the 30568
offender, in committing the violation of this section, used an 30569
all-purpose vehicle, the clerk of the court shall pay the fine 30570
imposed pursuant to this section to the state recreational vehicle 30571
fund created by section 4519.11 of the Revised Code. 30572

(F) As used in this section: 30573

(1) "All-purpose vehicle," ~~has~~ "off-highway motorcycle," and 30574
"snowmobile" have the same meaning meanings as in section 4519.01 30575
of the Revised Code. 30576

(2) "Land or premises" includes any land, building, 30577
structure, or place belonging to, controlled by, or in custody of 30578
another, and any separate enclosure or room, or portion thereof. 30579

Sec. 2913.46. (A)(1) As used in this section: 30580

(a) "Electronically transferred benefit" means the transfer 30581
of ~~food stamp~~ supplemental nutrition assistance program benefits 30582
or WIC program benefits through the use of an access device. 30583

(b) "WIC program benefits" includes money, coupons, delivery 30584
verification receipts, other documents, food, or other property 30585
received directly or indirectly pursuant to section 17 of the 30586
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 30587
amended. 30588

(c) "Access device" means any card, plate, code, account 30589
number, or other means of access that can be used, alone or in 30590
conjunction with another access device, to obtain payments, 30591
allotments, benefits, money, goods, or other things of value or 30592
that can be used to initiate a transfer of funds pursuant to 30593
section 5101.33 of the Revised Code and the ~~"Food Stamp and~~ 30594
Nutrition Act of 1977," 91 Stat. 958, 2008 (7 U.S.C.A. 2011 et 30595
seq.), or any supplemental food program administered by any 30596
department of this state or any county or local agency pursuant to 30597
section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 30598
U.S.C.A. 1786, as amended. An "access device" may include any 30599
electronic debit card or other means authorized by section 5101.33 30600
of the Revised Code. 30601

~~(e)~~(d) "Aggregate value of ~~the food stamp coupons~~ 30602
supplemental nutrition assistance program benefits, WIC program 30603

benefits, and electronically transferred benefits involved in the violation" means the total face value of any ~~food stamps~~ supplemental nutrition assistance program benefits, plus the total face value of WIC program coupons or delivery verification receipts, plus the total value of other WIC program benefits, plus the total value of any electronically transferred benefit or other access device, involved in the violation.

(d)(e) "Total value of any electronically transferred benefit or other access device" means the total value of the payments, allotments, benefits, money, goods, or other things of value that may be obtained, or the total value of funds that may be transferred, by use of any electronically transferred benefit or other access device at the time of violation.

(2) If ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, or electronically transferred benefits or other access devices of various values are used, transferred, bought, acquired, altered, purchased, possessed, presented for redemption, or transported in violation of this section over a period of twelve months, the course of conduct may be charged as one offense and the values of ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefits or other access devices may be aggregated in determining the degree of the offense.

(B) No individual shall knowingly possess, buy, sell, use, alter, accept, or transfer ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit in any manner not authorized by the "Food Stamp and Nutrition Act of 1977," ~~91 Stat. 958, 2008 (7 U.S.C.A. 2011, as amended, et seq.)~~ or section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended.

(C) No organization, as defined in division (D) of section 2901.23 of the Revised Code, shall do either of the following:

(1) Knowingly allow an employee or agent to sell, transfer, or trade items or services, the purchase of which is prohibited by the "~~Food Stamp and Nutrition Act of 1977,~~" ~~91 Stat. 958,~~ 2008 (7 U.S.C.A. 2011, ~~as amended,~~ et seq. or section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended, in exchange for ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit;

(2) Negligently allow an employee or agent to sell, transfer, or exchange ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit for anything of value.

(D) Whoever violates this section is guilty of illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits. Except as otherwise provided in this division, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fifth degree. If the aggregate value of the ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is five hundred dollars or more and is less than five thousand dollars, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fourth degree. If the aggregate value of the ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is five thousand dollars or more and is less than one hundred thousand dollars, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a felony of the third degree. If the aggregate value

of the ~~food stamp coupons~~ supplemental nutrition assistance 30668
program benefits, WIC program benefits, and electronically 30669
transferred benefits involved in the violation is one hundred 30670
thousand dollars or more, illegal use of ~~food stamps~~ supplemental 30671
nutrition assistance program benefits or WIC program benefits is a 30672
felony of the second degree. 30673

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Sec. 2915.01. As used in this chapter: 30675

(A) "Bookmaking" means the business of receiving or paying 30676
off bets. 30677

(B) "Bet" means the hazarding of anything of value upon the 30678
result of an event, undertaking, or contingency, but does not 30679
include a bona fide business risk. 30680

(C) "Scheme of chance" means a slot machine, lottery, numbers 30681
game, pool conducted for profit, or other scheme in which a 30682
participant gives a valuable consideration for a chance to win a 30683
prize, but does not include bingo, a skill-based amusement 30684
machine, or a pool not conducted for profit. 30685

(D) "Game of chance" means poker, craps, roulette, or other 30686
game in which a player gives anything of value in the hope of 30687
gain, the outcome of which is determined largely by chance, but 30688
does not include bingo. 30689

(E) "Game of chance conducted for profit" means any game of 30690
chance designed to produce income for the person who conducts or 30691
operates the game of chance, but does not include bingo. 30692

(F) "Gambling device" means any of the following: 30693

(1) A book, totalizer, or other equipment for recording bets; 30694

(2) A ticket, token, or other device representing a chance, 30695
share, or interest in a scheme of chance or evidencing a bet; 30696

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;	30697 30698 30699
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	30700 30701
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	30702 30703
(G) "Gambling offense" means any of the following:	30704
(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	30705 30706 30707
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	30708 30709 30710 30711 30712
(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;	30713 30714 30715
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.	30716 30717 30718
(H) Except as otherwise provided in this chapter, "charitable organization" means any tax exempt religious, educational, veteran's, fraternal, sporting, service, nonprofit medical, volunteer rescue service, volunteer firefighter's, senior citizen's, historic railroad educational, youth athletic, amateur athletic, or youth athletic park organization. An organization is tax exempt if the organization is, and has received from the internal revenue service a determination letter that currently is	30719 30720 30721 30722 30723 30724 30725 30726

in effect stating that the organization is, exempt from federal 30727
income taxation under subsection 501(a) and described in 30728
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 30729
501(c)(19) of the Internal Revenue Code, or if the organization is 30730
a sporting organization that is exempt from federal income 30731
taxation under subsection 501(a) and is described in subsection 30732
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 30733
organization, an organization, except a volunteer rescue service 30734
or volunteer firefighter's organization, shall have been in 30735
continuous existence as such in this state for a period of two 30736
years immediately preceding either the making of an application 30737
for a bingo license under section 2915.08 of the Revised Code or 30738
the conducting of any game of chance as provided in division (D) 30739
of section 2915.02 of the Revised Code. A charitable organization 30740
that is exempt from federal income taxation under subsection 30741
501(a) and described in subsection 501(c)(3) of the Internal 30742
Revenue Code and that is created by a veteran's organization, a 30743
fraternal organization, or a sporting organization does not have 30744
to have been in continuous existence as such in this state for a 30745
period of two years immediately preceding either the making of an 30746
application for a bingo license under section 2915.08 of the 30747
Revised Code or the conducting of any game of chance as provided 30748
in division (D) of section 2915.02 of the Revised Code. 30749

(I) "Religious organization" means any church, body of 30750
communicants, or group that is not organized or operated for 30751
profit and that gathers in common membership for regular worship 30752
and religious observances. 30753

(J) "Educational organization" means any organization within 30754
this state that is not organized for profit, the primary purpose 30755
of which is to educate and develop the capabilities of individuals 30756
through instruction by means of operating or contributing to the 30757
support of a school, academy, college, or university. 30758

(K) "Veteran's organization" means any individual post or 30759
state headquarters of a national veteran's association or an 30760
auxiliary unit of any individual post of a national veteran's 30761
association, which post, state headquarters, or auxiliary unit has 30762
been in continuous existence in this state for at least two years 30763
and incorporated as a nonprofit corporation and either has 30764
received a letter from the state headquarters of the national 30765
veteran's association indicating that the individual post or 30766
auxiliary unit is in good standing with the national veteran's 30767
association or has received a letter from the national veteran's 30768
association indicating that the state headquarters is in good 30769
standing with the national veteran's association. As used in this 30770
division, "national veteran's association" means any veteran's 30771
association that has been in continuous existence as such for a 30772
period of at least five years and either is incorporated by an act 30773
of the United States congress or has a national dues-paying 30774
membership of at least five thousand persons. 30775

(L) "Volunteer firefighter's organization" means any 30776
organization of volunteer firefighters, as defined in section 30777
146.01 of the Revised Code, that is organized and operated 30778
exclusively to provide financial support for a volunteer fire 30779
department or a volunteer fire company and that is recognized or 30780
ratified by a county, municipal corporation, or township. 30781

(M) "Fraternal organization" means any society, order, state 30782
headquarters, or association within this state, except a college 30783
or high school fraternity, that is not organized for profit, that 30784
is a branch, lodge, or chapter of a national or state 30785
organization, that exists exclusively for the common business or 30786
sodality of its members, and that has been in continuous existence 30787
in this state for a period of five years. 30788

(N) "Volunteer rescue service organization" means any 30789
organization of volunteers organized to function as an emergency 30790

medical service organization, as defined in section 4765.01 of the Revised Code. 30791
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(O) "Service organization" means either of the following: 30793

(1) Any organization, not organized for profit, that is organized and operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects, or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment or provide immediate shelter to victims of domestic violence; 30794
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(2) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is an organization, not organized for profit, that is organized and operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, medical and therapeutic services for persons who are crippled, born with birth defects, or have any other mental or physical defect. 30804
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(P) "Nonprofit medical organization" means either of the following: 30815
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(1) Any organization that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, 30817
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research, or therapeutic services for the public; 30822

(2) Any organization that is described and qualified under 30823
subsection 501(c)(3) of the Internal Revenue Code, that has been 30824
incorporated as a nonprofit corporation for at least five years, 30825
and that has continuously operated and will be operated primarily 30826
to provide, or to contribute to the support of organizations or 30827
institutions organized and operated primarily to provide, 30828
hospital, medical, research, or therapeutic services for the 30829
public. 30830

(Q) "Senior citizen's organization" means any private 30831
organization, not organized for profit, that is organized and 30832
operated exclusively to provide recreational or social services 30833
for persons who are fifty-five years of age or older and that is 30834
described and qualified under subsection 501(c)(3) of the Internal 30835
Revenue Code. 30836

(R) "Charitable bingo game" means any bingo game described in 30837
division (S)(1) or (2) of this section that is conducted by a 30838
charitable organization that has obtained a license pursuant to 30839
section 2915.08 of the Revised Code and the proceeds of which are 30840
used for a charitable purpose. 30841

(S) "Bingo" means either of the following: 30842

(1) A game with all of the following characteristics: 30843

(a) The participants use bingo cards or sheets, including 30844
paper formats and electronic representation or image formats, that 30845
are divided into twenty-five spaces arranged in five horizontal 30846
and five vertical rows of spaces, with each space, except the 30847
central space, being designated by a combination of a letter and a 30848
number and with the central space being designated as a free 30849
space. 30850

(b) The participants cover the spaces on the bingo cards or 30851
sheets that correspond to combinations of letters and numbers that 30852

are announced by a bingo game operator. 30853

(c) A bingo game operator announces combinations of letters 30854
and numbers that appear on objects that a bingo game operator 30855
selects by chance, either manually or mechanically, from a 30856
receptacle that contains seventy-five objects at the beginning of 30857
each game, each object marked by a different combination of a 30858
letter and a number that corresponds to one of the seventy-five 30859
possible combinations of a letter and a number that can appear on 30860
the bingo cards or sheets. 30861

(d) The winner of the bingo game includes any participant who 30862
properly announces during the interval between the announcements 30863
of letters and numbers as described in division (S)(1)(c) of this 30864
section, that a predetermined and preannounced pattern of spaces 30865
has been covered on a bingo card or sheet being used by the 30866
participant. 30867

(2) Instant bingo, punch boards, and raffles. 30868

(T) "Conduct" means to back, promote, organize, manage, carry 30869
on, sponsor, or prepare for the operation of bingo or a game of 30870
chance. 30871

(U) "Bingo game operator" means any person, except security 30872
personnel, who performs work or labor at the site of bingo, 30873
including, but not limited to, collecting money from participants, 30874
handing out bingo cards or sheets or objects to cover spaces on 30875
bingo cards or sheets, selecting from a receptacle the objects 30876
that contain the combination of letters and numbers that appear on 30877
bingo cards or sheets, calling out the combinations of letters and 30878
numbers, distributing prizes, selling or redeeming instant bingo 30879
tickets or cards, supervising the operation of a punch board, 30880
selling raffle tickets, selecting raffle tickets from a receptacle 30881
and announcing the winning numbers in a raffle, and preparing, 30882
selling, and serving food or beverages. 30883

(V) "Participant" means any person who plays bingo.	30884
(W) "Bingo session" means a period that includes both of the following:	30885
(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards;	30886
(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section.	30887
(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:	30888
(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.	30889
(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.	30890
(3) The food and beverages are sold at customary and reasonable prices.	30891
(Y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of	30892
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the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

(Z) "Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous existence in this state for fifteen years and that uses the net profit exclusively for religious, charitable, scientific,

literary, or educational purposes, or for the prevention of 30946
cruelty to children or animals, if contributions for such use 30947
would qualify as a deductible charitable contribution under 30948
subsection 170 of the Internal Revenue Code; 30949

(4) A volunteer firefighter's organization that uses the net 30950
profit for the purposes set forth in division (L) of this section. 30951

(AA) "Internal Revenue Code" means the "Internal Revenue Code 30952
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 30953
amended. 30954

(BB) "Youth athletic organization" means any organization, 30955
not organized for profit, that is organized and operated 30956
exclusively to provide financial support to, or to operate, 30957
athletic activities for persons who are twenty-one years of age or 30958
younger by means of sponsoring, organizing, operating, or 30959
contributing to the support of an athletic team, club, league, or 30960
association. 30961

(CC) "Youth athletic park organization" means any 30962
organization, not organized for profit, that satisfies both of the 30963
following: 30964

(1) It owns, operates, and maintains playing fields that 30965
satisfy both of the following: 30966

(a) The playing fields are used at least one hundred days per 30967
year for athletic activities by one or more organizations, not 30968
organized for profit, each of which is organized and operated 30969
exclusively to provide financial support to, or to operate, 30970
athletic activities for persons who are eighteen years of age or 30971
younger by means of sponsoring, organizing, operating, or 30972
contributing to the support of an athletic team, club, league, or 30973
association. 30974

(b) The playing fields are not used for any profit-making 30975
activity at any time during the year. 30976

(2) It uses the proceeds of bingo it conducts exclusively for 30977
the operation, maintenance, and improvement of its playing fields 30978
of the type described in division (CC)(1) of this section. 30979

(DD) "Amateur athletic organization" means any organization, 30980
not organized for profit, that is organized and operated 30981
exclusively to provide financial support to, or to operate, 30982
athletic activities for persons who are training for amateur 30983
athletic competition that is sanctioned by a national governing 30984
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 30985
3045, 36 U.S.C.A. 373. 30986

(EE) "Bingo supplies" means bingo cards or sheets; instant 30987
bingo tickets or cards; electronic bingo aids; raffle tickets; 30988
punch boards; seal cards; instant bingo ticket dispensers; and 30989
devices for selecting or displaying the combination of bingo 30990
letters and numbers or raffle tickets. Items that are "bingo 30991
supplies" are not gambling devices if sold or otherwise provided, 30992
and used, in accordance with this chapter. For purposes of this 30993
chapter, "bingo supplies" are not to be considered equipment used 30994
to conduct a bingo game. 30995

(FF) "Instant bingo" means a form of bingo that uses folded 30996
or banded tickets or paper cards with perforated break-open tabs, 30997
a face of which is covered or otherwise hidden from view to 30998
conceal a number, letter, or symbol, or set of numbers, letters, 30999
or symbols, some of which have been designated in advance as prize 31000
winners. "Instant bingo" includes seal cards. "Instant bingo" does 31001
not include any device that is activated by the insertion of a 31002
coin, currency, token, or an equivalent, and that contains as one 31003
of its components a video display monitor that is capable of 31004
displaying numbers, letters, symbols, or characters in winning or 31005
losing combinations. 31006

(GG) "Seal card" means a form of instant bingo that uses 31007
instant bingo tickets in conjunction with a board or placard that 31008

contains one or more seals that, when removed or opened, reveal 31009
predesignated winning numbers, letters, or symbols. 31010

(HH) "Raffle" means a form of bingo in which the one or more 31011
prizes are won by one or more persons who have purchased a raffle 31012
ticket. The one or more winners of the raffle are determined by 31013
drawing a ticket stub or other detachable section from a 31014
receptacle containing ticket stubs or detachable sections 31015
corresponding to all tickets sold for the raffle. 31016

(II) "Punch board" means a board containing a number of holes 31017
or receptacles of uniform size in which are placed, mechanically 31018
and randomly, serially numbered slips of paper that may be punched 31019
or drawn from the hole or receptacle when used in conjunction with 31020
instant bingo. A player may punch or draw the numbered slips of 31021
paper from the holes or receptacles and obtain the prize 31022
established for the game if the number drawn corresponds to a 31023
winning number or, if the punch board includes the use of a seal 31024
card, a potential winning number. 31025

(JJ) "Gross profit" means gross receipts minus the amount 31026
actually expended for the payment of prize awards. 31027

(KK) "Net profit" means gross profit minus expenses. 31028

(LL) "Expenses" means the reasonable amount of gross profit 31029
actually expended for all of the following: 31030

(1) The purchase or lease of bingo supplies; 31031

(2) The annual license fee required under section 2915.08 of 31032
the Revised Code; 31033

(3) Bank fees and service charges for a bingo session or game 31034
account described in section 2915.10 of the Revised Code; 31035

(4) Audits and accounting services; 31036

(5) Safes; 31037

(6) Cash registers; 31038

(7) Hiring security personnel;	31039
(8) Advertising bingo;	31040
(9) Renting premises in which to conduct a bingo session;	31041
(10) Tables and chairs;	31042
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	31043 31044 31045 31046
(12) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	31047 31048 31049 31050
(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	31051 31052 31053
(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	31054 31055 31056 31057
(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	31058 31059 31060 31061
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	31062 31063
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	31064 31065 31066
(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this	31067 31068

state. 31069

(QQ) "Manufacturer" means any person who assembles completed 31070
bingo supplies from raw materials, other items, or subparts or who 31071
modifies, converts, adds to, or removes parts from bingo supplies 31072
to further their promotion or sale. 31073

(RR) "Gross annual revenues" means the annual gross receipts 31074
derived from the conduct of bingo described in division (S)(1) of 31075
this section plus the annual net profit derived from the conduct 31076
of bingo described in division (S)(2) of this section. 31077

(SS) "Instant bingo ticket dispenser" means a mechanical 31078
device that dispenses an instant bingo ticket or card as the sole 31079
item of value dispensed and that has the following 31080
characteristics: 31081

(1) It is activated upon the insertion of United States 31082
currency. 31083

(2) It performs no gaming functions. 31084

(3) It does not contain a video display monitor or generate 31085
noise. 31086

(4) It is not capable of displaying any numbers, letters, 31087
symbols, or characters in winning or losing combinations. 31088

(5) It does not simulate or display rolling or spinning 31089
reels. 31090

(6) It is incapable of determining whether a dispensed bingo 31091
ticket or card is a winning or nonwinning ticket or card and 31092
requires a winning ticket or card to be paid by a bingo game 31093
operator. 31094

(7) It may provide accounting and security features to aid in 31095
accounting for the instant bingo tickets or cards it dispenses. 31096

(8) It is not part of an electronic network and is not 31097
interactive. 31098

(TT)(1) "Electronic bingo aid" means an electronic device 31099
used by a participant to monitor bingo cards or sheets purchased 31100
at the time and place of a bingo session and that does all of the 31101
following: 31102

(a) It provides a means for a participant to input numbers 31103
and letters announced by a bingo caller. 31104

(b) It compares the numbers and letters entered by the 31105
participant to the bingo faces previously stored in the memory of 31106
the device. 31107

(c) It identifies a winning bingo pattern. 31108

(2) "Electronic bingo aid" does not include any device into 31109
which a coin, currency, token, or an equivalent is inserted to 31110
activate play. 31111

(UU) "Deal of instant bingo tickets" means a single game of 31112
instant bingo tickets all with the same serial number. 31113

(VV)(1) "Slot machine" means either of the following: 31114

(a) Any mechanical, electronic, video, or digital device that 31115
is capable of accepting anything of value, directly or indirectly, 31116
from or on behalf of a player who gives the thing of value in the 31117
hope of gain; 31118

(b) Any mechanical, electronic, video, or digital device that 31119
is capable of accepting anything of value, directly or indirectly, 31120
from or on behalf of a player to conduct or dispense bingo or a 31121
scheme or game of chance. 31122

(2) "Slot machine" does not include a skill-based amusement 31123
machine. 31124

(WW) "Net profit from the proceeds of the sale of instant 31125
bingo" means gross profit minus the ordinary, necessary, and 31126
reasonable expense expended for the purchase of instant bingo 31127
supplies. 31128

(XX) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(YY) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:

(1) The name of the game;

(2) The manufacturer's name or distinctive logo;

(3) The form number;

(4) The ticket count;

(5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;

(6) The cost per play;

(7) The serial number of the game.

(ZZ) "Historic railroad educational organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that owns in fee simple the tracks and the

right of way of a historic railroad that the organization restores 31159
or maintains and on which the organization provides excursions as 31160
part of a program to promote tourism and educate visitors 31161
regarding the role of railroad transportation in Ohio history, and 31162
that received as donations from a charitable organization that 31163
holds a license to conduct bingo under this chapter an amount 31164
equal to at least fifty per cent of that licensed charitable 31165
organization's net proceeds from the conduct of bingo during each 31166
of the five years preceding June 30, 2003. "Historic railroad" 31167
means all or a portion of the tracks and right-of-way of a 31168
railroad that was owned and operated by a for-profit common 31169
carrier in this state at any time prior to January 1, 1950. 31170

(AAA)(1) "Skill-based amusement machine" means a mechanical, 31171
video, digital, or electronic device that rewards the player or 31172
players, if at all, only with merchandise prizes or with 31173
redeemable vouchers redeemable only for merchandise prizes, 31174
provided that with respect to rewards for playing the game all of 31175
the following apply: 31176

(a) The wholesale value of a merchandise prize awarded as a 31177
result of the single play of a machine does not exceed ten 31178
dollars; 31179

(b) Redeemable vouchers awarded for any single play of a 31180
machine are not redeemable for a merchandise prize with a 31181
wholesale value of more than ten dollars; 31182

(c) Redeemable vouchers are not redeemable for a merchandise 31183
prize that has a wholesale value of more than ten dollars times 31184
the fewest number of single plays necessary to accrue the 31185
redeemable vouchers required to obtain that prize; and 31186

(d) Any redeemable vouchers or merchandise prizes are 31187
distributed at the site of the skill-based amusement machine at 31188
the time of play. 31189

A card for the purchase of gasoline is a redeemable voucher for purposes of division (AAA)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the ~~players~~ player's score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (AAA)(1) of this section:

(a) As used in this section, "game" and "play" mean one event from the initial activation of the machine until the results of

play are determined without payment of additional consideration. 31220
An individual utilizing a machine that involves a single game, 31221
play, contest, competition, or tournament may be awarded 31222
redeemable vouchers or merchandise prizes based on the results of 31223
play. 31224

(b) Advance play for a single game, play, contest, 31225
competition, or tournament participation may be purchased. The 31226
cost of the contest, competition, or tournament participation may 31227
be greater than a single noncontest, competition, or tournament 31228
play. 31229

(c) To the extent that the machine is used in a contest, 31230
competition, or tournament, that contest, competition, or 31231
tournament has a defined starting and ending date and is open to 31232
participants in competition for scoring and ranking results toward 31233
the awarding of redeemable vouchers or merchandise prizes that are 31234
stated prior to the start of the contest, competition, or 31235
tournament. 31236

(4) For purposes of division (AAA)(1) of this section, the 31237
mere presence of a device, such as a pin-setting, ball-releasing, 31238
or scoring mechanism, that does not contribute to or affect the 31239
outcome of the play of the game does not make the device a 31240
skill-based amusement machine. 31241

(BBB) "Merchandise prize" means any item of value, but shall 31242
not include any of the following: 31243

(1) Cash, gift cards, or any equivalent thereof; 31244

(2) Plays on games of chance, state lottery tickets, bingo, 31245
or instant bingo; 31246

(3) Firearms, tobacco, or alcoholic beverages; or 31247

(4) A redeemable voucher that is redeemable for any of the 31248
items listed in division (BBB)(1), (2), or (3) of this section. 31249

(CCC) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value. 31250
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(DDD) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants. 31252
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(EEE) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the Ohio league of sportsmen, and that has been in continuous existence in this state for a period of three years. 31256
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(FFF) "Community action agency" has the same meaning as in section 122.66 of the Revised Code. 31263
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Sec. 2921.13. (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies: 31265
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(1) The statement is made in any official proceeding. 31268

(2) The statement is made with purpose to incriminate another. 31269
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(3) The statement is made with purpose to mislead a public official in performing the public official's official function. 31271
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(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury. 31273
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- (5) The statement is made with purpose to secure the issuance 31280
by a governmental agency of a license, permit, authorization, 31281
certificate, registration, release, or provider agreement. 31282
- (6) The statement is sworn or affirmed before a notary public 31283
or another person empowered to administer oaths. 31284
- (7) The statement is in writing on or in connection with a 31285
report or return that is required or authorized by law. 31286
- (8) The statement is in writing and is made with purpose to 31287
induce another to extend credit to or employ the offender, to 31288
confer any degree, diploma, certificate of attainment, award of 31289
excellence, or honor on the offender, or to extend to or bestow 31290
upon the offender any other valuable benefit or distinction, when 31291
the person to whom the statement is directed relies upon it to 31292
that person's detriment. 31293
- (9) The statement is made with purpose to commit or 31294
facilitate the commission of a theft offense. 31295
- (10) The statement is knowingly made to a probate court in 31296
connection with any action, proceeding, or other matter within its 31297
jurisdiction, either orally or in a written document, including, 31298
but not limited to, an application, petition, complaint, or other 31299
pleading, or an inventory, account, or report. 31300
- (11) The statement is made on an account, form, record, 31301
stamp, label, or other writing that is required by law. 31302
- (12) The statement is made in connection with the purchase of 31303
a firearm, as defined in section 2923.11 of the Revised Code, and 31304
in conjunction with the furnishing to the seller of the firearm of 31305
a fictitious or altered driver's or commercial driver's license or 31306
permit, a fictitious or altered identification card, or any other 31307
document that contains false information about the purchaser's 31308
identity. 31309

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

~~(14) The statement is made with purpose to obtain an Ohio's best Rx program enrollment card under section 173.773 of the Revised Code or a payment under section 173.801 of the Revised Code.~~

~~(15)~~ The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a license to carry a concealed handgun or is made in an affidavit submitted to a county sheriff to obtain a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code.

~~(16)~~(15) The statement is required under section 5743.71 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) No person, in an attempt to obtain a license to carry a concealed handgun under section 2923.125 of the Revised Code, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B)(3) of section 2923.125 of the Revised Code.

(D) It is no defense to a charge under division (A)(6) of this section that the oath or affirmation was administered or

taken in an irregular manner. 31341

(E) If contradictory statements relating to the same fact are 31342
made by the offender within the period of the statute of 31343
limitations for falsification, it is not necessary for the 31344
prosecution to prove which statement was false but only that one 31345
or the other was false. 31346

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 31347
(6), (7), (8), (10), (11), (13), ~~(14)~~, or ~~(16)~~(15) of this section 31348
is guilty of falsification, a misdemeanor of the first degree. 31349

(2) Whoever violates division (A)(9) of this section is 31350
guilty of falsification in a theft offense. Except as otherwise 31351
provided in this division, falsification in a theft offense is a 31352
misdemeanor of the first degree. If the value of the property or 31353
services stolen is five hundred dollars or more and is less than 31354
five thousand dollars, falsification in a theft offense is a 31355
felony of the fifth degree. If the value of the property or 31356
services stolen is five thousand dollars or more and is less than 31357
one hundred thousand dollars, falsification in a theft offense is 31358
a felony of the fourth degree. If the value of the property or 31359
services stolen is one hundred thousand dollars or more, 31360
falsification in a theft offense is a felony of the third degree. 31361

(3) Whoever violates division (A)(12) or (B) of this section 31362
is guilty of falsification to purchase a firearm, a felony of the 31363
fifth degree. 31364

(4) Whoever violates division (A)~~(15)~~(14) or (C) of this 31365
section is guilty of falsification to obtain a concealed handgun 31366
license, a felony of the fourth degree. 31367

(G) A person who violates this section is liable in a civil 31368
action to any person harmed by the violation for injury, death, or 31369
loss to person or property incurred as a result of the commission 31370
of the offense and for reasonable attorney's fees, court costs, 31371

and other expenses incurred as a result of prosecuting the civil 31372
action commenced under this division. A civil action under this 31373
division is not the exclusive remedy of a person who incurs 31374
injury, death, or loss to person or property as a result of a 31375
violation of this section. 31376

Sec. 2921.51. (A) As used in this section: 31377

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, 31378
deputy marshal, member of the organized police department of a 31379
municipal corporation, or township constable, who is employed by a 31380
political subdivision of this state; a member of a police force 31381
employed by a metropolitan housing authority under division (D) of 31382
section 3735.31 of the Revised Code; a member of a police force 31383
employed by a regional transit authority under division (Y) of 31384
section 306.35 of the Revised Code; a state university law 31385
enforcement officer appointed under section 3345.04 of the Revised 31386
Code; a veterans' home police officer appointed under section 31387
5907.02 of the Revised Code; a special police officer employed by 31388
a port authority under section 4582.04 or 4582.28 of the Revised 31389
Code; an officer, agent, or employee of the state or any of its 31390
agencies, instrumentalities, or political subdivisions, upon whom, 31391
by statute, a duty to conserve the peace or to enforce all or 31392
certain laws is imposed and the authority to arrest violators is 31393
conferred, within limits of that statutory duty and authority; or 31394
a state highway patrol trooper ~~and~~ whose primary duties are to 31395
preserve the peace, to protect life and property, and to enforce 31396
the laws, ordinances, or rules of the state or any of its 31397
political subdivisions. 31398

(2) "Private police officer" means any security guard, 31399
special police officer, private detective, or other person who is 31400
privately employed in a police capacity. 31401

(3) "Federal law enforcement officer" means an employee of 31402

the United States who serves in a position the duties of which are 31403
primarily the investigation, apprehension, or detention of 31404
individuals suspected or convicted of offenses under the criminal 31405
laws of the United States. 31406

(4) "Impersonate" means to act the part of, assume the 31407
identity of, wear the uniform or any part of the uniform of, or 31408
display the identification of a particular person or of a member 31409
of a class of persons with purpose to make another person believe 31410
that the actor is that particular person or is a member of that 31411
class of persons. 31412

(5) "Investigator of the bureau of criminal identification 31413
and investigation" has the same meaning as in section 2903.11 of 31414
the Revised Code. 31415

(B) No person shall impersonate a peace officer, private 31416
police officer, ~~or~~ a federal law enforcement officer, or 31417
investigator of the bureau of criminal identification and 31418
investigation. 31419

(C) No person, by impersonating a peace officer, private 31420
police officer, ~~or~~ a federal law enforcement officer, or 31421
investigator of the bureau of criminal identification and 31422
investigation, shall arrest or detain any person, search any 31423
person, or search the property of any person. 31424

(D) No person, with purpose to commit or facilitate the 31425
commission of an offense, shall impersonate a peace officer, 31426
private police officer, a federal law enforcement officer, 31427
officer, agent, or employee of the state, or investigator of the 31428
bureau of criminal identification and investigation. 31429

(E) No person shall commit a felony while impersonating a 31430
peace officer, private police officer, a federal law enforcement 31431
officer, officer, agent, or employee of the state, or investigator 31432
of the bureau of criminal identification and investigation. 31433

31434

(F) It is an affirmative defense to a charge under division 31435
(B) of this section that the impersonation of the peace officer, 31436
private police officer, or investigator of the bureau of criminal 31437
identification and investigation was for a lawful purpose. 31438

(G) Whoever violates division (B) of this section is guilty 31439
of a misdemeanor of the fourth degree. Whoever violates division 31440
(C) or (D) of this section is guilty of a misdemeanor of the first 31441
degree. If the purpose of a violation of division (D) of this 31442
section is to commit or facilitate the commission of a felony, a 31443
violation of division (D) is a felony of the fourth degree. 31444
Whoever violates division (E) of this section is guilty of a 31445
felony of the third degree. 31446

Sec. 2923.125. (A) Upon the request of a person who wishes to 31447
obtain a license to carry a concealed handgun or to renew a 31448
license to carry a concealed handgun, a sheriff, as provided in 31449
division (I) of this section, shall provide to the person free of 31450
charge an application form and a copy of the pamphlet described in 31451
division (B) of section 109.731 of the Revised Code. A sheriff 31452
shall accept a completed application form and the fee, items, 31453
materials, and information specified in divisions (B)(1) to (5) of 31454
this section at the times and in the manners described in division 31455
(I) of this section. 31456

(B) An applicant for a license to carry a concealed handgun 31457
shall submit a completed application form and all of the following 31458
to the sheriff of the county in which the applicant resides or to 31459
the sheriff of any county adjacent to the county in which the 31460
applicant resides: 31461

(1)(a) ~~A nonrefundable license fee prescribed by the Ohio~~ 31462
~~peace officer training commission pursuant to division (C) of~~ 31463
~~section 109.731 of the Revised Code, except that the sheriff shall~~ 31464

~~waive the payment of the license fee in connection with an initial 31465
or renewal application for a license that is submitted by an 31466
applicant who is a retired peace officer, a retired person 31467
described in division (B)(1)(b) of section 109.77 of the Revised 31468
Code, or a retired federal law enforcement officer who, prior to 31469
retirement, was authorized under federal law to carry a firearm in 31470
the course of duty, unless the retired peace officer, person, or 31471
federal law enforcement officer retired as the result of a mental 31472
disability; as described in either of the following: 31473~~

(i) For an applicant who has been a resident of this state 31474
for five or more years, a fee of fifty-five dollars; 31475

(ii) For an applicant who has been a resident of this state 31476
for less than five years, a fee of fifty-five dollars plus the 31477
actual cost of having a background check performed by the federal 31478
bureau of investigation. 31479

(b) No sheriff shall require an applicant to pay for the cost 31480
of a background check performed by the bureau of criminal 31481
identification and investigation. 31482

(c) A sheriff shall waive the payment of the license fee 31483
described in division (B)(1)(a) of this section in connection with 31484
an initial or renewal application for a license that is submitted 31485
by an applicant who is a retired peace officer, a retired person 31486
described in division (B)(1)(b) of section 109.77 of the Revised 31487
Code, or a retired federal law enforcement officer who, prior to 31488
retirement, was authorized under federal law to carry a firearm in 31489
the course of duty, unless the retired peace officer, person, or 31490
federal law enforcement officer retired as the result of a mental 31491
disability. 31492

(d) The sheriff shall deposit all fees paid by an applicant 31493
under division (B)(1)(a) of this section into the sheriff's 31494
concealed handgun license issuance fund established pursuant to 31495

section 311.42 of the Revised Code. The county shall distribute 31496
the fees in accordance with section 311.42 of the Revised Code. 31497

(2) A color photograph of the applicant that was taken within 31498
thirty days prior to the date of the application; 31499

(3) One or more of the following competency certifications, 31500
each of which shall reflect that, regarding a certification 31501
described in division (B)(3)(a), (b), (c), (e), or (f) of this 31502
section, within the three years immediately preceding the 31503
application the applicant has performed that to which the 31504
competency certification relates and that, regarding a 31505
certification described in division (B)(3)(d) of this section, the 31506
applicant currently is an active or reserve member of the armed 31507
forces of the United States or within the six years immediately 31508
preceding the application the honorable discharge or retirement to 31509
which the competency certification relates occurred: 31510

(a) An original or photocopy of a certificate of completion 31511
of a firearms safety, training, or requalification or firearms 31512
safety instructor course, class, or program that was offered by or 31513
under the auspices of the national rifle association and that 31514
complies with the requirements set forth in division (G) of this 31515
section; 31516

(b) An original or photocopy of a certificate of completion 31517
of a firearms safety, training, or requalification or firearms 31518
safety instructor course, class, or program that satisfies all of 31519
the following criteria: 31520

(i) It was open to members of the general public. 31521

(ii) It utilized qualified instructors who were certified by 31522
the national rifle association, the executive director of the Ohio 31523
peace officer training commission pursuant to section 109.75 or 31524
109.78 of the Revised Code, or a governmental official or entity 31525
of another state. 31526

(iii) It was offered by or under the auspices of a law enforcement agency of this or another state or the United States, a public or private college, university, or other similar postsecondary educational institution located in this or another state, a firearms training school located in this or another state, or another type of public or private entity or organization located in this or another state.

(iv) It complies with the requirements set forth in division (G) of this section.

(c) An original or photocopy of a certificate of completion of a state, county, municipal, or department of natural resources peace officer training school that is approved by the executive director of the Ohio peace officer training commission pursuant to section 109.75 of the Revised Code and that complies with the requirements set forth in division (G) of this section, or the applicant has satisfactorily completed and been issued a certificate of completion of a basic firearms training program, a firearms requalification training program, or another basic training program described in section 109.78 or 109.801 of the Revised Code that complies with the requirements set forth in division (G) of this section;

(d) A document that evidences both of the following:

(i) That the applicant is an active or reserve member of the armed forces of the United States, was honorably discharged from military service in the active or reserve armed forces of the United States, is a retired trooper of the state highway patrol, or is a retired peace officer or federal law enforcement officer described in division (B)(1) of this section or a retired person described in division (B)(1)(b) of section 109.77 of the Revised Code and division (B)(1) of this section;

(ii) That, through participation in the military service or

through the former employment described in division (B)(3)(d)(i) 31558
of this section, the applicant acquired experience with handling 31559
handguns or other firearms, and the experience so acquired was 31560
equivalent to training that the applicant could have acquired in a 31561
course, class, or program described in division (B)(3)(a), (b), or 31562
(c) of this section. 31563

(e) A certificate or another similar document that evidences 31564
satisfactory completion of a firearms training, safety, or 31565
requalification or firearms safety instructor course, class, or 31566
program that is not otherwise described in division (B)(3)(a), 31567
(b), (c), or (d) of this section, that was conducted by an 31568
instructor who was certified by an official or entity of the 31569
government of this or another state or the United States or by the 31570
national rifle association, and that complies with the 31571
requirements set forth in division (G) of this section; 31572

(f) An affidavit that attests to the applicant's satisfactory 31573
completion of a course, class, or program described in division 31574
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 31575
by the applicant's instructor or an authorized representative of 31576
the entity that offered the course, class, or program or under 31577
whose auspices the course, class, or program was offered. 31578

(4) A certification by the applicant that the applicant has 31579
read the pamphlet prepared by the Ohio peace officer training 31580
commission pursuant to section 109.731 of the Revised Code that 31581
reviews firearms, dispute resolution, and use of deadly force 31582
matters. 31583

(5) A set of fingerprints of the applicant provided as 31584
described in section 311.41 of the Revised Code through use of an 31585
electronic fingerprint reading device or, if the sheriff to whom 31586
the application is submitted does not possess and does not have 31587
ready access to the use of such a reading device, on a standard 31588
impression sheet prescribed pursuant to division (C)(2) of section 31589

109.572 of the Revised Code. 31590

(C) Upon receipt of an applicant's completed application 31591
form, supporting documentation, and, if not waived, license fee, a 31592
sheriff, in the manner specified in section 311.41 of the Revised 31593
Code, shall conduct or cause to be conducted the criminal records 31594
check and the incompetency records check described in section 31595
311.41 of the Revised Code. 31596

(D)(1) Except as provided in division (D)(3) or (4) of this 31597
section, within forty-five days after a sheriff's receipt of an 31598
applicant's completed application form for a license to carry a 31599
concealed handgun, the supporting documentation, and, if not 31600
waived, the license fee, the sheriff shall make available through 31601
the law enforcement automated data system in accordance with 31602
division (H) of this section the information described in that 31603
division and, upon making the information available through the 31604
system, shall issue to the applicant a license to carry a 31605
concealed handgun that shall expire as described in division 31606
(D)(2)(a) of this section if all of the following apply: 31607

(a) The applicant is legally living in the United States, has 31608
been a resident of this state for at least forty-five days, and 31609
has been a resident of the county in which the person seeks the 31610
license or a county adjacent to the county in which the person 31611
seeks the license for at least thirty days. For purposes of 31612
division (D)(1)(a) of this section: 31613

(i) If a person is absent from the United States, from this 31614
state, or from a particular county in this state in compliance 31615
with military or naval orders as an active or reserve member of 31616
the armed forces of the United States and if prior to leaving this 31617
state in compliance with those orders the person was legally 31618
living in the United States and was a resident of this state, the 31619
person, solely by reason of that absence, shall not be considered 31620
to have lost the person's status as living in the United States or 31621

the person's residence in this state or in the county in which the person was a resident prior to leaving this state in compliance with those orders, without regard to whether or not the person intends to return to this state or to that county, shall not be considered to have acquired a residence in any other state, and shall not be considered to have become a resident of any other state.

(ii) If a person is present in this state in compliance with military or naval orders as an active or reserve member of the armed forces of the United States for at least forty-five days, the person shall be considered to have been a resident of this state for that period of at least forty-five days, and, if a person is present in a county of this state in compliance with military or naval orders as an active or reserve member of the armed forces of the United States for at least thirty days, the person shall be considered to have been a resident of that county for that period of at least thirty days.

(b) The applicant is at least twenty-one years of age.

(c) The applicant is not a fugitive from justice.

(d) The applicant is not under indictment for or otherwise charged with a felony; an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; a misdemeanor offense of violence; or a violation of section 2903.14 or 2923.1211 of the Revised Code.

(e) Except as otherwise provided in division (D)(5) of this section, the applicant has not been convicted of or pleaded guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing

an act that if committed by an adult would be a felony or would be 31653
an offense under Chapter 2925., 3719., or 4729. of the Revised 31654
Code that involves the illegal possession, use, sale, 31655
administration, or distribution of or trafficking in a drug of 31656
abuse; and has not been convicted of, pleaded guilty to, or 31657
adjudicated a delinquent child for committing a violation of 31658
section 2903.13 of the Revised Code when the victim of the 31659
violation is a peace officer, regardless of whether the applicant 31660
was sentenced under division (C)(3) of that section. 31661

(f) Except as otherwise provided in division (D)(5) of this 31662
section, the applicant, within three years of the date of the 31663
application, has not been convicted of or pleaded guilty to a 31664
misdemeanor offense of violence other than a misdemeanor violation 31665
of section 2921.33 of the Revised Code or a violation of section 31666
2903.13 of the Revised Code when the victim of the violation is a 31667
peace officer, or a misdemeanor violation of section 2923.1211 of 31668
the Revised Code; and has not been adjudicated a delinquent child 31669
for committing an act that if committed by an adult would be a 31670
misdemeanor offense of violence other than a misdemeanor violation 31671
of section 2921.33 of the Revised Code or a violation of section 31672
2903.13 of the Revised Code when the victim of the violation is a 31673
peace officer or for committing an act that if committed by an 31674
adult would be a misdemeanor violation of section 2923.1211 of the 31675
Revised Code. 31676

(g) Except as otherwise provided in division (D)(1)(e) of 31677
this section, the applicant, within five years of the date of the 31678
application, has not been convicted of, pleaded guilty to, or 31679
adjudicated a delinquent child for committing two or more 31680
violations of section 2903.13 or 2903.14 of the Revised Code. 31681

(h) Except as otherwise provided in division (D)(5) of this 31682
section, the applicant, within ten years of the date of the 31683
application, has not been convicted of, pleaded guilty to, or 31684

adjudicated a delinquent child for committing a violation of 31685
section 2921.33 of the Revised Code. 31686

(i) The applicant has not been adjudicated as a mental 31687
defective, has not been committed to any mental institution, is 31688
not under adjudication of mental incompetence, has not been found 31689
by a court to be a mentally ill person subject to hospitalization 31690
by court order, and is not an involuntary patient other than one 31691
who is a patient only for purposes of observation. As used in this 31692
division, "mentally ill person subject to hospitalization by court 31693
order" and "patient" have the same meanings as in section 5122.01 31694
of the Revised Code. 31695

(j) The applicant is not currently subject to a civil 31696
protection order, a temporary protection order, or a protection 31697
order issued by a court of another state. 31698

(k) The applicant certifies that the applicant desires a 31699
legal means to carry a concealed handgun for defense of the 31700
applicant or a member of the applicant's family while engaged in 31701
lawful activity. 31702

(l) The applicant submits a competency certification of the 31703
type described in division (B)(3) of this section and submits a 31704
certification of the type described in division (B)(4) of this 31705
section regarding the applicant's reading of the pamphlet prepared 31706
by the Ohio peace officer training commission pursuant to section 31707
109.731 of the Revised Code. 31708

(m) The applicant currently is not subject to a suspension 31709
imposed under division (A)(2) of section 2923.128 of the Revised 31710
Code of a license to carry a concealed handgun, or a temporary 31711
emergency license to carry a concealed handgun, that previously 31712
was issued to the applicant under this section or section 31713
2923.1213 of the Revised Code. 31714

(2)(a) A license to carry a concealed handgun that a sheriff 31715

issues under division (D)(1) of this section on or after March 14, 2007, shall expire five years after the date of issuance. A license to carry a concealed handgun that a sheriff issued under division (D)(1) of this section prior to March 14, 2007, shall expire four years after the date of issuance.

If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of letters and numbers identifying the license in accordance with the procedure prescribed by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.

(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial pursuant to section 119.12 of the Revised Code in the county served by the sheriff who denied the application. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if, pursuant to section 2923.127 of the Revised Code, the applicant challenges the criminal records check results using the appropriate challenge and review procedure specified in that section, the time for filing the appeal pursuant to section 119.12 of the Revised Code and this division is tolled during the pendency of the request or the challenge and review. If the court in an appeal under section 119.12 of the Revised Code and this division enters a judgment sustaining the sheriff's refusal to grant to the applicant a license to carry a concealed handgun, the applicant may file a new application beginning one year after the judgment is entered. If the court enters a judgment in favor of the applicant, that judgment shall not restrict the authority of a sheriff to suspend or revoke the license pursuant to section 2923.128 or 2923.1213 of the Revised Code or to refuse to renew

the license for any proper cause that may occur after the date the 31748
judgment is entered. In the appeal, the court shall have full 31749
power to dispose of all costs. 31750

(3) If the sheriff with whom an application for a license to 31751
carry a concealed handgun was filed under this section becomes 31752
aware that the applicant has been arrested for or otherwise 31753
charged with an offense that would disqualify the applicant from 31754
holding the license, the sheriff shall suspend the processing of 31755
the application until the disposition of the case arising from the 31756
arrest or charge. 31757

(4) If the sheriff determines that the applicant is legally 31758
living in the United States and is a resident of the county in 31759
which the applicant seeks the license or of an adjacent county but 31760
does not yet meet the residency requirements described in division 31761
(D)(1)(a) of this section, the sheriff shall not deny the license 31762
because of the residency requirements but shall not issue the 31763
license until the applicant meets those residency requirements. 31764

(5) If an applicant has been convicted of or pleaded guilty 31765
to an offense identified in division (D)(1)(e), (f), or (h) of 31766
this section or has been adjudicated a delinquent child for 31767
committing an act or violation identified in any of those 31768
divisions, and if a court has ordered the sealing or expungement 31769
of the records of that conviction, guilty plea, or adjudication 31770
pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 31771
2953.36 of the Revised Code or a court has granted the applicant 31772
relief pursuant to section 2923.14 of the Revised Code from the 31773
disability imposed pursuant to section 2923.13 of the Revised Code 31774
relative to that conviction, guilty plea, or adjudication, the 31775
sheriff with whom the application was submitted shall not consider 31776
the conviction, guilty plea, or adjudication in making a 31777
determination under division (D)(1) or (F) of this section or, in 31778
relation to an application for a temporary emergency license to 31779

carry a concealed handgun submitted under section 2923.1213 of the Revised Code, in making a determination under division (B)(2) of that section.

(E) If a license to carry a concealed handgun issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.

(F)(1) A licensee who wishes to renew a license to carry a concealed handgun issued under this section shall do so not earlier than ninety days before the expiration date of the license or at any time after the expiration date of the license by filing with the sheriff of the county in which the applicant resides or with the sheriff of an adjacent county an application for renewal of the license obtained pursuant to division (D) of this section, a certification by the applicant that, subsequent to the issuance of the license, the applicant has reread the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters, a nonrefundable license renewal fee unless the fee is waived, and one of the following:

(a) If the licensee previously has not renewed a license to carry a concealed handgun issued under this section, proof that the licensee at one time had a competency certification of the type described in division (B)(3) of this section. A valid license or any other previously issued license that has not been revoked is prima-facie evidence that the licensee at one time had a

competency certification of the type described in division (B)(3) 31812
of this section. 31813

(b) If the licensee previously has renewed a license to carry 31814
a concealed handgun issued under this section, a renewed 31815
competency certification of the type described in division (G)(4) 31816
of this section. 31817

(2) A sheriff shall accept a completed renewal application, 31818
the license renewal fee, and information specified in division 31819
(F)(1) of this section at the times and in the manners described 31820
in division (I) of this section. Upon receipt of a completed 31821
renewal application, of certification that the applicant has 31822
reread the specified pamphlet prepared by the Ohio peace officer 31823
training commission, of proof of a prior competency certification 31824
for an initial renewal or of a renewed competency certification 31825
for a second or subsequent renewal, and of a license renewal fee 31826
unless the fee is waived, a sheriff, in the manner specified in 31827
section 311.41 of the Revised Code shall conduct or cause to be 31828
conducted the criminal records check and the incompetency records 31829
check described in section 311.41 of the Revised Code. The sheriff 31830
shall renew the license if the sheriff determines that the 31831
applicant continues to satisfy the requirements described in 31832
division (D)(1) of this section, except that the applicant is not 31833
required to meet the requirements of division (D)(1)(1) of this 31834
section. A renewed license that is renewed on or after March 14, 31835
2007, shall expire five years after the date of issuance, and a 31836
renewed license that is renewed prior to March 14, 2007, shall 31837
expire four years after the date of issuance. A renewed license is 31838
subject to division (E) of this section and sections 2923.126 and 31839
2923.128 of the Revised Code. A sheriff shall comply with 31840
divisions (D)(2) to (4) of this section when the circumstances 31841
described in those divisions apply to a requested license renewal. 31842
If a sheriff denies the renewal of a license to carry a concealed 31843

handgun, the applicant may appeal the denial, or challenge the 31844
criminal record check results that were the basis of the denial if 31845
applicable, in the same manner as specified in division (D)(2)(b) 31846
of this section and in section 2923.127 of the Revised Code, 31847
regarding the denial of a license under this section. 31848
31849

(G)(1) Each course, class, or program described in division 31850
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 31851
person who takes the course, class, or program a copy of the 31852
pamphlet prepared by the Ohio peace officer training commission 31853
pursuant to section 109.731 of the Revised Code that reviews 31854
firearms, dispute resolution, and use of deadly force matters. 31855
Each such course, class, or program described in one of those 31856
divisions shall include at least twelve hours of training in the 31857
safe handling and use of a firearm that shall include all of the 31858
following: 31859

(a) At least ten hours of training on the following matters: 31860

(i) The ability to name, explain, and demonstrate the rules 31861
for safe handling of a handgun and proper storage practices for 31862
handguns and ammunition; 31863

(ii) The ability to demonstrate and explain how to handle 31864
ammunition in a safe manner; 31865

(iii) The ability to demonstrate the knowledge, skills, and 31866
attitude necessary to shoot a handgun in a safe manner; 31867

(iv) Gun handling training. 31868

(b) At least two hours of training that consists of range 31869
time and live-fire training. 31870

(2) To satisfactorily complete the course, class, or program 31871
described in division (B)(3)(a), (b), (c), or (e) of this section, 31872
the applicant shall pass a competency examination that shall 31873

include both of the following: 31874

(a) A written section on the ability to name and explain the 31875
rules for the safe handling of a handgun and proper storage 31876
practices for handguns and ammunition; 31877

(b) A physical demonstration of competence in the use of a 31878
handgun and in the rules for safe handling and storage of a 31879
handgun and a physical demonstration of the attitude necessary to 31880
shoot a handgun in a safe manner. 31881

(3) The competency certification described in division 31882
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 31883
shall attest that the course, class, or program the applicant 31884
successfully completed met the requirements described in division 31885
(G)(1) of this section and that the applicant passed the 31886
competency examination described in division (G)(2) of this 31887
section. 31888

(4) A person who previously has received a competency 31889
certification as described in division (B)(3) of this section, or 31890
who previously has received a renewed competency certification as 31891
described in this division, may obtain a renewed competency 31892
certification pursuant to this division. If the person previously 31893
has received a competency certification or previously has received 31894
a renewed competency certification, the person may obtain a 31895
renewed competency certification from an entity that offers a 31896
course, class, or program described in division (B)(3)(a), (b), 31897
(c), or (e) of this section by passing a test that demonstrates 31898
that the person is range competent. In these circumstances, the 31899
person is not required to attend the course, class, or program or 31900
to take the competency examination described in division (G)(2) of 31901
this section for the renewed competency certification in order to 31902
be eligible to receive a renewed competency certification. A 31903
renewed competency certification issued under this division shall 31904
be dated and shall attest that the person has demonstrated range 31905

competency. 31906

(H) Upon deciding to issue a license, deciding to issue a replacement license, or deciding to renew a license to carry a concealed handgun pursuant to this section, and before actually issuing or renewing the license, the sheriff shall make available through the law enforcement automated data system all information contained on the license. If the license subsequently is suspended under division (A)(1) or (2) of section 2923.128 of the Revised Code, revoked pursuant to division (B)(1) of section 2923.128 of the Revised Code, or lost or destroyed, the sheriff also shall make available through the law enforcement automated data system a notation of that fact. The superintendent of the state highway patrol shall ensure that the law enforcement automated data system is so configured as to permit the transmission through the system of the information specified in this division. 31907
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(I) A sheriff shall accept a completed application form or renewal application, and the fee, items, materials, and information specified in divisions (B)(1) to (5) or division (F) of this section, whichever is applicable, and shall provide an application form or renewal application and a copy of the pamphlet described in division (B) of section 109.731 of the Revised Code to any person during at least fifteen hours a week. The sheriff shall post notice of the hours during which the sheriff is available to accept or provide the information described in this division. 31921
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Sec. 2923.1213. (A) As used in this section: 31931

(1) "Evidence of imminent danger" means any of the following: 31932

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as 31933
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would justify a prudent person in going armed; 31937

(b) A written document prepared by a governmental entity or 31938
public official describing the facts that give the person seeking 31939
to carry a concealed handgun reasonable cause to fear a criminal 31940
attack upon the person or a member of the person's family, such as 31941
would justify a prudent person in going armed. Written documents 31942
of this nature include, but are not limited to, any temporary 31943
protection order, civil protection order, protection order issued 31944
by another state, or other court order, any court report, and any 31945
report filed with or made by a law enforcement agency or 31946
prosecutor. 31947

(2) "Prosecutor" has the same meaning as in section 2935.01 31948
of the Revised Code. 31949

(B)(1) A person seeking a temporary emergency license to 31950
carry a concealed handgun shall submit to the sheriff of the 31951
county in which the person resides all of the following: 31952

(a) Evidence of imminent danger to the person or a member of 31953
the person's family; 31954

(b) A sworn affidavit that contains all of the information 31955
required to be on the license and attesting that the person is 31956
legally living in the United States; is at least twenty-one years 31957
of age; is not a fugitive from justice; is not under indictment 31958
for or otherwise charged with an offense identified in division 31959
(D)(1)(d) of section 2923.125 of the Revised Code; has not been 31960
convicted of or pleaded guilty to an offense, and has not been 31961
adjudicated a delinquent child for committing an act, identified 31962
in division (D)(1)(e) of that section and to which division (B)(3) 31963
of this section does not apply; within three years of the date of 31964
the submission, has not been convicted of or pleaded guilty to an 31965
offense, and has not been adjudicated a delinquent child for 31966
committing an act, identified in division (D)(1)(f) of that 31967

section and to which division (B)(3) of this section does not 31968
apply; within five years of the date of the submission, has not 31969
been convicted of, pleaded guilty, or adjudicated a delinquent 31970
child for committing two or more violations identified in division 31971
(D)(1)(g) of that section; within ten years of the date of the 31972
submission, has not been convicted of, pleaded guilty, or 31973
adjudicated a delinquent child for committing a violation 31974
identified in division (D)(1)(h) of that section and to which 31975
division (B)(3) of this section does not apply; has not been 31976
adjudicated as a mental defective, has not been committed to any 31977
mental institution, is not under adjudication of mental 31978
incompetence, has not been found by a court to be a mentally ill 31979
person subject to hospitalization by court order, and is not an 31980
involuntary patient other than one who is a patient only for 31981
purposes of observation, as described in division (D)(1)(i) of 31982
that section; is not currently subject to a civil protection 31983
order, a temporary protection order, or a protection order issued 31984
by a court of another state, as described in division (D)(1)(j) of 31985
that section; and is not currently subject to a suspension imposed 31986
under division (A)(2) of section 2923.128 of the Revised Code of a 31987
license to carry a concealed handgun, or a temporary emergency 31988
license to carry a concealed handgun, that previously was issued 31989
to the person; 31990

(c) A nonrefundable temporary emergency license fee 31991
~~established by the Ohio peace officer training commission for an~~ 31992
~~amount that does not exceed the actual cost of conducting the~~ 31993
~~criminal background check or thirty dollars; as described in~~ 31994
either of the following: 31995

(i) For an applicant who has been a resident of this state 31996
for five or more years, a fee of fifteen dollars plus the actual 31997
cost of having a background check performed by the bureau of 31998
criminal identification and investigation pursuant to section 31999

311.41 of the Revised Code; 32000

(ii) For an applicant who has been a resident of this state 32001
for less than five years, a fee of fifteen dollars plus the actual 32002
cost of having background checks performed by the federal bureau 32003
of investigation and the bureau of criminal identification and 32004
investigation pursuant to section 311.41 of the Revised Code. 32005

(d) A set of fingerprints of the applicant provided as 32006
described in section 311.41 of the Revised Code through use of an 32007
electronic fingerprint reading device or, if the sheriff to whom 32008
the application is submitted does not possess and does not have 32009
ready access to the use of an electronic fingerprint reading 32010
device, on a standard impression sheet prescribed pursuant to 32011
division (C)(2) of section 109.572 of the Revised Code. If the 32012
fingerprints are provided on a standard impression sheet, the 32013
person also shall provide the person's social security number to 32014
the sheriff. 32015

(2) A sheriff shall accept the evidence of imminent danger, 32016
the sworn affidavit, the fee, and the set of fingerprints required 32017
under division (B)(1) of this section at the times and in the 32018
manners described in division (I) of this section. Upon receipt of 32019
the evidence of imminent danger, the sworn affidavit, the fee, and 32020
the set of fingerprints required under division (B)(1) of this 32021
section, the sheriff, in the manner specified in section 311.41 of 32022
the Revised Code, immediately shall conduct or cause to be 32023
conducted the criminal records check and the incompetency records 32024
check described in section 311.41 of the Revised Code. Immediately 32025
upon receipt of the results of the records checks, the sheriff 32026
shall review the information and shall determine whether the 32027
criteria set forth in divisions (D)(1)(a) to (j) and (m) of 32028
section 2923.125 of the Revised Code apply regarding the person. 32029
If the sheriff determines that all of criteria set forth in 32030
divisions (D)(1)(a) to (j) and (m) of section 2923.125 of the 32031

Revised Code apply regarding the person, the sheriff shall 32032
immediately make available through the law enforcement automated 32033
data system all information that will be contained on the 32034
temporary emergency license for the person if one is issued, and 32035
the superintendent of the state highway patrol shall ensure that 32036
the system is so configured as to permit the transmission through 32037
the system of that information. Upon making that information 32038
available through the law enforcement automated data system, the 32039
sheriff shall immediately issue to the person a temporary 32040
emergency license to carry a concealed handgun. 32041

If the sheriff denies the issuance of a temporary emergency 32042
license to the person, the sheriff shall specify the grounds for 32043
the denial in a written notice to the person. The person may 32044
appeal the denial, or challenge criminal records check results 32045
that were the basis of the denial if applicable, in the same 32046
manners specified in division (D)(2) of section 2923.125 and in 32047
section 2923.127 of the Revised Code, regarding the denial of an 32048
application for a license to carry a concealed handgun under that 32049
section. 32050

The temporary emergency license under this division shall be 32051
in the form, and shall include all of the information, described 32052
in divisions (A)(2) and (5) of section 109.731 of the Revised 32053
Code, and also shall include a unique combination of identifying 32054
letters and numbers in accordance with division (A)(4) of that 32055
section. 32056

The temporary emergency license issued under this division is 32057
valid for ninety days and may not be renewed. A person who has 32058
been issued a temporary emergency license under this division 32059
shall not be issued another temporary emergency license unless at 32060
least four years has expired since the issuance of the prior 32061
temporary emergency license. 32062

(3) If a person seeking a temporary emergency license to 32063

carry a concealed handgun has been convicted of or pleaded guilty 32064
to an offense identified in division (D)(1)(e), (f), or (h) of 32065
section 2923.125 of the Revised Code or has been adjudicated a 32066
delinquent child for committing an act or violation identified in 32067
any of those divisions, and if a court has ordered the sealing or 32068
expungement of the records of that conviction, guilty plea, or 32069
adjudication pursuant to sections 2151.355 to 2151.358 or sections 32070
2953.31 to 2953.36 of the Revised Code or a court has granted the 32071
applicant relief pursuant to section 2923.14 of the Revised Code 32072
from the disability imposed pursuant to section 2923.13 of the 32073
Revised Code relative to that conviction, guilty plea, or 32074
adjudication, the conviction, guilty plea, or adjudication shall 32075
not be relevant for purposes of the sworn affidavit described in 32076
division (B)(1)(b) of this section, and the person may complete, 32077
and swear to the truth of, the affidavit as if the conviction, 32078
guilty plea, or adjudication never had occurred. 32079

(4) The sheriff shall waive the payment pursuant to division 32080
(B)(1)(c) of this section of the license fee in connection with an 32081
application that is submitted by an applicant who is a retired 32082
peace officer, a retired person described in division (B)(1)(b) of 32083
section 109.77 of the Revised Code, or a retired federal law 32084
enforcement officer who, prior to retirement, was authorized under 32085
federal law to carry a firearm in the course of duty, unless the 32086
retired peace officer, person, or federal law enforcement officer 32087
retired as the result of a mental disability. 32088

The sheriff shall deposit all fees paid by an applicant under 32089
division (B)(1)(c) of this section into the sheriff's concealed 32090
handgun license issuance fund established pursuant to section 32091
311.42 of the Revised Code. 32092

(C) A person who holds a temporary emergency license to carry 32093
a concealed handgun has the same right to carry a concealed 32094
handgun as a person who was issued a license to carry a concealed 32095

handgun under section 2923.125 of the Revised Code, and any 32096
exceptions to the prohibitions contained in section 1547.69 and 32097
sections 2923.12 to 2923.16 of the Revised Code for a licensee 32098
under section 2923.125 of the Revised Code apply to a licensee 32099
under this section. The person is subject to the same 32100
restrictions, and to all other procedures, duties, and sanctions, 32101
that apply to a person who carries a license issued under section 32102
2923.125 of the Revised Code, other than the license renewal 32103
procedures set forth in that section. 32104

(D) A sheriff who issues a temporary emergency license to 32105
carry a concealed handgun under this section shall not require a 32106
person seeking to carry a concealed handgun in accordance with 32107
this section to submit a competency certificate as a prerequisite 32108
for issuing the license and shall comply with division (H) of 32109
section 2923.125 of the Revised Code in regards to the license. 32110
The sheriff shall suspend or revoke the license in accordance with 32111
section 2923.128 of the Revised Code. In addition to the 32112
suspension or revocation procedures set forth in section 2923.128 32113
of the Revised Code, the sheriff may revoke the license upon 32114
receiving information, verifiable by public documents, that the 32115
person is not eligible to possess a firearm under either the laws 32116
of this state or of the United States or that the person committed 32117
perjury in obtaining the license; if the sheriff revokes a license 32118
under this additional authority, the sheriff shall notify the 32119
person, by certified mail, return receipt requested, at the 32120
person's last known residence address that the license has been 32121
revoked and that the person is required to surrender the license 32122
at the sheriff's office within ten days of the date on which the 32123
notice was mailed. Division (H) of section 2923.125 of the Revised 32124
Code applies regarding any suspension or revocation of a temporary 32125
emergency license to carry a concealed handgun. 32126

(E) A sheriff who issues a temporary emergency license to 32127

carry a concealed handgun under this section shall retain, for the 32128
entire period during which the temporary emergency license is in 32129
effect, the evidence of imminent danger that the person submitted 32130
to the sheriff and that was the basis for the license, or a copy 32131
of that evidence, as appropriate. 32132

(F) If a temporary emergency license to carry a concealed 32133
handgun issued under this section is lost or is destroyed, the 32134
licensee may obtain from the sheriff who issued that license a 32135
duplicate license upon the payment of a fee of fifteen dollars and 32136
the submission of an affidavit attesting to the loss or 32137
destruction of the license. The sheriff, in accordance with the 32138
procedures prescribed in section 109.731 of the Revised Code, 32139
shall place on the replacement license a combination of 32140
identifying numbers different from the combination on the license 32141
that is being replaced. 32142

(G) The Ohio peace officer training commission shall 32143
prescribe, and shall make available to sheriffs, a standard form 32144
to be used under division (B) of this section by a person who 32145
applies for a temporary emergency license to carry a concealed 32146
handgun on the basis of imminent danger of a type described in 32147
division (A)(1)(a) of this section. 32148

(H) A sheriff who receives any fees paid by a person under 32149
this section shall deposit all fees so paid into the sheriff's 32150
concealed handgun license issuance expense fund established under 32151
section 311.42 of the Revised Code. 32152

(I) A sheriff shall accept evidence of imminent danger, a 32153
sworn affidavit, the fee, and the set of fingerprints specified in 32154
division (B)(1) of this section at any time during normal business 32155
hours. In no case shall a sheriff require an appointment, or 32156
designate a specific period of time, for the submission or 32157
acceptance of evidence of imminent danger, a sworn affidavit, the 32158
fee, and the set of fingerprints specified in division (B)(1) of 32159

this section, or for the provision to any person of a standard 32160
form to be used for a person to apply for a temporary emergency 32161
license to carry a concealed handgun. 32162

Sec. 2937.22. (A) Bail is security for the appearance of an 32163
accused to appear and answer to a specific criminal or 32164
quasi-criminal charge in any court or before any magistrate at a 32165
specific time or at any time to which a case may be continued, and 32166
not depart without leave. It may take any of the following forms: 32167

~~(A)~~(1) The deposit of cash by the accused or by some other 32168
person for ~~him~~ the accused; 32169

~~(B)~~(2) The deposit by the accused or by some other person for 32170
~~him~~ the accused in form of bonds of the United States, this state, 32171
or any political subdivision thereof in a face amount equal to the 32172
sum set by the court or magistrate. In case of bonds not 32173
negotiable by delivery such bonds shall be properly endorsed for 32174
transfer. 32175

~~(C)~~(3) The written undertaking by one or more persons to 32176
forfeit the sum of money set by the court or magistrate, if the 32177
accused is in default for appearance, which shall be known as a 32178
recognizance. 32179

(B) Whenever a person is charged with any offense other than 32180
a traffic offense that is not a moving violation and posts bail, 32181
the person shall pay a surcharge of twenty-five dollars. The clerk 32182
of the court shall retain the twenty-five dollars until the person 32183
is convicted, pleads guilty, forfeits bail, is found not guilty, 32184
or has the charges dismissed. If the person is convicted, pleads 32185
guilty, or forfeits bail, the clerk shall transmit the twenty-five 32186
dollars on or before the twentieth day of the month following the 32187
month in which the person was convicted, pleaded guilty, or 32188
forfeited bail to the treasurer of state, and the treasurer of 32189
state shall deposit it into the indigent defense support fund 32190

created under section 120.08 of the Revised Code. If the person is 32191
found not guilty or the charges are dismissed, the clerk shall 32192
return the twenty-five dollars to the person. 32193

(C) All bail shall be received by the clerk of the court, 32194
deputy clerk of court, or by the magistrate, or by a special 32195
referee appointed by the supreme court pursuant to section 2937.46 32196
of the Revised Code, and, except in cases of recognizances, 32197
receipt shall be given therefor ~~by him.~~ 32198

(D) As used in this section, "moving violation" has the same 32199
meaning as in section 2743.70 of the Revised Code. 32200

Sec. 2949.091. (A)(1)(a) The court, in which any person is 32201
convicted of or pleads guilty to any offense ~~other than a traffic~~ 32202
~~offense that is not a moving violation,~~ shall impose one of the 32203
~~sum of fifteen dollars~~ following sums as costs in the case in 32204
addition to any other court costs that the court is required by 32205
law to impose upon the offender: 32206

(i) Thirty dollars if the offense is a felony; 32207

(ii) Twenty dollars if the offense is a misdemeanor other 32208
than a traffic offense that is not a moving violation; 32209

(iii) Ten dollars if the offense is a traffic offense that is 32210
not a moving violation, excluding parking violations. All such 32211

(b) All moneys collected pursuant to division (A)(1)(a) of 32212
this section during a month shall be transmitted on or before the 32213
twentieth day of the following month by the clerk of the court to 32214
the treasurer of state and deposited by the treasurer of state 32215
~~into~~ to the credit of the general revenue indigent defense support 32216
fund established under section 120.08 of the Revised Code. The 32217
court shall not waive the payment of the additional ~~fifteen~~ 32218
~~dollars~~ thirty-, twenty-, or ten-dollar court costs, unless the 32219
court determines that the offender is indigent and waives the 32220

payment of all court costs imposed upon the indigent offender. 32221

(2)(a) The juvenile court, in which a child is found to be a delinquent child or a juvenile traffic offender for an act ~~which~~ that, if committed by an adult, would be an offense ~~other than a traffic offense that is not a moving violation~~, shall impose one of the sum of fifteen dollars following sums as costs in the case in addition to any other court costs that the court is required or permitted by law to impose upon the delinquent child or juvenile traffic offender:

(i) Thirty dollars if the offense is a felony; 32230

(ii) Twenty dollars if the offense is a misdemeanor other than a traffic offense that is not a moving violation; 32232

(iii) Ten dollars if the offense is a traffic offense that is not a moving violation, excluding parking violations. All such 32234

(b) All moneys collected pursuant to division (A)(2)(a) of this section during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state and deposited by the treasurer of state into to the credit of the general revenue indigent defense support fund established under section 120.08 of the Revised Code. The ~~fifteen dollars~~ thirty-, twenty-, or ten-dollar court costs shall be collected in all cases unless the court determines the juvenile is indigent and waives the payment of all court costs, or enters an order on its journal stating that it has determined that the juvenile is indigent, that no other court costs are to be taxed in the case, and that the payment of the ~~fifteen dollars~~ thirty-, twenty-, or ten-dollar court costs is waived.

(B) Whenever a person is charged with any offense ~~other than a traffic offense that is not a moving violation and posts bail described in division (A)(1) of this section~~, the court shall add to the amount of the bail the ~~fifteen~~ thirty, twenty, or ten

dollars required to be paid by division (A)(1) of this section. 32252
The ~~fifteen~~ thirty, twenty, or ten dollars shall be retained by 32253
the clerk of the court until the person is convicted, pleads 32254
guilty, forfeits bail, is found not guilty, or has the charges 32255
dismissed. If the person is convicted, pleads guilty, or forfeits 32256
bail, the clerk shall transmit the ~~fifteen~~ thirty, twenty, or ten 32257
dollars on or before the twentieth day of the month following the 32258
month in which the person was convicted, pleaded guilty, or 32259
forfeited bail to the treasurer of state, who shall deposit it 32260
~~into~~ to the credit of the general revenue indigent defense support 32261
fund established under section 120.08 of the Revised Code. If the 32262
person is found not guilty or the charges are dismissed, the clerk 32263
shall return the ~~fifteen~~ thirty, twenty, or ten dollars to the 32264
person. 32265

(C) No person shall be placed or held in a detention facility 32266
for failing to pay the additional ~~fifteen dollars~~ thirty-, 32267
twenty-, or ten-dollar court costs or bail that are required to be 32268
paid by this section. 32269

(D) As used in this section: 32270

(1) "Moving violation" and "bail" have the same meanings as 32271
in section 2743.70 of the Revised Code. 32272

(2) "Detention facility" has the same meaning as in section 32273
2921.01 of the Revised Code. 32274

Sec. 2949.111. (A) As used in this section: 32275

(1) "Court costs" means any assessment that the court 32276
requires an offender to pay to defray the costs of operating the 32277
court. 32278

(2) "State fines or costs" means any costs imposed or 32279
forfeited bail collected by the court under section 2743.70 of the 32280
Revised Code for deposit into the reparations fund or under 32281

section 2949.091 of the Revised Code for deposit into the ~~general~~ 32282
~~revenue~~ indigent defense support fund established under section 32283
120.08 of the Revised Code and all fines, penalties, and forfeited 32284
bail collected by the court and paid to a law library association 32285
under sections 3375.50 to 3375.53 of the Revised Code. 32286

(3) "Reimbursement" means any reimbursement for the costs of 32287
confinement that the court orders an offender to pay pursuant to 32288
section 2929.28 of the Revised Code, any supervision fee, any fee 32289
for the costs of house arrest with electronic monitoring that an 32290
offender agrees to pay, any reimbursement for the costs of an 32291
investigation or prosecution that the court orders an offender to 32292
pay pursuant to section 2929.71 of the Revised Code, or any other 32293
costs that the court orders an offender to pay. 32294

(4) "Supervision fees" means any fees that a court, pursuant 32295
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 32296
requires an offender who is under a community control sanction to 32297
pay for supervision services. 32298

(5) "Community control sanction" has the same meaning as in 32299
section 2929.01 of the Revised Code. 32300

(B) Unless the court, in accordance with division (C) of this 32301
section, enters in the record of the case a different method of 32302
assigning payments, if a person who is charged with a misdemeanor 32303
is convicted of or pleads guilty to the offense, if the court 32304
orders the offender to pay any combination of court costs, state 32305
fines or costs, restitution, a conventional fine, or any 32306
reimbursement, and if the offender makes any payment of any of 32307
them to a clerk of court, the clerk shall assign the offender's 32308
payment in the following manner: 32309

(1) If the court ordered the offender to pay any court costs, 32310
the offender's payment shall be assigned toward the satisfaction 32311
of those court costs until they have been entirely paid. 32312

(2) If the court ordered the offender to pay any state fines 32313
or costs and if all of the court costs that the court ordered the 32314
offender to pay have been paid, the remainder of the offender's 32315
payment shall be assigned on a pro rata basis toward the 32316
satisfaction of the state fines or costs until they have been 32317
entirely paid. 32318

(3) If the court ordered the offender to pay any restitution 32319
and if all of the court costs and state fines or costs that the 32320
court ordered the offender to pay have been paid, the remainder of 32321
the offender's payment shall be assigned toward the satisfaction 32322
of the restitution until it has been entirely paid. 32323

(4) If the court ordered the offender to pay any fine and if 32324
all of the court costs, state fines or costs, and restitution that 32325
the court ordered the offender to pay have been paid, the 32326
remainder of the offender's payment shall be assigned toward the 32327
satisfaction of the fine until it has been entirely paid. 32328

(5) If the court ordered the offender to pay any 32329
reimbursement and if all of the court costs, state fines or costs, 32330
restitution, and fines that the court ordered the offender to pay 32331
have been paid, the remainder of the offender's payment shall be 32332
assigned toward the satisfaction of the reimbursements until they 32333
have been entirely paid. 32334

(C) If a person who is charged with a misdemeanor is 32335
convicted of or pleads guilty to the offense and if the court 32336
orders the offender to pay any combination of court costs, state 32337
fines or costs, restitution, fines, or reimbursements, the court, 32338
at the time it orders the offender to make those payments, may 32339
prescribe an order of payments that differs from the order set 32340
forth in division (B) of this section by entering in the record of 32341
the case the order so prescribed. If a different order is entered 32342
in the record, on receipt of any payment, the clerk of the court 32343
shall assign the payment in the manner prescribed by the court. 32344

Sec. 2949.17. (A) The sheriff may take one guard for every 32345
two convicted felons to be transported to a correctional 32346
institution. The trial judge may authorize a larger number of 32347
guards upon written application of the sheriff, in which case a 32348
transcript of the order of the judge shall be certified by the 32349
clerk of the court of common pleas under the seal of the court, 32350
and the sheriff shall deliver the order with the convict to the 32351
person in charge of the correctional institution. 32352

(B) In order to obtain reimbursement for the county for the 32353
expenses of transportation for indigent convicted felons, the 32354
clerk of the court of common pleas shall prepare a transportation 32355
cost bill for each indigent convicted felon transported pursuant 32356
to this section for an amount equal to ~~ten cents~~ not less than one 32357
dollar a mile from the county seat to the state correctional 32358
institution and return for ~~the sheriff and each of the guards and~~ 32359
~~five cents a mile from the county seat to the state correctional~~ 32360
~~institution~~ for each prisoner. The number of miles shall be 32361
computed by the usual route of travel. The clerk's duties under 32362
this division are subject to division (B) of section 2949.19 of 32363
the Revised Code. 32364

Sec. 2981.13. (A) Except as otherwise provided in this 32365
section, property ordered forfeited as contraband, proceeds, or an 32366
instrumentality pursuant to this chapter shall be disposed of, 32367
used, or sold pursuant to section 2981.12 of the Revised Code. If 32368
the property is to be sold under that section, the prosecutor 32369
shall cause notice of the proposed sale to be given in accordance 32370
with law. 32371

(B) If the contraband or instrumentality forfeited under this 32372
chapter is sold, any moneys acquired from a sale and any proceeds 32373
forfeited under this chapter shall be applied in the following 32374
order: 32375

(1) First, to pay costs incurred in the seizure, storage, maintenance, security, and sale of the property and in the forfeiture proceeding;	32376 32377 32378
(2) Second, in a criminal forfeiture case, to satisfy any restitution ordered to the victim of the offense or, in a civil forfeiture case, to satisfy any recovery ordered for the person harmed, unless paid from other assets;	32379 32380 32381 32382
(3) Third, to pay the balance due on any security interest preserved under this chapter;	32383 32384
(4) Fourth, apply the remaining amounts as follows:	32385
(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more certified alcohol and drug addiction treatment programs as provided in division (D) of section 2981.12 of the Revised Code;	32386 32387 32388 32389
(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecutor and to the following fund supporting the law enforcement agency that substantially conducted the investigation: the law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code; the state highway patrol contraband, forfeiture, and other fund; the department of public safety investigative unit contraband, forfeiture, and other fund; the department of taxation enforcement fund; the board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code; the medicaid fraud investigation and prosecution fund; or the treasurer of state for deposit into the peace officer training commission fund if any other state law enforcement agency substantially conducted the investigation. In the case of property	32390 32391 32392 32393 32394 32395 32396 32397 32398 32399 32400 32401 32402 32403 32404 32405 32406

forfeited for medicaid fraud, any remaining amount shall be used 32407
by the attorney general to investigate and prosecute medicaid 32408
fraud offenses. 32409

If the prosecutor declines to accept any of the remaining 32410
amounts, the amounts shall be applied to the fund of the agency 32411
that substantially conducted the investigation. 32412

(c) If more than one law enforcement agency is substantially 32413
involved in the seizure of property forfeited under this chapter, 32414
the court ordering the forfeiture shall equitably divide the 32415
amounts, after calculating any distribution to the law enforcement 32416
trust fund of the prosecutor pursuant to division (B)(4) of this 32417
section, among the entities that the court determines were 32418
substantially involved in the seizure. 32419

(C)(1) A law enforcement trust fund shall be established by 32420
the prosecutor of each county who intends to receive any remaining 32421
amounts pursuant to this section, by the sheriff of each county, 32422
by the legislative authority of each municipal corporation, by the 32423
board of township trustees of each township that has a township 32424
police department, township police district police force, or 32425
office of the constable, and by the board of park commissioners of 32426
each park district created pursuant to section 511.18 or 1545.01 32427
of the Revised Code that has a park district police force or law 32428
enforcement department, for the purposes of this section. 32429

There is hereby created in the state treasury the state 32430
highway patrol contraband, forfeiture, and other fund, the 32431
department of public safety investigative unit contraband, 32432
forfeiture, and other fund, the medicaid fraud investigation and 32433
prosecution fund, the department of taxation enforcement fund, and 32434
the peace officer training commission fund, for the purposes of 32435
this section. 32436

Amounts distributed to any municipal corporation, township, 32437

or park district law enforcement trust fund shall be allocated 32438
from the fund by the legislative authority only to the police 32439
department of the municipal corporation, by the board of township 32440
trustees only to the township police department, township police 32441
district police force, or office of the constable, and by the 32442
board of park commissioners only to the park district police force 32443
or law enforcement department. 32444

(2)(a) No amounts shall be allocated to a fund created under 32445
this section or used by an agency unless the agency has adopted a 32446
written internal control policy that addresses the use of moneys 32447
received from the appropriate fund. The appropriate fund shall be 32448
expended only in accordance with that policy and, subject to the 32449
requirements specified in this section, only for the following 32450
purposes: 32451

(i) To pay the costs of protracted or complex investigations 32452
or prosecutions; 32453

(ii) To provide reasonable technical training or expertise; 32454

(iii) To provide matching funds to obtain federal grants to 32455
aid law enforcement, in the support of DARE programs or other 32456
programs designed to educate adults or children with respect to 32457
the dangers associated with the use of drugs of abuse; 32458

(iv) To pay the costs of emergency action taken under section 32459
3745.13 of the Revised Code relative to the operation of an 32460
illegal methamphetamine laboratory if the forfeited property or 32461
money involved was that of a person responsible for the operation 32462
of the laboratory; 32463

(v) For other law enforcement purposes that the 32464
superintendent of the state highway patrol, department of public 32465
safety, prosecutor, county sheriff, legislative authority, 32466
department of taxation, board of township trustees, or board of 32467
park commissioners determines to be appropriate. 32468

(b) The board of pharmacy drug law enforcement fund shall be 32469
expended only in accordance with the written internal control 32470
policy so adopted by the board and only in accordance with section 32471
4729.65 of the Revised Code, except that it also may be expended 32472
to pay the costs of emergency action taken under section 3745.13 32473
of the Revised Code relative to the operation of an illegal 32474
methamphetamine laboratory if the forfeited property or money 32475
involved was that of a person responsible for the operation of the 32476
laboratory. 32477

(c) The state highway patrol contraband, forfeiture, and 32478
other fund, the department of public safety investigative unit 32479
contraband, forfeiture, and other fund, the department of taxation 32480
enforcement fund, the board of pharmacy drug law enforcement fund, 32481
and a law enforcement trust fund shall not be used to meet the 32482
operating costs of the state highway patrol, of the investigative 32483
unit of the department of public safety, of the state board of 32484
pharmacy, of any political subdivision, or of any office of a 32485
prosecutor or county sheriff that are unrelated to law 32486
enforcement. 32487

(d) Forfeited moneys that are paid into the state treasury to 32488
be deposited into the peace officer training commission fund shall 32489
be used by the commission only to pay the costs of peace officer 32490
training. 32491

(3) Any of the following offices or agencies that receive 32492
amounts under this section during any calendar year shall file a 32493
report with the specified entity, not later than the thirty-first 32494
day of January of the next calendar year, verifying that the 32495
moneys were expended only for the purposes authorized by this 32496
section or other relevant statute and specifying the amounts 32497
expended for each authorized purpose: 32498

(a) Any sheriff or prosecutor shall file the report with the 32499
county auditor. 32500

(b) Any municipal corporation police department shall file 32501
the report with the legislative authority of the municipal 32502
corporation. 32503

(c) Any township police department, township police district 32504
police force, or office of the constable shall file the report 32505
with the board of township trustees of the township. 32506

(d) Any park district police force or law enforcement 32507
department shall file the report with the board of park 32508
commissioners of the park district. 32509

(e) The superintendent of the state highway patrol and the 32510
tax commissioner shall file the report with the attorney general. 32511

(f) The executive director of the state board of pharmacy 32512
shall file the report with the attorney general, verifying that 32513
cash and forfeited proceeds paid into the board of pharmacy drug 32514
law enforcement fund were used only in accordance with section 32515
4729.65 of the Revised Code. 32516

(g) The peace officer training commission shall file a report 32517
with the attorney general, verifying that cash and forfeited 32518
proceeds paid into the peace officer training commission fund 32519
pursuant to this section during the prior calendar year were used 32520
by the commission during the prior calendar year only to pay the 32521
costs of peace officer training. 32522

(D) The written internal control policy of a county sheriff, 32523
prosecutor, municipal corporation police department, township 32524
police department, township police district police force, office 32525
of the constable, or park district police force or law enforcement 32526
department shall provide that at least ten per cent of the first 32527
one hundred thousand dollars of amounts deposited during each 32528
calendar year in the agency's law enforcement trust fund under 32529
this section, and at least twenty per cent of the amounts 32530
exceeding one hundred thousand dollars that are so deposited, 32531

shall be used in connection with community preventive education 32532
programs. The manner of use shall be determined by the sheriff, 32533
prosecutor, department, police force, or office of the constable 32534
after receiving and considering advice on appropriate community 32535
preventive education programs from the county's board of alcohol, 32536
drug addiction, and mental health services, from the county's 32537
alcohol and drug addiction services board, or through appropriate 32538
community dialogue. 32539

The financial records kept under the internal control policy 32540
shall specify the amount deposited during each calendar year in 32541
the portion of that amount that was used pursuant to this 32542
division, and the programs in connection with which the portion of 32543
that amount was so used. 32544

As used in this division, "community preventive education 32545
programs" include, but are not limited to, DARE programs and other 32546
programs designed to educate adults or children with respect to 32547
the dangers associated with using drugs of abuse. 32548

(E) Upon the sale, under this section or section 2981.12 of 32549
the Revised Code, of any property that is required by law to be 32550
titled or registered, the state shall issue an appropriate 32551
certificate of title or registration to the purchaser. If the 32552
state is vested with title and elects to retain property that is 32553
required to be titled or registered under law, the state shall 32554
issue an appropriate certificate of title or registration. 32555

(F) Any failure of a law enforcement officer or agency, 32556
prosecutor, court, or the attorney general to comply with this 32557
section in relation to any property seized does not affect the 32558
validity of the seizure and shall not be considered to be the 32559
basis for suppressing any evidence resulting from the seizure, 32560
provided the seizure itself was lawful. 32561

Sec. 3105.87. The court may order a public retirement program 32562

or the Ohio public employees deferred compensation program to 32563
provide information from a participant's personal history record 32564
necessary to determine the amounts described in division (D) of 32565
section 3105.82 of the Revised Code. 32566

Sec. 3119.01. (A) As used in the Revised Code, "child support 32567
enforcement agency" means a child support enforcement agency 32568
designated under former section 2301.35 of the Revised Code prior 32569
to October 1, 1997, or a private or government entity designated 32570
as a child support enforcement agency under section 307.981 of the 32571
Revised Code. 32572

(B) As used in this chapter and Chapters 3121., 3123., and 32573
3125. of the Revised Code: 32574

(1) "Administrative child support order" means any order 32575
issued by a child support enforcement agency for the support of a 32576
child pursuant to section 3109.19 or 3111.81 of the Revised Code 32577
or former section 3111.211 of the Revised Code, section 3111.21 of 32578
the Revised Code as that section existed prior to January 1, 1998, 32579
or section 3111.20 or 3111.22 of the Revised Code as those 32580
sections existed prior to March 22, 2001. 32581

(2) "Child support order" means either a court child support 32582
order or an administrative child support order. 32583

(3) "Obligee" means the person who is entitled to receive the 32584
support payments under a support order. 32585

(4) "Obligor" means the person who is required to pay support 32586
under a support order. 32587

(5) "Support order" means either an administrative child 32588
support order or a court support order. 32589

(C) As used in this chapter: 32590

(1) "Combined gross income" means the combined gross income 32591
of both parents. 32592

(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.

(5) "Income" means either of the following:

(a) For a parent who is employed to full capacity, the gross income of the parent;

(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.

(6) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.

(7) "Gross income" means, except as excluded in division (C)(7) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes income from salaries, wages, overtime pay, and bonuses to the extent described in division (D) of section 3119.05 of the Revised Code; commissions; royalties;

tips; rents; dividends; severance pay; pensions; interest; trust 32624
income; annuities; social security benefits, including retirement, 32625
disability, and survivor benefits that are not means-tested; 32626
workers' compensation benefits; unemployment insurance benefits; 32627
disability insurance benefits; benefits that are not means-tested 32628
and that are received by and in the possession of the veteran who 32629
is the beneficiary for any service-connected disability under a 32630
program or law administered by the United States department of 32631
veterans' affairs or veterans' administration; spousal support 32632
actually received; and all other sources of income. "Gross income" 32633
includes income of members of any branch of the United States 32634
armed services or national guard, including, amounts representing 32635
base pay, basic allowance for quarters, basic allowance for 32636
subsistence, supplemental subsistence allowance, cost of living 32637
adjustment, specialty pay, variable housing allowance, and pay for 32638
training or other types of required drills; self-generated income; 32639
and potential cash flow from any source. 32640

"Gross income" does not include any of the following: 32641

(a) Benefits received from means-tested government 32642
administered programs, including Ohio works first; prevention, 32643
retention, and contingency; means-tested veterans' benefits; 32644
supplemental security income; ~~food stamps~~ supplemental nutrition 32645
assistance program; disability financial assistance; or other 32646
assistance for which eligibility is determined on the basis of 32647
income or assets; 32648

(b) Benefits for any service-connected disability under a 32649
program or law administered by the United States department of 32650
veterans' affairs or veterans' administration that are not 32651
means-tested, that have not been distributed to the veteran who is 32652
the beneficiary of the benefits, and that are in the possession of 32653
the United States department of veterans' affairs or veterans' 32654
administration; 32655

(c) Child support received for children who were not born or adopted during the marriage at issue;	32656 32657
(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;	32658 32659 32660
(e) Nonrecurring or unsustainable income or cash flow items;	32661
(f) Adoption assistance and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended.	32662 32663 32664
(8) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.	32665 32666 32667 32668 32669 32670 32671 32672 32673 32674
(9)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.	32675 32676 32677 32678
(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(9)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.	32679 32680 32681 32682 32683 32684 32685
(10) "Personal earnings" means compensation paid or payable	32686

for personal services, however denominated, and includes wages, 32687
salary, commissions, bonuses, draws against commissions, profit 32688
sharing, vacation pay, or any other compensation. 32689

(11) "Potential income" means both of the following for a 32690
parent who the court pursuant to a court support order, or a child 32691
support enforcement agency pursuant to an administrative child 32692
support order, determines is voluntarily unemployed or voluntarily 32693
underemployed: 32694

(a) Imputed income that the court or agency determines the 32695
parent would have earned if fully employed as determined from the 32696
following criteria: 32697

(i) The parent's prior employment experience; 32698

(ii) The parent's education; 32699

(iii) The parent's physical and mental disabilities, if any; 32700

(iv) The availability of employment in the geographic area in 32701
which the parent resides; 32702

(v) The prevailing wage and salary levels in the geographic 32703
area in which the parent resides; 32704

(vi) The parent's special skills and training; 32705

(vii) Whether there is evidence that the parent has the 32706
ability to earn the imputed income; 32707

(viii) The age and special needs of the child for whom child 32708
support is being calculated under this section; 32709

(ix) The parent's increased earning capacity because of 32710
experience; 32711

(x) Any other relevant factor. 32712

(b) Imputed income from any nonincome-producing assets of a 32713
parent, as determined from the local passbook savings rate or 32714
another appropriate rate as determined by the court or agency, not 32715

to exceed the rate of interest specified in division (A) of 32716
section 1343.03 of the Revised Code, if the income is significant. 32717

(12) "Schedule" means the basic child support schedule set 32718
forth in section 3119.021 of the Revised Code. 32719

(13) "Self-generated income" means gross receipts received by 32720
a parent from self-employment, proprietorship of a business, joint 32721
ownership of a partnership or closely held corporation, and rents 32722
minus ordinary and necessary expenses incurred by the parent in 32723
generating the gross receipts. "Self-generated income" includes 32724
expense reimbursements or in-kind payments received by a parent 32725
from self-employment, the operation of a business, or rents, 32726
including company cars, free housing, reimbursed meals, and other 32727
benefits, if the reimbursements are significant and reduce 32728
personal living expenses. 32729

(14) "Split parental rights and responsibilities" means a 32730
situation in which there is more than one child who is the subject 32731
of an allocation of parental rights and responsibilities and each 32732
parent is the residential parent and legal custodian of at least 32733
one of those children. 32734

(15) "Worksheet" means the applicable worksheet that is used 32735
to calculate a parent's child support obligation as set forth in 32736
sections 3119.022 and 3119.023 of the Revised Code. 32737

Sec. 3119.371. (A) As used in this section: 32738

(1) "Health insurance provider" means: 32739

(a) A person authorized to engage in the business of sickness 32740
and accident insurance under Title XXXIX of the Revised Code; 32741

(b) A person or government entity providing coverage for 32742
medical services or items to individuals on a self-insurance 32743
basis; 32744

(c) A health insuring corporation as defined in section 32745

<u>1751.01 of the Revised Code;</u>	32746
<u>(d) A group health plan as defined in 29 U.S.C. 1167;</u>	32747
<u>(e) Any organization, business, or association described in</u> <u>42 U.S.C. 1396a(a)(25); or</u>	32748 32749
<u>(f) A managed care organization.</u>	32750
<u>(2) "Information" means all of the following:</u>	32751
<u>(a) An individual's name, address, date of birth, and social</u> <u>security number;</u>	32752 32753
<u>(b) The group or plan number or other identifier assigned by</u> <u>a health insurance provider to a policy held by an individual or a</u> <u>plan in which the individual participates and the nature of the</u> <u>coverage; and</u>	32754 32755 32756 32757
<u>(c) Any other data specified by the director of job and</u> <u>family services in rules adopted under section 3119.51 of the</u> <u>Revised Code.</u>	32758 32759 32760
<u>(B) Upon request of the office of child support in the</u> <u>department of job and family services and for the purpose of</u> <u>establishing and enforcing orders to provide health insurance</u> <u>coverage, a health insurance provider shall provide the</u> <u>information described in division (A)(2) of this section to the</u> <u>office of child support.</u>	32761 32762 32763 32764 32765 32766
Sec. 3121.03. If a court or child support enforcement agency that issued or modified a support order, or the agency administering the support order, is required by the Revised Code to issue one or more withholding or deduction notices described in this section or other orders described in this section, the court or agency shall issue one or more of the following types of notices or orders, as appropriate, for payment of the support and also, if required by the Revised Code or the court, to pay any arrearages:	32767 32768 32769 32770 32771 32772 32773 32774 32775

(A)(1) If the court or the child support enforcement agency determines that the obligor is receiving income from a payor, the court or agency shall require the payor to do all of the following:

(a) Withhold from the obligor's income a specified amount for support in satisfaction of the support order and begin the withholding no later than fourteen business days following the date the notice is mailed or transmitted to the payor under section 3121.035, 3123.021, or 3123.06 of the Revised Code and division (A)(2) of this section or, if the payor is an employer, no later than the first pay period that occurs after fourteen business days following the date the notice is mailed or transmitted;

(b) Send the amount withheld to the office of child support in the department of job and family services pursuant to section 3121.43 of the Revised Code immediately but not later than seven business days after the date the obligor is paid;

(c) Continue the withholding at intervals specified in the notice until further notice from the court or child support enforcement agency.

To the extent possible, the amount specified to be withheld shall satisfy the amount ordered for support in the support order plus any arrearages owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding any applicable limitations of sections 2329.66, 2329.70, 2716.02, 2716.041, and 2716.05 of the Revised Code. However, in no case shall the sum of the amount to be withheld and any fee withheld by the payor as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(2) A court or agency that imposes an income withholding

requirement shall, within the applicable time specified in section 32807
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 32808
Code, send to the obligor's payor by regular mail or via secure 32809
federally managed data transmission interface a notice that 32810
contains all of the information applicable to withholding notices 32811
set forth in section 3121.037 of the Revised Code. The notice is 32812
final and is enforceable by the court. 32813

(B)(1) If the court or child support enforcement agency 32814
determines that the obligor has funds that are not exempt under 32815
the laws of this state or the United States from execution, 32816
attachment, or other legal process and are on deposit in an 32817
account in a financial institution under the jurisdiction of the 32818
court that issued the court support order, or in the case of an 32819
administrative child support order, under the jurisdiction of the 32820
common pleas court of the county in which the agency that issued 32821
or is administering the order is located, the court or agency may 32822
require any financial institution in which the obligor's funds are 32823
on deposit to do all of the following: 32824

(a) Deduct from the obligor's account a specified amount for 32825
support in satisfaction of the support order and begin the 32826
deduction no later than fourteen business days following the date 32827
the notice was mailed or transmitted to the financial institution 32828
under section 3121.035 or 3123.06 of the Revised Code and division 32829
(B)(2) of this section; 32830

(b) Send the amount deducted to the office of child support 32831
in the department of job and family services pursuant to section 32832
3121.43 of the Revised Code immediately but not later than seven 32833
business days after the date the latest deduction was made; 32834

(c) Provide the date on which the amount was deducted; 32835

(d) Continue the deduction at intervals specified in the 32836
notice until further notice from the court or child support 32837

enforcement agency. 32838

To the extent possible, the amount to be deducted shall 32839
satisfy the amount ordered for support in the support order plus 32840
any arrearages that may be owed by the obligor under any prior 32841
support order that pertained to the same child or spouse, 32842
notwithstanding the limitations of sections 2329.66, 2329.70, and 32843
2716.13 of the Revised Code. 32844

(2) A court or agency that imposes a deduction requirement 32845
shall, within the applicable period of time specified in section 32846
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 32847
to the financial institution by regular mail or via secure 32848
federally managed data transmission interface a notice that 32849
contains all of the information applicable to deduction notices 32850
set forth in section 3121.037 of the Revised Code. The notice is 32851
final and is enforceable by the court. 32852

(C) With respect to any court support order it issues, a 32853
court may issue an order requiring the obligor to enter into a 32854
cash bond with the court. The court shall issue the order as part 32855
of the court support order or, if the court support order has 32856
previously been issued, as a separate order. The cash bond shall 32857
be in a sum fixed by the court at not less than five hundred nor 32858
more than ten thousand dollars, conditioned that the obligor will 32859
make payment as previously ordered and will pay any arrearages 32860
under any prior court support order that pertained to the same 32861
child or spouse. 32862

The order, along with an additional order requiring the 32863
obligor to immediately notify the child support enforcement 32864
agency, in writing, if the obligor begins to receive income from a 32865
payor, shall be attached to and served on the obligor at the same 32866
time as service of the court support order or, if the court 32867
support order has previously been issued, as soon as possible 32868
after the issuance of the order under this section. The additional 32869

order requiring notice by the obligor shall state all of the 32870
following: 32871

(1) That when the obligor begins to receive income from a 32872
payor the obligor may request that the court cancel its bond order 32873
and instead issue a notice requiring the withholding of an amount 32874
from income for support in accordance with this section; 32875

(2) That when the obligor begins to receive income from a 32876
payor the court will proceed to collect on the bond if the court 32877
determines that payments due under the court support order have 32878
not been made and that the amount that has not been paid is at 32879
least equal to the support owed for one month under the court 32880
support order and will issue a notice requiring the withholding of 32881
an amount from income for support in accordance with this section. 32882
The notice required of the obligor shall include a description of 32883
the nature of any new employment, the name and business address of 32884
any new employer, and any other information reasonably required by 32885
the court. 32886

The court shall not order an obligor to post a cash bond 32887
under this section unless the court determines that the obligor 32888
has the ability to do so. 32889

A child support enforcement agency may not issue a cash bond 32890
order. If a child support enforcement agency is required to issue 32891
a withholding or deduction notice under this section with respect 32892
to a court support order but the agency determines that no 32893
withholding or deduction notice would be appropriate, the agency 32894
may request that the court issue a cash bond order under this 32895
section, and upon the request, the court may issue the order. 32896

(D)(1) If the obligor under a court support order is 32897
unemployed, has no income, and does not have an account at any 32898
financial institution, or on request of a child support 32899
enforcement agency under division (D)(1) or (2) of this section, 32900

the court shall issue an order requiring the obligor, if able to 32901
engage in employment, to seek employment or participate in a work 32902
activity to which a recipient of assistance under Title IV-A of 32903
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 32904
as amended, may be assigned as specified in section 407(d) of the 32905
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 32906
shall include in the order a requirement that the obligor notify 32907
the child support enforcement agency on obtaining employment, 32908
obtaining any income, or obtaining ownership of any asset with a 32909
value of five hundred dollars or more. The court may issue the 32910
order regardless of whether the obligee to whom the obligor owes 32911
support is a recipient of assistance under Title IV-A of the 32912
"Social Security Act." The court shall issue the order as part of 32913
a court support order or, if a court support order has previously 32914
been issued, as a separate order. If a child support enforcement 32915
agency is required to issue a withholding or deduction notice 32916
under this section with respect to a court support order but 32917
determines that no withholding or deduction notice would be 32918
appropriate, the agency may request that the court issue a court 32919
order under division (D)(1) of this section, and, on the request, 32920
the court may issue the order. 32921

(2) If the obligor under an administrative child support 32922
order is unemployed, has no income, and does not have an account 32923
at any financial institution, the agency shall issue an 32924
administrative order requiring the obligor, if able to engage in 32925
employment, to seek employment or participate in a work activity 32926
to which a recipient of assistance under Title IV-A of the "Social 32927
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 32928
may be assigned as specified in section 407(d) of the "Social 32929
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 32930
include in the order a requirement that the obligor notify the 32931
agency on obtaining employment or income, or ownership of any 32932
asset with a value of five hundred dollars or more. The agency may 32933

issue the order regardless of whether the obligee to whom the 32934
obligor owes support is a recipient of assistance under Title IV-A 32935
of the "Social Security Act." If an obligor fails to comply with 32936
an administrative order issued pursuant to division (D)(2) of this 32937
section, the agency shall submit a request to a court for the 32938
court to issue an order under division (D)(1) of this section. 32939

Sec. 3121.035. Within fifteen days after an obligor under a 32940
support order is located following issuance or modification of the 32941
support order, the court or child support enforcement agency that 32942
issued or modified the support order, or the agency, pursuant to 32943
an agreement with the court with respect to a court support order, 32944
shall do either of the following: 32945

(A) If a withholding or deduction notice described in section 32946
3121.03 of the Revised Code is appropriate, send the notice by 32947
regular mail or via secure federally managed data transmission 32948
interface to each person required to comply with it; 32949

(B) If an order described in section 3121.03, 3121.04 to 32950
3121.08, or 3121.12 of the Revised Code is appropriate, issue and 32951
send the appropriate order. 32952

Sec. 3121.037. (A) A withholding notice sent under section 32953
3121.03 of the Revised Code shall contain all of the following: 32954

(1) Notice of the amount to be withheld from the obligor's 32955
income and a statement that, notwithstanding that amount, the 32956
payor may not withhold an amount for support and other purposes, 32957
including the fee described in division (A)~~(11)~~(12) of this 32958
section, that exceeds the maximum amounts permitted under section 32959
303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b); 32960

(2) A statement that the payor is required to send the amount 32961
withheld to the office of child support immediately, but not later 32962
than seven business days, after the obligor is paid and is 32963

required to report to the agency the date the amount was withheld; 32964

(3) A statement that the withholding shall be submitted to the state via electronic means if the employer employs more than fifty employees; 32965
32966
32967

(4) A statement that the withholding is binding on the payor until further notice from the court or agency; 32968
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~~(4)~~(5) A statement that if the payor is an employer, the payor is subject to a fine to be determined under the law of this state for discharging the obligor from employment, refusing to employ the obligor, or taking any disciplinary action against the obligor because of the withholding requirement; 32970
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~~(5)~~(6) A statement that, if the payor fails to withhold in accordance with the notice, the payor is liable for the accumulated amount the payor should have withheld from the obligor's income; 32975
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~~(6)~~(7) A statement that, except for deductions from lump sum payments made in accordance with section 3121.0311 of the Revised Code, the withholding in accordance with the notice has priority over any other legal process under the law of this state against the same income; 32979
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~~(7)~~(8) The date on which the notice was mailed and a statement that the payor is required to implement the withholding no later than fourteen business days following the date the notice was mailed or, if the payor is an employer, no later than the first pay period that occurs after fourteen business days following the date the notice was mailed, and is required to continue the withholding at the intervals specified in the notice. 32984
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~~(8)~~(9) A requirement that the payor do the following: 32991

(a) Promptly notify the child support enforcement agency administering the support order, in writing, within ten business 32992
32993

days after the date of any situation that occurs in which the 32994
payor ceases to pay income to the obligor in an amount sufficient 32995
to comply with the order, including termination of employment, 32996
layoff of the obligor from employment, any leave of absence of the 32997
obligor from employment without pay, termination of workers' 32998
compensation benefits, or termination of any pension, annuity, 32999
allowance, or retirement benefit; 33000

(b) Provide the agency with the obligor's last known address 33001
and, with respect to a court support order and if known, notify 33002
the agency of any new employer or income source and the name, 33003
address, and telephone number of the new employer or income 33004
source. 33005

~~(9)~~(10) A requirement that, if the payor is an employer, the 33006
payor do both of the following: 33007

(a) Identify in the notice given under division (A)~~(8)~~(9) of 33008
this section any types of benefits other than personal earnings 33009
the obligor is receiving or is eligible to receive as a benefit of 33010
employment or as a result of the obligor's termination of 33011
employment, including, but not limited to, unemployment 33012
compensation, workers' compensation benefits, severance pay, sick 33013
leave, lump sum payments of retirement benefits or contributions, 33014
and bonuses or profit-sharing payments or distributions, and the 33015
amount of the benefits; 33016

(b) Include in the notice the obligor's last known address 33017
and telephone number, date of birth, social security number, and 33018
case number and, if known, the name and business address of any 33019
new employer of the obligor. 33020

~~(10)~~(11) Subject to section 3121.0311 of the Revised Code, a 33021
requirement that, no later than the earlier of forty-five days 33022
before a lump sum payment is to be made or, if the obligor's right 33023
to the lump sum payment is determined less than forty-five days 33024

before it is to be made, the date on which that determination is 33025
made, the payor notify the child support enforcement agency 33026
administering the support order of any lump sum payment of any 33027
kind of one hundred fifty dollars or more that is to be paid to 33028
the obligor, hold each lump sum payment of one hundred fifty 33029
dollars or more for thirty days after the date on which it would 33030
otherwise be paid to the obligor and, on order of the court or 33031
agency that issued the support order, pay all or a specified 33032
amount of the lump sum payment to the office of child support; 33033

~~(11)~~(12) A statement that, in addition to the amount withheld 33034
for support, the payor may withhold a fee from the obligor's 33035
income as a charge for its services in complying with the notice 33036
and a specification of the amount that may be withheld. 33037

(B) A deduction notice sent under section 3121.03 of the 33038
Revised Code shall contain all of the following: 33039

(1) Notice of the amount to be deducted from the obligor's 33040
account; 33041

(2) A statement that the financial institution is required to 33042
send the amount deducted to the office of child support 33043
immediately, but not later than seven business days, after the 33044
date the last deduction was made and to report to the child 33045
support enforcement agency the date on which the amount was 33046
deducted; 33047

(3) A statement that the deduction is binding on the 33048
financial institution until further notice from the court or 33049
agency; 33050

(4) A statement that the deduction in accordance with the 33051
notice has priority over any other legal process under the law of 33052
this state against the same account; 33053

(5) The date on which the notice was mailed and a statement 33054
that the financial institution is required to implement the 33055

deduction no later than fourteen business days following that date 33056
and to continue the deduction at the intervals specified in the 33057
notice; 33058

(6) A requirement that the financial institution promptly 33059
notify the child support enforcement agency administering the 33060
support order, in writing, within ten days after the date of any 33061
termination of the account from which the deduction is being made 33062
and notify the agency, in writing, of the opening of a new account 33063
at that financial institution, the account number of the new 33064
account, the name of any other known financial institutions in 33065
which the obligor has any accounts, and the numbers of those 33066
accounts; 33067

(7) A requirement that the financial institution include in 33068
all notices the obligor's last known mailing address, last known 33069
residence address, and social security number; 33070

(8) A statement that, in addition to the amount deducted for 33071
support, the financial institution may deduct a fee from the 33072
obligor's account as a charge for its services in complying with 33073
the notice and a specification of the amount that may be deducted. 33074

Sec. 3121.0311. (A) If a lump sum payment referred to in 33075
division (A)~~(10)~~(11) of section 3121.037 of the Revised Code 33076
consists of workers' compensation benefits and the obligor is 33077
represented by an attorney with respect to the obligor's workers' 33078
compensation claim, prior to issuing the notice to the child 33079
support enforcement agency required by that division, the 33080
administrator of workers' compensation, for claims involving state 33081
fund employers, or a self-insuring employer, for that employer's 33082
claims, shall notify the obligor and the obligor's attorney in 33083
writing that the obligor is subject to a support order and that 33084
the administrator or self-insuring employer, as appropriate, shall 33085
hold the lump sum payment for a period of thirty days after the 33086

administrator or self-insuring employer sends this written notice, 33087
pending receipt of the information referred to in division (B) of 33088
this section. 33089

(B) The administrator or self-insuring employer, as 33090
appropriate, shall instruct the obligor's attorney in writing to 33091
file a copy of the fee agreement signed by the obligor, along with 33092
an affidavit signed by the attorney setting forth the amount of 33093
the attorney's fee with respect to the lump sum payment award to 33094
the obligor and the amount of all necessary expenses, along with 33095
documentation of those expenses, incurred by the attorney with 33096
respect to obtaining the lump sum award. The obligor's attorney 33097
shall file the fee agreement and attorney affidavit with the 33098
administrator or self-insuring employer, as appropriate, within 33099
thirty days after the date the administrator or self-insuring 33100
employer sends the notice required by division (A) of this 33101
section. 33102

(C) Upon receipt of the fee agreement and attorney affidavit, 33103
the administrator or self-insuring employer, as appropriate, shall 33104
deduct from the lump sum payment the amount of the attorney's fee 33105
and necessary expenses and pay that amount directly to and solely 33106
in the name of the attorney within fourteen days after the fee 33107
agreement and attorney affidavit have been filed with the 33108
administrator or self-insuring employer. 33109

(D) After deducting any attorney's fee and necessary 33110
expenses, if the lump sum payment is one hundred fifty dollars or 33111
more, the administrator or self-insuring employer, as appropriate, 33112
shall hold the balance of the lump sum award in accordance with 33113
division (A)~~(10)~~(11) of section 3121.037 of the Revised Code. 33114

Sec. 3121.19. (A) The entire amount withheld or deducted 33115
pursuant to a withholding or deduction notice described in section 33116
3121.03 of the Revised Code shall be forwarded to the office of 33117

child support in the department of job and family services 33118
immediately, but not later than seven business days, after the 33119
withholding or deduction, as directed in the withholding or 33120
deduction notice. 33121

(B) An employer who employs more than fifty employees shall 33122
submit the entire amount withheld pursuant to a withholding notice 33123
described in section 3121.03 of the Revised Code by electronic 33124
transfer to the office of child support in the department of job 33125
and family services immediately, but not later than seven business 33126
days, after the withholding, as directed in the withholding 33127
notice. 33128

Sec. 3121.20. (A) A payor or financial institution required 33129
to withhold or deduct a specified amount from the income or 33130
savings of more than one obligor under a withholding or deduction 33131
notice described in section 3121.03 of the Revised Code and to 33132
forward the amounts withheld or deducted to the office of child 33133
support may combine all of the amounts to be forwarded in one 33134
payment if the payment is accompanied by a list that clearly 33135
identifies each all of the following: 33136

(1) Each obligor covered by the payment and the; 33137

(2) Each child support case, numbered as provided on the 33138
withholding or deduction notice, that is covered by the payment; 33139

(3) The portion of the payment attributable to each obligor 33140
and each case number. 33141

(B) A payor who employs more than fifty employees and who is 33142
required to submit the withholding by electronic transfer pursuant 33143
to sections 3121.037 and 3121.19 of the Revised Code shall combine 33144
all of the amounts to be forwarded in one payment. The payment 33145
shall be accompanied by information that clearly identifies all of 33146
the following: 33147

<u>(1) Each obligor that is covered by the payment;</u>	33148
<u>(2) Each child support case, numbered as provided on the withholding notice issued pursuant to section 3121.03 of the Revised Code, that is covered by the payment;</u>	33149 33150 33151
<u>(3) The portion of the payment attributable to each obligor and each case number.</u>	33152 33153
Sec. 3121.898. The department of job and family services shall use the new hire reports it receives for any of the following purposes set forth in 42 U.S.C. 653a, as amended, including:	33154 33155 33156 33157
(A) To locate individuals for the purposes of establishing paternity and for establishing, modifying, and enforcing child support orders.	33158 33159 33160
(B) As used in this division, "state agency" means every department, bureau, board, commission, office, or other organized body established by the constitution or laws of this state for the exercise of state government; every entity of county government that is subject to the rules of a state agency; and every contractual agent of a state agency.	33161 33162 33163 33164 33165 33166
To make available to any state agency responsible for administering any of the following programs for purposes of verifying program eligibility:	33167 33168 33169
(1) Any Title IV-A program as defined in section 5101.80 of the Revised Code;	33170 33171
(2) The medicaid program authorized by Chapter 5111. of the Revised Code;	33172 33173
(3) The unemployment compensation program authorized by Chapter 4141. of the Revised Code;	33174 33175
(4) The food stamp <u>supplemental nutrition assistance</u> program	33176

authorized by section 5101.54 of the Revised Code;	33177
(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as amended.	33178 33179
(C) The administration of the employment security program under the director of job and family services.	33180 33181
Sec. 3123.952. A child support enforcement agency may submit the name of a delinquent obligor to the office of child support for inclusion on a poster only if all of the following apply:	33182 33183 33184
(A) The obligor is subject to a support order and there has been an attempt to enforce the order through a public notice, a wage withholding order, a lien on property, a financial institution deduction order, or other court-ordered procedures.	33185 33186 33187 33188
(B) The department of job and family services reviewed the obligor's records and confirms the child support enforcement agency's finding that the obligor's name and photograph may be submitted to be displayed on a poster.	33189 33190 33191 33192
(C) The agency does not know or is unable to verify the obligor's whereabouts.	33193 33194
(D) The obligor is not a participant in Ohio works first or the prevention, retention, and contingency program or a recipient of disability financial assistance, supplemental security income, or food stamps <u>supplemental nutrition assistance program benefits</u> .	33195 33196 33197 33198
(E) The child support enforcement agency does not have evidence that the obligor has filed for protection under the federal Bankruptcy Code, 11 U.S.C.A. 101, as amended.	33199 33200 33201
(F) The obligee gave written authorization to the agency to display the obligor on a poster.	33202 33203
(G) A legal representative of the agency and a child support enforcement administrator reviewed the case.	33204 33205

(H) The agency is able to submit to the department a 33206
description and photograph of the obligor, a statement of the 33207
possible locations of the obligor, and any other information 33208
required by the department. 33209

Sec. 3125.25. The director of job and family services shall 33210
adopt rules under Chapter 119. of the Revised Code governing the 33211
operation of support enforcement by child support enforcement 33212
agencies. The rules shall include, but shall not be limited to, 33213
~~provisions~~ the following: 33214

(A) Provisions relating to plans of cooperation between the 33215
agencies and boards of county commissioners entered into under 33216
section 3125.12 of the Revised Code, ~~requirements;~~ 33217

(B) Provisions for the compromise and waiver of child support 33218
arrears owed to the state and federal government, consistent 33219
with Title IV-D of the "Social Security Act," 88 Stat. 2351 33220
(1975), 42 U.S.C. 651 et seq., as amended; 33221

(C) Requirements for public hearings by the agencies, ~~and~~ 33222
~~provisions;~~ 33223

(D) Provisions for appeals of agency decisions under 33224
procedures established by the director. 33225

Sec. 3301.041. Beginning not later than June 30, 2010, the 33226
state board of education shall broadcast live via the internet all 33227
regular and special business meetings of the state board. The 33228
state board shall not broadcast executive sessions conducted in 33229
accordance with division (G) of section 121.22 of the Revised 33230
Code. 33231

The state board may contract or consult with the Ohio 33232
government telecommunications service, and the Ohio government 33233
telecommunications service may provide technical assistance, in 33234
implementing and complying with this section. 33235

Sec. 3301.07. The state board of education shall exercise 33236
under the acts of the general assembly general supervision of the 33237
system of public education in the state. In addition to the powers 33238
otherwise imposed on the state board under the provisions of law, 33239
the board shall have the ~~following~~ powers+ described in this 33240
section. 33241

(A) ~~Exercise~~ The state board shall exercise policy forming, 33242
planning, and evaluative functions for the public schools of the 33243
state, ~~and for adult education,~~ except as otherwise provided by 33244
law+. 33245

(B) ~~Exercise~~ (1) The state board shall exercise leadership in 33246
the improvement of public education in this state, and administer 33247
the educational policies of this state relating to public schools, 33248
and relating to instruction and instructional material, building 33249
and equipment, transportation of pupils, administrative 33250
responsibilities of school officials and personnel, and finance 33251
and organization of school districts, educational service centers, 33252
and territory. Consultative and advisory services in such matters 33253
shall be provided by the board to school districts and educational 33254
service centers of this state. ~~The~~ 33255

(2) The state board also shall develop a standard of 33256
financial reporting which shall be used by all school districts 33257
and educational service centers to make their financial 33258
information available to the public in a format understandable by 33259
the average citizen and provide year-to-year comparisons for at 33260
least five years. The format shall show, among other things, 33261
district and educational service center revenue by source; 33262
expenditures for salaries, wages, and benefits of employees, 33263
showing such amounts separately for classroom teachers, other 33264
employees required to hold licenses issued pursuant to sections 33265
3319.22 to 3319.31 of the Revised Code, and all other employees; 33266

expenditures other than for personnel, by category, including 33267
utilities, textbooks and other educational materials, equipment, 33268
permanent improvements, pupil transportation, extracurricular 33269
athletics, and other extracurricular activities; and per pupil 33270
expenditures. 33271

(C) ~~Administer~~ The state board shall administer and supervise 33272
the allocation and distribution of all state and federal funds for 33273
public school education under the provisions of law, and may 33274
prescribe such systems of accounting as are necessary and proper 33275
to this function. It may require county auditors and treasurers, 33276
boards of education, educational service center governing boards, 33277
treasurers of such boards, teachers, and other school officers and 33278
employees, or other public officers or employees, to file with it 33279
such reports as it may prescribe relating to such funds, or to the 33280
management and condition of such funds. 33281

(D) ~~Formulate~~ The state board shall formulate and prescribe 33282
minimum standards to be applied to all elementary and secondary 33283
schools in this state for the purpose of requiring a general 33284
education of high quality. Such standards shall provide adequately 33285
for: the licensing of teachers, administrators, and other 33286
professional personnel and their assignment according to training 33287
and qualifications; efficient and effective instructional 33288
materials and equipment, including library facilities; the proper 33289
organization, administration, and supervision of each school, 33290
including regulations for preparing all necessary records and 33291
reports and the preparation of a statement of policies and 33292
objectives for each school; buildings, grounds, health and 33293
sanitary facilities and services; admission of pupils, and such 33294
requirements for their promotion from grade to grade as will 33295
assure that they are capable and prepared for the level of study 33296
to which they are certified; requirements for graduation; and such 33297
other factors as the board finds necessary. 33298

In the formulation and administration of such standards for 33299
nonpublic schools the board shall also consider the particular 33300
needs, methods and objectives of those schools, provided they do 33301
not conflict with the provision of a general education of a high 33302
quality and provided that regular procedures shall be followed for 33303
promotion from grade to grade of pupils who have met the 33304
educational requirements prescribed. 33305

(E) ~~May~~ The state board may require as part of the health 33306
curriculum information developed under section 2108.34 of the 33307
Revised Code promoting the donation of anatomical gifts pursuant 33308
to Chapter 2108. of the Revised Code and may provide the 33309
information to high schools, educational service centers, and 33310
joint vocational school district boards of education; 33311

(F) ~~Prepare~~ The state board shall prepare and submit annually 33312
to the governor and the general assembly a report on the status, 33313
needs, and major problems of the public schools of the state, with 33314
recommendations for necessary legislative action and a ten-year 33315
projection of the state's public and nonpublic school enrollment, 33316
by year and by grade level. 33317

(G) ~~Prepare~~ The state board shall prepare and submit to the 33318
director of budget and management the biennial budgetary requests 33319
of the state board of education, for its agencies and for the 33320
public schools of the state. 33321

(H) ~~Cooperate~~ The state board shall cooperate with federal, 33322
state, and local agencies concerned with the health and welfare of 33323
children and youth of the state. 33324

(I) ~~Require~~ The state board shall require such reports from 33325
school districts and educational service centers, school officers, 33326
and employees as are necessary and desirable. The superintendents 33327
and treasurers of school districts and educational service centers 33328
shall certify as to the accuracy of all reports required by law or 33329

state board or state department of education rules to be submitted 33330
by the district or educational service center and which contain 33331
information necessary for calculation of state funding. Any 33332
superintendent who knowingly falsifies such report shall be 33333
subject to license revocation pursuant to section 3319.31 of the 33334
Revised Code. 33335

(J) In accordance with Chapter 119. of the Revised Code, the 33336
state board shall adopt procedures, standards, and guidelines for 33337
the education of children with disabilities pursuant to Chapter 33338
3323. of the Revised Code, including procedures, standards, and 33339
guidelines governing programs and services operated by county 33340
boards of mental retardation and developmental disabilities 33341
pursuant to section 3323.09 of the Revised Code~~+~~. 33342

(K) For the purpose of encouraging the development of special 33343
programs of education for academically gifted children, the state 33344
board shall employ competent persons to analyze and publish data, 33345
promote research, advise and counsel with boards of education, and 33346
encourage the training of teachers in the special instruction of 33347
gifted children. The board may provide financial assistance out of 33348
any funds appropriated for this purpose to boards of education and 33349
educational service center governing boards for developing and 33350
conducting programs of education for academically gifted children. 33351

(L) ~~Require~~ The state board shall require that all public 33353
schools emphasize and encourage, within existing units of study, 33354
the teaching of energy and resource conservation as recommended to 33355
each district board of education by leading business persons 33356
involved in energy production and conservation, beginning in the 33357
primary grades~~+~~. 33358

(M) ~~Formulate~~ The state board shall formulate and prescribe 33359
minimum standards requiring the use of phonics as a technique in 33360
the teaching of reading in grades kindergarten through three. In 33361

addition, the state board shall provide in-service training 33362
programs for teachers on the use of phonics as a technique in the 33363
teaching of reading in grades kindergarten through three. 33364

(N) ~~Develop~~ The state board shall develop and modify as 33365
necessary a state plan for technology to encourage and promote the 33366
use of technological advancements in educational settings. 33367

The board may adopt rules necessary for carrying out any 33368
function imposed on it by law, and may provide rules as are 33369
necessary for its government and the government of its employees, 33370
and may delegate to the superintendent of public instruction the 33371
management and administration of any function imposed on it by 33372
law. It may provide for the appointment of board members to serve 33373
on temporary committees established by the board for such purposes 33374
as are necessary. Permanent or standing committees shall not be 33375
created. 33376

Sec. 3301.075. The state board of education shall adopt rules 33377
governing the purchasing and leasing of data processing services 33378
and equipment for all local, exempted village, city, and joint 33379
vocational school districts and all educational service centers. 33380
Such rules shall include provisions for the establishment of an 33381
Ohio education computer network under procedures, guidelines, and 33382
specifications of the department of education. 33383
33384

The department shall administer funds appropriated for the 33385
Ohio education computer network to ensure its efficient and 33386
economical operation and shall approve no more than twenty-seven 33387
information technology centers to operate concurrently. Such 33388
centers shall be approved for funding in accordance with rules of 33389
the state board adopted under this section that shall provide for 33390
the superintendent of public instruction to require the membership 33391
of each information technology center to be composed of 33392

combinations of school districts and educational service centers 33393
having sufficient students to support an efficient, economical 33394
comprehensive program of computer services to member districts and 33395
educational service centers. However, no such rule shall prohibit 33396
a school district or educational service center from receiving 33397
computer services from any information technology center 33398
established under this section or from any other public or private 33399
vendor. Each information technology center shall be organized in 33400
accordance with section 3313.92 or Chapter 167. of the Revised 33401
Code. 33402

~~The department of education may contract with an independent 33403
for profit or nonprofit entity to provide current and historical 33404
information on Ohio government through the Ohio education computer 33405
network to school district libraries operating in accordance with 33406
section 3375.14 of the Revised Code in order to assist school 33407
teachers in social studies course instruction and support student 33408
research projects. Any such contract shall be awarded in 33409
accordance with Chapter 125. of the Revised Code. 33410~~

The department may approve and administer funding for 33411
programs to provide technical support, maintenance, consulting, 33412
and group purchasing services for information technology centers, 33413
school districts, educational service centers, and other client 33414
entities or governmental entities served in accordance with rules 33415
adopted by the department or as otherwise authorized by law, and 33416
to deliver to schools programs operated by the infOhio network and 33417
the technology solutions group of the management council of the 33418
Ohio education computer network. 33419

Sec. 3301.076. No information technology center established 33420
under section 3301.075 of the Revised Code shall be required to 33421
maintain an operating reserve account or fund or minimum cash 33422
balance. This section does not affect any sinking fund or other 33423

capital improvement fund the center may be required to maintain as 33424
a condition by law or contract relative to the issuance of 33425
securities. Any rule of the state board of education or other 33426
regulation or guideline of the department of education that 33427
conflicts with this section is void. 33428

Sec. 3301.0714. (A) The state board of education shall adopt 33429
rules for a statewide education management information system. The 33430
rules shall require the state board to establish guidelines for 33431
the establishment and maintenance of the system in accordance with 33432
this section and the rules adopted under this section. The 33433
guidelines shall include: 33434

(1) Standards identifying and defining the types of data in 33435
the system in accordance with divisions (B) and (C) of this 33436
section; 33437

(2) Procedures for annually collecting and reporting the data 33438
to the state board in accordance with division (D) of this 33439
section; 33440

(3) Procedures for annually compiling the data in accordance 33441
with division (G) of this section; 33442

(4) Procedures for annually reporting the data to the public 33443
in accordance with division (H) of this section. 33444

(B) The guidelines adopted under this section shall require 33445
the data maintained in the education management information system 33446
to include at least the following: 33447

(1) Student participation and performance data, for each 33448
grade in each school district as a whole and for each grade in 33449
each school building in each school district, that includes: 33450

(a) The numbers of students receiving each category of 33451
instructional service offered by the school district, such as 33452

regular education instruction, vocational education instruction, 33453
specialized instruction programs or enrichment instruction that is 33454
part of the educational curriculum, instruction for gifted 33455
students, instruction for students with disabilities, and remedial 33456
instruction. The guidelines shall require instructional services 33457
under this division to be divided into discrete categories if an 33458
instructional service is limited to a specific subject, a specific 33459
type of student, or both, such as regular instructional services 33460
in mathematics, remedial reading instructional services, 33461
instructional services specifically for students gifted in 33462
mathematics or some other subject area, or instructional services 33463
for students with a specific type of disability. The categories of 33464
instructional services required by the guidelines under this 33465
division shall be the same as the categories of instructional 33466
services used in determining cost units pursuant to division 33467
(C)(3) of this section. 33468

(b) The numbers of students receiving support or 33469
extracurricular services for each of the support services or 33470
extracurricular programs offered by the school district, such as 33471
counseling services, health services, and extracurricular sports 33472
and fine arts programs. The categories of services required by the 33473
guidelines under this division shall be the same as the categories 33474
of services used in determining cost units pursuant to division 33475
(C)(4)(a) of this section. 33476

(c) Average student grades in each subject in grades nine 33477
through twelve; 33478

(d) Academic achievement levels as assessed by the testing of 33479
student achievement under sections 3301.0710 and 3301.0711 of the 33480
Revised Code; 33481

(e) The number of students designated as having a disabling 33482
condition pursuant to division (C)(1) of section 3301.0711 of the 33483
Revised Code; 33484

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	33485 33486 33487
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	33488 33489 33490 33491
(h) Expulsion rates;	33492
(i) Suspension rates;	33493
(j) The percentage of students receiving corporal punishment;	33494
(k) Dropout rates;	33495
(l) Rates of retention in grade;	33496
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	33497 33498 33499
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	33500 33501 33502 33503 33504
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	33505 33506 33507 33508 33509 33510 33511
(2) Personnel and classroom enrollment data for each school district, including:	33512 33513
(a) The total numbers of licensed employees and nonlicensed	33514

employees and the numbers of full-time equivalent licensed 33515
employees and nonlicensed employees providing each category of 33516
instructional service, instructional support service, and 33517
administrative support service used pursuant to division (C)(3) of 33518
this section. The guidelines adopted under this section shall 33519
require these categories of data to be maintained for the school 33520
district as a whole and, wherever applicable, for each grade in 33521
the school district as a whole, for each school building as a 33522
whole, and for each grade in each school building. 33523

(b) The total number of employees and the number of full-time 33524
equivalent employees providing each category of service used 33525
pursuant to divisions (C)(4)(a) and (b) of this section, and the 33526
total numbers of licensed employees and nonlicensed employees and 33527
the numbers of full-time equivalent licensed employees and 33528
nonlicensed employees providing each category used pursuant to 33529
division (C)(4)(c) of this section. The guidelines adopted under 33530
this section shall require these categories of data to be 33531
maintained for the school district as a whole and, wherever 33532
applicable, for each grade in the school district as a whole, for 33533
each school building as a whole, and for each grade in each school 33534
building. 33535

(c) The total number of regular classroom teachers teaching 33536
classes of regular education and the average number of pupils 33537
enrolled in each such class, in each of grades kindergarten 33538
through five in the district as a whole and in each school 33539
building in the school district. 33540

(d) The number of ~~master lead~~ lead teachers employed by each 33541
school district and each school building, ~~once a definition of~~ 33542
~~master teacher has been developed by the educator standards board~~ 33543
~~pursuant to section 3319.61 of the Revised Code.~~ 33544

(3)(a) Student demographic data for each school district, 33545
including information regarding the gender ratio of the school 33546

district's pupils, the racial make-up of the school district's 33547
pupils, the number of limited English proficient students in the 33548
district, and an appropriate measure of the number of the school 33549
district's pupils who reside in economically disadvantaged 33550
households. The demographic data shall be collected in a manner to 33551
allow correlation with data collected under division (B)(1) of 33552
this section. Categories for data collected pursuant to division 33553
(B)(3) of this section shall conform, where appropriate, to 33554
standard practices of agencies of the federal government. 33555

(b) With respect to each student entering kindergarten, 33556
whether the student previously participated in a public preschool 33557
program, a private preschool program, or a head start program, and 33558
the number of years the student participated in each of these 33559
programs. 33560

(4) Any data required to be collected pursuant to federal 33561
law. 33562

(C) The education management information system shall include 33563
cost accounting data for each district as a whole and for each 33564
school building in each school district. The guidelines adopted 33565
under this section shall require the cost data for each school 33566
district to be maintained in a system of mutually exclusive cost 33567
units and shall require all of the costs of each school district 33568
to be divided among the cost units. The guidelines shall require 33569
the system of mutually exclusive cost units to include at least 33570
the following: 33571

(1) Administrative costs for the school district as a whole. 33572
The guidelines shall require the cost units under this division 33573
(C)(1) to be designed so that each of them may be compiled and 33574
reported in terms of average expenditure per pupil in formula ADM 33575
in the school district, as determined pursuant to section 3317.03 33576
of the Revised Code. 33577

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by

guidelines adopted pursuant to division (B)(1)(b) of this section. 33609
The guidelines shall require the cost units under division (C)(4) 33610
of this section to be designed so that each of them may be 33611
compiled and reported in terms of average expenditure per pupil 33612
receiving the service in the school district as a whole and 33613
average expenditure per pupil receiving the service in each 33614
building in the school district and in terms of a total cost for 33615
each category of service and, as a breakdown of the total cost, a 33616
cost for each of the following components: 33617

(a) The cost of each support or extracurricular services 33618
category required by guidelines adopted under division (B)(1)(b) 33619
of this section that is provided directly to students by a 33620
licensed employee, such as services provided by a guidance 33621
counselor or any services provided by a licensed employee under a 33622
supplemental contract; 33623

(b) The cost of each such services category provided directly 33624
to students by a nonlicensed employee, such as janitorial 33625
services, cafeteria services, or services of a sports trainer; 33626

(c) The cost of the administrative services related to each 33627
services category in division (C)(4)(a) or (b) of this section, 33628
such as the cost of any licensed or nonlicensed employees that 33629
develop, supervise, coordinate, or otherwise are involved in 33630
administering or aiding the delivery of each services category. 33631

(D)(1) The guidelines adopted under this section shall 33632
require school districts to collect information about individual 33633
students, staff members, or both in connection with any data 33634
required by division (B) or (C) of this section or other reporting 33635
requirements established in the Revised Code. The guidelines may 33636
also require school districts to report information about 33637
individual staff members in connection with any data required by 33638
division (B) or (C) of this section or other reporting 33639
requirements established in the Revised Code. The guidelines shall 33640

not authorize school districts to request social security numbers 33641
of individual students. The guidelines shall prohibit the 33642
reporting under this section of a student's name, address, and 33643
social security number to the state board of education or the 33644
department of education. The guidelines shall also prohibit the 33645
reporting under this section of any personally identifiable 33646
information about any student, except for the purpose of assigning 33647
the data verification code required by division (D)(2) of this 33648
section, to any other person unless such person is employed by the 33649
school district or the information technology center operated 33650
under section 3301.075 of the Revised Code and is authorized by 33651
the district or technology center to have access to such 33652
information or is employed by an entity with which the department 33653
contracts for the scoring of tests administered under section 33654
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 33655
require school districts to provide the social security numbers of 33656
individual staff members. 33657

(2) The guidelines shall provide for each school district or 33658
community school to assign a data verification code that is unique 33659
on a statewide basis over time to each student whose initial Ohio 33660
enrollment is in that district or school and to report all 33661
required individual student data for that student utilizing such 33662
code. The guidelines shall also provide for assigning data 33663
verification codes to all students enrolled in districts or 33664
community schools on the effective date of the guidelines 33665
established under this section. 33666

Individual student data shall be reported to the department 33667
through the information technology centers utilizing the code but, 33668
except as provided in sections 3310.11, 3310.42, 3310.63, 33669
3313.978, and 3317.20 of the Revised Code, at no time shall the 33670
state board or the department have access to information that 33671
would enable any data verification code to be matched to 33672

personally identifiable student data. 33673

Each school district shall ensure that the data verification 33674
code is included in the student's records reported to any 33675
subsequent school district or community school in which the 33676
student enrolls. Any such subsequent district or school shall 33677
utilize the same identifier in its reporting of data under this 33678
section. 33679

The director of health shall request and receive, pursuant to 33680
sections 3301.0723 and 3701.62 of the Revised Code, a data 33681
verification code for a child who is receiving services under 33682
division (A)(2) of section 3701.61 of the Revised Code. 33683

(E) The guidelines adopted under this section may require 33684
school districts to collect and report data, information, or 33685
reports other than that described in divisions (A), (B), and (C) 33686
of this section for the purpose of complying with other reporting 33687
requirements established in the Revised Code. The other data, 33688
information, or reports may be maintained in the education 33689
management information system but are not required to be compiled 33690
as part of the profile formats required under division (G) of this 33691
section or the annual statewide report required under division (H) 33692
of this section. 33693

(F) Beginning with the school year that begins July 1, 1991, 33694
the board of education of each school district shall annually 33695
collect and report to the state board, in accordance with the 33696
guidelines established by the board, the data required pursuant to 33697
this section. A school district may collect and report these data 33698
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 33699

(G) The state board shall, in accordance with the procedures 33700
it adopts, annually compile the data reported by each school 33701
district pursuant to division (D) of this section. The state board 33702
shall design formats for profiling each school district as a whole 33703

and each school building within each district and shall compile 33704
the data in accordance with these formats. These profile formats 33705
shall: 33706

(1) Include all of the data gathered under this section in a 33707
manner that facilitates comparison among school districts and 33708
among school buildings within each school district; 33709

(2) Present the data on academic achievement levels as 33710
assessed by the testing of student achievement maintained pursuant 33711
to division (B)(1)(d) of this section. 33712

(H)(1) The state board shall, in accordance with the 33713
procedures it adopts, annually prepare a statewide report for all 33714
school districts and the general public that includes the profile 33715
of each of the school districts developed pursuant to division (G) 33716
of this section. Copies of the report shall be sent to each school 33717
district. 33718

(2) The state board shall, in accordance with the procedures 33719
it adopts, annually prepare an individual report for each school 33720
district and the general public that includes the profiles of each 33721
of the school buildings in that school district developed pursuant 33722
to division (G) of this section. Copies of the report shall be 33723
sent to the superintendent of the district and to each member of 33724
the district board of education. 33725

(3) Copies of the reports received from the state board under 33726
divisions (H)(1) and (2) of this section shall be made available 33727
to the general public at each school district's offices. Each 33728
district board of education shall make copies of each report 33729
available to any person upon request and payment of a reasonable 33730
fee for the cost of reproducing the report. The board shall 33731
annually publish in a newspaper of general circulation in the 33732
school district, at least twice during the two weeks prior to the 33733
week in which the reports will first be available, a notice 33734

containing the address where the reports are available and the 33735
date on which the reports will be available. 33736

(I) Any data that is collected or maintained pursuant to this 33737
section and that identifies an individual pupil is not a public 33738
record for the purposes of section 149.43 of the Revised Code. 33739

(J) As used in this section: 33740

(1) "School district" means any city, local, exempted 33741
village, or joint vocational school district and, in accordance 33742
with section 3314.17 of the Revised Code, any community school. As 33743
used in division (L) of this section, "school district" also 33744
includes any educational service center or other educational 33745
entity required to submit data using the system established under 33746
this section. 33747

(2) "Cost" means any expenditure for operating expenses made 33748
by a school district excluding any expenditures for debt 33749
retirement except for payments made to any commercial lending 33750
institution for any loan approved pursuant to section 3313.483 of 33751
the Revised Code. 33752

(K) Any person who removes data from the information system 33753
established under this section for the purpose of releasing it to 33754
any person not entitled under law to have access to such 33755
information is subject to section 2913.42 of the Revised Code 33756
prohibiting tampering with data. 33757

(L)(1) In accordance with division (L)(2) of this section and 33758
the rules adopted under division (L)(10) of this section, the 33759
department of education may sanction any school district that 33760
reports incomplete or inaccurate data, reports data that does not 33761
conform to data requirements and descriptions published by the 33762
department, fails to report data in a timely manner, or otherwise 33763
does not make a good faith effort to report data as required by 33764
this section. 33765

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;	33796 33797
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	33798 33799 33800
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	33801 33802 33803 33804
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	33805 33806 33807 33808 33809
(ix) Any other action designed to correct the district's data reporting problems.	33810 33811
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	33812 33813 33814 33815 33816 33817
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld	33818 33819 33820 33821 33822 33823 33824 33825 33826

funding under division (L)(2)(d) of this section, the department 33827
shall not release the funds withheld under division (L)(2)(b) or 33828
(c) of this section. 33829

(5) Notwithstanding anything in this section to the contrary, 33830
the department may use its own staff or an outside entity to 33831
conduct an audit of a school district's data reporting practices 33832
any time the department has reason to believe the district has not 33833
made a good faith effort to report data as required by this 33834
section. If any audit conducted by an outside entity under 33835
division (L)(2)(d)(i) or (5) of this section confirms that a 33836
district has not made a good faith effort to report data as 33837
required by this section, the district shall reimburse the 33838
department for the full cost of the audit. The department may 33839
withhold state funds due to the district for this purpose. 33840

(6) Prior to issuing a revised report card for a school 33841
district under division (L)(2)(d)(viii) of this section, the 33842
department may hold a hearing to provide the district with an 33843
opportunity to demonstrate that it made a good faith effort to 33844
report data as required by this section. The hearing shall be 33845
conducted by a referee appointed by the department. Based on the 33846
information provided in the hearing, the referee shall recommend 33847
whether the department should issue a revised report card for the 33848
district. If the referee affirms the department's contention that 33849
the district did not make a good faith effort to report data as 33850
required by this section, the district shall bear the full cost of 33851
conducting the hearing and of issuing any revised report card. 33852

(7) If the department determines that any inaccurate data 33853
reported under this section caused a school district to receive 33854
excess state funds in any fiscal year, the district shall 33855
reimburse the department an amount equal to the excess funds, in 33856
accordance with a payment schedule determined by the department. 33857
The department may withhold state funds due to the district for 33858

this purpose. 33859

(8) Any school district that has funds withheld under 33860
division (L)(2) of this section may appeal the withholding in 33861
accordance with Chapter 119. of the Revised Code. 33862

(9) In all cases of a disagreement between the department and 33863
a school district regarding the appropriateness of an action taken 33864
under division (L)(2) of this section, the burden of proof shall 33865
be on the district to demonstrate that it made a good faith effort 33866
to report data as required by this section. 33867

(10) The state board of education shall adopt rules under 33868
Chapter 119. of the Revised Code to implement division (L) of this 33869
section. 33870

(M) No information technology center or school district shall 33871
acquire, change, or update its student administration software 33872
package to manage and report data required to be reported to the 33873
department unless it converts to a student software package that 33874
is certified by the department. 33875

(N) The state board of education, in accordance with sections 33876
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 33877
license as defined under division (A) of section 3319.31 of the 33878
Revised Code that has been issued to any school district employee 33879
found to have willfully reported erroneous, inaccurate, or 33880
incomplete data to the education management information system. 33881

(O) No person shall release or maintain any information about 33882
any student in violation of this section. Whoever violates this 33883
division is guilty of a misdemeanor of the fourth degree. 33884

(P) The department shall disaggregate the data collected 33885
under division (B)(1)(o) of this section according to the race and 33886
socioeconomic status of the students assessed. No data collected 33887
under that division shall be included on the report cards required 33888
by section 3302.03 of the Revised Code. 33889

(Q) If the department cannot compile any of the information 33890
required by division (C)(5) of section 3302.03 of the Revised Code 33891
based upon the data collected under this section, the department 33892
shall develop a plan and a reasonable timeline for the collection 33893
of any data necessary to comply with that division. 33894

Sec. 3301.0719. (A) As used in this section, "business 33895
education" includes, but is not limited to, accounting, career 33896
development, economics and personal finance, entrepreneurship, 33897
information technology, management, and marketing. 33898

(B) Not later than July 1, 2010, the state board of education 33899
shall adopt standards for business education in grades 33900
kindergarten through twelve. The standards shall incorporate 33901
existing business education standards as appropriate to help guide 33902
instruction in the state's schools. The department shall provide 33903
the standards, and any revisions of the standards, to all school 33904
districts, community schools established under Chapter 3314. of 33905
the Revised Code, and STEM schools established under Chapter 3326. 33906
of the Revised Code. Any school district, community school or STEM 33907
school may utilize the standards. Standards adopted under this 33908
division shall supplement, and not supersede, academic content 33909
standards adopted under section 3301.079 of the Revised Code. 33910

Sec. 3301.12. (A) The superintendent of public instruction in 33911
addition to the authority otherwise imposed on the superintendent, 33912
shall perform the following duties: 33913

(1) The superintendent shall provide technical and 33914
professional assistance and advice to all school districts in 33915
reference to all aspects of education, including finance, 33916
buildings and equipment, administration, organization of school 33917
districts, curriculum and instruction, transportation of pupils, 33918
personnel problems, and the interpretation of school laws and 33919

state regulations. 33920

(2) The superintendent shall prescribe and require the 33921
preparation and filing of such financial and other reports from 33922
school districts, officers, and employees as are necessary or 33923
proper. The superintendent shall prescribe and require the 33924
installation by school districts of such standardized reporting 33925
forms and accounting procedures as are essential to the 33926
businesslike operations of the public schools of the state. 33927

(3) The superintendent shall conduct such studies and 33928
research projects as are necessary or desirable for the 33929
improvement of public school education in Ohio, and such as may be 33930
assigned to the superintendent by the state board of education. 33931
Such studies and projects may include analysis of data contained 33932
in the education management information system established under 33933
section 3301.0714 of the Revised Code. For any study or project 33934
that requires the analysis of individual student data, the 33935
department of education or any entity with which the 33936
superintendent or department contracts to conduct the study or 33937
project shall maintain the confidentiality of student data at all 33938
times. For this purpose, the department or contracting entity 33939
shall use the data verification code assigned pursuant to division 33940
(D)(2) of section 3301.0714 of the Revised Code for each student 33941
whose data is analyzed. Except as otherwise provided in division 33942
(D)(1) of section 3301.0714 of the Revised Code, at no time shall 33943
the superintendent, the department, the state board of education, 33944
or any entity conducting a study or research project on the 33945
superintendent's behalf have access to a student's name, address, 33946
or social security number while analyzing individual student data. 33947

(4) The superintendent shall prepare and submit annually to 33948
the state board of education a report of the activities of the 33949
department of education and the status, problems, and needs of 33950
education in the state of Ohio. 33951

(5) The superintendent shall supervise all agencies over which the board exercises administrative control, including schools for education of persons with disabilities.

(6) In accordance with section 3333.048 of the Revised Code, the superintendent, jointly with the chancellor of the Ohio board of regents, shall establish metrics and courses of study for institutions of higher education that prepare educators and other school personnel and shall provide for inspection of those institutions.

(B) The superintendent of public instruction may annually inspect and analyze the expenditures of each school district and make a determination as to the efficiency of each district's costs, relative to other school districts in the state, for instructional, administrative, and student support services. The superintendent shall notify each school district as to the nature of, and reasons for, the determination. The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code setting forth the procedures and standards for the performance of the inspection and analysis.

Sec. 3301.122. Not later than December 1, 2009, the superintendent of public instruction shall develop a ten-year strategic plan aligned with the strategic plan for higher education developed by the chancellor under division (D) of Section 375.30.25 of Am. Sub. H.B. 119 of the 127th general assembly. The superintendent shall submit the plan to the general assembly, in accordance with section 101.68 of the Revised Code, and to the governor. The plan shall include recommendations for:

(A) A framework for collaborative, professional, innovative, and thinking twenty-first century learning environments;

(B) Ways to prepare and support Ohio's educators for successful instructional careers;

<u>(C) Enhancement of the current financial and resource management accountability systems;</u>	33983
	33984
<u>(D) Implementation of an effective school funding system.</u>	33985
<u>Sec. 3301.163. (A)(1) This section applies to any school operated by a school district that meets one of the following criteria after July 1, 2009:</u>	33986
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<u>(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for four consecutive school years.</u>	33989
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<u>(b) The school satisfies all of the following conditions:</u>	33993
<u>(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.</u>	33994
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<u>(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three consecutive school years.</u>	33996
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<u>(iii) For two of those school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.</u>	33999
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<u>(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for four consecutive school years.</u>	34004
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<u>(2) This section does not apply to any school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver under section 3301.164 of the Revised Code.</u>	34008
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(B) The state board of education shall revoke the charter issued under section 3301.16 of the Revised Code of any school operated by a school district to which this section applies effective at the conclusion of the school year in which the school first becomes subject to this section. 34012
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(C) If the revocation of a school's charter under this section causes a school district to no longer maintain all grades kindergarten through twelve, as required by section 3311.29 of the Revised Code, the district board of education shall enter into a contract with another school district pursuant to section 3327.04 of the Revised Code for enrollment of students in the schools of that other district to the extent necessary to comply with the requirement of section 3311.29 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, if the district board enters into and maintains a contract under section 3327.04 of the Revised Code, the district shall not be considered to have failed to comply with the requirement of section 3311.29 of the Revised Code. If, however, the district board fails to or is unable to enter into or maintain such a contract, the state board shall take all necessary actions to dissolve the district as provided in division (A) of section 3311.29 of the Revised Code. 34017
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Sec. 3301.164. Section 3301.163 of the Revised Code does not apply to any school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver by the department of education. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions: 34034
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(A) The program serves only students not younger than sixteen 34042

years of age and not older than twenty-one years of age. 34043

(B) The program enrolls students who, at the time of their 34044
initial enrollment, either, or both, are at least one grade level 34045
behind their cohort age groups or experience crises that 34046
significantly interfere with their academic progress such that 34047
they are prevented from continuing their traditional programs. 34048

(C) The program requires students to attain at least the 34049
applicable score designated for each of the assessments prescribed 34050
under division (B)(1) of section 3301.0710 of the Revised Code or, 34051
to the extent prescribed by rule of the state board of education 34052
under division (E)(6) of section 3301.0712 of the Revised Code, 34053
division (B)(2) of that section. 34054

(D) The program develops an individual career plan for the 34055
student that specifies the student's matriculating to a two-year 34056
degree program, acquiring a business and industry credential, or 34057
entering an apprenticeship. 34058

(E) The program provides counseling and support for the 34059
student related to the plan developed under division (D) of this 34060
section during the remainder of the student's high school 34061
experience. 34062

(F) Prior to receiving the waiver, the program has submitted 34063
to the department an instructional plan that demonstrates how the 34064
academic content standards adopted by the state board of education 34065
under section 3301.079 of the Revised Code will be taught and 34066
assessed. 34067

If the department does not act either to grant the waiver or 34068
to reject the program application for the waiver within sixty days 34069
as required under this section, the waiver shall be considered to 34070
be granted. 34071

Sec. 3301.42. The partnership for continued learning shall 34072

promote systemic approaches to education by supporting regional 34073
efforts to foster collaboration among providers of preschool 34074
through postsecondary education, identifying the workforce needs 34075
of private sector employers in the state, and making 34076
recommendations for facilitating collaboration among providers of 34077
preschool through postsecondary education and for maintaining a 34078
high-quality workforce in the state. Copies of the recommendations 34079
shall be provided to the governor, the president and minority 34080
leader of the senate, the speaker and minority leader of the house 34081
of representatives, the chairpersons and ranking minority members 34082
of the standing committees of the senate and the house of 34083
representatives that consider education legislation, the 34084
~~chairperson~~ chancellor of the Ohio board of regents, and the 34085
president of the state board of education. The recommendations 34086
shall address at least the following issues: 34087

(A) Expansion of access to preschool and other learning 34088
opportunities for children under five years old; 34089

(B) Increasing opportunities for students to earn credit 34090
toward a degree from an institution of higher education while 34091
enrolled in high school, including expanded opportunities for 34092
students to earn that credit on their high school campuses; a 34093
definition of "in good standing" for purposes of section 3313.6013 34094
of the Revised Code; and legislative changes that the partnership, 34095
in consultation with the Ohio board of regents and the state board 34096
of education, determines would improve the operation of the 34097
post-secondary enrollment options program established under 34098
Chapter 3365. of the Revised Code and other dual enrollment 34099
programs. The recommendations for legislative changes required by 34100
this division shall be issued not later than May 31, 2007. 34101

(C) Expansion of access to workforce development programs 34102
administered by school districts, institutions of higher 34103

education, and other providers of career-technical education;	34104
(D) Alignment of the statewide academic standards for grades	34105
nine through twelve adopted under section 3301.079 of the Revised	34106
Code, the Ohio graduation tests prescribed by division (B) of	34107
section 3301.0710 of the Revised Code, and the curriculum	34108
requirements for a high school diploma prescribed by section	34109
3313.603 of the Revised Code with the expectations of employers	34110
and institutions of higher education regarding the knowledge and	34111
skills that high school graduates should attain prior to entering	34112
the workforce or enrolling in an institution of higher education;	34113
(E) Improving the science and mathematics skills of students	34114
and employees to meet the needs of a knowledge-intensive economy;	34115
(F) Reducing the number of students who need academic	34116
remediation after enrollment in an institution of higher	34117
education;	34118
(G) Expansion of school counseling career and educational	34119
programs, access programs, and other strategies to overcome	34120
financial, cultural, and organizational barriers that interfere	34121
with students' planning for postsecondary education and that	34122
prevent students from obtaining a postsecondary education;	34123
(H) Alignment of teacher preparation programs approved by the	34124
state board of education <u>chancellor of the Ohio board of regents</u>	34125
pursuant to section 3319.23 <u>3333.048</u> of the Revised Code with the	34126
instructional needs and expectations of school districts;	34127
(I) Strategies for retaining more graduates of Ohio	34128
institutions of higher education in the state and for attracting	34129
talented individuals from outside Ohio to work in the state;	34130
(J) Strategies for promoting lifelong continuing education as	34131
a component of maintaining a strong workforce and economy;	34132
(K) Appropriate measures of the impact of statewide efforts	34133

to promote collaboration among providers of preschool through 34134
postsecondary education and to develop a high-quality workforce 34135
and strategies for collecting and sharing data relevant to such 34136
measures; 34137

(L) Strategies for developing and improving opportunities and 34138
for removing barriers to achievement for children identified as 34139
gifted under Chapter 3324. of the Revised Code; 34140

(M) Legislative changes to establish criteria by which state 34141
universities may waive the general requirement, under division (B) 34142
of section 3345.06 of the Revised Code, that a student complete 34143
the Ohio core curriculum to be admitted as an undergraduate. The 34144
partnership at least shall consider criteria for waiving the 34145
requirement for students who have served in the military and 34146
students who entered ninth grade on or after July 1, 2010, in 34147
another state and moved to Ohio prior to high school graduation. 34148
The recommendations for legislative changes under this division 34149
shall be developed in consultation with the Ohio board of regents 34150
and shall be issued not later than July 1, 2007. 34151

Sec. 3301.56. (A) The director of each preschool program 34152
shall be responsible for the following: 34153

(1) Ensuring that the health and safety of the children are 34154
safeguarded by an organized program of school health services 34155
designed to identify child health problems and to coordinate 34156
school and community health resources for children, as evidenced 34157
by but not limited to: 34158

(a) Requiring immunization and compliance with emergency 34159
medical authorization requirements in accordance with rules 34160
adopted by the state board of education under section 3301.53 of 34161
the Revised Code; 34162

(b) Providing procedures for emergency situations, including 34163

fire drills, rapid dismissals, tornado drills, and school safety	34164
drills in accordance with section 3737.73 of the Revised Code, and	34165
keeping records of such drills or dismissals;	34166
(c) Posting emergency procedures in preschool rooms and	34167
making them available to school personnel, children, and parents;	34168
(d) Posting emergency numbers by each telephone;	34169
(e) Supervising grounds, play areas, and other facilities	34170
when scheduled for use by children;	34171
(f) Providing first-aid facilities and materials.	34172
(2) Maintaining cumulative records for each child;	34173
(3) Supervising each child's admission, placement, and	34174
withdrawal according to established procedures;	34175
(4) Preparing at least once annually for each group of	34176
children in the program a roster of names and telephone numbers of	34177
parents, guardians, and custodians of children in the group and,	34178
on request, furnishing the roster for each group to the parents,	34179
guardians, and custodians of children in that group. The director	34180
may prepare a similar roster of all children in the program and,	34181
on request, make it available to the parents, guardians, and	34182
custodians, of children in the program. The director shall not	34183
include in either roster the name or telephone number of any	34184
parent, guardian, or custodian who requests that the parent's,	34185
guardian's, or custodian's name or number not be included, and	34186
shall not furnish any roster to any person other than a parent,	34187
guardian, or custodian of a child in the program.	34188
(5) Ensuring that clerical and custodial services are	34189
provided for the program;	34190
(6) Supervising the instructional program and the daily	34191
operation of the program;	34192
(7) Supervising and evaluating preschool staff members	34193

according to a planned sequence of observations and evaluation 34194
conferences, and supervising nonteaching employees. 34195

(B)(1) In each program the maximum number of children per 34196
preschool staff member and the maximum group size by age category 34197
of children shall be as follows: 34198

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	34199 34200 34201 34202 34203 34204 34205
12 months to less than 18 months	12	1:6	34206
18 months to less than 30 months	14	1:7	34207
30 months to less than 3 years	16	1:8	34208
3-year-olds	24	1:12	34209
4- and 5-year-olds not in school	28	1:14	34210

(2) When age groups are combined, the maximum number of 34211
children per preschool staff member shall be determined by the age 34212
of the youngest child in the group, except that when no more than 34213
one child thirty months of age or older receives child care in a 34214
group in which all the other children are in the next older age 34215
group, the maximum number of children per child-care staff member 34216
and maximum group size requirements of the older age group 34217
established under division (B)(1) of this section shall apply. 34218

(3) In a room where children are napping, if all the children 34219
are at least eighteen months of age, the maximum number of 34220
children per preschool staff member shall, for a period not to 34221
exceed one and one-half hours in any twenty-four hour day, be 34222
twice the maximum number of children per preschool staff member 34223
established under division (B)(1) of this section if all the 34224
following criteria are met: 34225

(a) At least one preschool staff member is present in the room; 34226
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(b) Sufficient preschool staff members are present on the preschool program premises to comply with division (B)(1) of this section; 34228
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(c) Naptime preparations have been completed and the children are resting or napping. 34231
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(4) Any accredited program that uses the Montessori method endorsed by the American Montessori society or the association Montessori internationale as its primary method of instruction and is licensed as a preschool program under section 3301.58 of the Revised Code may combine preschool children of ages three to five years old with children enrolled in kindergarten. Notwithstanding anything to the contrary in division (B)(2) of this section, when such age groups are combined, the maximum number of children per preschool staff member ~~shall be twelve~~ and the maximum group size shall be ~~twenty-four children~~ consistent with the accreditation standards of the society or association. 34233
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(C) In each building in which a preschool program is operated there shall be on the premises, and readily available at all times, at least one employee who has completed a course in first aid and in the prevention, recognition, and management of communicable diseases which is approved by the state department of health, and an employee who has completed a course in child abuse recognition and prevention. 34244
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(D) Any parent, guardian, or custodian of a child enrolled in a preschool program shall be permitted unlimited access to the school during its hours of operation to contact the parent's, guardian's, or custodian's child, evaluate the care provided by the program, or evaluate the premises, or for other purposes approved by the director. Upon entering the premises, the parent, 34251
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guardian, or custodian shall report to the school office. 34257

Sec. 3301.60. The interstate compact on educational 34258
opportunity for military children is hereby ratified, enacted into 34259
law, and entered into by this state as a party thereto with any 34260
other state that heretofore has legally joined or hereafter 34261
legally joins the compact, as follows: 34262

Interstate Compact on Educational 34263
Opportunity for Military Children 34264

ARTICLE I. PURPOSE 34265

It is the purpose of this compact to remove barriers to 34266
educational success imposed on children of military families 34267
because of frequent moves and deployment of their parents by: 34268

A. Facilitating the timely enrollment of children of military 34269
families and ensuring that they are not placed at a disadvantage 34270
due to difficulty in the transfer of education records from the 34271
previous school district or variations in entrance or age 34272
requirements. 34273

B. Facilitating the student placement process through which 34274
children of military families are not disadvantaged by variations 34275
in attendance requirements, scheduling, sequencing, grading, 34276
course content, or assessment. 34277

C. Facilitating the qualification and eligibility for 34278
enrollment, educational programs, and participation in 34279
extracurricular academic, athletic, and social activities. 34280

D. Facilitating the on-time graduation of children of 34281
military families. 34282

E. Providing for the promulgation and enforcement of 34283
administrative rules implementing the provisions of this compact. 34284

F. Providing for the uniform collection and sharing of 34285
information between and among member states, schools, and military 34286

<u>families under this compact.</u>	34287
<u>G. Promoting coordination between this compact and other compacts affecting military children.</u>	34288
<u>H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.</u>	34290
<u>ARTICLE II. DEFINITIONS</u>	34293
<u>As used in this compact, unless the context clearly requires a different construction:</u>	34294
<u>A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. 1209 and 1211.</u>	34296
<u>B. "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.</u>	34300
<u>C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.</u>	34303
<u>D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.</u>	34306
<u>E. "Educational records" or "education records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including, but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education</u>	34309

<u>programs.</u>	34317
<u>F. "Extracurricular activities" means a voluntary activity</u>	34318
<u>sponsored by the school or local education agency or an</u>	34319
<u>organization sanctioned by the local education agency.</u>	34320
<u>Extracurricular activities include, but are not limited to,</u>	34321
<u>preparation for and involvement in public performances, contests,</u>	34322
<u>athletic competitions, demonstrations, displays, and club</u>	34323
<u>activities.</u>	34324
<u>G. "Interstate Commission on Educational Opportunity for</u>	34325
<u>Military Children" means the commission that is created under</u>	34326
<u>Article IX of this compact, which is generally referred to as</u>	34327
<u>Interstate Commission.</u>	34328
<u>H. "Local education agency" means a public authority legally</u>	34329
<u>constituted by the state as an administrative agency to provide</u>	34330
<u>control of and direction for kindergarten through twelfth grade</u>	34331
<u>public educational institutions.</u>	34332
<u>I. "Member state" means a state that has enacted this</u>	34333
<u>compact.</u>	34334
<u>J. "Military installation" means a base, camp, post, station,</u>	34335
<u>yard, center, homeport facility for any ship, or other activity</u>	34336
<u>under the jurisdiction of the Department of Defense, including any</u>	34337
<u>leased facility, which is located within any of the several</u>	34338
<u>states, the District of Columbia, the Commonwealth of Puerto Rico,</u>	34339
<u>the U.S. Virgin Islands, Guam, American Samoa, the Northern</u>	34340
<u>Marianas Islands, and any other United States territory. Such term</u>	34341
<u>does not include any facility used primarily for civil works,</u>	34342
<u>rivers and harbors projects, or flood control projects.</u>	34343
<u>K. "Nonmember state" means a state that has not enacted this</u>	34344
<u>compact.</u>	34345
<u>L. "Receiving state" means the state to which a child of a</u>	34346
<u>military family is sent, brought, or caused to be sent or brought.</u>	34347

M. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule. 34348
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N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought. 34356
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O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other United States territory. 34358
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P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade. 34362
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Q. "Transition" means 1) the formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state. 34365
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R. "Uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and Public Health Service. 34369
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S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable. 34373
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ARTICLE III. APPLICABILITY 34376

A. Except as otherwise provided in Section B, this compact 34377

<u>shall apply to the children of:</u>	34378
<u>1. Active duty members of the uniformed services as defined</u>	34379
<u>in this compact, including members of the national guard and</u>	34380
<u>reserve on active duty orders pursuant to 10 U.S.C. 1209 and 1211;</u>	34381
<u>2. Members or veterans of the uniformed services who are</u>	34382
<u>severely injured and medically discharged or retired for a period</u>	34383
<u>of one year after medical discharge or retirement; and</u>	34384
<u>3. Members of the uniformed services who die on active duty</u>	34385
<u>or as a result of injuries sustained on active duty for a period</u>	34386
<u>of one year after death.</u>	34387
<u>B. The provisions of this interstate compact shall only apply</u>	34388
<u>to local education agencies as defined in this compact.</u>	34389
<u>C. The provisions of this compact shall not apply to the</u>	34390
<u>children of:</u>	34391
<u>1. Inactive members of the national guard and military</u>	34392
<u>reserves;</u>	34393
<u>2. Members of the uniformed services now retired, except as</u>	34394
<u>provided in Section A;</u>	34395
<u>3. Veterans of the uniformed services, except as provided in</u>	34396
<u>Section A; and</u>	34397
<u>4. Other Department of Defense personnel and other federal</u>	34398
<u>agency civilian and contract employees not defined as active duty</u>	34399
<u>members of the uniformed services.</u>	34400
<u>ARTICLE IV. EDUCATIONAL RECORDS AND ENROLLMENT</u>	34401
<u>A. Unofficial or "hand-carried" education records - In the</u>	34402
<u>event that official education records cannot be released to the</u>	34403
<u>parents for the purpose of transfer, the custodian of the records</u>	34404
<u>in the sending state shall prepare and furnish to the parent a</u>	34405
<u>complete set of unofficial educational records containing uniform</u>	34406
<u>information as determined by the Interstate Commission. Upon</u>	34407

receipt of the unofficial education records by a school in the 34408
receiving state, the school shall enroll and appropriately place 34409
the student based on the information provided in the unofficial 34410
records pending validation by the official records, as quickly as 34411
possible. 34412

B. Official education records and transcripts - Simultaneous 34413
with the enrollment and conditional placement of the student, the 34414
school in the receiving state shall request the student's official 34415
education record from the school in the sending state. Upon 34416
receipt of this request, the school in the sending state will 34417
process and furnish the official education records to the school 34418
in the receiving state within ten days or within such time as is 34419
reasonably determined under the rules promulgated by the 34420
Interstate Commission. 34421

C. Immunizations - Compacting states shall give thirty days 34422
from the date of enrollment or within such time as is reasonably 34423
determined under the rules promulgated by the Interstate 34424
Commission, for students to obtain any immunizations required by 34425
the receiving state. For a series of immunizations, initial 34426
vaccinations must be obtained within thirty days or within such 34427
time as is reasonably determined under the rules promulgated by 34428
the Interstate Commission. 34429

D. Kindergarten and first grade entrance age - Students shall 34430
be allowed to continue their enrollment at grade level in the 34431
receiving state commensurate with their grade level (including 34432
kindergarten) from a local education agency in the sending state 34433
at the time of transition, regardless of age. A student that has 34434
satisfactorily completed the prerequisite grade level in the local 34435
education agency in the sending state shall be eligible for 34436
enrollment in the next highest grade level in the receiving state, 34437
regardless of age. A student transferring after the start of the 34438
school year in the receiving state shall enter the school in the 34439

receiving state on their validated level from an accredited school 34440
in the sending state. 34441

ARTICLE V. PLACEMENT AND ATTENDANCE 34442

A. Course placement - When the student transfers before or 34443
during the school year, the receiving state school shall initially 34444
honor placement of the student in educational courses based on the 34445
student's enrollment in the sending state school or educational 34446
assessments conducted at the school in the sending state if the 34447
courses are offered. Course placement includes but is not limited 34448
to Honors, International Baccalaureate, Advanced Placement, 34449
vocational, technical, and career pathways courses. Continuing the 34450
student's academic program from the previous school and promoting 34451
placement in academically and career challenging courses should be 34452
paramount when considering placement. This does not preclude the 34453
school in the receiving state from performing subsequent 34454
evaluations to ensure appropriate placement and continued 34455
enrollment of the student in the courses. 34456

B. Educational program placement - The receiving state school 34457
shall initially honor placement of the student in educational 34458
programs based on current educational assessments conducted at the 34459
school in the sending state or participation/placement in like 34460
programs in the sending state. Such programs include, but are not 34461
limited to: 1) gifted and talented programs; and 2) English as a 34462
second language. This does not preclude the school in the 34463
receiving state from performing subsequent evaluations to ensure 34464
appropriate placement of the student. 34465

C. Special education services - 1) In compliance with the 34466
federal requirements of the Individuals with Disabilities 34467
Education Act (IDEA), 20 U.S.C. 1400 et seq., the receiving state 34468
shall initially provide comparable services to a student with 34469
disabilities based on the student's current individualized 34470
education program (IEP); and 2) in compliance with the 34471

requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. 34472
794, and with Title II of the Americans with Disabilities Act, 42 34473
U.S.C. 12131 to 12165, the receiving state shall make reasonable 34474
accommodations and modifications to address the needs of incoming 34475
students with disabilities, subject to an existing Section 504 or 34476
Title II Plan, to provide the student with equal access to 34477
education. This does not preclude the school in the receiving 34478
state from performing subsequent evaluations to ensure appropriate 34479
placement of the student. 34480

D. Placement flexibility - Local education agency 34481
administrative officials shall have flexibility in waiving course 34482
or program prerequisites, or other preconditions for placement in 34483
courses or programs offered under the jurisdiction of the local 34484
education agency. 34485

E. Absence as related to deployment activities - A student 34486
whose parent or legal guardian is an active duty member of the 34487
uniformed services, as defined by the compact, and has been called 34488
to duty for, is on leave from, or immediately returned from 34489
deployment to a combat zone or combat support posting, shall be 34490
granted additional excused absences at the discretion of the local 34491
education agency superintendent to visit with the student's parent 34492
or legal guardian relative to such leave or deployment of the 34493
parent or guardian. 34494

ARTICLE VI. ELIGIBILITY 34495

A. Eligibility for enrollment 34496

1. A special power of attorney, relative to the guardianship 34497
of a child of a military family and executed under applicable law 34498
shall be sufficient for the purposes of enrollment and all other 34499
actions requiring parental participation and consent. 34500

2. A local education agency shall be prohibited from charging 34501
local tuition to a transitioning military child placed in the care 34502

of a noncustodial parent or other person standing in loco parentis 34503
who lives in a jurisdiction other than that of the custodial 34504
parent. 34505

3. A transitioning military child, placed in the care of a 34506
noncustodial parent or other person standing in loco parentis who 34507
lives in a jurisdiction other than that of the custodial parent, 34508
may continue to attend the school in which the child was enrolled 34509
while residing with the custodial parent. 34510

B. Eligibility for extracurricular participation - State and 34511
local education agencies shall facilitate the opportunity for 34512
transitioning military children's inclusion in extracurricular 34513
activities, regardless of application deadlines, to the extent 34514
they are otherwise qualified. 34515

ARTICLE VII. GRADUATION 34516

In order to facilitate the on-time graduation of children of 34517
military families states and local education agencies shall 34518
incorporate the following procedures: 34519

A. Waiver requirements - Local education agency 34520
administrative officials shall waive specific courses required for 34521
graduation if similar coursework has been satisfactorily completed 34522
in another local education agency or shall provide reasonable 34523
justification for denial. Should a waiver not be granted to a 34524
student who would qualify to graduate from the sending school, the 34525
local education agency shall provide an alternative means of 34526
acquiring required coursework so that graduation may occur on 34527
time. 34528

B. Exit exams - States shall accept: 1) exit or end-of-course 34529
exams required for graduation from the sending state; or 2) 34530
national norm-referenced achievement tests; or 3) alternative 34531
testing, in lieu of testing requirements for graduation in the 34532
receiving state. In the event the above alternatives cannot be 34533

accommodated by the receiving state for a student transferring in 34534
his or her Senior year, then the provisions of Article VII, 34535
Section C shall apply. 34536

C. Transfers during Senior year - Should a military student 34537
transferring at the beginning or during the student's Senior year 34538
be ineligible to graduate from the receiving local education 34539
agency after all alternatives have been considered, the sending 34540
and receiving local education agencies shall ensure the receipt of 34541
a diploma from the sending local education agency, if the student 34542
meets the graduation requirements of the sending local education 34543
agency. In the event that one of the states in question is not a 34544
member of this compact, the member state shall use best efforts to 34545
facilitate the on-time graduation of the student in accordance 34546
with Sections A and B of this Article. 34547

ARTICLE VIII. STATE COORDINATION 34548

A. Each member state shall, through the creation of a state 34549
council or use of an existing body or board, provide for the 34550
coordination among its agencies of government, local education 34551
agencies and military installations concerning the state's 34552
participation in, and compliance with, this compact and Interstate 34553
Commission activities. While each member state may determine the 34554
membership of its own state council, its membership must include 34555
at least: the state superintendent of education, superintendent of 34556
a school district with a high concentration of military children, 34557
representative from a military installation, one representative 34558
each from the legislative and executive branches of government, 34559
and other offices and stakeholder groups the state council deems 34560
appropriate. A member state that does not have a school district 34561
deemed to contain a high concentration of military children may 34562
appoint a superintendent from another school district to represent 34563
local education agencies on the state council. 34564

B. The state council of each member state shall appoint or 34565

designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact. 34566
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C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state. 34569
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D. The compact commissioner and the military family education liaison designated herein shall be ex officio members of the state council, unless either is already a full voting member of the state council. 34573
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ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN 34577
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The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall: 34579
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A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact. 34584
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B. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner. 34590
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1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote. 34593
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2. A majority of the total member states shall constitute a 34595

quorum for the transaction of business, unless a larger quorum is 34596
required by the bylaws of the Interstate Commission. 34597

3. A representative shall not delegate a vote to another 34598
member state. In the event the compact commissioner is unable to 34599
attend a meeting of the Interstate Commission, the governor or 34600
state council may delegate voting authority to another person from 34601
their state for a specified meeting. 34602

4. The bylaws may provide for meetings of the Interstate 34603
Commission to be conducted by telecommunication or electronic 34604
communication. 34605

C. Consist of ex officio, nonvoting representatives who are 34606
members of interested organizations. Such ex officio members, as 34607
defined in the bylaws, may include but not be limited to, members 34608
of the representative organizations of military family advocates, 34609
local education agency officials, parent and teacher groups, the 34610
Department of Defense, the Education Commission of the States, the 34611
Interstate Agreement on the Qualification of Educational Personnel 34612
and other interstate compacts affecting the education of children 34613
of military members. 34614

D. Meet at least once each calendar year. The chairperson may 34615
call additional meetings and, upon the request of a simple 34616
majority of the member states, shall call additional meetings. 34617

E. Establish an executive committee, whose members shall 34618
include the officers of the Interstate Commission and such other 34619
members of the Interstate Commission as determined by the bylaws. 34620
Members of the executive committee shall serve a one year term. 34621
Members of the executive committee shall be entitled to one vote 34622
each. The executive committee shall have the power to act on 34623
behalf of the Interstate Commission, with the exception of 34624
rulemaking, during periods when the Interstate Commission is not 34625
in session. The executive committee shall oversee the day-to-day 34626

activities of the administration of the compact including 34627
enforcement and compliance with the provisions of the compact, its 34628
bylaws and rules, and other such duties as deemed necessary. The 34629
Department of Defense, shall serve as an ex officio, nonvoting 34630
member of the executive committee. 34631

F. Establish bylaws and rules that provide for conditions and 34632
procedures under which the Interstate Commission shall make its 34633
information and official records available to the public for 34634
inspection or copying. The Interstate Commission may exempt from 34635
disclosure information or official records to the extent they 34636
would adversely affect personal privacy rights or proprietary 34637
interests. 34638

G. Give public notice of all meetings and all meetings shall 34639
be open to the public, except as set forth in the rules or as 34640
otherwise provided in the compact. The Interstate Commission and 34641
its committees may close a meeting, or portion thereof, where it 34642
determines by two-thirds vote that an open meeting would be likely 34643
to: 34644

1. Relate solely to the Interstate Commission's internal 34645
personnel practices and procedures; 34646

2. Disclose matters specifically exempted from disclosure by 34647
federal and state statute; 34648

3. Disclose trade secrets or commercial or financial 34649
information which is privileged or confidential; 34650

4. Involve accusing a person of a crime, or formally 34651
censuring a person; 34652

5. Disclose information of a personal nature where disclosure 34653
would constitute a clearly unwarranted invasion of personal 34654
privacy; 34655

6. Disclose investigative records compiled for law 34656

enforcement purposes; or 34657

7. Specifically relate to the Interstate Commission's 34658
participation in a civil action or other legal proceeding. 34659

H. Shall cause its legal counsel or designee to certify that 34660
a meeting may be closed and shall reference each relevant 34661
exemptible provision for any meeting, or portion of a meeting, 34662
which is closed pursuant to this provision. The Interstate 34663
Commission shall keep minutes which shall fully and clearly 34664
describe all matters discussed in a meeting and shall provide a 34665
full and accurate summary of actions taken, and the reasons 34666
therefore, including a description of the views expressed and the 34667
record of a roll call vote. All documents considered in connection 34668
with an action shall be identified in such minutes. All minutes 34669
and documents of a closed meeting shall remain under seal, subject 34670
to release by a majority vote of the Interstate Commission. 34671

I. Shall collect standardized data concerning the educational 34672
transition of the children of military families under this compact 34673
as directed through its rules which shall specify the data to be 34674
collected, the means of collection and data exchange, and 34675
reporting requirements. Such methods of data collection, exchange, 34676
and reporting shall, in so far as is reasonably possible, conform 34677
to current technology and coordinate its information functions 34678
with the appropriate custodian of records as identified in the 34679
bylaws and rules. 34680

J. Shall create a process that permits military officials, 34681
education officials and parents to inform the Interstate 34682
Commission if and when there are alleged violations of the compact 34683
or its rules or when issues subject to the jurisdiction of the 34684
compact or its rules are not addressed by the state or local 34685
education agency. This section shall not be construed to create a 34686
private right of action against the Interstate Commission or any 34687
member state. 34688

<u>ARTICLE X. POWERS AND DUTIES OF THE INTERSTATE COMMISSION</u>	34689
<u>The Interstate Commission shall have the following powers:</u>	34690
<u>A. To provide for dispute resolution among member states.</u>	34691
<u>B. To promulgate rules and take all necessary actions to</u>	34692
<u>effect the goals, purposes, and obligations as enumerated in this</u>	34693
<u>compact. The rules shall have the force and effect of statutory</u>	34694
<u>law and shall be binding in the compact states to the extent and</u>	34695
<u>in the manner provided in this compact.</u>	34696
<u>C. To issue, upon request of a member state, advisory</u>	34697
<u>opinions concerning the meaning or interpretation of the</u>	34698
<u>interstate compact, its bylaws, rules, and actions.</u>	34699
<u>D. To enforce compliance with the compact provisions, the</u>	34700
<u>rules promulgated by the Interstate Commission, and the bylaws,</u>	34701
<u>using all necessary and proper means, including but not limited to</u>	34702
<u>the use of judicial process.</u>	34703
<u>E. To establish and maintain offices which shall be located</u>	34704
<u>within one or more of the member states.</u>	34705
<u>F. To purchase and maintain insurance and bonds.</u>	34706
<u>G. To borrow, accept, hire, or contract for services of</u>	34707
<u>personnel.</u>	34708
<u>H. To establish and appoint committees including, but not</u>	34709
<u>limited to, an executive committee as required by Article IX,</u>	34710
<u>Section E, which shall have the power to act on behalf of the</u>	34711
<u>Interstate Commission in carrying out its powers and duties</u>	34712
<u>hereunder.</u>	34713
<u>I. To elect or appoint such officers, attorneys, employees,</u>	34714
<u>agents, or consultants, and to fix their compensation, define</u>	34715
<u>their duties and determine their qualifications; and to establish</u>	34716
<u>the Interstate Commission's personnel policies and programs</u>	34717
<u>relating to conflicts of interest, rates of compensation, and</u>	34718

<u>qualifications of personnel.</u>	34719
<u>J. To accept any and all donations and grants of money,</u>	34720
<u>equipment, supplies, materials, and services, and to receive,</u>	34721
<u>utilize, and dispose of it.</u>	34722
<u>K. To lease, purchase, accept contributions or donations of,</u>	34723
<u>or otherwise to own, hold, improve, or use any property, real,</u>	34724
<u>personal, or mixed.</u>	34725
<u>L. To sell, convey, mortgage, pledge, lease, exchange,</u>	34726
<u>abandon, or otherwise dispose of any property, real, personal, or</u>	34727
<u>mixed.</u>	34728
<u>M. To establish a budget and make expenditures.</u>	34729
<u>N. To adopt a seal and bylaws governing the management and</u>	34730
<u>operation of the Interstate Commission.</u>	34731
<u>O. To report annually to the legislatures, governors,</u>	34732
<u>judiciary, and state councils of the member states concerning the</u>	34733
<u>activities of the Interstate Commission during the preceding year.</u>	34734
<u>Such reports shall also include any recommendations that may have</u>	34735
<u>been adopted by the Interstate Commission.</u>	34736
<u>P. To coordinate education, training, and public awareness</u>	34737
<u>regarding the compact, its implementation and operation for</u>	34738
<u>officials and parents involved in such activity.</u>	34739
<u>Q. To establish uniform standards for the reporting,</u>	34740
<u>collecting and exchanging of data.</u>	34741
<u>R. To maintain corporate books and records in accordance with</u>	34742
<u>the bylaws.</u>	34743
<u>S. To perform such functions as may be necessary or</u>	34744
<u>appropriate to achieve the purposes of this compact.</u>	34745
<u>T. To provide for the uniform collection and sharing of</u>	34746
<u>information between and among member states, schools, and military</u>	34747
<u>families under this compact.</u>	34748

<u>ARTICLE XI. ORGANIZATION AND OPERATION OF THE INTERSTATE</u>	34749
<u>COMMISSION</u>	34750
<u>A. The Interstate Commission shall, by a majority of the</u>	34751
<u>members present and voting, within twelve months after the first</u>	34752
<u>Interstate Commission meeting, adopt bylaws to govern its conduct</u>	34753
<u>as may be necessary or appropriate to carry out the purposes of</u>	34754
<u>the compact, including, but not limited to:</u>	34755
<u>1. Establishing the fiscal year of the Interstate Commission;</u>	34756
<u>2. Establishing an executive committee, and such other</u>	34757
<u>committees as may be necessary;</u>	34758
<u>3. Providing for the establishment of committees and for</u>	34759
<u>governing any general or specific delegation of authority or</u>	34760
<u>function of the Interstate Commission;</u>	34761
<u>4. Providing reasonable procedures for calling and conducting</u>	34762
<u>meetings of the Interstate Commission, and ensuring reasonable</u>	34763
<u>notice of each such meeting;</u>	34764
<u>5. Establishing the titles and responsibilities of the</u>	34765
<u>officers and staff of the Interstate Commission;</u>	34766
<u>6. Providing a mechanism for concluding the operations of the</u>	34767
<u>Interstate Commission and the return of surplus funds that may</u>	34768
<u>exist upon the termination of the compact after the payment and</u>	34769
<u>reserving of all of its debts and obligations.</u>	34770
<u>7. Providing "start up" rules for initial administration of</u>	34771
<u>the compact.</u>	34772
<u>B. The Interstate Commission shall, by a majority of the</u>	34773
<u>members, elect annually from among its members a chairperson, a</u>	34774
<u>vice-chairperson, and a treasurer, each of whom shall have such</u>	34775
<u>authority and duties as may be specified in the bylaws. The</u>	34776
<u>chairperson or, in the chairperson's absence or disability, the</u>	34777
<u>vice-chairperson, shall preside at all meetings of the Interstate</u>	34778

Commission. The officers so elected shall serve without 34779
compensation or remuneration from the Interstate Commission; 34780
provided that, subject to the availability of budgeted funds, the 34781
officers shall be reimbursed for ordinary and necessary costs and 34782
expenses incurred by them in the performance of their 34783
responsibilities as officers of the Interstate Commission. 34784

C. Executive Committee, Officers, and Personnel 34785

1. The executive committee shall have such authority and 34786
duties as may be set forth in the bylaws, including but not 34787
limited to: 34788

a. Managing the affairs of the Interstate Commission in a 34789
manner consistent with the bylaws and purposes of the Interstate 34790
Commission; 34791

b. Overseeing an organizational structure within, and 34792
appropriate procedures for the Interstate Commission to provide 34793
for the creation of rules, operating procedures, and 34794
administrative and technical support functions; and 34795

c. Planning, implementing, and coordinating communications 34796
and activities with other state, federal, and local government 34797
organizations in order to advance the goals of the Interstate 34798
Commission. 34799

2. The executive committee may, subject to the approval of 34800
the Interstate Commission, appoint or retain an executive director 34801
for such period, upon such terms and conditions and for such 34802
compensation, as the Interstate Commission may deem appropriate. 34803
The executive director shall serve as secretary to the Interstate 34804
Commission, but shall not be a Member of the Interstate 34805
Commission. The executive director shall hire and supervise such 34806
other persons as may be authorized by the Interstate Commission. 34807

D. The Interstate Commission's executive director and its 34808
employees shall be immune from suit and liability, either 34809

personally or in their official capacity, for a claim for damage 34810
to or loss of property or personal injury or other civil liability 34811
caused or arising out of or relating to an actual or alleged act, 34812
error, or omission that occurred, or that such person had a 34813
reasonable basis for believing occurred, within the scope of 34814
Interstate Commission employment, duties, or responsibilities; 34815
provided, that such person shall not be protected from suit or 34816
liability for damage, loss, injury, or liability caused by the 34817
intentional or willful and wanton misconduct of such person. 34818

1. The liability of the Interstate Commission's executive 34819
director and employees or Interstate Commission representatives, 34820
acting within the scope of such person's employment or duties for 34821
acts, errors, or omissions occurring within such person's state 34822
may not exceed the limits of liability set forth under the 34823
Constitution and laws of that state for state officials, 34824
employees, and agents. The Interstate Commission is considered to 34825
be an instrumentality of the states for the purposes of any such 34826
action. Nothing in this subsection shall be construed to protect 34827
such person from suit or liability for damage, loss, injury, or 34828
liability caused by the intentional or willful and wanton 34829
misconduct of such person. 34830

2. The Interstate Commission shall defend the executive 34831
director and its employees and, subject to the approval of the 34832
Attorney General or other appropriate legal counsel of the member 34833
state represented by an Interstate Commission representative, 34834
shall defend such Interstate Commission representative in any 34835
civil action seeking to impose liability arising out of an actual 34836
or alleged act, error or omission that occurred within the scope 34837
of Interstate Commission employment, duties or responsibilities, 34838
or that the defendant had a reasonable basis for believing 34839
occurred within the scope of Interstate Commission employment, 34840
duties, or responsibilities, provided that the actual or alleged 34841

act, error, or omission did not result from intentional or willful 34842
and wanton misconduct on the part of such person. 34843

3. To the extent not covered by the state involved, member 34844
state, or the Interstate Commission, the representatives or 34845
employees of the Interstate Commission shall be held harmless in 34846
the amount of a settlement or judgment, including attorney's fees 34847
and costs, obtained against such persons arising out of an actual 34848
or alleged act, error, or omission that occurred within the scope 34849
of Interstate Commission employment, duties, or responsibilities, 34850
or that such persons had a reasonable basis for believing occurred 34851
within the scope of Interstate Commission employment, duties, or 34852
responsibilities, provided that the actual or alleged act, error, 34853
or omission did not result from intentional or willful and wanton 34854
misconduct on the part of such persons. 34855

ARTICLE XII. RULEMAKING FUNCTIONS OF THE INTERSTATE 34856
COMMISSION 34857

A. Rulemaking Authority - The Interstate Commission shall 34858
promulgate reasonable rules in order to effectively and 34859
efficiently achieve the purposes of this compact. Notwithstanding 34860
the foregoing, in the event the Interstate Commission exercises 34861
its rulemaking authority in a manner that is beyond the scope of 34862
the purposes of this act, or the powers granted hereunder, then 34863
such an action by the Interstate Commission shall be invalid and 34864
have no force or effect. 34865

B. Rulemaking Procedure - Rules shall be made pursuant to a 34866
rulemaking process that substantially conforms to the "Model State 34867
Administrative Procedure Act," of 1981 Act, Uniform Laws 34868
Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate 34869
to the operations of the Interstate Commission. 34870

C. Not later than thirty days after a rule is promulgated, 34871
any person may file a petition for judicial review of the rule; 34872

provided, that the filing of such a petition shall not stay or 34873
otherwise prevent the rule from becoming effective unless the 34874
court finds that the petitioner has a substantial likelihood of 34875
success. The court shall give deference to the actions of the 34876
Interstate Commission consistent with applicable law and shall not 34877
find the rule to be unlawful if the rule represents a reasonable 34878
exercise of the Interstate Commission's authority. 34879

D. If a majority of the legislatures of the compacting states 34880
rejects a rule by enactment of a statute or resolution in the same 34881
manner used to adopt the compact, then such rule shall have no 34882
further force and effect in any compacting state. 34883

ARTICLE XIII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION 34884

A. Oversight 34885

1. The executive, legislative, and judicial branches of state 34886
government in each member state shall enforce this compact and 34887
shall take all actions necessary and appropriate to effectuate the 34888
compact's purposes and intent. The provisions of this compact and 34889
the rules promulgated hereunder shall have standing as statutory 34890
law. 34891

2. All courts shall take judicial notice of the compact and 34892
the rules in any judicial or administrative proceeding in a member 34893
state pertaining to the subject matter of this compact which may 34894
affect the powers, responsibilities or actions of the Interstate 34895
Commission. 34896

3. The Interstate Commission shall be entitled to receive all 34897
service of process in any such proceeding, and shall have standing 34898
to intervene in the proceeding for all purposes. Failure to 34899
provide service of process to the Interstate Commission shall 34900
render a judgment or order void as to the Interstate Commission, 34901
this compact or promulgated rules. 34902

B. Default, Technical Assistance, Suspension, and Termination 34903

- If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall: 34904
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1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default. 34908
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2. Provide remedial training and specific technical assistance regarding the default. 34913
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3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default. 34915
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4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states. 34922
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5. The state which has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination. 34928
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6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or 34933
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which has been suspended or terminated from the compact, unless 34935
otherwise mutually agreed upon in writing between the Interstate 34936
Commission and the defaulting state. 34937

7. The defaulting state may appeal the action of the 34938
Interstate Commission by petitioning the United States District 34939
Court for the District of Columbia or the federal district where 34940
the Interstate Commission has its principal offices. The 34941
prevailing party shall be awarded all costs of such litigation 34942
including reasonable attorney's fees. 34943

C. Dispute Resolution 34944

1. The Interstate Commission shall attempt, upon the request 34945
of a member state, to resolve disputes which are subject to the 34946
compact and which may arise among member states and between member 34947
and nonmember states. 34948

2. The Interstate Commission shall promulgate a rule 34949
providing for both mediation and binding dispute resolution for 34950
disputes as appropriate. 34951

D. Enforcement 34952

1. The Interstate Commission, in the reasonable exercise of 34953
its discretion, shall enforce the provisions and rules of this 34954
compact. 34955

2. The Interstate Commission, may by majority vote of the 34956
members, initiate legal action in the United States District Court 34957
for the District of Columbia or, at the discretion of the 34958
Interstate Commission, in the federal district where the 34959
Interstate Commission has its principal offices, to enforce 34960
compliance with the provisions of the compact, its promulgated 34961
rules and bylaws, against a member state in default. The relief 34962
sought may include both injunctive relief and damages. In the 34963
event judicial enforcement is necessary the prevailing party shall 34964
be awarded all costs of such litigation including reasonable 34965

attorney's fees. 34966

3. The remedies herein shall not be the exclusive remedies of 34967
the Interstate Commission. The Interstate Commission may avail 34968
itself of any other remedies available under state law or the 34969
regulation of a profession. 34970

ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION 34971

A. The Interstate Commission shall pay, or provide for the 34972
payment of the reasonable expenses of its establishment, 34973
organization, and ongoing activities. 34974

B. The Interstate Commission may levy on and collect an 34975
annual assessment from each member state to cover the cost of the 34976
operations and activities of the Interstate Commission and its 34977
staff which must be in a total amount sufficient to cover the 34978
Interstate Commission's annual budget as approved each year. The 34979
aggregate annual assessment amount shall be allocated based upon a 34980
formula to be determined by the Interstate Commission, which shall 34981
promulgate a rule binding upon all member states. 34982

C. The Interstate Commission shall not incur obligations of 34983
any kind prior to securing the funds adequate to meet the same; 34984
nor shall the Interstate Commission pledge the credit of any of 34985
the member states, except by and with the authority of the member 34986
state. 34987

D. The Interstate Commission shall keep accurate accounts of 34988
all receipts and disbursements. The receipts and disbursements of 34989
the Interstate Commission shall be subject to the audit and 34990
accounting procedures established under its bylaws. However, all 34991
receipts and disbursements of funds handled by the Interstate 34992
Commission shall be audited yearly by a certified or licensed 34993
public accountant and the report of the audit shall be included in 34994
and become part of the annual report of the Interstate Commission. 34995

ARTICLE XV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT 34996

<u>A. Any state is eligible to become a member state.</u>	34997
<u>B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states.</u>	34998 34999 35000 35001 35002 35003 35004 35005 35006
<u>C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.</u>	35007 35008 35009 35010 35011
<u>ARTICLE XVI. WITHDRAWAL AND DISSOLUTION</u>	35012
<u>A. Withdrawal</u>	35013
<u>1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.</u>	35014 35015 35016 35017
<u>2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member jurisdiction.</u>	35018 35019 35020 35021 35022
<u>3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw</u>	35023 35024 35025 35026 35027

within sixty days of its receipt thereof. 35028

4. The withdrawing state is responsible for all assessments, 35029
obligations and liabilities incurred through the effective date of 35030
withdrawal, including obligations, the performance of which extend 35031
beyond the effective date of withdrawal. 35032

5. Reinstatement following withdrawal of a member state shall 35033
occur upon the withdrawing state reenacting the compact or upon 35034
such later date as determined by the Interstate Commission. 35035

B. Dissolution of Compact 35036

1. This compact shall dissolve effective upon the date of the 35037
withdrawal or default of the member state which reduces the 35038
membership in the compact to one member state. 35039

2. Upon the dissolution of this compact, the compact becomes 35040
null and void and shall be of no further force or effect, and the 35041
business and affairs of the Interstate Commission shall be 35042
concluded and surplus funds shall be distributed in accordance 35043
with the bylaws. 35044

ARTICLE XVII. SEVERABILITY AND CONSTRUCTION 35045

A. The provisions of this compact shall be severable, and if 35046
any phrase, clause, sentence or provision is deemed unenforceable, 35047
the remaining provisions of the compact shall be enforceable. 35048

B. The provisions of this compact shall be liberally 35049
construed to effectuate its purposes. 35050

C. Nothing in this compact shall be construed to prohibit the 35051
applicability of other interstate compacts to which the states are 35052
members. 35053

ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER LAWS 35054

A. Other Laws 35055

1. Nothing herein prevents the enforcement of any other law 35056

<u>of a member state that is not inconsistent with this compact.</u>	35057
<u>2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.</u>	35058
<u>B. Binding Effect of the Compact</u>	35059
<u>1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.</u>	35060
<u>2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.</u>	35061
<u>3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.</u>	35062
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<u>35065</u>	35065
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<u>35068</u>	35068
<u>35069</u>	35069
<u>35070</u>	35070
<u>Sec. 3301.61. (A) The state council on educational opportunity for military children is hereby established within the department of education. The council shall consist of the following members:</u>	35071
<u>35072</u>	35072
<u>35073</u>	35073
<u>35074</u>	35074
<u>(1) The superintendent of public instruction or the superintendent's designee;</u>	35075
<u>35076</u>	35076
<u>(2) The director of veterans services or the director's designee;</u>	35077
<u>35078</u>	35078
<u>(3) The superintendent of a school district that has a high concentration of children of military families, appointed by the governor;</u>	35079
<u>35080</u>	35080
<u>35081</u>	35081
<u>(4) A representative of a military installation located in this state, appointed by the governor;</u>	35082
<u>35083</u>	35083
<u>(5) A representative of the governor's office, appointed by the governor;</u>	35084
<u>35085</u>	35085

<u>(6) Four members of the general assembly, appointed as follows:</u>	35086
	35087
<u>(a) One member of the house of representatives appointed by the speaker of the house of representatives;</u>	35088
	35089
<u>(b) One member of the house of representatives appointed by the minority leader of the house of representatives;</u>	35090
	35091
<u>(c) One member of the senate appointed by the president of the senate;</u>	35092
	35093
<u>(d) One member of the senate appointed by the minority leader of the senate.</u>	35094
	35095
<u>(7) The compact commissioner appointed under section 3301.62 of the Revised Code;</u>	35096
	35097
<u>(8) The military family education liaison appointed under section 3301.63 of the Revised Code;</u>	35098
	35099
<u>(9) Other members appointed in the manner prescribed by and seated at the discretion of the voting members of the council.</u>	35100
	35101
<u>The members of the council shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the manner of the initial appointments.</u>	35102
	35103
	35104
<u>The members appointed under divisions (A)(6) to (9) of this section shall be nonvoting members of the council.</u>	35105
	35106
<u>The members of the council shall serve without compensation.</u>	35107
<u>(B) The council shall oversee and provide coordination for the state's participation in and compliance with the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code.</u>	35108
	35109
	35110
	35111
<u>(C) The department of education shall provide staff support for the council.</u>	35112
	35113
<u>(D) Sections 101.82 to 101.87 of the Revised Code do not</u>	35114

apply to the council. 35115

(E) As used in this section, "children of military families" 35116
and "military installation" have the same meanings as in Article 35117
II of the interstate compact on educational opportunity for 35118
military children. 35119

Sec. 3301.62. The governor shall appoint a compact 35120
commissioner who shall be responsible for administering the 35121
state's participation in the interstate compact on educational 35122
opportunity for military children, as ratified by section 3301.60 35123
of the Revised Code. The compact commissioner shall be a state 35124
officer within the department of education and shall serve at the 35125
pleasure of the governor. 35126

Sec. 3301.63. The state council on educational opportunity 35127
for military children, established under section 3301.61 of the 35128
Revised Code, shall appoint a military family education liaison to 35129
assist families and the state in implementing the interstate 35130
compact on educational opportunity for military children, as 35131
ratified by section 3301.60 of the Revised Code. The department of 35132
education shall provide staff support for the military family 35133
education liaison. 35134

Sec. 3301.64. The annual assessment charged to the state for 35135
participating in the interstate compact on educational opportunity 35136
for military children shall be divided equally between the 35137
department of education and the department of veterans services. 35138

Sec. 3301.90. The governor shall create the early childhood 35139
advisory council in accordance with 42 U.S.C. 9837b(b)(1) and 35140
shall appoint one of its members to serve as chairperson of the 35141
council. The council shall serve as the state advisory council on 35142
early childhood education and care, as described in 42 U.S.C. 35143

9837b(b)(1). In addition to the duties specified in 42 U.S.C. 35144
9837b(b)(1), the council shall advise the state regarding the 35145
creation and duties of the center for early childhood development 35146
and shall promote family-centered programs and services that 35147
acknowledge and support the social, emotional, cognitive, 35148
intellectual, and physical development of children and the vital 35149
role of families in ensuring the well-being and success of 35150
children. 35151

Sec. 3301.95. Each school district that receives federal 35152
funding under the "American Recovery and Reinvestment Act of 35153
2009," Pub. L. No. 111-5, 123 Stat. 115, shall use the required 35154
amounts of that funding for services for students enrolled in 35155
nonpublic schools located in the district as prescribed under 35156
Title I of the "Elementary and Secondary Education Act of 1965," 35157
20 U.S.C. 6301 et seq., the "Individuals with Disabilities 35158
Education Improvement Act of 2004," 20 U.S.C. 1400 et seq., or the 35159
"Enhancing Education Through Technology Act of 2001," 20 U.S.C. 35160
6751 et seq., and under section 3323.041 of the Revised Code. 35161

The department of education shall ensure compliance with this 35162
section. 35163

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 35164
later than July 1, 2007, the department of education shall 35165
implement a value-added progress dimension for school districts 35166
and buildings and shall incorporate the value-added progress 35167
dimension into the report cards and performance ratings issued for 35168
districts and buildings under section 3302.03 of the Revised Code. 35169

The state board of education shall adopt rules, pursuant to 35170
Chapter 119. of the Revised Code, for the implementation of the 35171
value-added progress dimension. In adopting rules, the state board 35172
shall consult with the Ohio accountability task force established 35173

under division ~~(D)~~(E) of this section. The rules adopted under 35174
this division shall specify both of the following: 35175

(1) A scale for describing the levels of academic progress in 35176
reading and mathematics relative to a standard year of academic 35177
growth in those subjects for each of grades three through eight; 35178

(2) That the department shall maintain the confidentiality of 35179
individual student test scores and individual student reports in 35180
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 35181
Revised Code and federal law. The department may require school 35182
districts to use a unique identifier for each student for this 35183
purpose. Individual student test scores and individual student 35184
reports shall be made available only to a student's classroom 35185
teacher and other appropriate educational personnel and to the 35186
student's parent or guardian. 35187

(B) The department shall use a system designed for collecting 35188
necessary data, calculating the value-added progress dimension, 35189
analyzing data, and generating reports, which system has been used 35190
previously by a non-profit organization led by the Ohio business 35191
community for at least one year in the operation of a pilot 35192
program in cooperation with school districts to collect and report 35193
student achievement data via electronic means and to provide 35194
information to the districts regarding the academic performance of 35195
individual students, grade levels, school buildings, and the 35196
districts as a whole. 35197

(C) The department shall not pay more than two dollars per 35198
student for data analysis and reporting to implement the 35199
value-added progress dimension in the same manner and with the 35200
same services as under the pilot program described by division (B) 35201
of this section. However, nothing in this section shall preclude 35202
the department or any school district from entering into a 35203
contract for the provision of more services at a higher fee per 35204
student. Any data analysis conducted under this section by an 35205

entity under contract with the department shall be completed in 35206
accordance with timelines established by the superintendent of 35207
public instruction. 35208

(D) The department shall share any aggregate student data and 35209
any calculation, analysis, or report utilizing aggregate student 35210
data that is generated under this section with the chancellor of 35211
the Ohio board of regents. The department shall not share 35212
individual student test scores and individual student reports with 35213
the chancellor. 35214

(E)(1) There is hereby established the Ohio accountability 35215
task force. The task force shall consist of the following thirteen 35216
members: 35217

(a) The chairpersons and ranking minority members of the 35218
house of representatives and senate standing committees primarily 35219
responsible for education legislation, who shall be nonvoting 35220
members; 35221

(b) One representative of the governor's office, appointed by 35222
the governor; 35223

(c) The superintendent of public instruction, or the 35224
superintendent's designee; 35225

(d) One representative of teacher employee organizations 35226
formed pursuant to Chapter 4117. of the Revised Code, appointed by 35227
the speaker of the house of representatives; 35228

(e) One representative of school district boards of 35229
education, appointed by the president of the senate; 35230

(f) One school district superintendent, appointed by the 35231
speaker of the house of representatives; 35232

(g) One representative of business, appointed by the 35233
president of the senate; 35234

(h) One representative of a non-profit organization led by 35235

the Ohio business community, appointed by the governor; 35236

(i) One school building principal, appointed by the president 35237
of the senate; 35238

(j) A member of the state board of education, appointed by 35239
the speaker of the house of representatives. 35240

Initial appointed members of the task force shall serve until 35241
January 1, 2005. Thereafter, terms of office for appointed members 35242
shall be for two years, each term ending on the same day of the 35243
same month as did the term that it succeeds. Each appointed member 35244
shall hold office from the date of appointment until the end of 35245
the term for which the member was appointed. Members may be 35246
reappointed. Vacancies shall be filled in the same manner as the 35247
original appointment. Any member appointed to fill a vacancy 35248
occurring prior to the expiration of the term for which the 35249
member's predecessor was appointed shall hold office for the 35250
remainder of that term. 35251

The task force shall select from among its members a 35252
chairperson. The task force shall meet at least six times each 35253
calendar year and at other times upon the call of the chairperson 35254
to conduct its business. Members of the task force shall serve 35255
without compensation. 35256

(2) The task force shall do all of the following: 35257

(a) Examine the implementation of the value-added progress 35258
dimension by the department, including the system described in 35259
division (B) of this section, the reporting of performance data to 35260
school districts and buildings, and the provision of professional 35261
development on the interpretation of the data to classroom 35262
teachers and administrators; 35263

(b) Periodically review any fees for data analysis and 35264
reporting paid by the department pursuant to division (C) of this 35265
section and determine if the fees are appropriate based upon the 35266

level of services provided;	35267
(c) Periodically report to the department and the state board	35268
on all issues related to the school district and building	35269
accountability system established under this chapter;	35270
(d) Not later than seven years after its initial meeting,	35271
make recommendations to improve the school district and building	35272
accountability system established under this chapter. The task	35273
force shall adopt recommendations by a majority vote of its	35274
members. Copies of the recommendations shall be provided to the	35275
state board, the governor, the speaker of the house of	35276
representatives, and the president of the senate.	35277
(e) Determine starting dates for the implementation of the	35278
value-added progress dimension and its incorporation into school	35279
district and building report cards and performance ratings.	35280
Sec. 3302.03. (A) Annually the department of education shall	35281
report for each school district and each school building in a	35282
district all of the following:	35283
(1) The extent to which the school district or building meets	35284
each of the applicable performance indicators created by the state	35285
board of education under section 3302.02 of the Revised Code and	35286
the number of applicable performance indicators that have been	35287
achieved;	35288
(2) The performance index score of the school district or	35289
building;	35290
(3) Whether the school district or building has made adequate	35291
yearly progress;	35292
(4) Whether the school district or building is excellent,	35293
effective, needs continuous improvement, is under an academic	35294
watch, or is in a state of academic emergency.	35295
(B) Except as otherwise provided in divisions <u>division</u> (B)(6)	35296

and ~~(7)~~ of this section: 35297

(1) A school district or building shall be declared excellent 35298
if it ~~fulfills one of the following requirements:~~ 35299

~~(a) It makes adequate yearly progress and either meets at 35300
least ninety four per cent of the applicable state performance 35301
indicators or has a performance index score established by the 35302
department. 35303~~

~~(b) It has failed to make adequate yearly progress for not 35304
more than two consecutive years and either meets at least 35305
ninety-four per cent of the applicable state performance 35306
indicators or has a performance index score established by the 35307
department, except that if it does not make adequate yearly 35308
progress for two more of the same subgroups for three or more 35309
consecutive years, it shall be declared effective. 35310~~

(2) A school district or building shall be declared effective 35311
if it ~~fulfills one of the following requirements:~~ 35312

~~(a) It makes adequate yearly progress and either meets at 35313
least seventy-five per cent but less than ninety-four per cent of 35314
the applicable state performance indicators or has a performance 35315
index score established by the department. 35316~~

~~(b) It does not make adequate yearly progress and either 35317
meets at least seventy five per cent of the applicable state 35318
performance indicators or has a performance index score 35319
established by the department, except that if it does not make 35320
adequate yearly progress for two or more of the same subgroups for 35321
three or more consecutive years, it shall be declared in need of 35322
continuous improvement. 35323~~

(3) A school district or building shall be declared to be in 35324
need of continuous improvement if it fulfills one of the following 35325
requirements: 35326

(a) It makes adequate yearly progress, meets at least thirty-one per cent but less than seventy-five per cent of the applicable state performance indicators, and has a performance index score established by the department. 35327
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35329
35330

(b) It does not make adequate yearly progress and either meets at least fifty per cent but less than seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department. 35331
35332
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(4) A school district or building shall be declared to be under an academic watch if it fulfills one of the following requirements: 35335
35336
35337

(a) It makes adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department. 35338
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35340
35341

(b) It does not make adequate yearly progress and either meets at least thirty-one per cent but less than fifty per cent of the applicable state performance indicators or has a performance index score established by the department. 35342
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(5) A school district or building shall be declared to be in a state of academic emergency if it does not make adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department. 35346
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~~(6) When designating performance ratings for school districts and buildings under divisions (B)(1) to (5) of this section, the department shall not assign a school district or building a lower designation from its previous year's designation based solely on one subgroup not making adequate yearly progress.~~ 35351
35352
35353
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35355

~~(7)~~ Division (B)~~(7)~~(6) of this section does not apply to any community school established under Chapter 3314. of the Revised 35356
35357

Code in which a majority of the students are enrolled in a dropout prevention and recovery program. 35358
35359

A school district or building shall not be assigned a higher performance rating than in need of continuous improvement if at least ten per cent but not more than fifteen per cent of the enrolled students do not take all achievement tests prescribed for their grade level under section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than under an academic watch if more than fifteen per cent but not more than twenty per cent of the enrolled students do not take all achievement tests prescribed for their grade level under section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than in a state of academic emergency if more than twenty per cent of the enrolled students do not take all achievement tests prescribed for their grade level under section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. 35360
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(C)(1) The department shall issue annual report cards for each school district, each building within each district, and for the state as a whole reflecting performance on the indicators created by the state board under section 3302.02 of the Revised Code, the performance index score, and adequate yearly progress. 35380
35381
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(2) The department shall include on the report card for each district information pertaining to any change from the previous year made by the school district or school buildings within the district on any performance indicator. 35385
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(3) When reporting data on student performance, the 35389

department shall disaggregate that data according to the following	35390
categories:	35391
(a) Performance of students by age group;	35392
(b) Performance of students by race and ethnic group;	35393
(c) Performance of students by gender;	35394
(d) Performance of students grouped by those who have been	35395
enrolled in a district or school for three or more years;	35396
(e) Performance of students grouped by those who have been	35397
enrolled in a district or school for more than one year and less	35398
than three years;	35399
(f) Performance of students grouped by those who have been	35400
enrolled in a district or school for one year or less;	35401
(g) Performance of students grouped by those who are	35402
economically disadvantaged;	35403
(h) Performance of students grouped by those who are enrolled	35404
in a conversion community school established under Chapter 3314.	35405
of the Revised Code;	35406
(i) Performance of students grouped by those who are	35407
classified as limited English proficient;	35408
(j) Performance of students grouped by those who have	35409
disabilities;	35410
(k) Performance of students grouped by those who are	35411
classified as migrants;	35412
(l) Performance of students grouped by those who are	35413
identified as gifted pursuant to Chapter 3324. of the Revised	35414
Code.	35415
The department may disaggregate data on student performance	35416
according to other categories that the department determines are	35417
appropriate. To the extent possible, the department shall	35418

disaggregate data on student performance according to any 35419
combinations of two or more of the categories listed in divisions 35420
(C)(3)(a) to (1) of this section that it deems relevant. 35421

In reporting data pursuant to division (C)(3) of this 35422
section, the department shall not include in the report cards any 35423
data statistical in nature that is statistically unreliable or 35424
that could result in the identification of individual students. 35425
For this purpose, the department shall not report student 35426
performance data for any group identified in division (C)(3) of 35427
this section that contains less than ten students. 35428

(4) The department may include with the report cards any 35429
additional education and fiscal performance data it deems 35430
valuable. 35431

(5) The department shall include on each report card a list 35432
of additional information collected by the department that is 35433
available regarding the district or building for which the report 35434
card is issued. When available, such additional information shall 35435
include student mobility data disaggregated by race and 35436
socioeconomic status, college enrollment data, and the reports 35437
prepared under section 3302.031 of the Revised Code. 35438

The department shall maintain a site on the world wide web. 35439
The report card shall include the address of the site and shall 35440
specify that such additional information is available to the 35441
public at that site. The department shall also provide a copy of 35442
each item on the list to the superintendent of each school 35443
district. The district superintendent shall provide a copy of any 35444
item on the list to anyone who requests it. 35445

(6)(a) This division does not apply to conversion community 35446
schools that primarily enroll students between sixteen and 35447
twenty-two years of age who dropped out of high school or are at 35448
risk of dropping out of high school due to poor attendance, 35449

disciplinary problems, or suspensions. 35450

For any district that sponsors a conversion community school 35451
under Chapter 3314. of the Revised Code, the department shall 35452
combine data regarding the academic performance of students 35453
enrolled in the community school with comparable data from the 35454
schools of the district for the purpose of calculating the 35455
performance of the district as a whole on the report card issued 35456
for the district. 35457

(b) Any district that leases a building to a community school 35458
located in the district or that enters into an agreement with a 35459
community school located in the district whereby the district and 35460
the school endorse each other's programs may elect to have data 35461
regarding the academic performance of students enrolled in the 35462
community school combined with comparable data from the schools of 35463
the district for the purpose of calculating the performance of the 35464
district as a whole on the district report card. Any district that 35465
so elects shall annually file a copy of the lease or agreement 35466
with the department. 35467

(7) The department shall include on each report card the 35468
percentage of teachers in the district or building who are highly 35469
qualified, as defined by the "No Child Left Behind Act of 2001," 35470
and a comparison of that percentage with the percentages of such 35471
teachers in similar districts and buildings. 35472

(8) The department shall include on the report card the 35473
number of ~~master~~ lead teachers employed by each district and each 35474
building once the data is available from the education management 35475
information system established under section 3301.0714 of the 35476
Revised Code. 35477

(D)(1) In calculating reading, writing, mathematics, social 35478
studies, or science proficiency or achievement test passage rates 35479
used to determine school district or building performance under 35480

this section, the department shall include all students taking a 35481
test with accommodation or to whom an alternate assessment is 35482
administered pursuant to division (C)(1) or (3) of section 35483
3301.0711 of the Revised Code. 35484

(2) In calculating performance index scores, rates of 35485
achievement on the performance indicators established by the state 35486
board under section 3302.02 of the Revised Code, and adequate 35487
yearly progress for school districts and buildings under this 35488
section, the department shall do all of the following: 35489

(a) Include for each district or building only those students 35490
who are included in the ADM certified for the first full school 35491
week of October and are continuously enrolled in the district or 35492
building through the time of the spring administration of any test 35493
prescribed by section 3301.0710 of the Revised Code that is 35494
administered to the student's grade level; 35495

(b) Include cumulative totals from both the fall and spring 35496
administrations of the third grade reading achievement test; 35497

(c) Except as required by the "No Child Left Behind Act of 35498
2001" for the calculation of adequate yearly progress, exclude for 35499
each district or building any limited English proficient student 35500
who has been enrolled in United States schools for less than one 35501
full school year. 35502

Sec. 3304.16. In carrying out the purposes of sections 35503
3304.11 to 3304.27 of the Revised Code, the rehabilitation 35504
services commission: 35505

(A) Shall develop all necessary rules; 35506

(B) Shall prepare and submit to the governor annual reports 35507
of activities and expenditures and, prior to each first regular 35508
session of the general assembly, an estimate of sums required to 35509
carry out the commission's responsibilities; 35510

(C) Shall certify any disbursement of funds available to the 35511
commission for vocational rehabilitation activities; 35512

(D) Shall serve as the sole state agency designated to 35513
administer the plan under the "Rehabilitation Act of 1973," 87 35514
Stat. 355, 29 U.S.C. 701, as amended; 35515

(E) Shall take appropriate action to guarantee rights of and 35516
services to handicapped persons; 35517

(F) Shall consult with and advise other state agencies to 35518
assist them in meeting the needs of handicapped persons more 35519
effectively and to achieve maximum coordination among programs for 35520
the handicapped; 35521

(G) Shall establish an administrative division of consumer 35522
affairs and advocacy within the commission to promote and help 35523
guarantee the rights of handicapped persons; 35524

(H) Shall maintain an inventory of state services that are 35525
available to handicapped persons; 35526

(I) Shall utilize, support, assist, and cooperate with the 35527
governor's committee on employment of the handicapped; 35528

(J) May delegate to any officer or employee of the commission 35529
any necessary powers and duties; 35530

(K) May take any other necessary or appropriate action for 35531
cooperation with public and private agencies and organizations 35532
which may include: 35533

(1) Reciprocal agreements with other states to provide for 35534
the vocational rehabilitation of individuals within the states 35535
concerned; 35536

(2) Contracts or other arrangements with public and other 35537
nonprofit agencies and organizations for the construction or 35538
establishment and operation of vocational rehabilitation programs 35539
and facilities; 35540

(3) Cooperative arrangements with the federal government for carrying out sections 3304.11 to 3304.27 of the Revised Code, the "Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C. 31, as amended, or other federal statutes pertaining to vocational rehabilitation, and to this end, may adopt plans and methods of administration found necessary by the federal government for the efficient operation of any joint arrangements or the efficient application of any federal statutes;

(4) Upon the designation of the governor, performing functions and services for the federal government relating to individuals under a physical or mental disability;

~~(5) Compliance~~ (L) Shall comply with any requirements necessary to obtain federal funds in the maximum amount and most advantageous proportion possible.

~~(L)~~(M) May conduct research and demonstration projects, including inquiries concerning the causes of blindness and its prevention, provide training and instruction, including the establishment and maintenance of research fellowships and traineeships along with all necessary stipends and allowances, disseminate information, and provide technical assistance relating to vocational rehabilitation;

~~(M)~~(N) May plan, establish, and operate programs, facilities, and services relating to vocational rehabilitation;

~~(N)~~(O) May accept and hold, invest, reinvest, or otherwise use gifts made for the purpose of furthering vocational rehabilitation;

~~(O)~~(P) May ameliorate the condition of the aged blind or other severely disabled individuals by establishing a program of home visitation by commission employees for the purpose of instruction;

~~(P)~~(Q) May establish and manage small business enterprises

that are operated by persons with a substantial handicap to 35572
employment, including blind persons; 35573

~~(Q)~~(R) May purchase from insurance companies licensed to do 35574
business in this state any insurance deemed necessary by the 35575
commission for the efficient operation of a suitable vending 35576
facility as defined in division (A) of section 3304.28 of the 35577
Revised Code; 35578

~~(R)~~(S) May accept directly from any state agency, and any 35579
state agency may transfer directly to the commission, surplus 35580
computers and computer equipment to be used for any purposes the 35581
commission considers appropriate, notwithstanding sections 125.12 35582
to 125.14 of the Revised Code. 35583

Sec. 3304.181. If the total of all funds available from 35584
nonfederal sources to support the activities of the rehabilitation 35585
services commission does not comply with the expenditure 35586
requirements of 34 C.F.R. 80.24 for those activities or would 35587
cause the state to lose an allotment or fail to receive a 35588
reallotment under 34 C.F.R. 361.65, the commission shall solicit 35589
additional funds from, and enter into agreements for the use of 35590
those funds with, private or public entities, including local 35591
government entities of this state. The commission shall continue 35592
to solicit additional funds and enter into agreements until the 35593
total funding available is sufficient for the commission to 35594
receive federal funds at the maximum amount and in the most 35595
advantageous proportion possible. 35596

Any agreement entered into between the commission and a 35597
private or public entity to provide funds under this section shall 35598
be in accordance with section 3304.182 of the Revised Code. 35599

Sec. 3304.182. Any agreement between the rehabilitation 35600
services commission and a private or public entity providing funds 35601

under section 3304.181 of the Revised Code may permit the 35602
commission to receive a specified percentage of the funds for 35603
administration, but the percentage shall be not more than ten per 35604
cent of the total funds available under the agreement. The 35605
agreement shall not be for less than six months or be discontinued 35606
by the commission without the commission first providing six 35607
months notice of intent to discontinue the agreement. The 35608
commission may terminate an agreement only for good cause. 35609

35610
Any services provided under an agreement entered into under 35611
section 3304.181 of the Revised Code shall be provided by a person 35612
or government entity that meets the accreditation standards 35613
established in rules adopted by the commission under section 35614
3304.16 of the Revised Code. 35615

Sec. 3304.231. There is hereby created a brain injury 35616
advisory committee, which shall advise the administrator of the 35617
rehabilitation services commission and the brain injury program 35618
with regard to unmet needs of survivors of brain injury, 35619
development of programs for survivors and their families, 35620
establishment of training programs for health care professionals, 35621
and any other matter within the province of the brain injury 35622
program. The committee shall consist of not ~~less~~ fewer than 35623
~~eighteen~~ twenty and not more than ~~twenty-one~~ twenty-two members as 35624
follows: 35625

(A) Not ~~less~~ fewer than ten and not more than twelve members 35626
appointed by the administrator of the rehabilitation services 35627
commission, including all of the following: a survivor of brain 35628
injury, a relative of a survivor of brain injury, a licensed 35629
physician recommended by the Ohio chapter of the American college 35630
of emergency physicians, a licensed physician recommended by the 35631
Ohio state medical association, one other health care 35632

professional, a rehabilitation professional, an individual who 35633
represents the brain injury association of Ohio, and not ~~less~~ 35634
fewer than three nor more than five individuals who shall 35635
represent the public; 35636

(B) The directors of the departments of health, alcohol and 35637
drug addiction services, mental retardation and developmental 35638
disabilities, mental health, job and family services, aging, and 35639
~~highway~~ public safety; the administrator of workers' compensation; 35640
the superintendent of public instruction; and the administrator of 35641
the rehabilitation services commission. Any of the officials 35642
specified in this division may designate an individual to serve in 35643
the official's place as a member of the committee. 35644

~~The director of health shall make initial appointments to the~~ 35645
~~committee by November 1, 1990. Appointments made after July 26,~~ 35646
~~1991, shall be made by the administrator of the rehabilitation~~ 35647
~~services commission.~~ Terms of office of the appointed members 35648
shall be two years. Members may be reappointed. Vacancies shall be 35649
filled in the manner provided for original appointments. Any 35650
member appointed to fill a vacancy occurring prior to the 35651
expiration date of the term for which the member's predecessor was 35652
appointed shall hold office as a member for the remainder of that 35653
term. 35654

Members of the committee shall serve without compensation, 35655
but shall be reimbursed for actual and necessary expenses incurred 35656
in the performance of their duties. 35657

Sec. 3310.03. (A) A student is an "eligible student" for 35658
purposes of the educational choice scholarship pilot program if 35659
the student's resident district is not a school district in which 35660
the pilot project scholarship program is operating under sections 35661
3313.974 to 3313.979 of the Revised Code and the student satisfies 35662
one of the following conditions: 35663

(1) The student is enrolled in a school building that is 35664
operated by the student's resident district and to which both of 35665
the following apply: 35666

(a) The building was declared, in at least two of the three 35667
most recent ratings of school buildings published prior to the 35668
first day of July of the school year for which a scholarship is 35669
sought, to be in a state of academic emergency or academic watch 35670
under section 3302.03 of the Revised Code; 35671

(b) The building was not declared to be excellent or 35672
effective under that section in the most recent rating published 35673
prior to the first day of July of the school year for which a 35674
scholarship is sought. 35675

(2) The student is eligible to enroll in kindergarten in the 35676
school year for which a scholarship is sought and otherwise would 35677
be assigned under section 3319.01 of the Revised Code to a school 35678
building described in division (A)(1) of this section. 35679

(3) The student is enrolled in a community school established 35680
under Chapter 3314. of the Revised Code but otherwise would be 35681
assigned under section 3319.01 of the Revised Code to a building 35682
described in division (A)(1) of this section. 35683

(4) The student is enrolled in a school building that is 35684
operated by the student's resident district or in a community 35685
school established under Chapter 3314. of the Revised Code and 35686
otherwise would be assigned under section 3319.01 of the Revised 35687
Code to a school building described in division (A)(1) of this 35688
section in the school year for which the scholarship is sought. 35689

(5) The student is eligible to enroll in kindergarten in the 35690
school year for which a scholarship is sought, or is enrolled in a 35691
community school established under Chapter 3314. of the Revised 35692
Code, and all of the following apply to the student's resident 35693
district: 35694

(a) The district has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

(b) In at least two of the three most recent ratings of school districts published prior to the first day of July of the school year for which a scholarship is sought, the district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code;

(c) The district was not declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(6) The student is enrolled in a new school building that is operated by the student's resident district and to which all of the following apply:

(a) The new building is open for instruction for its second or third school year.

(b) For the first school year that the new building was open for instruction, at least seventy-five per cent of the enrolled students had transferred directly from two or more school buildings that closed and to each of which all of the following apply:

(i) The closed buildings were operated by the same school district that operates the new building.

(ii) The closed buildings offered at least some of the grade levels that the new building also offers.

(iii) The closed buildings were declared, for at least two of their last three ratings under section 3302.03 of the Revised Code, to be in a state of academic emergency or academic watch.

(iv) The closed buildings were not declared to be excellent or effective in their last rating under section 3302.03 of the Revised Code. 35725
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(c) If the new building is conducting its second school year of instruction, the building was declared, based on its first school year of instruction, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code. 35728
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(d) If the new building is conducting its third school year of instruction, the building was declared, based on either its first or second school year of instruction, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code, but was not declared to be excellent or effective under that section based on its second school year of instruction. 35732
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(7) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(6) of this section. 35738
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(8) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(6) of this section. 35742
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(B) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply: 35746
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(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1) or (6) of this section; 35751
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(2) The student takes each state test prescribed for the 35755

student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

(C) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section. However, students who have received scholarships in the prior school year remain eligible students pursuant to division (B) of this section.

(D) The state board of education shall adopt rules defining excused absences for purposes of division (B)(3) of this section.

Sec. 3310.14. Notwithstanding division (K) of section 3301.0711 of the Revised Code, each chartered nonpublic school that enrolls students awarded scholarships under sections 3310.01 to 3310.17 of the Revised Code annually shall administer the tests prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 of the Revised Code. Each chartered nonpublic school shall report to the department of education the results of each test administered to each scholarship student

under this section. 35787

Nothing in this section requires a chartered nonpublic school 35788
to administer any achievement test, except for an Ohio graduation 35789
test prescribed by division (B) of section 3301.0710 of the 35790
Revised Code, as required by section 3313.612 of the Revised Code, 35791
to any student enrolled in the school who is not a scholarship 35792
student. 35793

Sec. 3310.15. (A) The department of education annually shall 35794
compile the scores attained by scholarship students to whom a test 35795
is administered under section 3310.14 of the Revised Code. The 35796
scores shall be aggregated as follows: 35797

(1) By state, which shall include all students awarded a 35798
scholarship under the educational choice scholarship pilot program 35799
and who were required to take a test under section 3310.14 of the 35800
Revised Code; 35801

(2) By school district, which shall include all scholarship 35802
students who were required to take a test under section 3310.14 of 35803
the Revised Code and for whom the district is the student's 35804
resident district; 35805

(3) By chartered nonpublic school, which shall include all 35806
scholarship students enrolled in that school who were required to 35807
take a test under section 3310.14 of the Revised Code. 35808

(B) The department shall disaggregate the student performance 35809
data described in division (A) of this section according to the 35810
following categories: 35811

(1) Age; 35812

(2) Race and ethnicity; 35813

(3) Gender; 35814

(4) Students who have participated in the scholarship program 35815

<u>for three or more years;</u>	35816
<u>(5) Students who have participated in the scholarship program</u>	35817
<u>for more than one year and less than three years;</u>	35818
<u>(6) Students who have participated in the scholarship program</u>	35819
<u>for one year or less;</u>	35820
<u>(7) Economically disadvantaged students.</u>	35821
<u>(C) The department shall post the student performance data</u>	35822
<u>required under divisions (A) and (B) of this section on its web</u>	35823
<u>site and, by the first day of February each year, shall distribute</u>	35824
<u>that data to the parent of each eligible student. In reporting</u>	35825
<u>student performance data under this division, the department shall</u>	35826
<u>not include any data that is statistically unreliable or that</u>	35827
<u>could result in the identification of individual students. For</u>	35828
<u>this purpose, the department shall not report performance data for</u>	35829
<u>any group that contains less than ten students.</u>	35830
<u>(D) The department shall provide the parent of each</u>	35831
<u>scholarship student with information comparing the student's</u>	35832
<u>performance on the tests administered under section 3310.14 of the</u>	35833
<u>Revised Code with the average performance of similar students</u>	35834
<u>enrolled in the building operated by the student's resident</u>	35835
<u>district that the scholarship student would otherwise attend. In</u>	35836
<u>calculating the performance of similar students, the department</u>	35837
<u>shall consider age, grade, race and ethnicity, gender, and</u>	35838
<u>socioeconomic status.</u>	35839
<u>Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the</u>	35840
<u>Revised Code:</u>	35841
<u>(A) "Alternative public provider" means either of the</u>	35842
<u>following providers that agrees to enroll a child in the</u>	35843
<u>provider's special education program to implement the child's</u>	35844
<u>individualized education program and to which the eligible</u>	35845

applicant owes fees for the services provided to the child: 35846

(1) A school district that is not the school district in 35847
which the child is entitled to attend school or the child's school 35848
district of residence, if different; 35849

(2) A public entity other than a school district. 35850

(B) "Applicable special education weight" means the multiple 35851
specified in section 3317.013 of the Revised Code for the 35852
corresponding disability described in that section. 35853

(C) "Category one through six special education ADM" means 35854
the respective categories prescribed in divisions (F)(1) to (6) of 35855
section 3317.02 of the Revised Code. 35856

(D) "Child with a disability" and "individualized education 35857
program" have the same meanings as in section 3323.01 of the 35858
Revised Code. 35859

(E) "Eligible applicant" means any of the following: 35860

(1) Either of the natural or adoptive parents of a qualified 35861
special education child, except as otherwise specified in this 35862
division. When the marriage of the natural or adoptive parents of 35863
the student has been terminated by a divorce, dissolution of 35864
marriage, or annulment, or when the natural or adoptive parents of 35865
the student are living separate and apart under a legal separation 35866
decree, and a court has issued an order allocating the parental 35867
rights and responsibilities with respect to the child, "eligible 35868
applicant" means the residential parent as designated by the 35869
court. If the court issues a shared parenting decree, "eligible 35870
applicant" means either parent. "Eligible applicant" does not mean 35871
a parent whose custodial rights have been terminated. 35872

(2) The custodian of a qualified special education child, 35873
when a court has granted temporary, legal, or permanent custody of 35874
the child to an individual other than either of the natural or 35875

<u>adoptive parents of the child or to a government agency;</u>	35876
<u>(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child;</u>	35877 35878
<u>(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caregiver authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code;</u>	35879 35880 35881 35882 35883 35884
<u>(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;</u>	35885 35886 35887
<u>(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age.</u>	35888 35889 35890
<u>(F) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code.</u>	35891 35892 35893
<u>(G) "Formula ADM" and "formula amount" have the same meanings as in section 3317.02 of the Revised Code.</u>	35894 35895
<u>(H) "Qualified special education child" is a child for whom all of the following conditions apply:</u>	35896 35897
<u>(1) The child is at least five years of age and less than twenty-two years of age.</u>	35898 35899
<u>(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a child with a disability.</u>	35900 35901 35902
<u>(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under</u>	35903 35904 35905

<u>Chapter 3323. of the Revised Code for the child.</u>	35906
<u>(4) The child either:</u>	35907
<u>(a) Was enrolled in the schools of the school district in</u>	35908
<u>which the child is entitled to attend school in any grade from</u>	35909
<u>kindergarten through twelve in the school year prior to the school</u>	35910
<u>year in which a scholarship is first sought for the child;</u>	35911
<u>(b) Is eligible to enter school in any grade kindergarten</u>	35912
<u>through twelve in the school district in which the child is</u>	35913
<u>entitled to attend school in the school year in which a</u>	35914
<u>scholarship is first sought for the child.</u>	35915
<u>(5) The department of education has not approved a</u>	35916
<u>scholarship for the child under the autism scholarship program</u>	35917
<u>under section 3310.41 of the Revised Code for the same school year</u>	35918
<u>in which a scholarship under the special education scholarship</u>	35919
<u>pilot program is sought.</u>	35920
<u>(I) "Registered private provider" means a nonpublic school or</u>	35921
<u>other nonpublic entity that has been registered by the</u>	35922
<u>superintendent of public instruction under section 3310.58 of the</u>	35923
<u>Revised Code.</u>	35924
<u>(J) "Scholarship" means a scholarship awarded under the</u>	35925
<u>special education scholarship pilot program pursuant to sections</u>	35926
<u>3310.51 to 3310.64 of the Revised Code.</u>	35927
<u>(K) "School district of residence" has the same meaning as in</u>	35928
<u>section 3323.01 of the Revised Code. A community school</u>	35929
<u>established under Chapter 3314. of the Revised Code is not a</u>	35930
<u>"school district of residence" for purposes of sections 3310.51 to</u>	35931
<u>3310.64 of the Revised Code.</u>	35932
<u>(L) "School year" has the same meaning as in section 3313.62</u>	35933
<u>of the Revised Code.</u>	35934
<u>(M) "Special education program" means a school or facility</u>	35935

that provides special education and related services to children 35936
with disabilities. 35937

Sec. 3310.52. (A) The special education scholarship pilot 35938
program is hereby established. Under the program, in fiscal years 35939
2012 through 2017, subject to division (B) of this section, the 35940
department of education annually shall pay a scholarship to an 35941
eligible applicant for services provided by an alternative public 35942
provider or a registered private provider for a qualified special 35943
education child. The scholarship shall be used only to pay all or 35944
part of the fees for the child to attend the special education 35945
program operated by the alternative public provider or registered 35946
private provider to implement the child's individualized education 35947
program, in lieu of the child's attending the special education 35948
program operated by the school district in which the child is 35949
entitled to attend school, and other services agreed to by the 35950
provider and eligible applicant that are not included in the 35951
individualized education program but are associated with educating 35952
the child. Upon agreement with the eligible applicant, the 35953
alternative public provider or registered private provider may 35954
modify the services provided to the child. 35955

(B) The number of scholarships awarded under the pilot 35956
program in any fiscal year shall not exceed three per cent of the 35957
total number of students residing in the state identified as 35958
children with disabilities during the previous fiscal year. 35959

(C) No scholarship or renewal of a scholarship shall be 35960
awarded to an eligible applicant on behalf of a qualified special 35961
education child for the next school year, unless on or before the 35962
fifteenth day of April the eligible applicant completes the 35963
application for the scholarship or renewal, in the manner 35964
prescribed by the department, and notifies the school district in 35965
which the child is entitled to attend school that the eligible 35966

applicant has applied for the scholarship or renewal. 35967

Sec. 3310.521. (A) As a condition of receiving payments for a scholarship, each eligible applicant shall attest to receipt of the profile prescribed by division (B) of this section. Such attestation shall be made and submitted to the department of education in the form and manner as required by the department. 35968
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(B) The alternative public provider or registered private provider that enrolls a qualified special education child shall submit in writing to the eligible applicant to whom a scholarship is awarded on behalf of that child a profile of the provider's special education program, in a form as prescribed by the department, that shall contain all of the following: 35973
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(1) Information regarding the financial status of the provider; 35979
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(2) Methods of instruction that will be utilized by the provider to provide services to the qualified special education child; 35981
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(3) Qualifications of teachers, instructors, and other persons who will be engaged by the provider to provide services to the qualified special education child; 35984
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(4) Results of the evaluation of the academic program of the provider; 35987
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(5) Any other information required by the department. 35989

Sec. 3310.53. (A) Except for development of the child's individualized education program, as specified in division (B) of this section, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, if different, are not obligated to provide the child with a free appropriate public education under 35990
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Chapter 3323. of the Revised Code for as long as the child 35996
continues to attend the special education program operated by 35997
either an alternative public provider or a registered private 35998
provider for which a scholarship is awarded under the special 35999
education scholarship pilot program. If at any time, the eligible 36000
applicant for the child decides no longer to accept scholarship 36001
payments and enrolls the child in the special education program of 36002
the school district in which the child is entitled to attend 36003
school, that district shall provide the child with a free 36004
appropriate public education under Chapter 3323. of the Revised 36005
Code. 36006

(B) Each eligible applicant and each qualified special 36007
education child have a continuing right to the development of an 36008
individualized education program for the child that complies with 36009
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 36010
administrative rules or guidelines adopted by the Ohio department 36011
of education or the United States department of education. The 36012
school district in which a qualified special education child is 36013
entitled to attend school, or the child's school district of 36014
residence if different, shall develop each individualized 36015
education program for the child in accordance with those 36016
provisions. 36017

(C) Each school district shall notify an eligible applicant 36018
of the applicant's and qualified special education child's rights 36019
under sections 3310.51 to 3310.64 of the Revised Code by providing 36020
to each eligible applicant the comparison document prescribed in 36021
section 3323.052 of the Revised Code. An eligible applicant's 36022
receipt of that document, as acknowledged in a format prescribed 36023
by the department of education, shall constitute notice that the 36024
eligible applicant has been informed of those rights. Upon receipt 36025
of that document, subsequent acceptance of a scholarship 36026
constitutes the eligible applicant's informed consent to the 36027

provisions of sections 3310.51 to 3310.64 of the Revised Code. 36028

Sec. 3310.54. As prescribed in divisions (A)(2)(f), 36029
(B)(3)(g), and (B)(5) to (10) of section 3317.03 of the Revised 36030
Code, a qualified special education child in any of grades 36031
kindergarten through twelve for whom a scholarship is awarded 36032
under the special education scholarship pilot program shall be 36033
counted in the formula ADM and category one through six special 36034
education ADM, as appropriate, of the school district in which the 36035
child is entitled to attend school. A qualified special education 36036
child shall not be counted in the formula ADM or category one 36037
through six special education ADM of any other school district. 36038

Sec. 3310.55. The department of education shall deduct from a 36039
school district's state education aid, as defined in section 36040
3317.02 of the Revised Code, and if necessary, from its payment 36041
under sections 321.24 and 323.156 of the Revised Code, the 36042
aggregate amount of scholarships paid under section 3310.57 of the 36043
Revised Code for qualified special education children included in 36044
the formula ADM and the category one through six special education 36045
ADM of that school district. 36046

Sec. 3310.56. The amount of the scholarship awarded and paid 36047
to an eligible applicant for services for a qualified special 36048
education child under the special education scholarship pilot 36049
program in each school year shall be the least of the following: 36050

(A) The amount of fees charged for that school year by the 36051
alternative public provider or registered private provider; 36052

(B) The sum of the amounts calculated under divisions (B)(1) 36053
and (2) of this section: 36054

(1) The sum of the formula amount plus the per pupil amount 36055
of the base funding supplements specified in divisions (C)(1) to 36056

(4) of section 3317.012 of the Revised Code; 36057

(2) The formula amount times the applicable special education weight for the child's disability; 36058
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(C) Twenty thousand dollars. 36060

Sec. 3310.57. The department of education shall make periodic payments to an eligible applicant for services for each qualified special education child for whom a scholarship has been awarded. 36061
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The total of all payments made to an applicant in each school year shall not exceed the amount calculated for the child under section 3310.56 of the Revised Code. 36064
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The scholarship amount shall be proportionately reduced in the case of a child who is not enrolled in the special education program of an alternative public provider or a registered private provider for the entire school year. 36067
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In accordance with division (A) of section 3310.62 of the Revised Code, the department shall make no payments to an applicant for a first-time scholarship for a qualified special education child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending. 36071
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Sec. 3310.58. No nonpublic school or entity shall receive payments from an eligible applicant for services for a qualified special education child under the special education scholarship pilot program until the school or entity registers with the superintendent of public instruction. The superintendent shall register and designate as a registered private provider any nonpublic school or entity that meets the following requirements: 36077
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(A) The special education program operated by the school or entity meets the minimum education standards established by the state board of education. 36084
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(B) The school or entity complies with the antidiscrimination provisions of 42 U.S.C. 2000d, regardless of whether the school or entity receives federal financial assistance. 36087
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(C) If the school or entity is not chartered by the state board under section 3301.16 of the Revised Code, the school or entity agrees to comply with section 3319.39 of the Revised Code as if it were a school district. 36090
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(D) The teaching and nonteaching professionals employed by the school or entity, or employed by any subcontractors of the school or entity, hold credentials determined by the state board to be appropriate for the qualified special education children enrolled in the special education program it operates. 36094
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(E) The school or entity meets applicable health and safety standards established by law for school buildings. 36099
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(F) The school or entity agrees to retain on file documentation as required by the department of education. 36101
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(G) The school or entity demonstrates fiscal soundness to the satisfaction of the department. 36103
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(H) The school or entity agrees to provide a record of the implementation of the individualized education program for each qualified special education child enrolled in the school's or entity's special education program, including evaluation of the child's progress, to the school district in which the child is entitled to attend school, in the form and manner prescribed by the department. 36105
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(I) The school or entity agrees that, if it declines to enroll a particular qualified special education child, it will notify in writing the eligible applicant of its reasons for declining to enroll the child. 36112
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(J) The school or entity agrees to meet other requirements 36116

established by rule of the state board under section 3310.64 of 36117
the Revised Code. 36118

Sec. 3310.59. The superintendent of public instruction shall 36119
revoke the registration of any school or entity if, after a 36120
hearing, the superintendent determines that the school or entity 36121
is in violation of any provision of section 3310.58 of the Revised 36122
Code. 36123

Sec. 3310.60. A qualified special education child attending a 36124
special education program at an alternative public provider or a 36125
registered private provider with a scholarship shall be entitled 36126
to transportation to and from that program in the manner 36127
prescribed by law for any child with a disability attending a 36128
nonpublic special education program. 36129

Sec. 3310.61. An eligible applicant on behalf of a child who 36130
currently attends a public special education program under a 36131
contract, compact, or other bilateral agreement, or on behalf of a 36132
child who currently attends a community school, shall not be 36133
prohibited from applying for and accepting a scholarship so that 36134
the applicant may withdraw the child from that program or 36135
community school and use the scholarship for the child to attend a 36136
special education program operated by an alternative public 36137
provider or a registered private provider. 36138

Sec. 3310.62. (A) A scholarship under the special education 36139
scholarship pilot program shall not be awarded for the first time 36140
to an eligible applicant on behalf of a qualified special 36141
education child while the child's individualized education program 36142
is being developed by the school district in which the child is 36143
entitled to attend school, or by the child's school district of 36144
residence if different, or while any administrative or judicial 36145

mediation or proceedings with respect to the content of that 36146
individualized education program are pending. 36147

(B) Development of individualized education programs 36148
subsequent to the one developed for the child the first time a 36149
scholarship was awarded on behalf of the child and the 36150
prosecuting, by the eligible applicant on behalf of the child, of 36151
administrative or judicial mediation or proceedings with respect 36152
to any of those subsequent individualized education programs do 36153
not affect the applicant's and the child's continued eligibility 36154
for scholarship payments. 36155

(C) In the case of any child for whom a scholarship has been 36156
awarded, if the school district in which the child is entitled to 36157
attend school has agreed to provide some services for the child 36158
under an agreement entered into with the eligible applicant or 36159
with the alternative public provider or registered private 36160
provider implementing the child's individualized education 36161
program, or if the district is required by law to provide some 36162
services for the child, including transportation services under 36163
sections 3310.60 and 3327.01 of the Revised Code, the district 36164
shall not discontinue the services it is providing pending 36165
completion of any administrative proceedings regarding those 36166
services. The prosecuting, by the eligible applicant on behalf of 36167
the child, of administrative proceedings regarding the services 36168
provided by the district does not affect the applicant's and the 36169
child's continued eligibility for scholarship payments. 36170

(D) The department of education shall continue to make 36171
payments to the eligible applicant under section 3310.57 of the 36172
Revised Code while either of the following are pending: 36173

(1) Administrative or judicial mediation or proceedings with 36174
respect to a subsequent individualized education program for the 36175
child referred to in division (B) of this section; 36176

(2) Administrative proceedings regarding services provided by the district under division (C) of this section. 36177
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Sec. 3310.63. (A) Only for the purpose of administering the special education scholarship pilot program, the department of education may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any qualified special education child for whom a scholarship is sought under the program: 36179
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(1) The school district in which the child is entitled to attend school; 36185
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(2) If applicable, the community school in which the child is enrolled; 36187
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(3) The independent contractor engaged to create and maintain data verification codes. 36189
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(B) Upon a request by the department under division (A) of this section for the data verification code of a qualified special education child or a request by the eligible applicant for the child for that code, the school district or community school shall submit that code to the department or applicant in the manner specified by the department. If the child has not been assigned a code, because the child will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child and submit the code to the department or applicant by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 36191
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The department annually shall submit to each school district the name and data verification code of each child residing in the district who is entering kindergarten, who has been awarded a 36204
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scholarship under the program, and for whom the department has 36207
assigned a code under this division. 36208

(C) The department shall not release any data verification 36209
code that it receives under this section to any person except as 36210
provided by law. 36211

(D) Any document relative to the special education 36212
scholarship pilot program that the department holds in its files 36213
that contains both a qualified special education child's name or 36214
other personally identifiable information and the child's data 36215
verification code shall not be a public record under section 36216
149.43 of the Revised Code. 36217

Sec. 3310.64. The state board of education shall adopt rules 36218
in accordance with Chapter 119. of the Revised Code prescribing 36219
procedures necessary to implement sections 3310.51 to 3310.62 of 36220
the Revised Code including, but not limited to, procedures for 36221
parents to apply for scholarships, standards for registered 36222
private providers, and procedures for registration of private 36223
providers. 36224

Sec. 3311.059. The procedure prescribed in this section may 36225
be used in lieu of a transfer prescribed under section 3311.231 of 36226
the Revised Code. 36227

(A) Subject to divisions (B) and (C) of this section, a board 36228
of education of a local school district may by a resolution 36229
approved by a majority of all its members propose to sever that 36230
local school district from the territory of the educational 36231
service center in which the local school district is currently 36232
included and to instead annex the local school district to the 36233
territory of another educational service center, the current 36234
territory of which is adjacent to the territory of the educational 36235
service center in which the local school district is currently 36236

included. The resolution shall promptly be filed with the 36237
governing board of each educational service center affected by the 36238
resolution and with the superintendent of public instruction. 36239

(B) The resolution adopted under division (A) of this section 36240
shall not be effective unless it is approved by the state board of 36241
education. In deciding whether to approve the resolution, the 36242
state board shall consider the ~~impact~~ financial, staffing, 36243
programmatic, and other impacts of ~~an~~ the severance and annexation 36244
on ~~both~~ the school district ~~and,~~ the educational service center to 36245
which the district is proposed to be annexed, and the service 36246
center in which the district is currently located, including the 36247
effect on cost of operation and the ability of ~~that~~ both service 36248
~~center~~ centers to continue to deliver services in a cost-effective 36249
and efficient manner. ~~The~~ The state board shall not vote on 36250
whether to approve the resolution until it has been presented on 36251
its agenda, which is not a consent agenda, and heard before the 36252
state board at not fewer than two separate meetings of the state 36253
board. There shall be at least thirty days between the meeting at 36254
which the state board first hears the matter of the resolution and 36255
the meeting at which the state board votes on whether to approve 36256
the resolution. The state board shall provide for public testimony 36257
at each hearing on the matter of the resolution, shall provide 36258
written prior notice of each hearing to the governing board of 36259
both educational service centers affected by the proposed action, 36260
and shall attach to that written notice any documentation about 36261
the proposed action provided to the state board by the board of 36262
education of the local school district. 36263

The severance of the local school district from one 36265
educational service center and its annexation to another 36266
educational service center under this section shall not be 36267
effective until one year after the first day of July following the 36268

later of the date that the state board of education approves the 36269
resolution or the date the board of elections certifies the 36270
results of the referendum election as provided in division (C) of 36271
this section. 36272

(C) Within sixty days following the date of the adoption of 36273
the resolution under division (A) of this section, the electors of 36274
the local school district may petition for a referendum vote on 36275
the resolution. The question whether to approve or disapprove the 36276
resolution shall be submitted to the electors of such school 36277
district if a number of qualified electors equal to twenty per 36278
cent of the number of electors in the school district who voted 36279
for the office of governor at the most recent general election for 36280
that office sign a petition asking that the question of whether 36281
the resolution shall be disapproved be submitted to the electors. 36282
The petition shall be filed with the board of elections of the 36283
county in which the school district is located. If the school 36284
district is located in more than one county, the petition shall be 36285
filed with the board of elections of the county in which the 36286
majority of the territory of the school district is located. The 36287
board shall certify the validity and sufficiency of the signatures 36288
on the petition. 36289

The board of elections shall immediately notify the board of 36290
education of the local school district and the governing board of 36291
each educational service center affected by the resolution that 36292
the petition has been filed. 36293

The effect of the resolution shall be stayed until the board 36294
of elections certifies the validity and sufficiency of the 36295
signatures on the petition. If the board of elections determines 36296
that the petition does not contain a sufficient number of valid 36297
signatures and sixty days have passed since the adoption of the 36298
resolution, the resolution shall become effective as provided in 36299
division (B) of this section. 36300

If the board of elections certifies that the petition 36301
contains a sufficient number of valid signatures, the board shall 36302
submit the question to the qualified electors of the school 36303
district on the day of the next general or primary election held 36304
at least seventy-five days after the board of elections certifies 36305
the validity and sufficiency of signatures on the petition. The 36306
election shall be conducted and canvassed and the results shall be 36307
certified in the same manner as in regular elections for the 36308
election of members of a board of education. 36309

If a majority of the electors voting on the question 36310
disapprove the resolution, the resolution shall not become 36311
effective. If a majority of the electors voting on the question 36312
approve the resolution, the resolution shall become effective as 36313
provided in division (B) of this section. 36314

(D) Upon the effective date of the severance of the local 36315
school district from one educational service center and its 36316
annexation to another educational service center as provided in 36317
division (B) of this section, the governing board of each 36318
educational service center shall take such steps for the election 36319
of members of the governing board and for organization of the 36320
governing board as prescribed in Chapter 3313. of the Revised 36321
Code. 36322

(E) If a school district is severed from one educational 36323
service center and annexed to another service center under this 36324
section, the board of education of that school district shall not 36325
propose a subsequent severance and annexation action under this 36326
section that would be effective sooner than five years after the 36327
effective date of the next previous severance and annexation 36328
action under this section. 36329

Sec. 3311.0510. (A) If all of the local school districts that 36330
make up the territory of an educational service center have 36331

severed from the territory of that service center pursuant to 36332
section 3311.059 of the Revised Code, upon the effective date of 36333
the severance of the last remaining local school district to make 36334
up the territory of the service center, the governing board of 36335
that service center shall be abolished and such service center 36336
shall be dissolved by order of the superintendent of public 36337
instruction. The superintendent's order shall provide for the 36338
equitable division and disposition of the assets, property, debts, 36339
and obligations of the service center among the local school 36340
districts, of which the territory of the service center is or 36341
previously was made up, and the city and exempted village school 36342
districts with which the service center had agreements under 36343
section 3313.843 of the Revised Code for the service center's last 36344
fiscal year of operation. The superintendent's order shall provide 36345
that the tax duplicate of each of those school districts shall be 36346
bound for and assume the district's equitable share of the 36347
outstanding indebtedness of the service center. The 36348
superintendent's order is final and is not appealable. 36349

Immediately upon the abolishment of the service center 36350
governing board pursuant to this section, the superintendent of 36351
public instruction shall appoint a qualified individual to 36352
administer the dissolution of the service center and to implement 36353
the terms of the superintendent's dissolution order. Prior to 36354
distributing assets to any school district under this section, but 36355
after paying in full other debts and obligations of the service 36356
center, the superintendent of public instruction may assess 36357
against the remaining assets of the service center the amount of 36358
the costs incurred by the department of education in performing 36359
the superintendent's duties under this division, including the 36360
fees, if any, owed to the individual appointed to administer the 36361
superintendent's dissolution order. Any excess cost incurred by 36362
the department under this division shall be divided equitably 36363

among the local school districts, of which the territory of the 36364
service center is or previously was made up, and the city and 36365
exempted village school districts with which the service center 36366
had agreements under section 3313.843 of the Revised Code for the 36367
service center's last fiscal year of operation. Each district's 36368
share of that excess cost shall be bound against the tax duplicate 36369
of that district. 36370

(B) A final audit of the former service center shall be 36371
performed in accordance with procedures established by the auditor 36372
of state. 36373

(C) The public records of an educational service center that 36374
is dissolved under this section shall be transferred in accordance 36375
with this division. Public records maintained by the service 36376
center in connection with services provided by the service center 36377
to local school districts shall be transferred to each of the 36378
respective local school districts. Public records maintained by 36379
the service center in connection with services provided under an 36380
agreement with a city or exempted village school district pursuant 36381
to section 3313.843 of the Revised Code shall be transferred to 36382
each of the respective city or exempted village school districts. 36383
All other public records maintained by the service center at the 36384
time the service center ceases operations shall be transferred to 36385
the Ohio historical society for analysis and disposition by the 36386
society in its capacity as archives administrator for the state 36387
and its political subdivisions pursuant to division (C) of section 36388
149.30 and section 149.31 of the Revised Code. 36389

Sec. 3313.46. (A) In addition to any other law governing the 36390
bidding for contracts by the board of education of any school 36391
district, when any such board determines to build, repair, 36392
enlarge, improve, or demolish any school building, the cost of 36393
which will exceed ~~twenty-five~~ fifty thousand dollars, except in 36394

cases of urgent necessity, or for the security and protection of school property, and except as otherwise provided in division (D) of section 713.23 and in section 125.04 of the Revised Code, all of the following shall apply:

(1) The board shall cause to be prepared the plans, specifications, and related information as required in divisions (A), (B), and (D) of section 153.01 of the Revised Code unless the board determines that other information is sufficient to inform any bidders of the board's requirements. However, if the board determines that such other information is sufficient for bidding a project, the board shall not engage in the construction of any such project involving the practice of professional engineering, professional surveying, or architecture, for which plans, specifications, and estimates have not been made by, and the construction thereof inspected by, a licensed professional engineer, licensed professional surveyor, or registered architect.

(2) The board shall advertise for bids once each week for a period of not less than two consecutive weeks in a newspaper of general circulation in the district before the date specified by the board for receiving bids. The board may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the board's internet web site. If the board posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the school district, provided that the first notice published in such newspaper meets all of the following requirements:

(a) It is published at least two weeks before the opening of bids.

(b) It includes a statement that the notice is posted on the board of education's internet web site.

(c) It includes the internet address of the board's internet web site. 36427
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(d) It includes instructions describing how the notice may be accessed on the board's internet web site. 36429
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(3) Unless the board extends the time for the opening of bids they shall be opened at the time and place specified by the board in the advertisement for the bids. 36431
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(4) Each bid shall contain the name of every person interested therein. Each bid shall meet the requirements of section 153.54 of the Revised Code. 36434
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(5) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the bid, with the price thereof, or may require that bids be submitted without such separation. 36437
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(6) None but the lowest responsible bid shall be accepted. The board may reject all the bids, or accept any bid for both labor and material for such improvement or repair, which is the lowest in the aggregate. In all other respects, the award of contracts for improvement or repair, but not for purchases made under section 3327.08 of the Revised Code, shall be pursuant to section 153.12 of the Revised Code. 36441
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(7) The contract shall be between the board and the bidders. The board shall pay the contract price for the work pursuant to sections 153.13 and 153.14 of the Revised Code. The board shall approve and retain the estimates referred to in section 153.13 of the Revised Code and make them available to the auditor of state upon request. 36448
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(8) When two or more bids are equal, in the whole, or in any part thereof, and are lower than any others, either may be accepted, but in no case shall the work be divided between such bidders. 36454
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(9) When there is reason to believe there is collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected. 36458
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(B) Division (A) of this section does not apply to the board of education of any school district in any of the following situations: 36461
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(1) The acquisition of educational materials used in teaching. 36464
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(2) If the board determines and declares by resolution adopted by two-thirds of all its members that any item is available and can be acquired only from a single source. 36466
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(3) If the board declares by resolution adopted by two-thirds of all its members that division (A) of this section does not apply to any installation, modification, or remodeling involved in any energy conservation measure undertaken through an installment payment contract under section 3313.372 of the Revised Code or undertaken pursuant to division (G) of section 133.06 of the Revised Code. 36469
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(4) The acquisition of computer software for instructional purposes and computer hardware for instructional purposes pursuant to division (B)(4) of section 3313.37 of the Revised Code. 36476
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(C) No resolution adopted pursuant to division (B)(2) or (3) of this section shall have any effect on whether sections 153.12 to 153.14 and 153.54 of the Revised Code apply to the board of education of any school district with regard to any item. 36479
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Sec. 3313.461. If the board of education of any school district determines to contract for the purchase of maintenance services for its buildings or grounds or for its school buses or other transportation equipment, the cost of which services will exceed fifty thousand dollars, the board shall make such purchase 36483
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only after selecting the contractor through a competitive bidding 36488
process in accordance with divisions (A)(2) to (9) of section 36489
3313.46 of the Revised Code, except that any provisions of Chapter 36490
153. of the Revised Code prescribed in those divisions shall not 36491
apply to a purchase made under this section. 36492

Sec. 3313.53. (A) As used in this section: 36493

(1) "Licensed individual" means an individual who holds a 36494
valid educator license, certificate, or permit issued by the state 36495
board of education under section 3319.22, 3319.26, or 3319.27~~7~~ 36496
~~3319.302, or 3319.304~~ of the Revised Code. 36497

(2) "Nonlicensed individual" means an individual who does not 36498
hold a valid educator license, certificate, or permit issued by 36499
the state board of education under section 3319.22, 3319.26, or 36500
~~3319.27, 3319.302, or 3319.304~~ of the Revised Code. 36501

(B) The board of education of any city, exempted village, or 36502
local school district may establish and maintain in connection 36503
with the public school systems: 36504

(1) Manual training, industrial arts, domestic science, and 36505
commercial departments; 36506

(2) Agricultural, industrial, vocational, and trades schools. 36507

Such board may pay from the public school funds, as other 36508
school expenses are paid, the expenses of establishing and 36509
maintaining such departments and schools and of directing, 36510
supervising, and coaching the pupil-activity programs in music, 36511
language, arts, speech, government, athletics, and any others 36512
directly related to the curriculum. 36513

(C) The board of education of any city, exempted village, or 36514
local school district may employ a nonlicensed individual to 36515
direct, supervise, or coach a pupil-activity program as long as 36516
that individual holds a valid pupil-activity program permit issued 36517

by the state board of education under division (A) of section 3319.303 of the Revised Code. 36518
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(D)(1) Except as provided in division (D)(2) of this section, 36520
a nonlicensed individual who holds a valid pupil-activity program 36521
permit may be employed under division (C) of this section only 36522
after the school district's board of education adopts a resolution 36523
stating that it has offered such position to those employees of 36524
the district who are licensed individuals and no such employee 36525
qualified to fill the position has accepted it, and has then 36526
advertised the position as available to any licensed individual 36527
who is qualified to fill it and who is not employed by the board, 36528
and no such person has applied for and accepted the position. 36529

(2) A board of education may renew the contract of any 36530
nonlicensed individual, currently employed by the board under 36531
division (C) of this section for one or more years, without first 36532
offering the position held by that individual to employees of the 36533
district who are licensed individuals or advertising the position 36534
as available to any qualified licensed individuals who are not 36535
currently employed by the board as otherwise required under 36536
division (D)(1) of this section. 36537

(E) A nonlicensed individual employed under this section is a 36538
nonteaching employee and is not an educational assistant as 36539
defined in section 3319.088 of the Revised Code. A nonlicensed 36540
individual may direct, supervise, or coach a pupil-activity 36541
program under this section as long as that pupil-activity program 36542
does not include any class or course required or offered for 36543
credit toward a pupil's promotion to the next grade or for 36544
graduation, or any activity conducted as a part of or required for 36545
such a class or course. A nonlicensed individual employed under 36546
this section may perform only the duties of the director, 36547
supervisor, or coach of the pupil-activity program for which the 36548
nonlicensed individual is employed. 36549

(F) The board shall fix the compensation of each nonlicensed individual employed under this section, which shall be the same amount as the position was or would be offered to the district's licensed employees, and execute a written contract with the nonlicensed individual for a term not to exceed one year. The contract shall specify the compensation, duration, and other terms of employment, and the compensation shall not be reduced unless such reduction is a part of a uniform plan affecting the entire district.

If the state board suspends, revokes, or limits the pupil-activity program permit of a nonlicensed individual, the school district board may terminate or suspend the employment contract of that individual. Otherwise, no contract issued under this section shall be terminated or suspended except pursuant to the procedure established by division (C) of section 3319.081 of the Revised Code.

Sec. 3313.536. (A) The board of education of each city, exempted village, and local school district and the governing authority of each chartered nonpublic school shall adopt a comprehensive school safety plan for each school building under the board's or governing authority's control. The board or governing authority shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the board or governing authority shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The board or governing authority shall consider incorporating remediation strategies into the plan for any building where documented safety problems have occurred.

The board or governing authority shall incorporate into the 36582
plan both of the following: 36583

(1) A protocol for addressing serious threats to the safety 36584
of school property, students, employees, or administrators; 36585

(2) A protocol for responding to any emergency events that do 36586
occur and that compromise the safety of school property, students, 36587
employees, or administrators. 36588

Each protocol shall include procedures deemed appropriate by 36589
the board or governing authority for responding to threats and 36590
emergency events, respectively, including such things as 36591
notification of appropriate law enforcement personnel, calling 36592
upon specified emergency response personnel for assistance, and 36593
informing parents of affected students. Prior to the opening day 36594
of each school year, the board or governing authority shall inform 36595
each student enrolled in the school and the student's parent of 36596
the parental notification procedures included in the protocol. 36597

(B) The board or governing authority shall update the safety 36598
plan at least once every three years and whenever a major 36599
modification to the building requires changes in the procedures 36600
outlined in the plan. 36601

(C) The board or governing authority shall file a copy of the 36602
current safety plan and building blueprint with each law 36603
enforcement agency that has jurisdiction over the school building 36604
and, upon request, the fire department that serves the political 36605
subdivision in which the school building is located. The board or 36606
governing authority also shall file a copy of the current safety 36607
plan and a floor plan of the building, but not a building 36608
blueprint, with the attorney general, who shall post that 36609
information on the Ohio law enforcement gateway or its successor. 36610

Copies of safety plans, building blueprints, and floor plans 36611
shall be filed as described in this division not later than the 36612

ninety-first day after ~~the effective date of this amendment~~ March 36613
30, 2007. If a board or governing authority revises a safety plan, 36614
building blueprint, or floor plan after the initial filing, the 36615
board or governing authority shall file copies of the revised 36616
safety plan, building blueprint, or floor plan in the manner 36617
described in this division not later than the ninety-first day 36618
after the revision is adopted. 36619

Copies of the safety plan and building blueprint are not a 36620
public record pursuant to section 149.433 of the Revised Code. 36621

Notwithstanding section 149.433 of the Revised Code, a 36622
building floor plan filed with the attorney general pursuant to 36623
this division is not a public record to the extent it is a record 36624
kept by the attorney general. This paragraph does not affect the 36625
status of a floor plan kept as a record by another public office. 36626

The board or governing authority, each law enforcement agency 36627
and fire department to which copies of the safety plan and 36628
building blueprint are provided, and the attorney general shall 36629
keep the copies in a secure place. 36630

(D) The board or governing authority shall grant access to 36631
each school building under its control to law enforcement 36632
personnel to enable the personnel to hold training sessions for 36633
responding to threats and emergency events affecting the building, 36634
provided that the access occurs outside of student instructional 36635
hours and an employee of the board or governing authority is 36636
present in the building during the training sessions. 36637

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 36638
of the Revised Code, divisions (A) to (E) of this section do not 36639
apply to any cooperative education school district established 36640
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 36641
Code. 36642

(A) The board of education of each city and exempted village school district, the governing board of each educational service center, and the board of each cooperative education school district established pursuant to section 3311.521 of the Revised Code shall prescribe a curriculum for all schools under their control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;

(5) Health education, which shall include instruction in:

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, the use and effects of food additives;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;

(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written

request of the student's parent or guardian, a student shall be 36673
excused from taking instruction in personal safety and assault 36674
prevention. 36675

(6) Physical education; 36676

(7) The fine arts, including music; 36677

(8) First aid, including a training program in 36678
cardiopulmonary resuscitation, safety, and fire prevention, except 36679
that upon written request of the student's parent or guardian, a 36680
student shall be excused from taking instruction in 36681
cardiopulmonary resuscitation. 36682

(B) Except as provided in division (E) of this section, every 36683
school or school district shall include in the requirements for 36684
promotion from the eighth grade to the ninth grade one year's 36685
course of study of American history. A board may waive this 36686
requirement for academically accelerated students who, in 36687
accordance with procedures adopted by the board, are able to 36688
demonstrate mastery of essential concepts and skills of the eighth 36689
grade American history course of study. 36690

(C) Except as provided in division (E) of this section, every 36691
high school shall include in the requirements for graduation from 36692
any curriculum one unit of American history and government, 36693
including a study of the constitutions of the United States and of 36694
Ohio. 36695

(D) Except as provided in division (E) of this section, basic 36696
instruction in geography, United States history, the government of 36697
the United States, the government of the state of Ohio, local 36698
government in Ohio, the Declaration of Independence, the United 36699
States Constitution, and the Constitution of the state of Ohio 36700
shall be required before pupils may participate in courses 36701
involving the study of social problems, economics, foreign 36702
affairs, United Nations, world government, socialism and 36703

communism. 36704

(E) For each cooperative education school district 36705
established pursuant to section 3311.521 of the Revised Code and 36706
each city, exempted village, and local school district that has 36707
territory within such a cooperative district, the curriculum 36708
adopted pursuant to divisions (A) to (D) of this section shall 36709
only include the study of the subjects that apply to the grades 36710
operated by each such school district. The curriculums for such 36711
schools, when combined, shall provide to each student of these 36712
districts all of the subjects required under divisions (A) to (D) 36713
of this section. 36714

(F) The board of education of any cooperative education 36715
school district established pursuant to divisions (A) to (C) of 36716
section 3311.52 of the Revised Code shall prescribe a curriculum 36717
for the subject areas and grade levels offered in any school under 36718
its control. 36719

(G) Upon the request of any parent or legal guardian of a 36720
student, the board of education of any school district shall 36721
permit the parent or guardian to promptly examine, with respect to 36722
the parent's or guardian's own child: 36723

(1) Any survey or questionnaire, prior to its administration 36724
to the child; 36725

(2) Any textbook, workbook, software, video, or other 36726
instructional materials being used by the district in connection 36727
with the instruction of the child; 36728

(3) Any completed and graded test taken or survey or 36729
questionnaire filled out by the child; 36730

(4) Copies of the statewide academic standards and each model 36731
curriculum developed pursuant to section 3301.079 of the Revised 36732
Code, which copies shall be available at all times during school 36733
hours in each district school building. 36734

Sec. 3313.602. (A) The board of education of each city, 36735
local, exempted village, and joint vocational school district 36736
shall adopt a policy specifying whether or not oral recitation of 36737
the pledge of allegiance to the flag shall be a part of the 36738
school's program and, if so, establishing a time and manner for 36739
the recitation. However, no board of education shall prohibit a 36740
classroom teacher from providing in the teacher's classroom 36741
reasonable periods of time for the oral recitation of the pledge 36742
of allegiance to the flag. The policy adopted under this division, 36743
and a teacher who includes recitation of the pledge in the 36744
classroom, shall not require any student to participate in the 36745
recitation and shall prohibit the intimidation of any student by 36746
other students or staff aimed at coercing participation. 36747

No board of education or employee of a city, local, exempted 36748
village, or joint vocational school district shall alter the words 36749
used in the oral recitation of the pledge of allegiance to the 36750
flag from the words set forth in 4 U.S.C. 4. 36751

(B) In the development of its graded course of study, the 36752
board of education of each city and exempted village school 36753
district and the governing board of each educational service 36754
center shall ensure that the principles of democracy and ethics 36755
are emphasized and discussed wherever appropriate in all parts of 36756
the curriculum for grades kindergarten through twelve. 36757

(C) Each city, local, exempted village, and joint vocational 36758
school board shall adopt policies that encourage all certificated 36759
and noncertificated employees to be cognizant of their roles in 36760
instilling ethical principles and democratic ideals in all 36761
district pupils. 36762

(D) The board of education of each city, local, joint 36763
vocational, chartered community, and exempted village school 36764
district, and the Cleveland scholarship and tutoring program, 36765

shall require each district school to devote time on or about 36766
Veterans' day to an observance that conveys the meaning and 36767
significance of that day. The amount of time each school devotes 36768
to this observance shall be at least one hour or, in schools that 36769
schedule class periods of less than one hour, at least one 36770
standard class period. The board shall determine the specific 36771
activities to constitute the observance in each school in the 36772
district after consultation with the school's administrators. 36773

Sec. 3313.603. (A) As used in this section: 36774

(1) "One unit" means a minimum of one hundred twenty hours of 36775
course instruction, except that for a laboratory course, "one 36776
unit" means a minimum of one hundred fifty hours of course 36777
instruction. 36778

(2) "One-half unit" means a minimum of sixty hours of course 36779
instruction, except that for physical education courses, "one-half 36780
unit" means a minimum of one hundred twenty hours of course 36781
instruction. 36782

(B) Beginning September 15, 2001, except as required in 36783
division (C) of this section and division (C) of section 3313.614 36784
of the Revised Code, the requirements for graduation from every 36785
high school shall include twenty units earned in grades nine 36786
through twelve and shall be distributed as follows: 36787

(1) English language arts, four units; 36788

(2) Health, one-half unit; 36789

(3) Mathematics, three units; 36790

(4) Physical education, one-half unit; 36791

(5) Science, two units until September 15, 2003, and three 36792
units thereafter, which at all times shall include both of the 36793
following: 36794

(a) Biological sciences, one unit;	36795
(b) Physical sciences, one unit.	36796
(6) Social studies, three units, which shall include both of the following:	36797 36798
(a) American history, one-half unit;	36799
(b) American government, one-half unit.	36800
(7) Elective units, seven units until September 15, 2003, and six units thereafter.	36801 36802
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	36803 36804 36805
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	36806 36807 36808 36809 36810 36811 36812
(1) English language arts, four units;	36813
(2) Health, one-half unit;	36814
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	36815 36816
(4) Physical education, one-half unit;	36817
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	36818 36819 36820 36821
(a) Physical sciences, one unit;	36822
(b) Life sciences, one unit;	36823

(c) Advanced study in one or more of the following sciences,	36824
one unit:	36825
(i) Chemistry, physics, or other physical science;	36826
(ii) Advanced biology or other life science;	36827
(iii) Astronomy, physical geology, or other earth or space	36828
science.	36829
(6) Social studies, three units, which shall include both of	36830
the following:	36831
(a) American history, one-half unit;	36832
(b) American government, one-half unit.	36833
Each school shall integrate the study of economics and	36834
financial literacy, as expressed in the social studies academic	36835
content standards adopted by the state board of education under	36836
section 3301.079 of the Revised Code, into one or more existing	36837
social studies credits required under division (C)(6) of this	36838
section, or into the content of another class, so that every high	36839
school student receives instruction in those concepts. In	36840
developing the curriculum required by this paragraph, schools	36841
shall use available public-private partnerships and resources and	36842
materials that exist in business, industry, and through the	36843
centers for economics education at institutions of higher	36844
education in the state.	36845
(7) Five units consisting of one or any combination of	36846
foreign language, fine arts, business, career-technical education,	36847
family and consumer sciences, technology, agricultural education,	36848
or English language arts, mathematics, science, or social studies	36849
courses not otherwise required under division (C) of this section.	36850
Ohioans must be prepared to apply increased knowledge and	36851
skills in the workplace and to adapt their knowledge and skills	36852
quickly to meet the rapidly changing conditions of the	36853

twenty-first century. National studies indicate that all high school graduates need the same academic foundation, regardless of the opportunities they pursue after graduation. The goal of Ohio's system of elementary and secondary education is to prepare all students for and seamlessly connect all students to success in life beyond high school graduation, regardless of whether the next step is entering the workforce, beginning an apprenticeship, engaging in post-secondary training, serving in the military, or pursuing a college degree.

The Ohio core curriculum is the standard expectation for all students entering ninth grade for the first time at a public or chartered nonpublic high school on or after July 1, 2010. A student may satisfy this expectation through a variety of methods, including, but not limited to, integrated, applied, career-technical, and traditional coursework.

Whereas teacher quality is essential for student success in completing the Ohio core curriculum, the general assembly shall appropriate funds for strategic initiatives designed to strengthen schools' capacities to hire and retain highly qualified teachers in the subject areas required by the curriculum. Such initiatives are expected to require an investment of \$120,000,000 over five years.

Stronger coordination between high schools and institutions of higher education is necessary to prepare students for more challenging academic endeavors and to lessen the need for academic remediation in college, thereby reducing the costs of higher education for Ohio's students, families, and the state. The state board of education, the Ohio board of regents, and the partnership for continued learning shall develop policies to ensure that only in rare instances will students who complete the Ohio core curriculum require academic remediation after high school.

School districts, community schools, and chartered nonpublic

schools shall integrate technology into learning experiences 36886
whenever practicable across the curriculum in order to maximize 36887
efficiency, enhance learning, and prepare students for success in 36888
the technology-driven twenty-first century. Districts and schools 36889
may use distance and web-based course delivery as a method of 36890
providing or augmenting all instruction required under this 36891
division, including laboratory experience in science. Districts 36892
and schools shall whenever practicable utilize technology access 36893
and electronic learning opportunities provided by the eTech Ohio 36894
commission, the Ohio learning network, education technology 36895
centers, public television stations, and other public and private 36896
providers. 36897

(D) Except as provided in division (E) of this section, a 36898
student who enters ninth grade on or after July 1, 2010, and 36899
before July 1, 2014, may qualify for graduation from a public or 36900
chartered nonpublic high school even though the student has not 36901
completed the Ohio core curriculum prescribed in division (C) of 36902
this section if all of the following conditions are satisfied: 36903

(1) After the student has attended high school for two years, 36904
as determined by the school, the student and the student's parent, 36905
guardian, or custodian sign and file with the school a written 36906
statement asserting the parent's, guardian's, or custodian's 36907
consent to the student's graduating without completing the Ohio 36908
core curriculum and acknowledging that one consequence of not 36909
completing the Ohio core curriculum is ineligibility to enroll in 36910
most state universities in Ohio without further coursework. 36911

(2) The student and parent, guardian, or custodian fulfill 36912
any procedural requirements the school stipulates to ensure the 36913
student's and parent's, guardian's, or custodian's informed 36914
consent and to facilitate orderly filing of statements under 36915
division (D)(1) of this section. 36916

(3) The student and the student's parent, guardian, or 36917

custodian and a representative of the student's high school 36918
jointly develop an individual career plan for the student that 36919
specifies the student matriculating to a two-year degree program, 36920
acquiring a business and industry credential, or entering an 36921
apprenticeship. 36922

(4) The student's high school provides counseling and support 36923
for the student related to the plan developed under division 36924
(D)(3) of this section during the remainder of the student's high 36925
school experience. 36926

(5) The student successfully completes, at a minimum, the 36927
curriculum prescribed in division (B) of this section. 36928

The partnership for continued learning, in collaboration with 36929
the department of education and the Ohio board of regents, shall 36930
analyze student performance data to determine if there are 36931
mitigating factors that warrant extending the exception permitted 36932
by division (D) of this section to high school classes beyond 36933
those entering ninth grade before July 1, 2014. The partnership 36934
shall submit its findings and any recommendations not later than 36935
August 1, 2014, to the speaker and minority leader of the house of 36936
representatives, the president and minority leader of the senate, 36937
the chairpersons and ranking minority members of the standing 36938
committees of the house of representatives and the senate that 36939
consider education legislation, the state board of education, and 36940
the superintendent of public instruction. 36941

(E) Each school district and chartered nonpublic school 36942
retains the authority to require an even more rigorous minimum 36943
curriculum for high school graduation than specified in division 36944
(B) or (C) of this section. A school district board of education, 36945
through the adoption of a resolution, or the governing authority 36946
of a chartered nonpublic school may stipulate any of the 36947
following: 36948

(1) A minimum high school curriculum that requires more than 36949
twenty units of academic credit to graduate; 36950

(2) An exception to the district's or school's minimum high 36951
school curriculum that is comparable to the exception provided in 36952
division (D) of this section but with additional requirements, 36953
which may include a requirement that the student successfully 36954
complete more than the minimum curriculum prescribed in division 36955
(B) of this section; 36956

(3) That no exception comparable to that provided in division 36957
(D) of this section is available. 36958

(F) A student enrolled in a dropout prevention and recovery 36959
program, which program has received a waiver from the department 36960
of education, may qualify for graduation from high school by 36961
successfully completing a competency-based instructional program 36962
administered by the dropout prevention and recovery program in 36963
lieu of completing the Ohio core curriculum prescribed in division 36964
(C) of this section. The department shall grant a waiver to a 36965
dropout prevention and recovery program, within sixty days after 36966
the program applies for the waiver, if the program meets all of 36967
the following conditions: 36968

(1) The program serves only students not younger than sixteen 36969
years of age and not older than twenty-one years of age. 36970

(2) The program enrolls students who, at the time of their 36971
initial enrollment, either, or both, are at least one grade level 36972
behind their cohort age groups or experience crises that 36973
significantly interfere with their academic progress such that 36974
they are prevented from continuing their traditional programs. 36975

(3) The program requires students to attain at least the 36976
applicable score designated for each of the tests prescribed under 36977
division (B) of section 3301.0710 of the Revised Code. 36978

(4) The program develops an individual career plan for the 36979

student that specifies the student's matriculating to a two-year 36980
degree program, acquiring a business and industry credential, or 36981
entering an apprenticeship. 36982

(5) The program provides counseling and support for the 36983
student related to the plan developed under division (F)(4) of 36984
this section during the remainder of the student's high school 36985
experience. 36986

(6) The program requires the student and the student's 36987
parent, guardian, or custodian to sign and file, in accordance 36988
with procedural requirements stipulated by the program, a written 36989
statement asserting the parent's, guardian's, or custodian's 36990
consent to the student's graduating without completing the Ohio 36991
core curriculum and acknowledging that one consequence of not 36992
completing the Ohio core curriculum is ineligibility to enroll in 36993
most state universities in Ohio without further coursework. 36994

(7) Prior to receiving the waiver, the program has submitted 36995
to the department an instructional plan that demonstrates how the 36996
academic content standards adopted by the state board of education 36997
under section 3301.079 of the Revised Code will be taught and 36998
assessed. 36999

If the department does not act either to grant the waiver or 37000
to reject the program application for the waiver within sixty days 37001
as required under this section, the waiver shall be considered to 37002
be granted. 37003

(G) Every high school may permit students below the ninth 37004
grade to take advanced work ~~for~~. If a high school so permits, it 37005
shall award high school credit. ~~A high school for successful~~ 37006
completion of the advanced work and shall count such advanced work 37007
toward the graduation requirements of division (B) or (C) of this 37008
section if the advanced work was both: 37009

(1) Taught by a person who possesses a license or certificate 37010

issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

(J) The state board of education, in consultation with the Ohio board of regents and the partnership for continued learning, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall

include a standard method for recording demonstrated proficiency 37042
on high school transcripts. Each school district, community 37043
school, and chartered nonpublic school shall comply with the state 37044
board's plan adopted under this division and award units of high 37045
school credit in accordance with the plan. The state board may 37046
adopt existing methods for earning high school credit based on a 37047
demonstration of subject area competency as necessary prior to the 37048
2009-2010 school year. 37049

(K) This division does not apply to students who qualify for 37050
graduation from high school under division (D) or (F) of this 37051
section, or to students pursuing a career-technical instructional 37052
track as determined by the school district board of education or 37053
the chartered nonpublic school's governing authority. 37054
Nevertheless, the general assembly encourages such students to 37055
consider enrolling in a fine arts course as an elective. 37056

Beginning with students who enter ninth grade for the first 37057
time on or after July 1, 2010, each student enrolled in a public 37058
or chartered nonpublic high school shall complete two semesters or 37059
the equivalent of fine arts to graduate from high school. The 37060
coursework may be completed in any of grades seven to twelve. Each 37061
student who completes a fine arts course in grade seven or eight 37062
may elect to count that course toward the five units of electives 37063
required for graduation under division (C)(7) of this section, if 37064
the course satisfied the requirements of division (G) of this 37065
section. In that case, the high school shall award the student 37066
high school credit for the course and count the course toward the 37067
five units required under division (C)(7) of this section. If the 37068
course in grade seven or eight did not satisfy the requirements of 37069
division (G) of this section, the high school shall not award the 37070
student high school credit for the course but shall count the 37071
course toward the two semesters or the equivalent of fine arts 37072
required by this division. 37073

(L) Notwithstanding anything to the contrary in this section, 37074
the board of education of each school district and the governing 37075
authority of each chartered nonpublic school may adopt a policy to 37076
excuse from the high school physical education requirement each 37077
student who, during high school, has participated in 37078
interscholastic athletics, marching band, or cheerleading for at 37079
least two full seasons. If the board or authority adopts such a 37080
policy, the board or authority shall not require the student to 37081
complete any physical education course as a condition to graduate. 37082
However, the student shall be required to complete one-half unit, 37083
consisting of at least sixty hours of instruction, in another 37084
course of study. 37085

Sec. 3313.64. (A) As used in this section and in section 37086
3313.65 of the Revised Code: 37087

(1)(a) Except as provided in division (A)(1)(b) of this 37088
section, "parent" means either parent, unless the parents are 37089
separated or divorced or their marriage has been dissolved or 37090
annulled, in which case "parent" means the parent who is the 37091
residential parent and legal custodian of the child. When a child 37092
is in the legal custody of a government agency or a person other 37093
than the child's natural or adoptive parent, "parent" means the 37094
parent with residual parental rights, privileges, and 37095
responsibilities. When a child is in the permanent custody of a 37096
government agency or a person other than the child's natural or 37097
adoptive parent, "parent" means the parent who was divested of 37098
parental rights and responsibilities for the care of the child and 37099
the right to have the child live with the parent and be the legal 37100
custodian of the child and all residual parental rights, 37101
privileges, and responsibilities. 37102

(b) When a child is the subject of a power of attorney 37103
executed under sections 3109.51 to 3109.62 of the Revised Code, 37104

"parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the

requirements of section 5103.03 of the Revised Code and assumes 37135
temporary or permanent custody of children through commitment, 37136
agreement, or surrender, and places children in family homes for 37137
the purpose of adoption; 37138

(c) Comparable agencies of other states or countries that 37139
have complied with applicable requirements of section 2151.39 of 37140
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 37141
5103.23 to 5103.237 of the Revised Code. 37142

(6) A child is placed for adoption if either of the following 37143
occurs: 37144

(a) An agency to which the child has been permanently 37145
committed or surrendered enters into an agreement with a person 37146
pursuant to section 5103.16 of the Revised Code for the care and 37147
adoption of the child. 37148

(b) The child's natural parent places the child pursuant to 37149
section 5103.16 of the Revised Code with a person who will care 37150
for and adopt the child. 37151

(7) "Preschool child with a disability" has the same meaning 37152
as in section 3323.01 of the Revised Code. 37153

(8) "Child," unless otherwise indicated, includes preschool 37154
children with disabilities. 37155

(9) "Active duty" means active duty pursuant to an executive 37156
order of the president of the United States, an act of the 37157
congress of the United States, or section 5919.29 or 5923.21 of 37158
the Revised Code. 37159

(B) Except as otherwise provided in section 3321.01 of the 37160
Revised Code for admittance to kindergarten and first grade, a 37161
child who is at least five but under twenty-two years of age and 37162
any preschool child with a disability shall be admitted to school 37163
as provided in this division. 37164

(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 37165
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(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 37167
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(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 37171
37172
37173

(b) The child resides in a home. 37174

(c) The child requires special education. 37175

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 37176
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(a) The placement for adoption has been terminated. 37182

(b) Another school district is required to admit the child under division (B)(1) of this section. 37183
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Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code. 37185
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(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as ~~follows~~ provided in divisions (C)(1) to (3) of this section, unless 37190
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division (C)(4) of this section applies to the child: 37195

(1) If the child receives special education in accordance 37196
with Chapter 3323. of the Revised Code, the school district of 37197
residence, as defined in section 3323.01 of the Revised Code, 37198
shall pay tuition for the child in accordance with section 37199
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 37200
regardless of who has custody of the child or whether the child 37201
resides in a home. 37202

(2) For a child that does not receive special education in 37203
accordance with Chapter 3323. of the Revised Code, except as 37204
otherwise provided in division (C)(2)(d) of this section, if the 37205
child is in the permanent or legal custody of a government agency 37206
or person other than the child's parent, tuition shall be paid by: 37207

(a) The district in which the child's parent resided at the 37208
time the court removed the child from home or at the time the 37209
court vested legal or permanent custody of the child in the person 37210
or government agency, whichever occurred first; 37211

(b) If the parent's residence at the time the court removed 37212
the child from home or placed the child in the legal or permanent 37213
custody of the person or government agency is unknown, tuition 37214
shall be paid by the district in which the child resided at the 37215
time the child was removed from home or placed in legal or 37216
permanent custody, whichever occurred first; 37217

(c) If a school district cannot be established under division 37218
(C)(2)(a) or (b) of this section, tuition shall be paid by the 37219
district determined as required by section 2151.362 of the Revised 37220
Code by the court at the time it vests custody of the child in the 37221
person or government agency; 37222

(d) If at the time the court removed the child from home or 37223
vested legal or permanent custody of the child in the person or 37224
government agency, whichever occurred first, one parent was in a 37225

residential or correctional facility or a juvenile residential 37226
placement and the other parent, if living and not in such a 37227
facility or placement, was not known to reside in this state, 37228
tuition shall be paid by the district determined under division 37229
(D) of section 3313.65 of the Revised Code as the district 37230
required to pay any tuition while the parent was in such facility 37231
or placement; 37232

(e) If the department of education has determined, pursuant 37233
to division (A)(2) of section 2151.362 of the Revised Code, that a 37234
school district other than the one named in the court's initial 37235
order, or in a prior determination of the department, is 37236
responsible to bear the cost of educating the child, the district 37237
so determined shall be responsible for that cost. 37238

(3) If the child is not in the permanent or legal custody of 37239
a government agency or person other than the child's parent and 37240
the child resides in a home, tuition shall be paid by one of the 37241
following: 37242

(a) The school district in which the child's parent resides; 37243

(b) If the child's parent is not a resident of this state, 37244
the home in which the child resides. 37245

(4) Division (C)(4) of this section applies to any child who 37246
is admitted to a school district under division (B)(2) of this 37247
section, resides in a home that is not a foster home or a home 37248
maintained by the department of youth services, receives 37249
educational services at the home in which the child resides 37250
pursuant to a contract between the home and the school district 37251
providing those services, and does not receive special education. 37252

In the case of a child to which division (C)(4) of this 37253
section applies, the total educational cost to be paid for the 37254
child shall be determined by a formula approved by the department 37255
of education, which formula shall be designed to calculate a per 37256

diem cost for the educational services provided to the child for 37257
each day the child is served and shall reflect the total actual 37258
cost incurred in providing those services. The department shall 37259
certify the total educational cost to be paid for the child to 37260
both the school district providing the educational services and, 37261
if different, the school district that is responsible to pay 37262
tuition for the child. The department shall deduct the certified 37263
amount from the state basic aid funds payable under Chapter 3317. 37264
of the Revised Code to the district responsible to pay tuition and 37265
shall pay that amount to the district providing the educational 37266
services to the child. 37267

(D) Tuition required to be paid under divisions (C)(2) and 37268
(3)(a) of this section shall be computed in accordance with 37269
section 3317.08 of the Revised Code. Tuition required to be paid 37270
under division (C)(3)(b) of this section shall be computed in 37271
accordance with section 3317.081 of the Revised Code. If a home 37272
fails to pay the tuition required by division (C)(3)(b) of this 37273
section, the board of education providing the education may 37274
recover in a civil action the tuition and the expenses incurred in 37275
prosecuting the action, including court costs and reasonable 37276
attorney's fees. If the prosecuting attorney or city director of 37277
law represents the board in such action, costs and reasonable 37278
attorney's fees awarded by the court, based upon the prosecuting 37279
attorney's, director's, or one of their designee's time spent 37280
preparing and presenting the case, shall be deposited in the 37281
county or city general fund. 37282

(E) A board of education may enroll a child free of any 37283
tuition obligation for a period not to exceed sixty days, on the 37284
sworn statement of an adult resident of the district that the 37285
resident has initiated legal proceedings for custody of the child. 37286

(F) In the case of any individual entitled to attend school 37287
under this division, no tuition shall be charged by the school 37288

district of attendance and no other school district shall be 37289
required to pay tuition for the individual's attendance. 37290
Notwithstanding division (B), (C), or (E) of this section: 37291

(1) All persons at least eighteen but under twenty-two years 37292
of age who live apart from their parents, support themselves by 37293
their own labor, and have not successfully completed the high 37294
school curriculum or the individualized education program 37295
developed for the person by the high school pursuant to section 37296
3323.08 of the Revised Code, are entitled to attend school in the 37297
district in which they reside. 37298

(2) Any child under eighteen years of age who is married is 37299
entitled to attend school in the child's district of residence. 37300

(3) A child is entitled to attend school in the district in 37301
which either of the child's parents is employed if the child has a 37302
medical condition that may require emergency medical attention. 37303
The parent of a child entitled to attend school under division 37304
(F)(3) of this section shall submit to the board of education of 37305
the district in which the parent is employed a statement from the 37306
child's physician certifying that the child's medical condition 37307
may require emergency medical attention. The statement shall be 37308
supported by such other evidence as the board may require. 37309

(4) Any child residing with a person other than the child's 37310
parent is entitled, for a period not to exceed twelve months, to 37311
attend school in the district in which that person resides if the 37312
child's parent files an affidavit with the superintendent of the 37313
district in which the person with whom the child is living resides 37314
stating all of the following: 37315

(a) That the parent is serving outside of the state in the 37316
armed services of the United States; 37317

(b) That the parent intends to reside in the district upon 37318
returning to this state; 37319

(c) The name and address of the person with whom the child is living while the parent is outside the state. 37320
37321

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board. 37322
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(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following: 37329
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(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion; 37336
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(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement. 37339
37340
37341

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following: 37342
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(a) A sworn statement explaining the situation, revealing the 37350

location of the house being purchased, and stating the parent's 37351
intent to reside there; 37352

(b) A statement from a real estate broker or bank officer 37353
confirming that the parent has a contract to purchase the house, 37354
that the parent is waiting upon the date of closing of the 37355
mortgage loan, and that the house is at the location indicated in 37356
the parent's statement. 37357

The district superintendent shall establish a period of time 37358
not to exceed ninety days during which the child entitled to 37359
attend school under division (F)(6) or (7) of this section may 37360
attend without tuition obligation. A student attending a school 37361
under division (F)(6) or (7) of this section shall be eligible to 37362
participate in interscholastic athletics under the auspices of 37363
that school, provided the board of education of the school 37364
district where the student's parent resides, by a formal action, 37365
releases the student to participate in interscholastic athletics 37366
at the school where the student is attending, and provided the 37367
student receives any authorization required by a public agency or 37368
private organization of which the school district is a member 37369
exercising authority over interscholastic sports. 37370

(8) A child whose parent is a full-time employee of a city, 37371
local, or exempted village school district, or of an educational 37372
service center, may be admitted to the schools of the district 37373
where the child's parent is employed, or in the case of a child 37374
whose parent is employed by an educational service center, in the 37375
district that serves the location where the parent's job is 37376
primarily located, provided the district board of education 37377
establishes such an admission policy by resolution adopted by a 37378
majority of its members. Any such policy shall take effect on the 37379
first day of the school year and the effective date of any 37380
amendment or repeal may not be prior to the first day of the 37381
subsequent school year. The policy shall be uniformly applied to 37382

all such children and shall provide for the admission of any such 37383
child upon request of the parent. No child may be admitted under 37384
this policy after the first day of classes of any school year. 37385

(9) A child who is with the child's parent under the care of 37386
a shelter for victims of domestic violence, as defined in section 37387
3113.33 of the Revised Code, is entitled to attend school free in 37388
the district in which the child is with the child's parent, and no 37389
other school district shall be required to pay tuition for the 37390
child's attendance in that school district. 37391

The enrollment of a child in a school district under this 37392
division shall not be denied due to a delay in the school 37393
district's receipt of any records required under section 3313.672 37394
of the Revised Code or any other records required for enrollment. 37395
Any days of attendance and any credits earned by a child while 37396
enrolled in a school district under this division shall be 37397
transferred to and accepted by any school district in which the 37398
child subsequently enrolls. The state board of education shall 37399
adopt rules to ensure compliance with this division. 37400

(10) Any child under the age of twenty-two years whose parent 37401
has moved out of the school district after the commencement of 37402
classes in the child's senior year of high school is entitled, 37403
subject to the approval of that district board, to attend school 37404
in the district in which the child attended school at the time of 37405
the parental move for the remainder of the school year and for one 37406
additional semester or equivalent term. A district board may also 37407
adopt a policy specifying extenuating circumstances under which a 37408
student may continue to attend school under division (F)(10) of 37409
this section for an additional period of time in order to 37410
successfully complete the high school curriculum for the 37411
individualized education program developed for the student by the 37412
high school pursuant to section 3323.08 of the Revised Code. 37413

(11) As used in this division, "grandparent" means a parent 37414

of a parent of a child. A child under the age of twenty-two years 37415
who is in the custody of the child's parent, resides with a 37416
grandparent, and does not require special education is entitled to 37417
attend the schools of the district in which the child's 37418
grandparent resides, provided that, prior to such attendance in 37419
any school year, the board of education of the school district in 37420
which the child's grandparent resides and the board of education 37421
of the school district in which the child's parent resides enter 37422
into a written agreement specifying that good cause exists for 37423
such attendance, describing the nature of this good cause, and 37424
consenting to such attendance. 37425

In lieu of a consent form signed by a parent, a board of 37426
education may request the grandparent of a child attending school 37427
in the district in which the grandparent resides pursuant to 37428
division (F)(11) of this section to complete any consent form 37429
required by the district, including any authorization required by 37430
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 37431
Code. Upon request, the grandparent shall complete any consent 37432
form required by the district. A school district shall not incur 37433
any liability solely because of its receipt of a consent form from 37434
a grandparent in lieu of a parent. 37435

Division (F)(11) of this section does not create, and shall 37436
not be construed as creating, a new cause of action or substantive 37437
legal right against a school district, a member of a board of 37438
education, or an employee of a school district. This section does 37439
not affect, and shall not be construed as affecting, any 37440
immunities from defenses to tort liability created or recognized 37441
by Chapter 2744. of the Revised Code for a school district, 37442
member, or employee. 37443

(12) A child under the age of twenty-two years is entitled to 37444
attend school in a school district other than the district in 37445
which the child is entitled to attend school under division (B), 37446

(C), or (E) of this section provided that, prior to such 37447
attendance in any school year, both of the following occur: 37448

(a) The superintendent of the district in which the child is 37449
entitled to attend school under division (B), (C), or (E) of this 37450
section contacts the superintendent of another district for 37451
purposes of this division; 37452

(b) The superintendents of both districts enter into a 37453
written agreement that consents to the attendance and specifies 37454
that the purpose of such attendance is to protect the student's 37455
physical or mental well-being or to deal with other extenuating 37456
circumstances deemed appropriate by the superintendents. 37457

While an agreement is in effect under this division for a 37458
student who is not receiving special education under Chapter 3323. 37459
of the Revised Code and notwithstanding Chapter 3327. of the 37460
Revised Code, the board of education of neither school district 37461
involved in the agreement is required to provide transportation 37462
for the student to and from the school where the student attends. 37463

A student attending a school of a district pursuant to this 37464
division shall be allowed to participate in all student 37465
activities, including interscholastic athletics, at the school 37466
where the student is attending on the same basis as any student 37467
who has always attended the schools of that district while of 37468
compulsory school age. 37469

(13) All school districts shall comply with the 37470
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 37471
seq., for the education of homeless children. Each city, local, 37472
and exempted village school district shall comply with the 37473
requirements of that act governing the provision of a free, 37474
appropriate public education, including public preschool, to each 37475
homeless child. 37476

When a child loses permanent housing and becomes a homeless 37477

person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 37478
such a homeless person changes temporary living arrangements, the 37479
child's parent or guardian shall have the option of enrolling the 37480
child in either of the following: 37481

(a) The child's school of origin, as defined in 42 U.S.C.A. 37482
11432(g)(3)(C); 37483

(b) The school that is operated by the school district in 37484
which the shelter where the child currently resides is located and 37485
that serves the geographic area in which the shelter is located. 37486

(14) A child under the age of twenty-two years who resides 37487
with a person other than the child's parent is entitled to attend 37488
school in the school district in which that person resides if both 37489
of the following apply: 37490

(a) That person has been appointed, through a military power 37491
of attorney executed under section 574(a) of the "National Defense 37492
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 37493
U.S.C. 1044b, or through a comparable document necessary to 37494
complete a family care plan, as the parent's agent for the care, 37495
custody, and control of the child while the parent is on active 37496
duty as a member of the national guard or a reserve unit of the 37497
armed forces of the United States or because the parent is a 37498
member of the armed forces of the United States and is on a duty 37499
assignment away from the parent's residence. 37500

(b) The military power of attorney or comparable document 37501
includes at least the authority to enroll the child in school. 37502

The entitlement to attend school in the district in which the 37503
parent's agent under the military power of attorney or comparable 37504
document resides applies until the end of the school year in which 37505
the military power of attorney or comparable document expires. 37506

(G) A board of education, after approving admission, may 37507
waive tuition for students who will temporarily reside in the 37508

district and who are either of the following: 37509

(1) Residents or domiciliaries of a foreign nation who 37510
request admission as foreign exchange students; 37511

(2) Residents or domiciliaries of the United States but not 37512
of Ohio who request admission as participants in an exchange 37513
program operated by a student exchange organization. 37514

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 37515
3327.04, and 3327.06 of the Revised Code, a child may attend 37516
school or participate in a special education program in a school 37517
district other than in the district where the child is entitled to 37518
attend school under division (B) of this section. 37519

(I)(1) Notwithstanding anything to the contrary in this 37520
section or section 3313.65 of the Revised Code, a child under 37521
twenty-two years of age may attend school in the school district 37522
in which the child, at the end of the first full week of October 37523
of the school year, was entitled to attend school as otherwise 37524
provided under this section or section 3313.65 of the Revised 37525
Code, if at that time the child was enrolled in the schools of the 37526
district but since that time the child or the child's parent has 37527
relocated to a new address located outside of that school district 37528
and within the same county as the child's or parent's address 37529
immediately prior to the relocation. The child may continue to 37530
attend school in the district, and at the school to which the 37531
child was assigned at the end of the first full week of October of 37532
the current school year, for the balance of the school year. 37533
Division (I)(1) of this section applies only if both of the 37534
following conditions are satisfied: 37535

(a) The board of education of the school district in which 37536
the child was entitled to attend school at the end of the first 37537
full week in October and of the district to which the child or 37538
child's parent has relocated each has adopted a policy to enroll 37539

children described in division (I)(1) of this section. 37540

(b) The child's parent provides written notification of the 37541
relocation outside of the school district to the superintendent of 37542
each of the two school districts. 37543

(2) At the beginning of the school year following the school 37544
year in which the child or the child's parent relocated outside of 37545
the school district as described in division (I)(1) of this 37546
section, the child is not entitled to attend school in the school 37547
district under that division. 37548

(3) Any person or entity owing tuition to the school district 37549
on behalf of the child at the end of the first full week in 37550
October, as provided in division (C) of this section, shall 37551
continue to owe such tuition to the district for the child's 37552
attendance under division (I)(1) of this section for the lesser of 37553
the balance of the school year or the balance of the time that the 37554
child attends school in the district under division (I)(1) of this 37555
section. 37556

(4) A pupil who may attend school in the district under 37557
division (I)(1) of this section shall be entitled to 37558
transportation services pursuant to an agreement between the 37559
district and the district in which the child or child's parent has 37560
relocated unless the districts have not entered into such 37561
agreement, in which case the child shall be entitled to 37562
transportation services in the same manner as a pupil attending 37563
school in the district under interdistrict open enrollment as 37564
described in division (H) of section 3313.981 of the Revised Code, 37565
regardless of whether the district has adopted an open enrollment 37566
policy as described in division (B)(1)(b) or (c) of section 37567
3313.98 of the Revised Code. 37568

(J) This division does not apply to a child receiving special 37569
education. 37570

A school district required to pay tuition pursuant to 37571
division (C)(2) or (3) of this section or section 3313.65 of the 37572
Revised Code shall have an amount deducted under division (F) of 37573
section 3317.023 of the Revised Code equal to its own tuition rate 37574
for the same period of attendance. A school district entitled to 37575
receive tuition pursuant to division (C)(2) or (3) of this section 37576
or section 3313.65 of the Revised Code shall have an amount 37577
credited under division (F) of section 3317.023 of the Revised 37578
Code equal to its own tuition rate for the same period of 37579
attendance. If the tuition rate credited to the district of 37580
attendance exceeds the rate deducted from the district required to 37581
pay tuition, the department of education shall pay the district of 37582
attendance the difference from amounts deducted from all 37583
districts' payments under division (F) of section 3317.023 of the 37584
Revised Code but not credited to other school districts under such 37585
division and from appropriations made for such purpose. The 37586
treasurer of each school district shall, by the fifteenth day of 37587
January and July, furnish the superintendent of public instruction 37588
a report of the names of each child who attended the district's 37589
schools under divisions (C)(2) and (3) of this section or section 37590
3313.65 of the Revised Code during the preceding six calendar 37591
months, the duration of the attendance of those children, the 37592
school district responsible for tuition on behalf of the child, 37593
and any other information that the superintendent requires. 37594

Upon receipt of the report the superintendent, pursuant to 37595
division (F) of section 3317.023 of the Revised Code, shall deduct 37596
each district's tuition obligations under divisions (C)(2) and (3) 37597
of this section or section 3313.65 of the Revised Code and pay to 37598
the district of attendance that amount plus any amount required to 37599
be paid by the state. 37600

(K) In the event of a disagreement, the superintendent of 37601
public instruction shall determine the school district in which 37602

the parent resides. 37603

(L) Nothing in this section requires or authorizes, or shall 37604
be construed to require or authorize, the admission to a public 37605
school in this state of a pupil who has been permanently excluded 37606
from public school attendance by the superintendent of public 37607
instruction pursuant to sections 3301.121 and 3313.662 of the 37608
Revised Code. 37609

(M) In accordance with division (B)(1) of this section, a 37610
child whose parent is a member of the national guard or a reserve 37611
unit of the armed forces of the United States and is called to 37612
active duty, or a child whose parent is a member of the armed 37613
forces of the United States and is ordered to a temporary duty 37614
assignment outside of the district, may continue to attend school 37615
in the district in which the child's parent lived before being 37616
called to active duty or ordered to a temporary duty assignment 37617
outside of the district, as long as the child's parent continues 37618
to be a resident of that district, and regardless of where the 37619
child lives as a result of the parent's active duty status or 37620
temporary duty assignment. However, the district is not 37621
responsible for providing transportation for the child if the 37622
child lives outside of the district as a result of the parent's 37623
active duty status or temporary duty assignment. 37624

Sec. 3313.642. (A) Except as provided in division (B) of this 37625
section and notwithstanding the provisions of sections 3313.48 and 37626
3313.64 of the Revised Code, the board of education of a city, 37627
exempted village, or local school district shall not be required 37628
to furnish, free of charge, to the pupils attending the public 37629
schools any materials used in a course of instruction with the 37630
exception of the necessary textbooks or electronic textbooks 37631
required to be furnished without charge pursuant to section 37632
3329.06 of the Revised Code. The board may, however, make 37633

provision by appropriations transferred from the general fund of 37634
the district or otherwise for furnishing free of charge any 37635
materials used in a course of instruction to such pupils as it 37636
determines are in serious financial need of such materials. 37637

(B) No board of education of a school district ~~that receives~~ 37638
~~funds under section 3317.029 of the Revised Code~~ shall charge a 37639
fee to a ~~recipient of aid under Chapter 5107. or 5115. of the~~ 37640
~~Revised Code~~ pupil who is eligible for a free lunch under the 37641
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 37642
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 37643
42 U.S.C. 1771, as amended, for any materials needed to enable the 37644
~~recipient~~ pupil to participate fully in a course of instruction. 37645
The prohibition in this division against charging a fee does not 37646
apply to any fee charged for any materials needed to enable a 37647
~~recipient~~ pupil to participate fully in extracurricular activities 37648
or in any pupil enrichment program that is not a course of 37649
instruction. 37650

(C) Boards of education may adopt rules and regulations 37651
prescribing a schedule of fees for materials used in a course of 37652
instruction and prescribing a schedule of charges which may be 37653
imposed upon pupils for the loss, damage, or destruction of school 37654
apparatus, equipment, musical instruments, library material, 37655
textbooks, or electronic textbooks required to be furnished 37656
without charge, and for damage to school buildings, and may 37657
enforce the payment of such fees and charges by withholding the 37658
grades and credits of the pupils concerned. 37659

Sec. 3313.65. (A) As used in this section and section 3313.64 37660
of the Revised Code: 37661

(1) A person is "in a residential facility" if the person is 37662
a resident or a resident patient of an institution, home, or other 37663
residential facility that is: 37664

(a) Licensed as a nursing home, residential care facility, or 37665
home for the aging by the director of health under section 3721.02 37666
of the Revised Code ~~or licensed as a community alternative home by~~ 37667
~~the director of health under section 3724.03 of the Revised Code;~~ 37668

(b) Licensed as an adult care facility by the director of 37669
health under Chapter 3722. of the Revised Code; 37670

(c) Maintained as a county home or district home by the board 37671
of county commissioners or a joint board of county commissioners 37672
under Chapter 5155. of the Revised Code; 37673

(d) Operated or administered by a board of alcohol, drug 37674
addiction, and mental health services under section 340.03 or 37675
340.06 of the Revised Code, or provides residential care pursuant 37676
to contracts made under section 340.03 or 340.033 of the Revised 37677
Code; 37678

(e) Maintained as a state institution for the mentally ill 37679
under Chapter 5119. of the Revised Code; 37680

(f) Licensed by the department of mental health under section 37681
5119.20 or 5119.22 of the Revised Code; 37682

(g) Licensed as a residential facility by the department of 37683
mental retardation and developmental disabilities under section 37684
5123.19 of the Revised Code; 37685

(h) Operated by the veteran's administration or another 37686
agency of the United States government; 37687

(i) The Ohio soldiers' and sailors' home. 37688

(2) A person is "in a correctional facility" if any of the 37689
following apply: 37690

(a) The person is an Ohio resident and is: 37691

(i) Imprisoned, as defined in section 1.05 of the Revised 37692
Code; 37693

(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	37694 37695
(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority.	37696 37697 37698 37699 37700 37701 37702 37703 37704 37705 37706
(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned.	37707 37708 37709 37710
(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal.	37711 37712 37713 37714 37715 37716
(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	37717 37718
(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	37719 37720
(B) If the circumstances described in division (C) of this section apply, the determination of what school district must admit a child to its schools and what district, if any, is liable for tuition shall be made in accordance with this section, rather	37721 37722 37723 37724

than section 3313.64 of the Revised Code. 37725

(C) A child who does not reside in the school district in 37726
which the child's parent resides and for whom a tuition obligation 37727
previously has not been established under division (C)(2) of 37728
section 3313.64 of the Revised Code shall be admitted to the 37729
schools of the district in which the child resides if at least one 37730
of the child's parents is in a residential or correctional 37731
facility or a juvenile residential placement and the other parent, 37732
if living and not in such a facility or placement, is not known to 37733
reside in this state. 37734

(D) Regardless of who has custody or care of the child, 37735
whether the child resides in a home, or whether the child receives 37736
special education, if a district admits a child under division (C) 37737
of this section, tuition shall be paid to that district as 37738
follows: 37739

(1) If the child's parent is in a juvenile residential 37740
placement, by the district in which the child's parent resided at 37741
the time the parent became subject to the jurisdiction of the 37742
juvenile court; 37743

(2) If the child's parent is in a correctional facility, by 37744
the district in which the child's parent resided at the time the 37745
sentence was imposed; 37746

(3) If the child's parent is in a residential facility, by 37747
the district in which the parent resided at the time the parent 37748
was admitted to the residential facility, except that if the 37749
parent was transferred from another residential facility, tuition 37750
shall be paid by the district in which the parent resided at the 37751
time the parent was admitted to the facility from which the parent 37752
first was transferred; 37753

(4) In the event of a disagreement as to which school 37754
district is liable for tuition under division (C)(1), (2), or (3) 37755

of this section, the superintendent of public instruction shall 37756
determine which district shall pay tuition. 37757

(E) If a child covered by division (D) of this section 37758
receives special education in accordance with Chapter 3323. of the 37759
Revised Code, the tuition shall be paid in accordance with section 37760
3323.13 or 3323.14 of the Revised Code. Tuition for children who 37761
do not receive special education shall be paid in accordance with 37762
division (J) of section 3313.64 of the Revised Code. 37763

Sec. 3313.719. The board of education of each city, local, 37764
exempted village, and joint vocational school district and the 37765
governing authority of each chartered nonpublic school shall 37766
establish a written policy with respect to protecting students 37767
with peanut or other food allergies. The policy shall be developed 37768
in consultation with parents, school nurses and other school 37769
employees, school volunteers, students, and community members. 37770

Sec. 3313.843. (A) Notwithstanding division (D) of section 37771
3311.52 of the Revised Code, this section does not apply to either 37772
of the following: 37773

(1) Any cooperative education school district; 37774

(2) Any city or exempted village school district with a total 37775
student count of thirteen thousand or more determined pursuant to 37776
section 3317.03 of the Revised Code that has not entered into one 37777
or more agreements pursuant to this section prior to July 1, 1993, 37778
unless the district's total student count did not exceed thirteen 37779
thousand at the time it entered into an initial agreement under 37780
this section. 37781

(B) The board of education of a city or exempted village 37782
school district and the governing board of an educational service 37783
center may enter into an agreement, through adoption of identical 37784
resolutions, under which the educational service center governing 37785

board will provide services to the city or exempted village school district. 37786
37787

Services provided under the agreement shall be specified in 37788
the agreement, and may include any one or a combination of the 37789
following: supervisory teachers; in-service and continuing 37790
education programs for city or exempted village school district 37791
personnel; curriculum services as provided to the local school 37792
districts under the supervision of the service center governing 37793
board; research and development programs; academic instruction for 37794
which the governing board employs teachers pursuant to section 37795
3319.02 of the Revised Code; and assistance in the provision of 37796
special accommodations and classes for students with disabilities. 37797
Services included in the agreement shall be provided to the city 37798
or exempted village district in the same manner they are provided 37799
to local school districts under the governing board's supervision, 37800
unless otherwise specified in the agreement. The city or exempted 37801
village board of education shall reimburse the educational service 37802
center governing board pursuant to section 3317.11 of the Revised 37803
Code. 37804

(C) If an educational service center received funding under 37805
division (B) of former section 3317.11 or division (F) of section 37806
3317.11 of the Revised Code for an agreement under this section 37807
involving a city school district whose total student count was 37808
less than thirteen thousand, the service center may continue to 37809
receive funding under that division for such an agreement in any 37810
subsequent year if the city district's total student count exceeds 37811
thirteen thousand. However, only the first thirteen thousand 37812
pupils in the formula ADM of such district shall be included in 37813
determining the amount of the per pupil subsidy the service center 37814
shall receive under division (F) of section 3317.11 of the Revised 37815
Code. 37816

(D) ~~Any~~ If an educational service center that has received 37817

funding under division (F) of section 3317.11 of the Revised Code, 37818
or under division (B) of former section 3317.11 of the Revised 37819
Code as it existed prior to September 26, 2003, for services 37820
provided to a city or exempted village school district pursuant to 37821
an agreement entered into under this section is dissolved or is 37822
scheduled to be dissolved under section 3311.0510 of the Revised 37823
Code, the city or exempted village school district that entered 37824
into that agreement with the service center may enter into a new 37825
agreement under this section with another service center for the 37826
same or similar services. In that case, the other service center 37827
shall receive funding under division (F) of section 3317.11 of the 37828
Revised Code for services to that district for any subsequent year 37829
that the new agreement is in force. An agreement entered into 37830
under this division shall be effective on the first day of July 37831
following the date both the service center governing board and the 37832
city or exempted village school district board approved the 37833
agreement, unless the agreement is so approved after the initial 37834
service center is dissolved, in which case the agreement shall be 37835
effective on the date that both boards have approved the 37836
agreement. 37837

(E) Except for an agreement under division (D) of this 37838
section that is approved by the boards of the district and the new 37839
service center after the initial service center is dissolved, any 37840
agreement entered into pursuant to this section shall be valid 37841
only if a copy is filed with the department of education by the 37842
first day of the school year for which the agreement is in effect. 37843
An agreement under division (D) of this section that is approved 37844
by the boards of the district and the new service center after the 37845
initial service center is dissolved shall be valid only if a copy 37846
is filed with the department within ten days after both boards 37847
have approved the agreement. 37848

Sec. 3313.86. The board of education of each city, exempted 37849

village, local, and joint vocational school district and the 37850
governing authority of each chartered nonpublic school 37851
periodically shall review its policies and procedures to ensure 37852
the safety of students, employees, and other persons using a 37853
school building from any known hazards in the building or on 37854
building grounds that, in the judgment of the board or governing 37855
authority, pose an immediate risk to health or safety. The board 37856
or governing authority shall further ensure that its policies and 37857
procedures comply with all federal laws and regulations regarding 37858
health and safety applicable to school buildings. 37859

Sec. 3313.976. (A) No private school may receive scholarship 37860
payments from parents pursuant to section 3313.979 of the Revised 37861
Code until the chief administrator of the private school registers 37862
the school with the superintendent of public instruction. The 37863
state superintendent shall register any school that meets the 37864
following requirements: 37865

(1) The school is located within the boundaries of the pilot 37866
project school district; 37867

(2) The school indicates in writing its commitment to follow 37868
all requirements for a state-sponsored scholarship program 37869
specified under sections 3313.974 to 3313.979 of the Revised Code, 37870
including, but not limited to, the requirements for admitting 37871
students pursuant to section 3313.977 of the Revised Code; 37872

(3) The school meets all state minimum standards for 37873
chartered nonpublic schools in effect on July 1, 1992, except that 37874
the state superintendent at the superintendent's discretion may 37875
register nonchartered nonpublic schools meeting the other 37876
requirements of this division; 37877

(4) The school does not discriminate on the basis of race, 37878
religion, or ethnic background; 37879

- (5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 37880
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- (6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 37882
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- (7) The school does not provide false or misleading information about the school to parents, students, or the general public; 37885
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- (8) For students in grades kindergarten through eight, the school agrees not to charge any tuition to low-income families receiving ninety per cent of the scholarship amount through the scholarship program, pursuant to division (A) of section 3313.978 of the Revised Code, in excess of ten per cent of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit any such tuition, at the discretion of the parent, to be satisfied by the low-income family's provision of in-kind contributions or services. 37888
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- (9) For students in grades kindergarten through eight, the school agrees not to charge any tuition to low-income families receiving a seventy-five per cent scholarship amount through the scholarship program, pursuant to division (A) of section 3313.978 of the Revised Code, in excess of the difference between the actual tuition charge of the school and seventy-five per cent of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the low-income family's provision of in-kind contributions or services. 37898
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- (10) The school agrees not to charge any tuition to families 37910

of students in grades nine through twelve receiving a scholarship 37911
in excess of the actual tuition charge of the school less 37912
seventy-five or ninety per cent of the scholarship amount 37913
established pursuant to division (C)(1) of section 3313.978 of the 37914
Revised Code, as applicable, excluding any increase described in 37915
division (C)(2) of that section. 37916

(11) Notwithstanding division (K) of section 3301.0711 of the 37917
Revised Code, the school annually administers the tests prescribed 37918
by section 3301.0710 of the Revised Code to each scholarship 37919
student enrolled in the school in accordance with section 37920
3301.0711 of the Revised Code and reports to the department of 37921
education the results of each such test administered to each 37922
scholarship student. 37923

(B) The state superintendent shall revoke the registration of 37924
any school if, after a hearing, the superintendent determines that 37925
the school is in violation of any of the provisions of division 37926
(A) of this section. 37927

(C) Any public school located in a school district adjacent 37928
to the pilot project district may receive scholarship payments on 37929
behalf of parents pursuant to section 3313.979 of the Revised Code 37930
if the superintendent of the district in which such public school 37931
is located notifies the state superintendent prior to the first 37932
day of March that the district intends to admit students from the 37933
pilot project district for the ensuing school year pursuant to 37934
section 3327.06 of the Revised Code. 37935

(D) Any parent wishing to purchase tutorial assistance from 37936
any person or governmental entity pursuant to the pilot project 37937
program under sections 3313.974 to 3313.979 of the Revised Code 37938
shall apply to the state superintendent. The state superintendent 37939
shall approve providers who appear to possess the capability of 37940
furnishing the instructional services they are offering to 37941
provide. 37942

Sec. 3313.978. (A) Annually by the first day of November, the 37943
superintendent of public instruction shall notify the pilot 37944
project school district of the number of initial scholarships that 37945
the state superintendent will be awarding in each of grades 37946
kindergarten through eight. 37947

The state superintendent shall provide information about the 37948
scholarship program to all students residing in the district, 37949
shall accept applications from any such students until such date 37950
as shall be established by the state superintendent as a deadline 37951
for applications, and shall establish criteria for the selection 37952
of students to receive scholarships from among all those applying 37953
prior to the deadline, which criteria shall give preference to 37954
students from low-income families. For each student selected, the 37955
state superintendent shall also determine whether the student 37956
qualifies for seventy-five or ninety per cent of the scholarship 37957
amount. Students whose family income is at or above two hundred 37958
per cent of the maximum income level established by the state 37959
superintendent for low-income families shall qualify for 37960
seventy-five per cent of the scholarship amount and students whose 37961
family income is below two hundred per cent of that maximum income 37962
level shall qualify for ninety per cent of the scholarship amount. 37963
The state superintendent shall notify students of their selection 37964
prior to the fifteenth day of January and whether they qualify for 37965
seventy-five or ninety per cent of the scholarship amount. 37966

(1) A student receiving a pilot project scholarship may 37967
utilize it at an alternative public school by notifying the 37968
district superintendent, at any time before the beginning of the 37969
school year, of the name of the public school in an adjacent 37970
school district to which the student has been accepted pursuant to 37971
section 3327.06 of the Revised Code. 37972

(2) A student may decide to utilize a pilot project 37973

scholarship at a registered private school in the district if all 37974
of the following conditions are met: 37975

(a) By the fifteenth day of February of the preceding school 37976
year, or at any time prior to the start of the school year, the 37977
parent makes an application on behalf of the student to a 37978
registered private school. 37979

(b) The registered private school notifies the parent and the 37980
state superintendent as follows that the student has been 37981
admitted: 37982

(i) By the fifteenth day of March of the preceding school 37983
year if the student filed an application by the fifteenth day of 37984
February and was admitted by the school pursuant to division (A) 37985
of section 3313.977 of the Revised Code; 37986

(ii) Within one week of the decision to admit the student if 37987
the student is admitted pursuant to division (C) of section 37988
3313.977 of the Revised Code. 37989

(c) The student actually enrolls in the registered private 37990
school to which the student was first admitted or in another 37991
registered private school in the district or in a public school in 37992
an adjacent school district. 37993

(B) The state superintendent shall also award in any school 37994
year tutorial assistance grants to a number of students equal to 37995
the number of students who receive scholarships under division (A) 37996
of this section. Tutorial assistance grants shall be awarded 37997
solely to students who are enrolled in the public schools of the 37998
district in a grade level covered by the pilot project. Tutorial 37999
assistance grants may be used solely to obtain tutorial assistance 38000
from a provider approved pursuant to division (D) of section 38001
3313.976 of the Revised Code. 38002

All students wishing to obtain tutorial assistance grants 38003
shall make application to the state superintendent by the first 38004

day of the school year in which the assistance will be used. The 38005
state superintendent shall award assistance grants in accordance 38006
with criteria the superintendent shall establish. For each student 38007
awarded a grant, the state superintendent shall also determine 38008
whether the student qualifies for seventy-five or ninety per cent 38009
of the grant amount and so notify the student. Students whose 38010
family income is at or above two hundred per cent of the maximum 38011
income level established by the state superintendent for 38012
low-income families shall qualify for seventy-five per cent of the 38013
grant amount and students whose family income is below two hundred 38014
per cent of that maximum income level shall qualify for ninety per 38015
cent of the grant amount. 38016

(C)(1) In the case of basic scholarships for students in 38017
grades kindergarten through eight, the scholarship amount shall 38018
not exceed the lesser of the tuition charges of the alternative 38019
school the scholarship recipient attends or three thousand dollars 38020
before fiscal year 2007 and three thousand four hundred fifty 38021
dollars in fiscal year 2007 and thereafter. 38022

In the case of basic scholarships for students in grades nine 38023
through twelve, the scholarship amount shall not exceed the lesser 38024
of the tuition charges of the alternative school the scholarship 38025
recipient attends or two thousand seven hundred dollars before 38026
fiscal year 2007 and three thousand four hundred fifty dollars in 38027
fiscal year 2007 and thereafter. 38028

(2) The state superintendent shall provide for an increase in 38029
the basic scholarship amount in the case of any student who is a 38030
mainstreamed student with a disability and shall further increase 38031
such amount in the case of any separately educated student with a 38032
disability. Such increases shall take into account the 38033
instruction, related services, and transportation costs of 38034
educating such students. 38035

(3) In the case of tutorial assistance grants, the grant 38036

amount shall not exceed the lesser of the provider's actual 38037
charges for such assistance or: 38038

(a) Before fiscal year 2007, a percentage established by the 38039
state superintendent, not to exceed twenty per cent, of the amount 38040
of the pilot project school district's average basic scholarship 38041
amount; 38042

(b) In fiscal year 2007 and thereafter, four hundred dollars. 38043

(4) No scholarship or tutorial assistance grant shall be 38044
awarded unless the state superintendent determines that 38045
twenty-five or ten per cent, as applicable, of the amount 38046
specified for such scholarship or grant pursuant to division 38047
(C)(1), (2), or (3) of this section will be furnished by a 38048
political subdivision, a private nonprofit or for profit entity, 38049
or another person. Only seventy-five or ninety per cent of such 38050
amounts, as applicable, shall be paid from state funds pursuant to 38051
section 3313.979 of the Revised Code. 38052

(D)(1) Annually by the first day of November, the state 38053
superintendent shall estimate the maximum per-pupil scholarship 38054
amounts for the ensuing school year. The state superintendent 38055
shall make this estimate available to the general public at the 38056
offices of the district board of education together with the forms 38057
required by division (D)(2) of this section. 38058

(2) Annually by the fifteenth day of January, the chief 38059
administrator of each registered private school located in the 38060
pilot project district and the principal of each public school in 38061
such district shall complete a parental information form and 38062
forward it to the president of the board of education. The 38063
parental information form shall be prescribed by the department of 38064
education and shall provide information about the grade levels 38065
offered, the numbers of students, tuition amounts, achievement 38066
test results, and any sectarian or other organizational 38067

affiliations. 38068

(E)(1) Only for the purpose of administering the pilot 38069
project scholarship program, the department may request from any 38070
of the following entities the data verification code assigned 38071
under division (D)(2) of section 3301.0714 of the Revised Code to 38072
any student who is seeking a scholarship under the program: 38073

(a) The school district in which the student is entitled to 38074
attend school under section 3313.64 or 3313.65 of the Revised 38075
Code; 38076

(b) If applicable, the community school in which the student 38077
is enrolled; 38078

(c) The independent contractor engaged to create and maintain 38079
data verification codes. 38080

(2) Upon a request by the department under division (E)(1) of 38081
this section for the data verification code of a student seeking a 38082
scholarship or a request by the student's parent for that code, 38083
the school district or community school shall submit that code to 38084
the department or parent in the manner specified by the 38085
department. If the student has not been assigned a code, because 38086
the student will be entering kindergarten during the school year 38087
for which the scholarship is sought, the district shall assign a 38088
code to that student and submit the code to the department or 38089
parent by a date specified by the department. If the district does 38090
not assign a code to the student by the specified date, the 38091
department shall assign a code to the student. 38092

The department annually shall submit to each school district 38093
the name and data verification code of each student residing in 38094
the district who is entering kindergarten, who has been awarded a 38095
scholarship under the program, and for whom the department has 38096
assigned a code under this division. 38097

(3) The department shall not release any data verification 38098

code that it receives under division (E) of this section to any person except as provided by law. 38099
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(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 38101
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(G)(1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the tests administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows: 38106
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(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take a test pursuant to division (A)(11) of section 3313.976 of the Revised Code; 38111
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(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take a test pursuant to division (A)(11) of section 3313.976 of the Revised Code. 38116
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(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories: 38120
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(a) Age; 38123

(b) Race and ethnicity; 38124

(c) Gender; 38125

(d) Students who have participated in the scholarship program for three or more years; 38126
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(e) Students who have participated in the scholarship program 38128

for more than one year and less than three years; 38129

(f) Students who have participated in the scholarship program 38130
for one year or less; 38131

(g) Economically disadvantaged students. 38132

(3) The department shall post the student performance data 38133
required under divisions (G)(1) and (2) of this section on its web 38134
site and shall include that data in the information about the 38135
scholarship program provided to students under division (A) of 38136
this section. In reporting student performance data under this 38137
division, the department shall not include any data that is 38138
statistically unreliable or that could result in the 38139
identification of individual students. For this purpose, the 38140
department shall not report performance data for any group that 38141
contains less than ten students. 38142

(4) The department shall provide the parent of each 38143
scholarship student enrolled in a registered private school with 38144
information comparing the student's performance on the tests 38145
administered pursuant to division (A)(11) of section 3313.976 of 38146
the Revised Code with the average performance of similar students 38147
enrolled in the building operated by the pilot project school 38148
district that the scholarship student would otherwise attend. In 38149
calculating the performance of similar students, the department 38150
shall consider age, grade, race and ethnicity, gender, and 38151
socioeconomic status. 38152

Sec. 3314.02. (A) As used in this chapter: 38153

(1) "Sponsor" means an entity listed in division (C)(1) of 38154
this section, which has been approved by the department of 38155
education to sponsor community schools and with which the 38156
governing authority of the proposed community school enters into a 38157
contract pursuant to this section. 38158

(2) "Pilot project area" means the school districts included	38159
in the territory of the former community school pilot project	38160
established by former Section 50.52 of Am. Sub. H.B. No. 215 of	38161
the 122nd general assembly.	38162
(3) "Challenged school district" means any of the following:	38163
(a) A school district that is part of the pilot project area;	38164
(b) A school district that is either in a state of academic	38165
emergency or in a state of academic watch under section 3302.03 of	38166
the Revised Code;	38167
(c) A big eight school district.	38168
(4) "Big eight school district" means a school district that	38169
for fiscal year 1997 had both of the following:	38170
(a) A percentage of children residing in the district and	38171
participating in the predecessor of Ohio works first greater than	38172
thirty per cent, as reported pursuant to section 3317.10 of the	38173
Revised Code;	38174
(b) An average daily membership greater than twelve thousand,	38175
as reported pursuant to former division (A) of section 3317.03 of	38176
the Revised Code.	38177
(5) "New start-up school" means a community school other than	38178
one created by converting all or part of an existing public school	38179
or educational service center building, as designated in the	38180
school's contract pursuant to division (A)(17) of section 3314.03	38181
of the Revised Code.	38182
(6) "Urban school district" means one of the state's	38183
twenty-one urban school districts as defined in division (O) of	38184
section 3317.02 of the Revised Code as that section existed prior	38185
to July 1, 1998.	38186
(7) "Internet- or computer-based community school" means a	38187
community school established under this chapter in which the	38188

enrolled students work primarily from their residences on 38189
assignments in nonclassroom-based learning opportunities provided 38190
via an internet- or other computer-based instructional method that 38191
does not rely on regular classroom instruction or via 38192
comprehensive instructional methods that include internet-based, 38193
other computer-based, and noncomputer-based learning 38194
opportunities. 38195

(B) Any person or group of individuals may initially propose 38196
under this division the conversion of all or a portion of a public 38197
school or a building operated by an educational service center to 38198
a community school. The proposal shall be made to the board of 38199
education of the city, local, ~~or~~ exempted village, or joint 38200
vocational school district in which the public school is proposed 38201
to be converted or, in the case of the conversion of a building 38202
operated by an educational service center, to the governing board 38203
of the service center. Upon receipt of a proposal, a board may 38204
enter into a preliminary agreement with the person or group 38205
proposing the conversion of the public school or service center 38206
building, indicating the intention of the board to support the 38207
conversion to a community school. A proposing person or group that 38208
has a preliminary agreement under this division may proceed to 38209
finalize plans for the school, establish a governing authority for 38210
the school, and negotiate a contract with the board. Provided the 38211
proposing person or group adheres to the preliminary agreement and 38212
all provisions of this chapter, the board shall negotiate in good 38213
faith to enter into a contract in accordance with section 3314.03 38214
of the Revised Code and division (C) of this section. 38215

(C)(1) Any person or group of individuals may propose under 38217
this division the establishment of a new start-up school to be 38218
located in a challenged school district. The proposal may be made 38219
to any of the following entities: 38220

- (a) The board of education of the district in which the school is proposed to be located; 38221
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- (b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located; 38223
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- (c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory; 38227
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- (d) The governing board of any educational service center, as long as the proposed school will be located in a county within the territory of the service center or in a county contiguous to such county; 38231
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- (e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department of education under division (B)(2) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education; 38235
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- (f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied: 38246
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- (i) The entity has been in operation for at least five years prior to applying to be a community school sponsor. 38249
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- (ii) The entity has assets of at least five hundred thousand 38251

dollars and a demonstrated record of financial responsibility. 38252

(iii) The department of education has determined that the 38253
entity is an education-oriented entity under division (B)(3) of 38254
section 3314.015 of the Revised Code and the entity has a 38255
demonstrated record of successful implementation of educational 38256
programs. 38257

(iv) The entity is not a community school. 38258

Any entity described in division (C)(1) of this section may 38259
enter into a preliminary agreement pursuant to division (C)(2) of 38260
this section with the proposing person or group. 38261

(2) A preliminary agreement indicates the intention of an 38262
entity described in division (C)(1) of this section to sponsor the 38263
community school. A proposing person or group that has such a 38264
preliminary agreement may proceed to finalize plans for the 38265
school, establish a governing authority as described in division 38266
(E) of this section for the school, and negotiate a contract with 38267
the entity. Provided the proposing person or group adheres to the 38268
preliminary agreement and all provisions of this chapter, the 38269
entity shall negotiate in good faith to enter into a contract in 38270
accordance with section 3314.03 of the Revised Code. 38271

(3) A new start-up school that is established in a school 38272
district while that district is either in a state of academic 38273
emergency or in a state of academic watch under section 3302.03 of 38274
the Revised Code may continue in existence once the school 38275
district is no longer in a state of academic emergency or academic 38276
watch, provided there is a valid contract between the school and a 38277
sponsor. 38278

(4) A copy of every preliminary agreement entered into under 38279
this division shall be filed with the superintendent of public 38280
instruction. 38281

(D) A majority vote of the board of a sponsoring entity and a 38282

majority vote of the members of the governing authority of a 38283
community school shall be required to adopt a contract and convert 38284
the public school or educational service center building to a 38285
community school or establish the new start-up school. Beginning 38286
September 29, 2005, adoption of the contract shall occur not later 38287
than the fifteenth day of March, and signing of the contract shall 38288
occur not later than the fifteenth day of May, prior to the school 38289
year in which the school will open. The governing authority shall 38290
notify the department of education when the contract has been 38291
signed. Subject to sections 3314.013, 3314.014, 3314.016, and 38292
3314.017 of the Revised Code, an unlimited number of community 38293
schools may be established in any school district provided that a 38294
contract is entered into for each community school pursuant to 38295
this chapter. 38296

(E)(1) As used in this division, "immediate relatives" are 38297
limited to spouses, children, parents, grandparents, siblings, and 38298
in-laws. 38299

Each new start-up community school established under this 38300
chapter shall be under the direction of a governing authority 38301
which shall consist of a board of not less than five individuals. 38302

No person shall serve on the governing authority or operate 38303
the community school under contract with the governing authority 38304
so long as the person owes the state any money or is in a dispute 38305
over whether the person owes the state any money concerning the 38306
operation of a community school that has closed. 38307

(2) No person shall serve on the governing authorities of 38308
more than two start-up community schools at the same time. 38309

(3) No present or former member, or immediate relative of a 38310
present or former member, of the governing authority of any 38311
community school established under this chapter shall be an owner, 38312
employee, or consultant of any nonprofit or for-profit operator of 38313

a community school, unless at least one year has elapsed since the conclusion of the person's membership.

(F)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district.

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school. However, the educational service center shall not enter into a contract with any additional community school unless the school is located in a county within the territory of the service center or in a county contiguous to such county.

Sec. 3314.028. Notwithstanding any provision of this chapter to the contrary, beginning in the 2009-2010 school year, a

community school that meets the following conditions may operate 38345
from the facility in which the school was located in the 2008-2009 38346
school year and shall not be required to locate to another school 38347
district: 38348

(A) The school was located in the facility for at least the 38349
three school years prior to the 2009-2010 school year. 38350

(B) The school's sponsor is a school district that is 38351
adjacent to the school district in which the school is located. 38352

(C) The school's education program emphasizes serving 38353
students identified as gifted under Chapter 3324. of the Revised 38354
Code. 38355

(D) The school has been rated in need of continuous 38356
improvement or higher under section 3302.03 of the Revised Code 38357
for the previous three school years. 38358

Sec. 3314.03. A copy of every contract entered into under 38359
this section shall be filed with the superintendent of public 38360
instruction. 38361

(A) Each contract entered into between a sponsor and the 38362
governing authority of a community school shall specify the 38363
following: 38364

(1) That the school shall be established as either of the 38365
following: 38366

(a) A nonprofit corporation established under Chapter 1702. 38367
of the Revised Code, if established prior to April 8, 2003; 38368

(b) A public benefit corporation established under Chapter 38369
1702. of the Revised Code, if established after April 8, 2003; 38370

(2) The education program of the school, including the 38371
school's mission, the characteristics of the students the school 38372
is expected to attract, the ages and grades of students, and the 38373

focus of the curriculum;	38374
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests;	38375 38376 38377
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	38378 38379
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	38380 38381
(6)(a) Dismissal procedures;	38382
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	38383 38384 38385 38386 38387 38388
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	38389 38390
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits. <u>Audits</u> shall be conducted in accordance with section 117.10 of the Revised Code.	38391 38392 38393 38394 38395 38396
(9) The facilities to be used and their locations;	38397
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	38398 38399 38400 38401 38402 38403

(11) That the school will comply with the following requirements: 38404
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 38406
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 38409
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 38412
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 38416
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 38429
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(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code 38431
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that a person must successfully complete the curriculum in any 38435
high school prior to receiving a high school diploma may be met by 38436
completing the curriculum adopted by the governing authority of 38437
the community school rather than the curriculum specified in Title 38438
XXXIII of the Revised Code or any rules of the state board of 38439
education. Beginning with students who enter ninth grade for the 38440
first time on or after July 1, 2010, the requirement in sections 38441
3313.61 and 3313.611 of the Revised Code that a person must 38442
successfully complete the curriculum of a high school prior to 38443
receiving a high school diploma shall be met by completing the 38444
Ohio core curriculum prescribed in division (C) of section 38445
3313.603 of the Revised Code, unless the person qualifies under 38446
division (D) or (F) of that section. Each school shall comply with 38447
the plan for awarding high school credit based on demonstration of 38448
subject area competency, adopted by the state board of education 38449
under division (J) of section 3313.603 of the Revised Code. 38450

(g) The school governing authority will submit within four 38451
months after the end of each school year a report of its 38452
activities and progress in meeting the goals and standards of 38453
divisions (A)(3) and (4) of this section and its financial status 38454
to the sponsor and the parents of all students enrolled in the 38455
school. 38456

(h) The school, unless it is an internet- or computer-based 38457
community school, will comply with section 3313.801 of the Revised 38458
Code as if it were a school district. 38459

(12) Arrangements for providing health and other benefits to 38460
employees; 38461

(13) The length of the contract, which shall begin at the 38462
beginning of an academic year. No contract shall exceed five years 38463
unless such contract has been renewed pursuant to division (E) of 38464
this section. 38465

(14) The governing authority of the school, which shall be 38466
responsible for carrying out the provisions of the contract; 38467

(15) A financial plan detailing an estimated school budget 38468
for each year of the period of the contract and specifying the 38469
total estimated per pupil expenditure amount for each such year. 38470
The plan shall specify for each year the base formula amount that 38471
will be used for purposes of funding calculations under section 38472
3314.08 of the Revised Code. This base formula amount for any year 38473
shall not exceed the formula amount defined under section 3317.02 38474
of the Revised Code. The plan may also specify for any year a 38475
percentage figure to be used for reducing the per pupil amount of 38476
the subsidy calculated pursuant to section 3317.029 of the Revised 38477
Code the school is to receive that year under section 3314.08 of 38478
the Revised Code. 38479

(16) Requirements and procedures regarding the disposition of 38480
employees of the school in the event the contract is terminated or 38481
not renewed pursuant to section 3314.07 of the Revised Code; 38482

(17) Whether the school is to be created by converting all or 38483
part of an existing public school or educational service center 38484
building or is to be a new start-up school, and if it is a 38485
converted public school or service center building, specification 38486
of any duties or responsibilities of an employer that the board of 38487
education or service center governing board that operated the 38488
school or building before conversion is delegating to the 38489
governing authority of the community school with respect to all or 38490
any specified group of employees provided the delegation is not 38491
prohibited by a collective bargaining agreement applicable to such 38492
employees; 38493

(18) Provisions establishing procedures for resolving 38494
disputes or differences of opinion between the sponsor and the 38495
governing authority of the community school; 38496

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to

take such action; 38527

(23) A description of the learning opportunities that will be 38528
offered to students including both classroom-based and 38529
non-classroom-based learning opportunities that is in compliance 38530
with criteria for student participation established by the 38531
department under division (L)(2) of section 3314.08 of the Revised 38532
Code; 38533

(24) The school will comply with sections 3302.04 and 38534
3302.041 of the Revised Code, except that any action required to 38535
be taken by a school district pursuant to those sections shall be 38536
taken by the sponsor of the school. However, the sponsor shall not 38537
be required to take any action described in division (F) of 38538
section 3302.04 of the Revised Code. 38539

(25) Beginning in the 2006-2007 school year, the school will 38540
open for operation not later than the thirtieth day of September 38541
each school year, unless the mission of the school as specified 38542
under division (A)(2) of this section is solely to serve dropouts. 38543
In its initial year of operation, if the school fails to open by 38544
the thirtieth day of September, or within one year after the 38545
adoption of the contract pursuant to division (D) of section 38546
3314.02 of the Revised Code if the mission of the school is solely 38547
to serve dropouts, the contract shall be void. 38548

(B) The community school shall also submit to the sponsor a 38549
comprehensive plan for the school. The plan shall specify the 38550
following: 38551

(1) The process by which the governing authority of the 38552
school will be selected in the future; 38553

(2) The management and administration of the school; 38554

(3) If the community school is a currently existing public 38555
school or educational service center building, alternative 38556
arrangements for current public school students who choose not to 38557

attend the converted school and for teachers who choose not to 38558
teach in the school or building after conversion; 38559

(4) The instructional program and educational philosophy of 38560
the school; 38561

(5) Internal financial controls. 38562

(C) A contract entered into under section 3314.02 of the 38563
Revised Code between a sponsor and the governing authority of a 38564
community school may provide for the community school governing 38565
authority to make payments to the sponsor, which is hereby 38566
authorized to receive such payments as set forth in the contract 38567
between the governing authority and the sponsor. The total amount 38568
of such payments for oversight and monitoring of the school shall 38569
not exceed three per cent of the total amount of payments for 38570
operating expenses that the school receives from the state. 38571

(D) The contract shall specify the duties of the sponsor 38572
which shall be in accordance with the written agreement entered 38573
into with the department of education under division (B) of 38574
section 3314.015 of the Revised Code and shall include the 38575
following: 38576

(1) Monitor the community school's compliance with all laws 38577
applicable to the school and with the terms of the contract; 38578

(2) Monitor and evaluate the academic and fiscal performance 38579
and the organization and operation of the community school on at 38580
least an annual basis; 38581

(3) Report on an annual basis the results of the evaluation 38582
conducted under division (D)(2) of this section to the department 38583
of education and to the parents of students enrolled in the 38584
community school; 38585

(4) Provide technical assistance to the community school in 38586
complying with laws applicable to the school and terms of the 38587

contract; 38588

(5) Take steps to intervene in the school's operation to 38589
correct problems in the school's overall performance, declare the 38590
school to be on probationary status pursuant to section 3314.073 38591
of the Revised Code, suspend the operation of the school pursuant 38592
to section 3314.072 of the Revised Code, or terminate the contract 38593
of the school pursuant to section 3314.07 of the Revised Code as 38594
determined necessary by the sponsor; 38595

(6) Have in place a plan of action to be undertaken in the 38596
event the community school experiences financial difficulties or 38597
closes prior to the end of a school year. 38598

(E) Upon the expiration of a contract entered into under this 38599
section, the sponsor of a community school may, with the approval 38600
of the governing authority of the school, renew that contract for 38601
a period of time determined by the sponsor, but not ending earlier 38602
than the end of any school year, if the sponsor finds that the 38603
school's compliance with applicable laws and terms of the contract 38604
and the school's progress in meeting the academic goals prescribed 38605
in the contract have been satisfactory. Any contract that is 38606
renewed under this division remains subject to the provisions of 38607
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 38608

(F) If a community school fails to open for operation within 38609
one year after the contract entered into under this section is 38610
adopted pursuant to division (D) of section 3314.02 of the Revised 38611
Code or permanently closes prior to the expiration of the 38612
contract, the contract shall be void and the school shall not 38613
enter into a contract with any other sponsor. A school shall not 38614
be considered permanently closed because the operations of the 38615
school have been suspended pursuant to section 3314.072 of the 38616
Revised Code. Any contract that becomes void under this division 38617
shall not count toward any statewide limit on the number of such 38618
contracts prescribed by section 3314.013 of the Revised Code. 38619

Sec. 3314.08. (A) As used in this section:	38620
(1) "Base formula amount" means the amount specified as such	38621
in a community school's financial plan for a school year pursuant	38622
to division (A)(15) of section 3314.03 of the Revised Code.	38623
(2) "IEP" has the same meaning as in section 3323.01 of the	38624
Revised Code.	38625
(3) "Applicable special education weight" means the multiple	38626
specified in section 3317.013 of the Revised Code for a disability	38627
described in that section.	38628
(4) "Applicable vocational education weight" means:	38629
(a) For a student enrolled in vocational education programs	38630
or classes described in division (A) of section 3317.014 of the	38631
Revised Code, the multiple specified in that division;	38632
(b) For a student enrolled in vocational education programs	38633
or classes described in division (B) of section 3317.014 of the	38634
Revised Code, the multiple specified in that division.	38635
(5) "Entitled to attend school" means entitled to attend	38636
school in a district under section 3313.64 or 3313.65 of the	38637
Revised Code.	38638
(6) A community school student is "included in the poverty	38639
student count" of a school district if the student is entitled to	38640
attend school in the district and the student's family receives	38641
assistance under the Ohio works first program.	38642
(7) "Poverty-based assistance reduction factor" means the	38643
percentage figure, if any, for reducing the per pupil amount of	38644
poverty-based assistance a community school is entitled to receive	38645
pursuant to divisions (D)(5) to (9) of this section in any year,	38646
as specified in the school's financial plan for the year pursuant	38647
to division (A)(15) of section 3314.03 of the Revised Code.	38648

(8) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code. 38649
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(9) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 38651
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(B) The state board of education shall adopt rules requiring both of the following: 38653
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(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all-day kindergarten in their community school, and for each child, the community school in which the child is enrolled. 38655
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(2) The governing authority of each community school established under this chapter to annually report all of the following: 38665
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(a) The number of students enrolled in grades one through twelve and the number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP; 38668
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(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP; 38672
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(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code; 38676
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(d) The full-time equivalent number of students reported 38680
under divisions (B)(2)(a) and (b) of this section who are enrolled 38681
in vocational education programs or classes described in each of 38682
divisions (A) and (B) of section 3317.014 of the Revised Code that 38683
are provided by the community school; 38684

(e) Twenty per cent of the number of students reported under 38685
divisions (B)(2)(a) and (b) of this section who are not reported 38686
under division (B)(2)(d) of this section but who are enrolled in 38687
vocational education programs or classes described in each of 38688
divisions (A) and (B) of section 3317.014 of the Revised Code at a 38689
joint vocational school district under a contract between the 38690
community school and the joint vocational school district and are 38691
entitled to attend school in a city, local, or exempted village 38692
school district whose territory is part of the territory of the 38693
joint vocational district; 38694

(f) The number of enrolled preschool children with 38695
disabilities receiving special education services in a 38696
state-funded unit; 38697

(g) The community school's base formula amount; 38698

(h) For each student, the city, exempted village, or local 38699
school district in which the student is entitled to attend school; 38700

(i) Any poverty-based assistance reduction factor that 38701
applies to a school year. 38702

(C) From the state education aid calculated for a city, 38703
exempted village, or local school district and, if necessary, from 38704
the payment made to the district under sections 321.24 and 323.156 38705
of the Revised Code, the department of education shall annually 38706
subtract the sum of the amounts described in divisions (C)(1) to 38707
(9) of this section. However, when deducting payments on behalf of 38708
students enrolled in internet- or computer-based community 38709
schools, the department shall deduct only those amounts described 38710

in divisions (C)(1) and (2) of this section. Furthermore, the
aggregate amount deducted under this division shall not exceed the
sum of the district's state education aid and its payment under
sections 321.24 and 323.156 of the Revised Code.

(1) An amount equal to the sum of the amounts obtained when,
for each community school where the district's students are
enrolled, the number of the district's students reported under
divisions (B)(2)(a), (b), and (e) of this section who are enrolled
in grades one through twelve, and one-half the number of students
reported under those divisions who are enrolled in kindergarten,
in that community school is multiplied by the sum of the base
formula amount of that community school plus the per pupil amount
of the base funding supplements specified in divisions (C)(1) to
(4) of section 3317.012 of the Revised Code.

(2) The sum of the amounts calculated under divisions
(C)(2)(a) and (b) of this section:

(a) For each of the district's students reported under
division (B)(2)(c) of this section as enrolled in a community
school in grades one through twelve and receiving special
education and related services pursuant to an IEP for a disability
described in section 3317.013 of the Revised Code, the product of
the applicable special education weight times the community
school's base formula amount;

(b) For each of the district's students reported under
division (B)(2)(c) of this section as enrolled in kindergarten in
a community school and receiving special education and related
services pursuant to an IEP for a disability described in section
3317.013 of the Revised Code, one-half of the amount calculated as
prescribed in division (C)(2)(a) of this section.

(3) For each of the district's students reported under

division (B)(2)(d) of this section for whom payment is made under 38742
division (D)(4) of this section, the amount of that payment; 38743

(4) An amount equal to the sum of the amounts obtained when, 38744
for each community school where the district's students are 38745
enrolled, the number of the district's students enrolled in that 38746
community school who are included in the district's poverty 38747
student count is multiplied by the per pupil amount of 38748
poverty-based assistance the school district receives that year 38749
pursuant to division (C) of section 3317.029 of the Revised Code, 38750
as adjusted by any poverty-based assistance reduction factor of 38751
that community school. The per pupil amount of that aid for the 38752
district shall be calculated by the department. 38753

(5) An amount equal to the sum of the amounts obtained when, 38754
for each community school where the district's students are 38755
enrolled, the district's per pupil amount of aid received under 38756
division (E) of section 3317.029 of the Revised Code, as adjusted 38757
by any poverty-based assistance reduction factor of the community 38758
school, is multiplied by the sum of the following: 38759

(a) The number of the district's students reported under 38760
division (B)(2)(a) of this section who are enrolled in grades one 38761
to three in that community school and who are not receiving 38762
special education and related services pursuant to an IEP; 38763

(b) One-half of the district's students who are enrolled in 38764
all-day or any other kindergarten class in that community school 38765
and who are not receiving special education and related services 38766
pursuant to an IEP; 38767

(c) One-half of the district's students who are enrolled in 38768
all-day kindergarten in that community school and who are not 38769
receiving special education and related services pursuant to an 38770
IEP. 38771

The district's per pupil amount of aid under division (E) of 38772

section 3317.029 of the Revised Code is the quotient of the amount 38773
the district received under that division divided by the 38774
district's kindergarten through third grade ADM, as defined in 38775
that section. 38776

(6) An amount equal to the sum of the amounts obtained when, 38777
for each community school where the district's students are 38778
enrolled, the district's per pupil amount received under division 38779
(F) of section 3317.029 of the Revised Code, as adjusted by any 38780
poverty-based assistance reduction factor of that community 38781
school, is multiplied by the number of the district's students 38782
enrolled in the community school who are identified as 38783
limited-English proficient. 38784

(7) An amount equal to the sum of the amounts obtained when, 38785
for each community school where the district's students are 38786
enrolled, the district's per pupil amount received under division 38787
(G) of section 3317.029 of the Revised Code, as adjusted by any 38788
poverty-based assistance reduction factor of that community 38789
school, is multiplied by the sum of the following: 38790

(a) The number of the district's students enrolled in grades 38791
one through twelve in that community school; 38792

(b) One-half of the number of the district's students 38793
enrolled in kindergarten in that community school. 38794

The district's per pupil amount under division (G) of section 38795
3317.029 of the Revised Code is the district's amount per teacher 38796
calculated under division (G)(1) or (2) of that section divided by 38797
17. 38798

(8) An amount equal to the sum of the amounts obtained when, 38799
for each community school where the district's students are 38800
enrolled, the district's per pupil amount received under divisions 38801
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 38802
by any poverty-based assistance reduction factor of that community 38803

school, is multiplied by the sum of the following: 38804

(a) The number of the district's students enrolled in grades 38805
one through twelve in that community school; 38806

(b) One-half of the number of the district's students 38807
enrolled in kindergarten in that community school. 38808

The district's per pupil amount under divisions (H) and (I) 38809
of section 3317.029 of the Revised Code is the amount calculated 38810
under each division divided by the district's formula ADM, as 38811
defined in section 3317.02 of the Revised Code. 38812

(9) An amount equal to the per pupil state parity aid funding 38813
calculated for the school district under either division (C) or 38814
(D) of section 3317.0217 of the Revised Code multiplied by the sum 38815
of the number of students in grades one through twelve, and 38816
one-half of the number of students in kindergarten, who are 38817
entitled to attend school in the district and are enrolled in a 38818
community school as reported under division (B)(1) of this 38819
section. 38820

(D) The department shall annually pay to a community school 38821
established under this chapter the sum of the amounts described in 38822
divisions (D)(1) to (10) of this section. However, the department 38823
shall calculate and pay to each internet- or computer-based 38824
community school only the amounts described in divisions (D)(1) to 38825
(3) of this section. Furthermore, the sum of the payments to all 38826
community schools under divisions (D)(1), (2), and (4) to (10) of 38827
this section for the students entitled to attend school in any 38828
particular school district shall not exceed the sum of that 38829
district's state education aid and its payment under sections 38830
321.24 and 323.156 of the Revised Code. If the sum of the payments 38831
calculated under those divisions for the students entitled to 38832
attend school in a particular school district exceeds the sum of 38833
that district's state education aid and its payment under sections 38834

321.24 and 323.156 of the Revised Code, the department shall 38835
calculate and apply a proration factor to the payments to all 38836
community schools under those divisions for the students entitled 38837
to attend school in that district. 38838

(1) Subject to section 3314.085 of the Revised Code, an 38839
amount equal to the sum of the amounts obtained when the number of 38840
students enrolled in grades one through twelve, plus one-half of 38841
the kindergarten students in the school, reported under divisions 38842
(B)(2)(a), (b), and (e) of this section who are not receiving 38843
special education and related services pursuant to an IEP for a 38844
disability described in section 3317.013 of the Revised Code is 38845
multiplied by the sum of the community school's base formula 38846
amount plus the per pupil amount of the base funding supplements 38847
specified in divisions (C)(1) to (4) of section 3317.012 of the 38848
Revised Code. 38849

(2) Prior to fiscal year 2007, the greater of the amount 38850
calculated under division (D)(2)(a) or (b) of this section, and in 38851
fiscal year 2007 and thereafter, the amount calculated under 38852
division (D)(2)(b) of this section: 38853

(a) The aggregate amount that the department paid to the 38854
community school in fiscal year 1999 for students receiving 38855
special education and related services pursuant to IEPs, excluding 38856
federal funds and state disadvantaged pupil impact aid funds; 38857

(b) The sum of the amounts calculated under divisions 38858
(D)(2)(b)(i) and (ii) of this section: 38859

(i) For each student reported under division (B)(2)(c) of 38860
this section as enrolled in the school in grades one through 38861
twelve and receiving special education and related services 38862
pursuant to an IEP for a disability described in section 3317.013 38863
of the Revised Code, the following amount: 38864

(the school's base formula amount plus 38865

the per pupil amount of the base funding supplements specified in 38866
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 38867
+ (the applicable special education weight X the 38868
community school's base formula amount); 38869

(ii) For each student reported under division (B)(2)(c) of 38870
this section as enrolled in kindergarten and receiving special 38871
education and related services pursuant to an IEP for a disability 38872
described in section 3317.013 of the Revised Code, one-half of the 38873
amount calculated under the formula prescribed in division 38874
(D)(2)(b)(i) of this section. 38875

(3) An amount received from federal funds to provide special 38876
education and related services to students in the community 38877
school, as determined by the superintendent of public instruction. 38878

(4) For each student reported under division (B)(2)(d) of 38879
this section as enrolled in vocational education programs or 38880
classes that are described in section 3317.014 of the Revised 38881
Code, are provided by the community school, and are comparable as 38882
determined by the superintendent of public instruction to school 38883
district vocational education programs and classes eligible for 38884
state weighted funding under section 3317.014 of the Revised Code, 38885
an amount equal to the applicable vocational education weight 38886
times the community school's base formula amount times the 38887
percentage of time the student spends in the vocational education 38888
programs or classes. 38889

(5) An amount equal to the sum of the amounts obtained when, 38890
for each school district where the community school's students are 38891
entitled to attend school, the number of that district's students 38892
enrolled in the community school who are included in the 38893
district's poverty student count is multiplied by the per pupil 38894
amount of poverty-based assistance that school district receives 38895
that year pursuant to division (C) of section 3317.029 of the 38896
Revised Code, as adjusted by any poverty-based assistance 38897

reduction factor of the community school. The per pupil amount of 38898
aid shall be determined as described in division (C)(4) of this 38899
section. 38900

(6) An amount equal to the sum of the amounts obtained when, 38901
for each school district where the community school's students are 38902
entitled to attend school, the district's per pupil amount of aid 38903
received under division (E) of section 3317.029 of the Revised 38904
Code, as adjusted by any poverty-based assistance reduction factor 38905
of the community school, is multiplied by the sum of the 38906
following: 38907

(a) The number of the district's students reported under 38908
division (B)(2)(a) of this section who are enrolled in grades one 38909
to three in that community school and who are not receiving 38910
special education and related services pursuant to an IEP; 38911

(b) One-half of the district's students who are enrolled in 38912
all-day or any other kindergarten class in that community school 38913
and who are not receiving special education and related services 38914
pursuant to an IEP; 38915

(c) One-half of the district's students who are enrolled in 38916
all-day kindergarten in that community school and who are not 38917
receiving special education and related services pursuant to an 38918
IEP. 38919

The district's per pupil amount of aid under division (E) of 38920
section 3317.029 of the Revised Code shall be determined as 38921
described in division (C)(5) of this section. 38922

(7) An amount equal to the sum of the amounts obtained when, 38923
for each school district where the community school's students are 38924
entitled to attend school, the number of that district's students 38925
enrolled in the community school who are identified as 38926
limited-English proficient is multiplied by the district's per 38927
pupil amount received under division (F) of section 3317.029 of 38928

the Revised Code, as adjusted by any poverty-based assistance 38929
reduction factor of the community school. 38930

(8) An amount equal to the sum of the amounts obtained when, 38931
for each school district where the community school's students are 38932
entitled to attend school, the district's per pupil amount 38933
received under division (G) of section 3317.029 of the Revised 38934
Code, as adjusted by any poverty-based assistance reduction factor 38935
of the community school, is multiplied by the sum of the 38936
following: 38937

(a) The number of the district's students enrolled in grades 38938
one through twelve in that community school; 38939

(b) One-half of the number of the district's students 38940
enrolled in kindergarten in that community school. 38941

The district's per pupil amount under division (G) of section 38942
3317.029 of the Revised Code shall be determined as described in 38943
division (C)(7) of this section. 38944

(9) An amount equal to the sum of the amounts obtained when, 38945
for each school district where the community school's students are 38946
entitled to attend school, the district's per pupil amount 38947
received under divisions (H) and (I) of section 3317.029 of the 38948
Revised Code, as adjusted by any poverty-based assistance 38949
reduction factor of the community school, is multiplied by the sum 38950
of the following: 38951

(a) The number of the district's students enrolled in grades 38952
one through twelve in that community school; 38953

(b) One-half of the number of the district's students 38954
enrolled in kindergarten in that community school. 38955

The district's per pupil amount under divisions (H) and (I) 38956
of section 3317.029 of the Revised Code shall be determined as 38957
described in division (C)(8) of this section. 38958

(10) An amount equal to the sum of the amounts obtained when, 38959
for each school district where the community school's students are 38960
entitled to attend school, the district's per pupil amount of 38961
state parity aid funding calculated under either division (C) or 38962
(D) of section 3317.0217 of the Revised Code is multiplied by the 38963
sum of the number of that district's students enrolled in grades 38964
one through twelve, and one-half of the number of that district's 38965
students enrolled in kindergarten, in the community school as 38966
reported under division (B)(2)(a) and (b) of this section. 38967

(E)(1) If a community school's costs for a fiscal year for a 38968
student receiving special education and related services pursuant 38969
to an IEP for a disability described in divisions (B) to (F) of 38970
section 3317.013 of the Revised Code exceed the threshold 38971
catastrophic cost for serving the student as specified in division 38972
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 38973
submit to the superintendent of public instruction documentation, 38974
as prescribed by the superintendent, of all its costs for that 38975
student. Upon submission of documentation for a student of the 38976
type and in the manner prescribed, the department shall pay to the 38977
community school an amount equal to the school's costs for the 38978
student in excess of the threshold catastrophic costs. 38979

(2) The community school shall only report under division 38980
(E)(1) of this section, and the department shall only pay for, the 38981
costs of educational expenses and the related services provided to 38982
the student in accordance with the student's individualized 38983
education program. Any legal fees, court costs, or other costs 38984
associated with any cause of action relating to the student may 38985
not be included in the amount. 38986

(F) A community school may apply to the department of 38987
education for preschool children with disabilities or gifted unit 38988
funding the school would receive if it were a school district. 38989
Upon request of its governing authority, a community school that 38990

received unit funding as a school district-operated school before 38991
it became a community school shall retain any units awarded to it 38992
as a school district-operated school provided the school continues 38993
to meet eligibility standards for the unit. 38994

A community school shall be considered a school district and 38995
its governing authority shall be considered a board of education 38996
for the purpose of applying to any state or federal agency for 38997
grants that a school district may receive under federal or state 38998
law or any appropriations act of the general assembly. The 38999
governing authority of a community school may apply to any private 39000
entity for additional funds. 39001

(G) A board of education sponsoring a community school may 39002
utilize local funds to make enhancement grants to the school or 39003
may agree, either as part of the contract or separately, to 39004
provide any specific services to the community school at no cost 39005
to the school. 39006

(H) A community school may not levy taxes or issue bonds 39007
secured by tax revenues. 39008

(I) No community school shall charge tuition for the 39009
enrollment of any student. 39010

(J)(1)(a) A community school may borrow money to pay any 39011
necessary and actual expenses of the school in anticipation of the 39012
receipt of any portion of the payments to be received by the 39013
school pursuant to division (D) of this section. The school may 39014
issue notes to evidence such borrowing. The proceeds of the notes 39015
shall be used only for the purposes for which the anticipated 39016
receipts may be lawfully expended by the school. 39017

(b) A school may also borrow money for a term not to exceed 39018
fifteen years for the purpose of acquiring facilities. 39019

(2) Except for any amount guaranteed under section 3318.50 of 39020
the Revised Code, the state is not liable for debt incurred by the 39021

governing authority of a community school. 39022

(K) For purposes of determining the number of students for 39023
which divisions (D)(5) and (6) of this section applies in any 39024
school year, a community school may submit to the department of 39025
job and family services, no later than the first day of March, a 39026
list of the students enrolled in the school. For each student on 39027
the list, the community school shall indicate the student's name, 39028
address, and date of birth and the school district where the 39029
student is entitled to attend school. Upon receipt of a list under 39030
this division, the department of job and family services shall 39031
determine, for each school district where one or more students on 39032
the list is entitled to attend school, the number of students 39033
residing in that school district who were included in the 39034
department's report under section 3317.10 of the Revised Code. The 39035
department shall make this determination on the basis of 39036
information readily available to it. Upon making this 39037
determination and no later than ninety days after submission of 39038
the list by the community school, the department shall report to 39039
the state department of education the number of students on the 39040
list who reside in each school district who were included in the 39041
department's report under section 3317.10 of the Revised Code. In 39042
complying with this division, the department of job and family 39043
services shall not report to the state department of education any 39044
personally identifiable information on any student. 39045

(L) The department of education shall adjust the amounts 39046
subtracted and paid under divisions (C) and (D) of this section to 39047
reflect any enrollment of students in community schools for less 39048
than the equivalent of a full school year. The state board of 39049
education within ninety days after April 8, 2003, shall adopt in 39050
accordance with Chapter 119. of the Revised Code rules governing 39051
the payments to community schools under this section and section 39052
3314.13 of the Revised Code including initial payments in a school 39053

year and adjustments and reductions made in subsequent periodic 39054
payments to community schools and corresponding deductions from 39055
school district accounts as provided under divisions (C) and (D) 39056
of this section and section 3314.13 of the Revised Code. For 39057
purposes of this section and section 3314.13 of the Revised Code: 39058

(1) A student shall be considered enrolled in the community 39059
school for any portion of the school year the student is 39060
participating at a college under Chapter 3365. of the Revised 39061
Code. 39062

(2) A student shall be considered to be enrolled in a 39063
community school during a school year for the period of time 39064
beginning on the later of the date on which the school both has 39065
received documentation of the student's enrollment from a parent 39066
and the student has commenced participation in learning 39067
opportunities as defined in the contract with the sponsor, or 39068
thirty days prior to the date on which the student is entered into 39069
the education management information system established under 39070
section 3301.0714 of the Revised Code. For purposes of applying 39071
this division and ~~division~~ divisions (L)(3) and (4) of this 39072
section to a community school student, "learning opportunities" 39073
shall be defined in the contract, which shall describe both 39074
classroom-based and non-classroom-based learning opportunities and 39075
shall be in compliance with criteria and documentation 39076
requirements for student participation which shall be established 39077
by the department. Any student's instruction time in 39078
non-classroom-based learning opportunities shall be certified by 39079
an employee of the community school. A student's enrollment shall 39080
be considered to cease on the date on which any of the following 39081
occur: 39082

(a) The community school receives documentation from a parent 39083
terminating enrollment of the student. 39084

(b) The community school is provided documentation of a 39085

student's enrollment in another public or private school. 39086

(c) The community school ceases to offer learning 39087
opportunities to the student pursuant to the terms of the contract 39088
with the sponsor or the operation of any provision of this 39089
chapter. 39090

(3) The department shall determine each community school 39091
student's percentage of full-time equivalency based on the 39092
percentage of learning opportunities offered by the community 39093
school to that student, reported either as number of hours or 39094
number of days, is of the total learning opportunities offered by 39095
the community school to a student who attends for the school's 39096
entire school year. However, no internet- or computer-based 39097
community school shall be credited for any time a student spends 39098
participating in learning opportunities beyond ten hours within 39099
any period of twenty-four consecutive hours. Whether it reports 39100
hours or days of learning opportunities, each community school 39101
shall offer not less than nine hundred twenty hours of learning 39102
opportunities during the school year. 39103

(4) With respect to the calculation of full-time equivalency 39104
under division (L)(3) of this section, the department shall waive 39105
the number of hours or days of learning opportunities not offered 39106
to a student because the community school was closed during the 39107
school year due to disease epidemic, hazardous weather conditions, 39108
inoperability of school buses or other equipment necessary to the 39109
school's operation, damage to a school building, or other 39110
temporary circumstances due to utility failure rendering the 39111
school building unfit for school use, so long as the school was 39112
actually open for instruction with students in attendance during 39113
that school year for not less than the minimum number of hours 39114
required by this chapter. The department shall treat the school as 39115
if it were open for instruction with students in attendance during 39116
the hours or days waived under this division. 39117

(M) The department of education shall reduce the amounts paid 39118
under division (D) of this section to reflect payments made to 39119
colleges under division (B) of section 3365.07 of the Revised Code 39120
or through alternative funding agreements entered into under rules 39121
adopted under section 3365.12 of the Revised Code. 39122

(N)(1) No student shall be considered enrolled in any 39123
internet- or computer-based community school or, if applicable to 39124
the student, in any community school that is required to provide 39125
the student with a computer pursuant to division (C) of section 39126
3314.22 of the Revised Code, unless both of the following 39127
conditions are satisfied: 39128

(a) The student possesses or has been provided with all 39129
required hardware and software materials and all such materials 39130
are operational so that the student is capable of fully 39131
participating in the learning opportunities specified in the 39132
contract between the school and the school's sponsor as required 39133
by division (A)(23) of section 3314.03 of the Revised Code; 39134

(b) The school is in compliance with division (A) of section 39135
3314.22 of the Revised Code, relative to such student. 39136

(2) In accordance with policies adopted jointly by the 39137
superintendent of public instruction and the auditor of state, the 39138
department shall reduce the amounts otherwise payable under 39139
division (D) of this section to any community school that includes 39140
in its program the provision of computer hardware and software 39141
materials to any student, if such hardware and software materials 39142
have not been delivered, installed, and activated for each such 39143
student in a timely manner or other educational materials or 39144
services have not been provided according to the contract between 39145
the individual community school and its sponsor. 39146

The superintendent of public instruction and the auditor of 39147
state shall jointly establish a method for auditing any community 39148

school to which this division pertains to ensure compliance with 39149
this section. 39150

The superintendent, auditor of state, and the governor shall 39151
jointly make recommendations to the general assembly for 39152
legislative changes that may be required to assure fiscal and 39153
academic accountability for such schools. 39154

(O)(1) If the department determines that a review of a 39155
community school's enrollment is necessary, such review shall be 39156
completed and written notice of the findings shall be provided to 39157
the governing authority of the community school and its sponsor 39158
within ninety days of the end of the community school's fiscal 39159
year, unless extended for a period not to exceed thirty additional 39160
days for one of the following reasons: 39161

(a) The department and the community school mutually agree to 39162
the extension. 39163

(b) Delays in data submission caused by either a community 39164
school or its sponsor. 39165

(2) If the review results in a finding that additional 39166
funding is owed to the school, such payment shall be made within 39167
thirty days of the written notice. If the review results in a 39168
finding that the community school owes moneys to the state, the 39169
following procedure shall apply: 39170

(a) Within ten business days of the receipt of the notice of 39171
findings, the community school may appeal the department's 39172
determination to the state board of education or its designee. 39173

(b) The board or its designee shall conduct an informal 39174
hearing on the matter within thirty days of receipt of such an 39175
appeal and shall issue a decision within fifteen days of the 39176
conclusion of the hearing. 39177

(c) If the board has enlisted a designee to conduct the 39178

hearing, the designee shall certify its decision to the board. The 39179
board may accept the decision of the designee or may reject the 39180
decision of the designee and issue its own decision on the matter. 39181

(d) Any decision made by the board under this division is 39182
final. 39183

(3) If it is decided that the community school owes moneys to 39184
the state, the department shall deduct such amount from the 39185
school's future payments in accordance with guidelines issued by 39186
the superintendent of public instruction. 39187

~~(Q)~~(P) The department shall not subtract from a school 39188
district's state aid account under division (C) of this section 39189
and shall not pay to a community school under division (D) of this 39190
section any amount for any of the following: 39191

(1) Any student who has graduated from the twelfth grade of a 39192
public or nonpublic high school; 39193

(2) Any student who is not a resident of the state; 39194

(3) Any student who was enrolled in the community school 39195
during the previous school year when tests were administered under 39196
section 3301.0711 of the Revised Code but did not take one or more 39197
of the tests required by that section and was not excused pursuant 39198
to division (C)(1) or (3) of that section, unless the 39199
superintendent of public instruction grants the student a waiver 39200
from the requirement to take the test and a parent is not paying 39201
tuition for the student pursuant to section 3314.26 of the Revised 39202
Code. The superintendent may grant a waiver only for good cause in 39203
accordance with rules adopted by the state board of education. 39204

(4) Any student who has attained the age of twenty-two years, 39205
except for veterans of the armed services whose attendance was 39206
interrupted before completing the recognized twelve-year course of 39207
the public schools by reason of induction or enlistment in the 39208
armed forces and who apply for enrollment in a community school 39209

not later than four years after termination of war or their 39210
honorable discharge. If, however, any such veteran elects to 39211
enroll in special courses organized for veterans for whom tuition 39212
is paid under federal law, or otherwise, the department shall not 39213
subtract from a school district's state aid account under division 39214
(C) of this section and shall not pay to a community school under 39215
division (D) of this section any amount for that veteran. 39216

Sec. 3314.085. (A) In each fiscal year beginning in fiscal 39217
year 2007, each internet- or computer-based community school shall 39218
spend for pupil instruction at least the amount per pupil 39219
designated in division (B)(1) of section 3317.012 of the Revised 39220
Code as the amount for base classroom teachers. For this purpose, 39221
expenditures for pupil instruction include expenditures for 39222
teachers, curriculum, academic materials ~~other than~~, computers, 39223
software, and any other instructional purposes designated in the 39224
rules adopted under this section. Expenditures to provide the 39225
computer hardware and filtering software required by sections 39226
3314.21 and 3314.22 of the Revised Code ~~do not~~ qualify as pupil 39227
instruction for purposes of this section. 39228

(B) Beginning in fiscal year 2007, each internet- or 39229
computer-based community school annually shall report data to the 39230
department of education concerning its expenditures for pupil 39231
instruction. Each school shall report the data in the form and 39232
manner required by the department. 39233

(C) If the department determines, after offering the school 39234
an opportunity for a hearing in accordance with Chapter 119. of 39235
the Revised Code, that an internet- or computer-based community 39236
school has failed in any fiscal year to comply with division (A) 39237
or (B) of this section, the department shall assess a fine against 39238
the school equivalent to the greater of the following: 39239

(1) Five per cent of the total state payments to the school 39240

under this chapter for the fiscal year in which the failure 39241
occurred; 39242

(2) The difference between the amount the department 39243
determines the school was required to have spent for pupil 39244
instruction and the amount the department determines the school 39245
actually spent for pupil instruction. 39246

The department's methods of collecting the fine may include 39247
withholding state payments under this chapter in the current or 39248
subsequent fiscal year. 39249

The department may cancel a fine it has imposed under this 39250
section if the school submits a plan for coming into compliance 39251
with the requirements of this section that the department 39252
approves, and the school demonstrates to the department's 39253
satisfaction that it is implementing the plan. 39254

(D) The superintendent of public instruction shall adopt 39255
rules in accordance with Chapter 119. of the Revised Code 39256
specifying expenditures that qualify as expenditures for pupil 39257
instruction for purposes of this section. 39258

Sec. 3314.26. (A) Each internet- or computer-based community 39259
school shall withdraw from the school any student who, for two 39260
consecutive school years, has failed to participate in the spring 39261
administration of any test prescribed under section 3301.0710 or 39262
3301.0712 of the Revised Code for the student's grade level and 39263
was not excused from the test pursuant to division (C)(1) or (3) 39264
of section 3301.0711 of the Revised Code, regardless of whether a 39265
waiver was granted for the student under division ~~(Q)~~(P)(3) of 39266
section 3314.08 of the Revised Code. The school shall report any 39267
such student's data verification code, as assigned pursuant to 39268
section 3301.0714 of the Revised Code, to the department of 39269
education. The department shall maintain a list of all data 39270
verification codes reported under this division and section 39271

3313.6410 of the Revised Code and provide that list to each 39272
internet- or computer-based community school and to each school to 39273
which section 3313.6410 of the Revised Code applies. 39274

(B) No internet- or computer-based community school shall 39275
receive any state funds under this chapter for any enrolled 39276
student whose data verification code appears on the list 39277
maintained by the department under division (A) of this section. 39278

Notwithstanding any provision of the Revised Code to the 39279
contrary, the parent of any such student shall pay tuition to the 39280
internet- or computer-based community school in an amount equal to 39281
the state funds the school otherwise would receive for that 39282
student, as determined by the department. An internet- or 39283
computer-based community school may withdraw any student for whom 39284
the parent does not pay tuition as required by this division. 39285

Sec. 3314.35. (A)(1) Except as provided in division (A)(2) of 39286
this section, this section applies to any community school that 39287
meets one of the following criteria after July 1, 2008: 39288

(a) The school does not offer a grade level higher than three 39289
and has been declared to be in a state of academic emergency under 39290
section 3302.03 of the Revised Code for four consecutive school 39291
years. 39292

(b) The school satisfies all of the following conditions: 39293

(i) The school offers any of grade levels four to eight but 39294
does not offer a grade level higher than nine. 39295

(ii) The school has been declared to be in a state of 39296
academic emergency under section 3302.03 of the Revised Code for 39297
three consecutive school years. 39298

(iii) For two of those school years, the school showed less 39299
than one standard year of academic growth in either reading or 39300
mathematics, as determined by the department of education in 39301

accordance with rules adopted under division (A) of section 3302.021 of the Revised Code. 39302
39303

(c) The school satisfies all of the following conditions: 39304

(i) The school offers any of grade levels ten to twelve. 39305

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three consecutive school years. 39306
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(iii) For two of those school years, the school showed less than two standard years of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code. 39309
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(2) This section does not apply to any either of the following: 39314
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(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver under section 3314.36 of the Revised Code; 39316
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(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code. 39320
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(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code 39324
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after the school closes. 39332

(C) Not later than July 1, 2008, the department shall 39333
determine the feasibility of using the value-added progress 39334
dimension, as defined in section 3302.01 of the Revised Code, as a 39335
factor in evaluating the academic performance of community schools 39336
described in division (A)(1)(c)(i) of this section. 39337
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 39338
if the department determines that using the value-added progress 39339
dimension to evaluate community schools described in division 39340
(A)(1)(c)(i) of this section is not feasible, a community school 39341
described in that division shall be required to permanently close 39342
under this section only if it has been declared to be in a state 39343
of academic emergency under section 3302.03 of the Revised Code 39344
for four consecutive school years. 39345

Sec. 3314.44. (A) If a community school established under 39346
this chapter closes for any reason, the chief administrative 39347
officer of the school at the time the school closes shall in good 39348
faith take all reasonable steps necessary to collect and assemble 39349
in an orderly manner the educational records of each student who 39350
is or has been enrolled in the school so that those records may be 39351
transmitted in accordance with this division. The chief 39352
administrative officer shall transmit the records within seven 39353
business days of the school closing to the student's school 39354
district of residence. 39355

(B) No person required to collect, assemble, and transmit 39356
student records under division (A) of this section shall fail to 39357
comply with that division. 39358

(C) Whoever violates division (B) of this section is guilty 39359
of a misdemeanor in the third degree. 39360

Sec. 3315.37. The board of education of a school district may 39361

establish a teacher education loan program and may expend school 39362
funds for the program. The program shall be for the purpose of 39363
making loans to students who are residents of the school district 39364
or graduates of schools in the school district, who are enrolled 39365
in teacher preparation programs at institutions approved by the 39366
~~state board~~ chancellor of the Ohio board of regents pursuant to 39367
section ~~3319.23~~ 3333.048 of the Revised Code, and who indicate an 39368
intent to teach in the school district providing the loan. The 39369
district board may forgive the obligation to repay any or all of 39370
the principal and interest on the loan if the borrower teaches in 39371
that school district. 39372

The district board shall adopt rules establishing eligibility 39373
criteria, application procedures, procedures for review of 39374
applications, loan amounts, interest, repayment schedules, 39375
conditions under which principal and interest obligations incurred 39376
under the program will be forgiven, and any other matter 39377
incidental to the operation of the program. 39378

The board may contract with a private, nonprofit foundation, 39379
one or more institutions of higher education, or other educational 39380
agencies to administer the program. 39381

The receipt of a loan under this section does not affect a 39382
student's eligibility for assistance, or the amount of such 39383
assistance, granted under section 3315.33, 3333.12, 3333.122, 39384
3333.22, 3333.26, ~~3333.27~~, 5910.04, or 5919.34 of the Revised 39385
Code, but the board's rules may provide for taking such assistance 39386
into consideration when determining a student's eligibility for a 39387
loan under this section. 39388

Sec. 3317.013. Except for a preschool child with a disability 39389
for whom a scholarship has been awarded under section 3310.41 of 39390
the Revised Code, this section does not apply to preschool 39391
children with disabilities. 39392

Analysis of special education cost data has resulted in a 39393
finding that the average special education additional cost per 39394
pupil, including the costs of related services, can be expressed 39395
as a multiple of the base cost per pupil calculated under section 39396
3317.012 of the Revised Code. The multiples for the following 39397
categories of special education programs, as these programs are 39398
defined for purposes of Chapter 3323. of the Revised Code, and 39399
adjusted as provided in this section, are as follows: 39400

(A) A multiple of 0.2892 for students whose primary or only 39401
identified disability is a speech and language disability, as this 39402
term is defined pursuant to Chapter 3323. of the Revised Code; 39403
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(B) A multiple of 0.3691 for students identified as specific 39405
learning disabled or developmentally disabled, as these terms are 39406
defined pursuant to Chapter 3323. of the Revised Code, or as 39407
having an other health impairment-minor; 39408

(C) A multiple of 1.7695 for students identified as hearing 39409
disabled, vision impaired, or severe behavior disabled, as these 39410
terms are defined pursuant to Chapter 3323. of the Revised Code; 39411

(D) A multiple of 2.3646 for students identified as 39412
orthopedically disabled, as this term is defined pursuant to 39413
Chapter 3323. of the Revised Code or as having an other health 39414
impairment-major; 39415

(E) A multiple of 3.1129 for students identified as having 39416
multiple disabilities, as this term is defined pursuant to Chapter 39417
3323. of the Revised Code; 39418

(F) A multiple of 4.7342 for students identified as autistic, 39419
having traumatic brain injuries, or as both visually and hearing 39420
impaired, as these terms are defined pursuant to Chapter 3323. of 39421
the Revised Code. 39422

In fiscal years 2008 ~~and~~, 2009, 2010, and 2011, the multiples 39423

specified in divisions (A) to (F) of this section shall be 39424
adjusted by multiplying them by 0.90. 39425

Not later than the thirtieth day of December in 2007, 2008, 39426
and 2009, the department of education shall submit to the office 39427
of budget and management a report that specifies for each city, 39428
local, exempted village, and joint vocational school district the 39429
fiscal year allocation of the state and local shares of special 39430
education and related services additional weighted funding and 39431
federal special education funds passed through to the district. 39432

Sec. 3317.02. As used in this chapter: 39433

(A) Unless otherwise specified, "school district" means city, 39434
local, and exempted village school districts. 39435

(B) "Formula Except for fiscal years 2010 and 2011, "formula 39436
amount" means the base cost for the fiscal year specified in 39437
division (B)(4) of section 3317.012 of the Revised Code. "Formula 39438
amount," for fiscal year 2010, is \$5,746 and, for fiscal year 39439
2011, is \$5,775. 39440

(C) "FTE basis" means a count of students based on full-time 39441
equivalency, in accordance with rules adopted by the department of 39442
education pursuant to section 3317.03 of the Revised Code. In 39443
adopting its rules under this division, the department shall 39444
provide for counting any student in category one, two, three, 39445
four, five, or six special education ADM or in category one or two 39446
vocational education ADM in the same proportion the student is 39447
counted in formula ADM. 39448

(D) "Formula ADM" means, for a city, local, or exempted 39449
village school district, the final number verified by the 39450
superintendent of public instruction, based on the number reported 39451
pursuant to division (A) of section 3317.03 of the Revised Code, 39452
as adjusted, if so ordered, under division (K) of that section. 39453

"Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. Beginning in fiscal year 2007, for payments in which formula ADM is a factor, the formula ADM for each school district for the fiscal year is the sum of one-half of the number verified and adjusted for October of that fiscal year plus one-half of the average of the numbers verified and adjusted for October and February of that fiscal year.

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(E) "Three-year average formula ADM" means the average of formula ADMs for the preceding three fiscal years.

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(F)(1) "Category one special education ADM" means the average daily membership of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and reported under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category one special education ADM for a fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of that fiscal year.

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(2) "Category two special education ADM" means the average daily membership of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and reported under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category two special education ADM for a fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of

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that fiscal year. 39486

(3) "Category three special education ADM" means the average 39487
daily membership of students receiving special education services 39488
for those disabilities specified in division (C) of section 39489
3317.013 of the Revised Code, and reported under division (B)(7) 39490
or (D)(2)(d) of section 3317.03 of the Revised Code. Beginning in 39491
fiscal year 2007, the district's category three special education 39492
ADM for a fiscal year is the sum of one-half of the number 39493
reported for October of that fiscal year plus one-half of the 39494
average of the numbers reported for October and February of that 39495
fiscal year. 39496

(4) "Category four special education ADM" means the average 39497
daily membership of students receiving special education services 39498
for those disabilities specified in division (D) of section 39499
3317.013 of the Revised Code and reported under division (B)(8) or 39500
(D)(2)(e) of section 3317.03 of the Revised Code. Beginning in 39501
fiscal year 2007, the district's category four special education 39502
ADM for a fiscal year is the sum of one-half of the number 39503
reported for October of that fiscal year plus one-half of the 39504
average of the numbers reported for October and February of that 39505
fiscal year. 39506

(5) "Category five special education ADM" means the average 39507
daily membership of students receiving special education services 39508
for the disabilities specified in division (E) of section 3317.013 39509
of the Revised Code and reported under division (B)(9) or 39510
(D)(2)(f) of section 3317.03 of the Revised Code. Beginning in 39511
fiscal year 2007, the district's category five special education 39512
ADM for a fiscal year is the sum of one-half of the number 39513
reported for October of that fiscal year plus one-half of the 39514
average of the numbers reported for October and February of that 39515
fiscal year. 39516

(6) "Category six special education ADM" means the average 39517

daily membership of students receiving special education services 39518
for the disabilities specified in division (F) of section 3317.013 39519
of the Revised Code and reported under division (B)(10) or 39520
(D)(2)(g) of section 3317.03 of the Revised Code. Beginning in 39521
fiscal year 2007, the district's category six special education 39522
ADM for a fiscal year is the sum of one-half of the number 39523
reported for October of that fiscal year plus one-half of the 39524
average of the numbers reported for October and February of that 39525
fiscal year. 39526

(7) "Category one vocational education ADM" means the average 39527
daily membership of students receiving vocational education 39528
services described in division (A) of section 3317.014 of the 39529
Revised Code and reported under division (B)(11) or (D)(2)(h) of 39530
section 3317.03 of the Revised Code. Beginning in fiscal year 39531
2007, the district's category one vocational education ADM for a 39532
fiscal year is the sum of one-half of the number reported for 39533
October of that fiscal year plus one-half of the average of the 39534
numbers reported for October and February of that fiscal year. 39535

(8) "Category two vocational education ADM" means the average 39536
daily membership of students receiving vocational education 39537
services described in division (B) of section 3317.014 of the 39538
Revised Code and reported under division (B)(12) or (D)(2)(i) of 39539
section 3317.03 of the Revised Code. Beginning in fiscal year 39540
2007, the district's category two vocational education ADM for a 39541
fiscal year is the sum of one-half of the number reported for 39542
October of that fiscal year plus one-half of the average of the 39543
numbers reported for October and February of that fiscal year. 39544

(G) "Preschool child with a disability" means a child with a 39545
disability, as defined in section 3323.01 of the Revised Code, who 39546
is at least age three but is not of compulsory school age, as 39547
defined in section 3321.01 of the Revised Code, and who is not 39548
currently enrolled in kindergarten. 39549

(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities.	39550 39551
(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code.	39552 39553
(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code.	39554 39555 39556
(K) "Average efficient transportation use cost per student" means a statistical representation of transportation costs as calculated under division (D)(2) of section 3317.022 of the Revised Code.	39557 39558 39559 39560
(L) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	39561 39562 39563 39564
(M) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.	39565 39566 39567 39568
(N) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.	39569 39570 39571
(O) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.	39572 39573 39574
(P) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education and the office of budget and management for each city, exempted village, and local school	39575 39576 39577 39578 39579

district the median Ohio adjusted gross income of the residents of 39580
the school district determined on the basis of tax returns filed 39581
for the second preceding tax year by the residents of the 39582
district. 39583

(Q) "Statewide median income" means the median district 39584
median income of all city, exempted village, and local school 39585
districts in the state. 39586

(R) "Income factor" for a city, exempted village, or local 39587
school district means the quotient obtained by dividing that 39588
district's median income by the statewide median income. 39589

(S) "Medically fragile child" means a child to whom all of 39590
the following apply: 39591

(1) The child requires the services of a doctor of medicine 39592
or osteopathic medicine at least once a week due to the 39593
instability of the child's medical condition. 39594

(2) The child requires the services of a registered nurse on 39595
a daily basis. 39596

(3) The child is at risk of institutionalization in a 39597
hospital, skilled nursing facility, or intermediate care facility 39598
for the mentally retarded. 39599

(T) A child may be identified as having an "other health 39600
impairment-major" if the child's condition meets the definition of 39601
"other health impaired" established in rules adopted by the state 39602
board of education prior to July 1, 2001, and if either of the 39603
following apply: 39604

(1) The child is identified as having a medical condition 39605
that is among those listed by the superintendent of public 39606
instruction as conditions where a substantial majority of cases 39607
fall within the definition of "medically fragile child." The 39608
superintendent of public instruction shall issue an initial list 39609

no later than September 1, 2001. 39610

(2) The child is determined by the superintendent of public 39611
instruction to be a medically fragile child. A school district 39612
superintendent may petition the superintendent of public 39613
instruction for a determination that a child is a medically 39614
fragile child. 39615

(U) A child may be identified as having an "other health 39616
impairment-minor" if the child's condition meets the definition of 39617
"other health impaired" established in rules adopted by the state 39618
board of education prior to July 1, 2001, but the child's 39619
condition does not meet either of the conditions specified in 39620
division (T)(1) or (2) of this section. 39621

(V) "State education aid" has the same meaning as in section 39622
5751.20 of the Revised Code. 39623

(W) "Property exemption value" means zero in fiscal year 39624
2006, and in fiscal year 2007 and each fiscal year thereafter, the 39625
amount certified for a school district under divisions (A)(6) and 39626
(7) of section 3317.021 of the Revised Code. 39627

(X) "Internet- or computer-based community school" has the 39628
same meaning as in section 3314.02 of the Revised Code. 39629

Sec. 3317.021. (A) On or before the first day of June of each 39630
year, the tax commissioner shall certify to the department of 39631
education and the office of budget and management the information 39632
described in divisions (A)(1) to ~~(8)~~(7) of this section for each 39633
city, exempted village, and local school district, and the 39634
information required by divisions (A)(1) and (2) of this section 39635
for each joint vocational school district, and it shall be used, 39636
along with the information certified under division (B) of this 39637
section, in making the computations for the district under 39638
~~sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16~~ 39639

<u>this chapter</u> of the Revised Code.	39640
(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.	39641 39642 39643
(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.	39644 39645 39646
(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.	39647 39648 39649 39650 39651 39652
(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.	39653 39654 39655 39656
(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:	39657 39658 39659
(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;	39660 39661 39662
(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	39663 39664 39665 39666
(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this	39667 39668 39669

information is available. 39670

(6) The sum of the school district compensation value as 39671
indicated on the list of exempted property for the preceding tax 39672
year under section 5713.08 of the Revised Code as if such property 39673
had been assessed for taxation that year and the other 39674
compensation value for the school district, minus the amounts 39675
described in divisions (A)(6)(c) to (i) of this section. The 39676
portion of school district compensation value or other 39677
compensation value attributable to an incentive district exemption 39678
may be subtracted only once even if that incentive district 39679
satisfies more than one of the criteria in divisions (A)(6)(c) to 39680
(i) of this section. 39681

(a) "School district compensation value" means the aggregate 39682
value of real property in the school district exempted from 39683
taxation pursuant to an ordinance or resolution adopted under 39684
division (C) of section 5709.40, division (C) of section 5709.73, 39685
or division (B) of section 5709.78 of the Revised Code to the 39686
extent that the exempted value results in the charging of payments 39687
in lieu of taxes required to be paid to the school district under 39688
division (D)(1) or (2) of section 5709.40, division (D) of section 39689
5709.73, or division (C) of section 5709.78 of the Revised Code. 39690

(b) "Other compensation value" means the quotient that 39691
results from dividing (i) the dollar value of compensation 39692
received by the school district during the preceding tax year 39693
pursuant to division (B), (C), or (D) of section 5709.82 of the 39694
Revised Code and the amounts received pursuant to an agreement as 39695
specified in division (D)(2) of section 5709.40, division (D) of 39696
section 5709.73, or division (C) of section 5709.78 of the Revised 39697
Code to the extent those amounts were not previously reported or 39698
included in division (A)(6)(a) of this section, and so that any 39699
such amount is reported only once under division (A)(6)(b) of this 39700
section, in relation to exemptions from taxation granted pursuant 39701

to an ordinance or resolution adopted under division (C) of 39702
section 5709.40, division (C) of section 5709.73, or division (B) 39703
of section 5709.78 of the Revised Code, by (ii) the real property 39704
tax rate in effect for the preceding tax year for 39705
nonresidential/agricultural real property after making the 39706
reductions required by section 319.301 of the Revised Code. 39707

(c) The portion of school district compensation value or 39708
other compensation value that was exempted from taxation pursuant 39709
to such an ordinance or resolution for the preceding tax year, if 39710
the ordinance or resolution is adopted prior to January 1, 2006, 39711
and the legislative authority or board of township trustees or 39712
county commissioners, prior to January 1, 2006, executes a 39713
contract or agreement with a developer, whether for-profit or 39714
not-for-profit, with respect to the development of a project 39715
undertaken or to be undertaken and identified in the ordinance or 39716
resolution, and upon which parcels such project is being, or will 39717
be, undertaken; 39718

(d) The portion of school district compensation value that 39719
was exempted from taxation for the preceding tax year and for 39720
which payments in lieu of taxes for the preceding tax year were 39721
provided to the school district under division (D)(1) of section 39722
5709.40 of the Revised Code. 39723

(e) The portion of school district compensation value that 39724
was exempted from taxation for the preceding tax year pursuant to 39725
such an ordinance or resolution, if and to the extent that, on or 39726
before April 1, 2006, the fiscal officer of the municipal 39727
corporation that adopted the ordinance, or of the township or 39728
county that adopted the resolution, certifies and provides 39729
appropriate supporting documentation to the tax commissioner and 39730
the director of development that, based on hold-harmless 39731
provisions in any agreement between the school district and the 39732
legislative authority of the municipal corporation, board of 39733

township trustees, or board of county commissioners that was 39734
entered into on or before June 1, 2005, the ability or obligation 39735
of the municipal corporation, township, or county to repay bonds, 39736
notes, or other financial obligations issued or entered into prior 39737
to January 1, 2006, will be impaired, including obligations to or 39738
of any other body corporate and politic with whom the legislative 39739
authority of the municipal corporation or board of township 39740
trustees or county commissioners has entered into an agreement 39741
pertaining to the use of service payments derived from the 39742
improvements exempted; 39743

(f) The portion of school district compensation value that 39744
was exempted from taxation for the preceding tax year pursuant to 39745
such an ordinance or resolution, if the ordinance or resolution is 39746
adopted prior to January 1, 2006, in a municipal corporation with 39747
a population that exceeds one hundred thousand, as shown by the 39748
most recent federal decennial census, that includes a major 39749
employment center and that is adjacent to historically distressed 39750
neighborhoods, if the legislative authority of the municipal 39751
corporation that exempted the property prepares an economic 39752
analysis that demonstrates that all taxes generated within the 39753
incentive district accruing to the state by reason of improvements 39754
constructed within the district during its existence exceed the 39755
amount the state pays the school district under section 3317.022 39756
of the Revised Code attributable to such property exemption from 39757
the school district's recognized valuation. The analysis shall be 39758
submitted to and approved by the department of development prior 39759
to January 1, 2006, and the department shall not unreasonably 39760
withhold approval. 39761

(g) The portion of school district compensation value that 39762
was exempted from taxation for the preceding tax year under such 39763
an ordinance or resolution, if the ordinance or resolution is 39764
adopted prior to January 1, 2006, and if service payments have 39765

been pledged to be used for mixed-use riverfront entertainment 39766
development in any county with a population that exceeds six 39767
hundred thousand, as shown by the most recent federal decennial 39768
census; 39769

(h) The portion of school district compensation value that 39770
was exempted from taxation for the preceding tax year under such 39771
an ordinance or resolution, if, prior to January 1, 2006, the 39772
legislative authority of a municipal corporation, board of 39773
township trustees, or board of county commissioners has pledged 39774
service payments for a designated transportation capacity project 39775
approved by the transportation review advisory council under 39776
Chapter 5512. of the Revised Code; 39777

(i) The portion of school district compensation value that 39778
was exempted from taxation for the preceding tax year under such 39779
an ordinance or resolution if the legislative authority of a 39780
municipal corporation, board of township trustees, or board of 39781
county commissioners have, by January 1, 2006, pledged proceeds 39782
for designated transportation improvement projects that involve 39783
federal funds for which the proceeds are used to meet a local 39784
share match requirement for such funding. 39785

As used in division (A)(6) of this section, "project" has the 39786
same meaning as in section 5709.40 of the Revised Code. 39787

(7) The aggregate value of real property in the school 39788
district for which an exemption from taxation is granted by an 39789
ordinance or resolution adopted on or after January 1, 2006, under 39790
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 39791
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 39792
Code, as indicated on the list of exempted property for the 39793
preceding tax year under section 5713.08 of the Revised Code and 39794
as if such property had been assessed for taxation that year, 39795
minus the product determined by multiplying (a) the aggregate 39796
value of the real property in the school district exempted from 39797

taxation for the preceding tax year under any of the chapters or 39798
sections specified in this division, by (b) a fraction, the 39799
numerator of which is the difference between (i) the amount of 39800
anticipated revenue such school district would have received for 39801
the preceding tax year if the real property exempted from taxation 39802
had not been exempted from taxation and (ii) the aggregate amount 39803
of payments in lieu of taxes on the exempt real property for the 39804
preceding tax year and other compensation received for the 39805
preceding tax year by the school district pursuant to any 39806
agreements entered into on or after January 1, 2006, under section 39807
5709.82 of the Revised Code between the school district and the 39808
legislative authority of a political subdivision that acted under 39809
the authority of a chapter or statute specified in this division, 39810
that were entered into in relation to such exemption, and the 39811
denominator of which is the amount of anticipated revenue such 39812
school district would have received in the preceding fiscal year 39813
if the real property exempted from taxation had not been exempted. 39814

~~(8) For each school district receiving payments under 39815
division (B) or (C) of section 3317.0216 of the Revised Code 39816
during the current fiscal year, as included on the most recent 39817
list of such districts sent to the tax commissioner under division 39818
(F) of that section, the following: 39819~~

~~(a) The portion of the total amount of taxes charged and 39820
payable for current expenses certified under division (A)(3)(a) of 39821
this section that is attributable to each new levy approved and 39822
charged in the preceding tax year and the respective tax rate of 39823
each of those new levies; 39824~~

~~(b) The portion of the total taxes collected for current 39825
expenses under a school district income tax adopted pursuant to 39826
section 5748.03 or 5748.08 of the Revised Code, as certified under 39827
division (A)(2) of section 3317.08 of the Revised Code, that is 39828
attributable to each new school district income tax first 39829~~

~~effective in the current taxable year or in the preceding taxable
year.~~ 39830
39831

(B) On or before the first day of May each year, the tax 39832
commissioner shall certify to the department of education and the 39833
office of budget and management the total taxable real property 39834
value of railroads and, separately, the total taxable tangible 39835
personal property value of all public utilities for the preceding 39836
tax year, by school district and by county of location. 39837

(C) If a public utility has properly and timely filed a 39838
petition for reassessment under section 5727.47 of the Revised 39839
Code with respect to an assessment issued under section 5727.23 of 39840
the Revised Code affecting taxable property apportioned by the tax 39841
commissioner to a school district, the taxable value of public 39842
utility tangible personal property included in the certification 39843
under divisions (A)(2) and (B) of this section for the school 39844
district shall include only the amount of taxable value on the 39845
basis of which the public utility paid tax for the preceding year 39846
as provided in division (B)(1) or (2) of section 5727.47 of the 39847
Revised Code. 39848

(D) If on the basis of the information certified under 39849
division (A) of this section, the department determines that any 39850
district fails in any year to meet the qualification requirement 39851
specified in division (A) of section 3317.01 of the Revised Code, 39852
the department shall immediately request the tax commissioner to 39853
determine the extent to which any school district income tax 39854
levied by the district under Chapter 5748. of the Revised Code 39855
shall be included in meeting that requirement. Within five days of 39856
receiving such a request from the department, the tax commissioner 39857
shall make the determination required by this division and report 39858
the quotient obtained under division (D)(3) of this section to the 39859
department and the office of budget and management. This quotient 39860
represents the number of mills that the department shall include 39861

in determining whether the district meets the qualification 39862
requirement of division (A) of section 3317.01 of the Revised 39863
Code. 39864

The tax commissioner shall make the determination required by 39865
this division as follows: 39866

(1) Multiply one mill times the total taxable value of the 39867
district as determined in divisions (A)(1) and (2) of this 39868
section; 39869

(2) Estimate the total amount of tax liability for the 39870
current tax year under taxes levied by Chapter 5748. of the 39871
Revised Code that are apportioned to current operating expenses of 39872
the district, excluding any income tax receipts allocated for the 39873
project cost, debt service, or maintenance set-aside associated 39874
with a state-assisted classroom facilities project as authorized 39875
by section 3318.052 of the Revised Code; 39876

(3) Divide the amount estimated under division (D)(2) of this 39877
section by the product obtained under division (D)(1) of this 39878
section. 39879

(E)(1) On or before June 1, 2006, and the first day of April 39880
of each year thereafter, the director of development shall report 39881
to the department of education, the tax commissioner, and the 39882
director of budget and management the total amounts of payments 39883
received by each city, local, exempted village, or joint 39884
vocational school district for the preceding tax year pursuant to 39885
division (D) of section 5709.40, division (D) of section 5709.73, 39886
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 39887
or (D) of section 5709.82 of the Revised Code in relation to 39888
exemptions from taxation granted pursuant to an ordinance adopted 39889
by the legislative authority of a municipal corporation under 39890
division (C) of section 5709.40 of the Revised Code, or a 39891
resolution adopted by a board of township trustees or board of 39892

county commissioners under division (C) of section 5709.73 or 39893
division (B) of section 5709.78 of the Revised Code, respectively. 39894
On or before April 1, 2006, and the first day of March of each 39895
year thereafter, the treasurer of each city, local, exempted 39896
village, or joint vocational school district that has entered into 39897
such an agreement shall report to the director of development the 39898
total amounts of such payments the district received for the 39899
preceding tax year as provided in this section. The state board of 39900
education, in accordance with sections 3319.31 and 3319.311 of the 39901
Revised Code, may suspend or revoke the license of a treasurer 39902
found to have willfully reported erroneous, inaccurate, or 39903
incomplete data under this division. 39904

(2) On or before April 1, 2007, and the first day of April of 39905
each year thereafter, the director of development shall report to 39906
the department of education, the tax commissioner, and the 39907
director of budget and management the total amounts of payments 39908
received by each city, local, exempted village, or joint 39909
vocational school district for the preceding tax year pursuant to 39910
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 39911
in relation to exemptions from taxation granted pursuant to 39912
ordinances or resolutions adopted on or after January 1, 2006, 39913
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 39914
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 39915
Revised Code. On or before March 1, 2007, and the first day of 39916
March of each year thereafter, the treasurer of each city, local, 39917
exempted village, or joint vocational school district that has 39918
entered into such an agreement shall report to the director of 39919
development the total amounts of such payments the district 39920
received for the preceding tax year as provided by this section. 39921
The state board of education, in accordance with sections 3319.31 39922
and 3319.311 of the Revised Code, may suspend or revoke the 39923
license of a treasurer found to have willfully reported erroneous, 39924
inaccurate, or incomplete data under this division. 39925

Sec. 3317.022. (A)(1) The department of education shall 39926
compute and distribute state base cost funding to each eligible 39927
school district for the fiscal year, using the information 39928
obtained under section 3317.021 of the Revised Code in the 39929
calendar year in which the fiscal year begins, according to the 39930
following formula: 39931

{[the formula amount X (formula ADM + 39932
preschool scholarship ADM)] + 39933
the sum of the base funding supplements 39934
prescribed in divisions (C)(1) to (4) 39935
of section 3317.012 of the Revised Code} - 39936
[.023 x (the sum of recognized valuation 39937
and property exemption value)] + 39938
the amounts calculated for the district under 39939
sections 3317.029 and 3317.0217 of the Revised Code 39940

If the difference obtained is a negative number, the 39941
district's computation shall be zero. 39942

(2)(a) For each school district for which the tax exempt 39943
value of the district equals or exceeds twenty-five per cent of 39944
the potential value of the district, the department of education 39945
shall calculate the difference between the district's tax exempt 39946
value and twenty-five per cent of the district's potential value. 39947

(b) For each school district to which division (A)(2)(a) of 39948
this section applies, the department shall adjust the recognized 39949
valuation used in the calculation under division (A)(1) of this 39950
section by subtracting from it the amount calculated under 39951
division (A)(2)(a) of this section. 39952

(B) As used in this section: 39953

(1) The "total special education weight" for a district means 39954
the sum of the following amounts: 39955

(a) The district's category one special education ADM	39956
multiplied by the multiple specified in division (A) of section	39957
3317.013 of the Revised Code;	39958
(b) The district's category two special education ADM	39959
multiplied by the multiple specified in division (B) of section	39960
3317.013 of the Revised Code;	39961
(c) The district's category three special education ADM	39962
multiplied by the multiple specified in division (C) of section	39963
3317.013 of the Revised Code;	39964
(d) The district's category four special education ADM	39965
multiplied by the multiple specified in division (D) of section	39966
3317.013 of the Revised Code;	39967
(e) The district's category five special education ADM	39968
multiplied by the multiple specified in division (E) of section	39969
3317.013 of the Revised Code;	39970
(f) The district's category six special education ADM	39971
multiplied by the multiple specified in division (F) of section	39972
3317.013 of the Revised Code.	39973
(2) "State share percentage" means the percentage calculated	39974
for a district as follows:	39975
(a) Calculate the state base cost funding amount for the	39976
district for the fiscal year under division (A) of this section.	39977
If the district would not receive any state base cost funding for	39978
that year under that division, the district's state share	39979
percentage is zero.	39980
(b) If the district would receive state base cost funding	39981
under that division, divide that amount by an amount equal to the	39982
following:	39983
(the formula amount X formula ADM) +	39984
the sum of the base funding supplements	39985

prescribed in divisions (C)(1) to (4)	39986
of section 3317.012 of the Revised Code +	39987
the sum of the amounts calculated for the district under	39988
sections 3317.029 and 3317.0217 of the Revised Code	39989
The resultant number is the district's state share	39990
percentage.	39991
(3) "Related services" includes:	39992
(a) Child study, special education supervisors and	39993
coordinators, speech and hearing services, adaptive physical	39994
development services, occupational or physical therapy, teacher	39995
assistants for children with disabilities whose disabilities are	39996
described in division (B) of section 3317.013 or division (F)(3)	39997
of section 3317.02 of the Revised Code, behavioral intervention,	39998
interpreter services, work study, nursing services, and	39999
specialized integrative services as those terms are defined by the	40000
department;	40001
(b) Speech and language services provided to any student with	40002
a disability, including any student whose primary or only	40003
disability is a speech and language disability;	40004
(c) Any related service not specifically covered by other	40005
state funds but specified in federal law, including but not	40006
limited to, audiology and school psychological services;	40007
(d) Any service included in units funded under former	40008
division (O)(1) of section 3317.024 of the Revised Code;	40009
(e) Any other related service needed by children with	40010
disabilities in accordance with their individualized education	40011
programs.	40012
(4) The "total vocational education weight" for a district	40013
means the sum of the following amounts:	40014
(a) The district's category one vocational education ADM	40015

multiplied by the multiple specified in division (A) of section 40016
3317.014 of the Revised Code; 40017

(b) The district's category two vocational education ADM 40018
multiplied by the multiple specified in division (B) of section 40019
3317.014 of the Revised Code. 40020

(5) "Preschool scholarship ADM" means the number of preschool 40021
children with disabilities reported under division (B)(3)(h) of 40022
section 3317.03 of the Revised Code. 40023

(C)(1) The department shall compute and distribute state 40024
special education and related services additional weighted costs 40025
funds to each school district in accordance with the following 40026
formula: 40027

The district's state share percentage X 40028
the formula amount for the year for which 40029
the aid is calculated X the district's 40030
total special education weight 40031

(2) The attributed local share of special education and 40032
related services additional weighted costs equals: 40033

(1 - the district's state share percentage) X the district's 40034
total special education weight X the formula amount 40035

(3)(a) The department shall compute and pay in accordance 40036
with this division additional state aid to school districts for 40037
students in categories two through six special education ADM. If a 40038
district's costs for the fiscal year for a student in its 40039
categories two through six special education ADM exceed the 40040
threshold catastrophic cost for serving the student, the district 40041
may submit to the superintendent of public instruction 40042
documentation, as prescribed by the superintendent, of all its 40043
costs for that student. Upon submission of documentation for a 40044
student of the type and in the manner prescribed, the department 40045
shall pay to the district an amount equal to the sum of the 40046

following: 40047

(i) One-half of the district's costs for the student in 40048
excess of the threshold catastrophic cost; 40049

(ii) The product of one-half of the district's costs for the 40050
student in excess of the threshold catastrophic cost multiplied by 40051
the district's state share percentage. 40052

(b) For purposes of division (C)(3)(a) of this section, the 40053
threshold catastrophic cost for serving a student equals: 40054

(i) For a student in the school district's category two, 40055
three, four, or five special education ADM, twenty-seven thousand 40056
three hundred seventy-five dollars in fiscal years 2008 and 2009; 40057

(ii) For a student in the district's category six special 40058
education ADM, thirty-two thousand eight hundred fifty dollars in 40059
fiscal years 2008 and 2009. 40060

(c) The district shall only report under division (C)(3)(a) 40061
of this section, and the department shall only pay for, the costs 40062
of educational expenses and the related services provided to the 40063
student in accordance with the student's individualized education 40064
program. Any legal fees, court costs, or other costs associated 40065
with any cause of action relating to the student may not be 40066
included in the amount. 40067

(4)(a) As used in this division, the "personnel allowance" 40068
means thirty thousand dollars in fiscal years 2008 and 2009. 40069

(b) For the provision of speech language pathology services 40070
to students, including students who do not have individualized 40071
education programs prepared for them under Chapter 3323. of the 40072
Revised Code, and for no other purpose, the department of 40073
education shall pay each school district an amount calculated 40074
under the following formula: 40075

(formula ADM divided by 2000) X 40076

the personnel allowance X 40077
the state share percentage 40078

(5) In any fiscal year, a school district shall spend for 40079
purposes that the department designates as approved for special 40080
education and related services expenses at least the amount 40081
calculated as follows: 40082
 (formula amount X the sum of categories 40083
 one through six special education ADM) + 40084
 (total special education weight X formula amount) 40085

The purposes approved by the department for special education 40086
expenses shall include, but shall not be limited to, 40087
identification of children with disabilities, compliance with 40088
state rules governing the education of children with disabilities 40089
and prescribing the continuum of program options for children with 40090
disabilities, provision of speech language pathology services, and 40091
the portion of the school district's overall administrative and 40092
overhead costs that are attributable to the district's special 40093
education student population. 40094

The scholarships deducted from the school district's account 40095
under section 3310.41 or 3310.55 of the Revised Code shall be 40096
considered to be an approved special education and related 40097
services expense for the purpose of the school district's 40098
compliance with division (C)(5) of this section. 40099

The department shall require school districts to report data 40100
annually to allow for monitoring compliance with division (C)(5) 40101
of this section. The department shall annually report to the 40102
governor and the general assembly the amount of money spent by 40103
each school district for special education and related services. 40104

(6) In any fiscal year, a school district shall spend for the 40105
provision of speech language pathology services not less than the 40106
sum of the amount calculated under division (C)(1) of this section 40107
for the students in the district's category one special education 40108

ADM and the amount calculated under division (C)(4) of this section. 40109
40110

The scholarships deducted from the school district's account under section 3310.55 of the Revised Code for students counted in the district's category one special education ADM shall be considered to be an approved speech language pathology services expense for the purpose of the school district's compliance with division (C)(6) of this section. 40111
40112
40113
40114
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40116

(D)(1) As used in this division: 40117

(a) "Daily bus miles per student" equals the number of bus miles traveled per day, divided by transportation base. 40118
40119

(b) "Transportation base" equals total student count as defined in section 3301.011 of the Revised Code, minus the number of students enrolled in units for preschool children with disabilities, plus the number of nonpublic school students included in transportation ADM. 40120
40121
40122
40123
40124

(c) "Transported student percentage" equals transportation ADM divided by transportation base. 40125
40126

(d) "Transportation cost per student" equals total operating costs for board-owned or contractor-operated school buses divided by transportation base. 40127
40128
40129

(2) Analysis of student transportation cost data has resulted in a finding that an average efficient transportation use cost per student can be calculated by means of a regression formula that has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows: 40130
40131
40132
40133
40134
40135
40136

51.79027 + (139.62626 X daily bus miles per student) +
(116.25573 X transported student percentage) 40137
40138

The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year.

(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a percentage of the product of the district's transportation base from the prior fiscal year times the annually updated average efficient transportation use cost per student, times an inflation factor of two and eight-tenths per cent to account for the one-year difference between the data used in updating the formula and calculating the payment and the year in which the payment is made. The percentage shall be the following percentage of that product specified for the corresponding fiscal year:

FISCAL YEAR	PERCENTAGE	
2000	52.5%	
2001	55%	
2002	57.5%	
2003 and thereafter	The greater of 60% or the district's state share percentage	

The payments made under division (D)(3) of this section each

year shall be calculated based on all of the same prior year's data used to update the formula. 40169
40170

(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply: 40171
40172
40173

(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section; 40174
40175
40176

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division. 40177
40178

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula: 40179
40180
40181

(per rough mile subsidy X total rough road miles)
X density multiplier 40182
40183

where: 40184

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula: 40185
40186

$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$ 40187
40188
40189

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state. 40190
40191

(ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost-of-doing-business factor. 40192
40193
40194
40195
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(iii) "Statewide rough road percentage" means the percentage of the statewide total mileage of state, municipal, county, and township roads that is rated as type A, B, C, E2, or F by the department of transportation.

(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage.

(c) "Density multiplier" means a figure calculated in accordance with the following formula:

$$1 - \left[\frac{\text{minimum student density} - \text{district student density}}{\text{minimum student density} - \text{statewide student density}} \right]$$

(i) "Minimum student density" means the lowest district student density in the state.

(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district.

(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts.

(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division (G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula:

state share percentage X 40230

the formula amount X 40231

total vocational education weight 40232

In any fiscal year, a school district receiving funds under 40233
division (E)(1) of this section shall spend those funds only for 40234
the purposes that the department designates as approved for 40235
vocational education expenses. Vocational educational expenses 40236
approved by the department shall include only expenses connected 40237
to the delivery of career-technical programming to 40238
career-technical students. The department shall require the school 40239
district to report data annually so that the department may 40240
monitor the district's compliance with the requirements regarding 40241
the manner in which funding received under division (E)(1) of this 40242
section may be spent. 40243

(2) The department shall compute for each school district 40244
state funds for vocational education associated services in 40245
accordance with the following formula: 40246

state share percentage X .05 X the formula amount X 40247

the sum of categories one and two vocational education ADM 40248

In any fiscal year, a school district receiving funds under 40249
division (E)(2) of this section, or through a transfer of funds 40250
pursuant to division (L) of section 3317.023 of the Revised Code, 40251
shall spend those funds only for the purposes that the department 40252
designates as approved for vocational education associated 40253
services expenses, which may include such purposes as 40254
apprenticeship coordinators, coordinators for other vocational 40255
education services, vocational evaluation, and other purposes 40256
designated by the department. The department may deny payment 40257
under division (E)(2) of this section to any district that the 40258
department determines is not operating those services or is using 40259
funds paid under division (E)(2) of this section, or through a 40260
transfer of funds pursuant to division (L) of section 3317.023 of 40261

the Revised Code, for other purposes. 40262

(F) The actual local share in any fiscal year for the 40263
combination of special education and related services additional 40264
weighted costs funding calculated under division (C)(1) of this 40265
section, transportation funding calculated under divisions (D)(2) 40266
and (3) of this section, and vocational education and associated 40267
services additional weighted costs funding calculated under 40268
divisions (E)(1) and (2) of this section shall not exceed for any 40269
school district the product of three and three-tenths mills times 40270
the district's recognized valuation. The department annually shall 40271
pay each school district as an excess cost supplement any amount 40272
by which the sum of the district's attributed local shares for 40273
that funding exceeds that product. For purposes of calculating the 40274
excess cost supplement: 40275

(1) The attributed local share for special education and 40276
related services additional weighted costs funding is the amount 40277
specified in division (C)(2) of this section. 40278

(2) The attributed local share of transportation funding 40279
equals the difference of the total amount calculated for the 40280
district using the formula developed under division (D)(2) of this 40281
section minus the actual amount paid to the district after 40282
applying the percentage specified in division (D)(3) of this 40283
section. 40284

(3) The attributed local share of vocational education and 40285
associated services additional weighted costs funding is the 40286
amount determined as follows: 40287

(1 - state share percentage) X 40288
[(total vocational education weight X 40289
the formula amount) + the payment under 40290
division (E)(2) of this section] 40291

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 40292

(C) of this section, except as provided in division (A)(2)(h) of 40293
this section, any student enrolled in kindergarten more than half 40294
time shall be reported as one-half student under this section. 40295

(A) The superintendent of each city and exempted village 40296
school district and of each educational service center shall, for 40297
the schools under the superintendent's supervision, certify to the 40298
state board of education on or before the fifteenth day of October 40299
in each year for the first full school week in October the formula 40300
ADM. Beginning in fiscal year 2007, each superintendent also shall 40301
certify to the state board, for the schools under the 40302
superintendent's supervision, the formula ADM for the first full 40303
week in February. If a school under the superintendent's 40304
supervision is closed for one or more days during that week due to 40305
hazardous weather conditions or other circumstances described in 40306
the first paragraph of division (B) of section 3317.01 of the 40307
Revised Code, the superintendent may apply to the superintendent 40308
of public instruction for a waiver, under which the superintendent 40309
of public instruction may exempt the district superintendent from 40310
certifying the formula ADM for that school for that week and 40311
specify an alternate week for certifying the formula ADM of that 40312
school. 40313

The formula ADM shall consist of the average daily membership 40314
during such week of the sum of the following: 40315

(1) On an FTE basis, the number of students in grades 40316
kindergarten through twelve receiving any educational services 40317
from the district, except that the following categories of 40318
students shall not be included in the determination: 40319

(a) Students enrolled in adult education classes; 40320

(b) Adjacent or other district students enrolled in the 40321
district under an open enrollment policy pursuant to section 40322
3313.98 of the Revised Code; 40323

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;

(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

(2) On an FTE basis, except as provided in division (A)(2)(h) of this section, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education district;	40354 40355
(f) Another school district under a cooperative education agreement, compact, or contract;	40356 40357
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	40358 40359
(h) An alternative public provider or a registered private provider with a scholarship awarded under <u>either</u> section 3310.41 <u>or sections 3310.51 to 3310.64</u> of the Revised Code. Each such scholarship student who is enrolled in kindergarten shall be counted as one full-time-equivalent student.	40360 40361 40362 40363 40364
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 <u>or 3310.51</u> of the Revised Code, <u>as applicable</u> .	40365 40366 40367
(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.	40368 40369 40370 40371
(3) Twenty per cent of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;	40372 40373 40374 40375 40376 40377 40378 40379
(4) The number of children with disabilities, other than preschool children with disabilities, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed by the district with a county MR/DD board, minus the number of such children placed with a county MR/DD board	40380 40381 40382 40383 40384

in fiscal year 1998. If this calculation produces a negative 40385
number, the number reported under division (A)(4) of this section 40386
shall be zero. 40387

(5) Beginning in fiscal year 2007, in the case of the report 40388
submitted for the first full week in February, or the alternative 40389
week if specified by the superintendent of public instruction, the 40390
number of students reported under division (A)(1) or (2) of this 40391
section for the first full week of the preceding October but who 40392
since that week have received high school diplomas. 40393

(B) To enable the department of education to obtain the data 40394
needed to complete the calculation of payments pursuant to this 40395
chapter, in addition to the formula ADM, each superintendent shall 40396
report separately the following student counts for the same week 40397
for which formula ADM is certified: 40398

(1) The total average daily membership in regular day classes 40399
included in the report under division (A)(1) or (2) of this 40400
section for kindergarten, and each of grades one through twelve in 40401
schools under the superintendent's supervision; 40402

(2) The number of all preschool children with disabilities 40403
enrolled as of the first day of December in classes in the 40404
district that are eligible for approval under division (B) of 40405
section 3317.05 of the Revised Code and the number of those 40406
classes, which shall be reported not later than the fifteenth day 40407
of December, in accordance with rules adopted under that section; 40408

(3) The number of children entitled to attend school in the 40409
district pursuant to section 3313.64 or 3313.65 of the Revised 40410
Code who are: 40411

(a) Participating in a pilot project scholarship program 40412
established under sections 3313.974 to 3313.979 of the Revised 40413
Code as described in division (I)(2)(a) or (b) of this section; 40414

(b) Enrolled in a college under Chapter 3365. of the Revised 40415

Code, except when the student is enrolled in the college while 40416
also enrolled in a community school pursuant to Chapter 3314. or a 40417
science, technology, engineering, and mathematics school 40418
established under Chapter 3326. of the Revised Code; 40419

(c) Enrolled in an adjacent or other school district under 40420
section 3313.98 of the Revised Code; 40421

(d) Enrolled in a community school established under Chapter 40422
3314. of the Revised Code that is not an internet- or 40423
computer-based community school as defined in section 3314.02 of 40424
the Revised Code, including any participation in a college 40425
pursuant to Chapter 3365. of the Revised Code while enrolled in 40426
such community school; 40427

(e) Enrolled in an internet- or computer-based community 40428
school, as defined in section 3314.02 of the Revised Code, 40429
including any participation in a college pursuant to Chapter 3365. 40430
of the Revised Code while enrolled in the school; 40431

(f) Enrolled in a chartered nonpublic school with a 40432
scholarship paid under section 3310.08 of the Revised Code; 40433

(g) Enrolled in kindergarten through grade twelve in an 40434
alternative public provider or a registered private provider with 40435
a scholarship awarded under either section 3310.41 or sections 40436
3310.51 to 3310.64 of the Revised Code; 40437

(h) Enrolled as a preschool child with a disability in an 40438
alternative public provider or a registered private provider with 40439
a scholarship awarded under section 3310.41 of the Revised Code; 40440

(i) Participating in a program operated by a county MR/DD 40441
board or a state institution; 40442

(j) Enrolled in a science, technology, engineering, and 40443
mathematics school established under Chapter 3326. of the Revised 40444
Code, including any participation in a college pursuant to Chapter 40445

3365. of the Revised Code while enrolled in the school. 40446

(4) The number of pupils enrolled in joint vocational 40447
schools; 40448

(5) The combined average daily membership of children with 40449
disabilities reported under division (A)(1) or (2) of this section 40450
receiving special education services for the category one 40451
disability described in division (A) of section 3317.013 of the 40452
Revised Code, including children attending a special education 40453
program operated by an alternative public provider or a registered 40454
private provider with a scholarship awarded under sections 3310.51 40455
to 3310.64 of the Revised Code; 40456

(6) The combined average daily membership of children with 40457
disabilities reported under division (A)(1) or (2) of this section 40458
receiving special education services for category two disabilities 40459
described in division (B) of section 3317.013 of the Revised Code, 40460
including children attending a special education program operated 40461
by an alternative public provider or a registered private provider 40462
with a scholarship awarded under sections 3310.51 to 3310.64 of 40463
the Revised Code; 40464

(7) The combined average daily membership of children with 40465
disabilities reported under division (A)(1) or (2) of this section 40466
receiving special education services for category three 40467
disabilities described in division (C) of section 3317.013 of the 40468
Revised Code, including children attending a special education 40469
program operated by an alternative public provider or a registered 40470
private provider with a scholarship awarded under sections 3310.51 40471
to 3310.64 of the Revised Code; 40472

(8) The combined average daily membership of children with 40473
disabilities reported under division (A)(1) or (2) of this section 40474
receiving special education services for category four 40475
disabilities described in division (D) of section 3317.013 of the 40476

Revised Code, including children attending a special education 40477
program operated by an alternative public provider or a registered 40478
private provider with a scholarship awarded under sections 3310.51 40479
to 3310.64 of the Revised Code; 40480

(9) The combined average daily membership of children with 40481
disabilities reported under division (A)(1) or (2) of this section 40482
receiving special education services for the category five 40483
disabilities described in division (E) of section 3317.013 of the 40484
Revised Code, including children attending a special education 40485
program operated by an alternative public provider or a registered 40486
private provider with a scholarship awarded under sections 3310.51 40487
to 3310.64 of the Revised Code; 40488

(10) The combined average daily membership of children with 40489
disabilities reported under division (A)(1) or (2) and under 40490
division (B)(3)(h) of this section receiving special education 40491
services for category six disabilities described in division (F) 40492
of section 3317.013 of the Revised Code, including children 40493
attending a special education program operated by an alternative 40494
public provider or a registered private provider with a 40495
scholarship awarded under either section 3310.41 or sections 40496
3310.51 to 3310.64 of the Revised Code; 40497

(11) The average daily membership of pupils reported under 40498
division (A)(1) or (2) of this section enrolled in category one 40499
vocational education programs or classes, described in division 40500
(A) of section 3317.014 of the Revised Code, operated by the 40501
school district or by another district, other than a joint 40502
vocational school district, or by an educational service center, 40503
excluding any student reported under division (B)(3)(e) of this 40504
section as enrolled in an internet- or computer-based community 40505
school, notwithstanding division (C) of section 3317.02 of the 40506
Revised Code and division (C)(3) of this section; 40507

(12) The average daily membership of pupils reported under 40508

division (A)(1) or (2) of this section enrolled in category two 40509
vocational education programs or services, described in division 40510
(B) of section 3317.014 of the Revised Code, operated by the 40511
school district or another school district, other than a joint 40512
vocational school district, or by an educational service center, 40513
excluding any student reported under division (B)(3)(e) of this 40514
section as enrolled in an internet- or computer-based community 40515
school, notwithstanding division (C) of section 3317.02 of the 40516
Revised Code and division (C)(3) of this section; 40517

(13) The average number of children transported by the school 40518
district on board-owned or contractor-owned and -operated buses, 40519
reported in accordance with rules adopted by the department of 40520
education; 40521

(14)(a) The number of children, other than preschool children 40522
with disabilities, the district placed with a county MR/DD board 40523
in fiscal year 1998; 40524

(b) The number of children with disabilities, other than 40525
preschool children with disabilities, placed with a county MR/DD 40526
board in the current fiscal year to receive special education 40527
services for the category one disability described in division (A) 40528
of section 3317.013 of the Revised Code; 40529

(c) The number of children with disabilities, other than 40530
preschool children with disabilities, placed with a county MR/DD 40531
board in the current fiscal year to receive special education 40532
services for category two disabilities described in division (B) 40533
of section 3317.013 of the Revised Code; 40534

(d) The number of children with disabilities, other than 40535
preschool children with disabilities, placed with a county MR/DD 40536
board in the current fiscal year to receive special education 40537
services for category three disabilities described in division (C) 40538
of section 3317.013 of the Revised Code; 40539

(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;

(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;

(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code.

(C)(1) Except as otherwise provided in this section for kindergarten students, the average daily membership in divisions (B)(1) to (12) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section.

(2) A student enrolled in a community school established under Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school or the science, technology, engineering, and mathematics school for purposes of

section 3314.08 or 3326.33 of the Revised Code. Notwithstanding 40572
the number of students reported pursuant to division (B)(3)(d), 40573
(e), or (j) of this section, the department may adjust the formula 40574
ADM of a school district to account for students entitled to 40575
attend school in the district under section 3313.64 or 3313.65 of 40576
the Revised Code who are enrolled in a community school or a 40577
science, technology, engineering, and mathematics school for only 40578
a portion of the school year. 40579

(3) No child shall be counted as more than a total of one 40580
child in the sum of the average daily memberships of a school 40581
district under division (A), divisions (B)(1) to (12), or division 40582
(D) of this section, except as follows: 40583

(a) A child with a disability described in section 3317.013 40584
of the Revised Code may be counted both in formula ADM and in 40585
category one, two, three, four, five, or six special education ADM 40586
and, if applicable, in category one or two vocational education 40587
ADM. As provided in division (C) of section 3317.02 of the Revised 40588
Code, such a child shall be counted in category one, two, three, 40589
four, five, or six special education ADM in the same proportion 40590
that the child is counted in formula ADM. 40591

(b) A child enrolled in vocational education programs or 40592
classes described in section 3317.014 of the Revised Code may be 40593
counted both in formula ADM and category one or two vocational 40594
education ADM and, if applicable, in category one, two, three, 40595
four, five, or six special education ADM. Such a child shall be 40596
counted in category one or two vocational education ADM in the 40597
same proportion as the percentage of time that the child spends in 40598
the vocational education programs or classes. 40599

(4) Based on the information reported under this section, the 40600
department of education shall determine the total student count, 40601
as defined in section 3301.011 of the Revised Code, for each 40602
school district. 40603

(D)(1) The superintendent of each joint vocational school 40604
district shall certify to the superintendent of public instruction 40605
on or before the fifteenth day of October in each year for the 40606
first full school week in October the formula ADM. Beginning in 40607
fiscal year 2007, each superintendent also shall certify to the 40608
state superintendent the formula ADM for the first full week in 40609
February. If a school operated by the joint vocational school 40610
district is closed for one or more days during that week due to 40611
hazardous weather conditions or other circumstances described in 40612
the first paragraph of division (B) of section 3317.01 of the 40613
Revised Code, the superintendent may apply to the superintendent 40614
of public instruction for a waiver, under which the superintendent 40615
of public instruction may exempt the district superintendent from 40616
certifying the formula ADM for that school for that week and 40617
specify an alternate week for certifying the formula ADM of that 40618
school. 40619

The formula ADM, except as otherwise provided in this 40620
division, shall consist of the average daily membership during 40621
such week, on an FTE basis, of the number of students receiving 40622
any educational services from the district, including students 40623
enrolled in a community school established under Chapter 3314. or 40624
a science, technology, engineering, and mathematics school 40625
established under Chapter 3326. of the Revised Code who are 40626
attending the joint vocational district under an agreement between 40627
the district board of education and the governing authority of the 40628
community school or the science, technology, engineering, and 40629
mathematics school and are entitled to attend school in a city, 40630
local, or exempted village school district whose territory is part 40631
of the territory of the joint vocational district. Beginning in 40632
fiscal year 2007, in the case of the report submitted for the 40633
first week in February, or the alternative week if specified by 40634
the superintendent of public instruction, the superintendent of 40635
the joint vocational school district may include the number of 40636

students reported under division (D)(1) of this section for the 40637
first full week of the preceding October but who since that week 40638
have received high school diplomas. 40639

40640

The following categories of students shall not be included in 40641
the determination made under division (D)(1) of this section: 40642

(a) Students enrolled in adult education classes; 40643

(b) Adjacent or other district joint vocational students 40644
enrolled in the district under an open enrollment policy pursuant 40645
to section 3313.98 of the Revised Code; 40646

(c) Students receiving services in the district pursuant to a 40647
compact, cooperative education agreement, or a contract, but who 40648
are entitled to attend school in a city, local, or exempted 40649
village school district whose territory is not part of the 40650
territory of the joint vocational district; 40651

(d) Students for whom tuition is payable pursuant to sections 40652
3317.081 and 3323.141 of the Revised Code. 40653

(2) To enable the department of education to obtain the data 40654
needed to complete the calculation of payments pursuant to this 40655
chapter, in addition to the formula ADM, each superintendent shall 40656
report separately the average daily membership included in the 40657
report under division (D)(1) of this section for each of the 40658
following categories of students for the same week for which 40659
formula ADM is certified: 40660

(a) Students enrolled in each grade included in the joint 40661
vocational district schools; 40662

(b) Children with disabilities receiving special education 40663
services for the category one disability described in division (A) 40664
of section 3317.013 of the Revised Code; 40665

(c) Children with disabilities receiving special education 40666

services for the category two disabilities described in division 40667
(B) of section 3317.013 of the Revised Code; 40668

(d) Children with disabilities receiving special education 40669
services for category three disabilities described in division (C) 40670
of section 3317.013 of the Revised Code; 40671

(e) Children with disabilities receiving special education 40672
services for category four disabilities described in division (D) 40673
of section 3317.013 of the Revised Code; 40674

(f) Children with disabilities receiving special education 40675
services for the category five disabilities described in division 40676
(E) of section 3317.013 of the Revised Code; 40677

(g) Children with disabilities receiving special education 40678
services for category six disabilities described in division (F) 40679
of section 3317.013 of the Revised Code; 40680

(h) Students receiving category one vocational education 40681
services, described in division (A) of section 3317.014 of the 40682
Revised Code; 40683

(i) Students receiving category two vocational education 40684
services, described in division (B) of section 3317.014 of the 40685
Revised Code. 40686

The superintendent of each joint vocational school district 40687
shall also indicate the city, local, or exempted village school 40688
district in which each joint vocational district pupil is entitled 40689
to attend school pursuant to section 3313.64 or 3313.65 of the 40690
Revised Code. 40691

(E) In each school of each city, local, exempted village, 40692
joint vocational, and cooperative education school district there 40693
shall be maintained a record of school membership, which record 40694
shall accurately show, for each day the school is in session, the 40695
actual membership enrolled in regular day classes. For the purpose 40696

of determining average daily membership, the membership figure of 40697
any school shall not include any pupils except those pupils 40698
described by division (A) of this section. The record of 40699
membership for each school shall be maintained in such manner that 40700
no pupil shall be counted as in membership prior to the actual 40701
date of entry in the school and also in such manner that where for 40702
any cause a pupil permanently withdraws from the school that pupil 40703
shall not be counted as in membership from and after the date of 40704
such withdrawal. There shall not be included in the membership of 40705
any school any of the following: 40706

(1) Any pupil who has graduated from the twelfth grade of a 40707
public or nonpublic high school; 40708

(2) Any pupil who is not a resident of the state; 40709

(3) Any pupil who was enrolled in the schools of the district 40710
during the previous school year when tests were administered under 40711
section 3301.0711 of the Revised Code but did not take one or more 40712
of the tests required by that section and was not excused pursuant 40713
to division (C)(1) or (3) of that section; 40714

(4) Any pupil who has attained the age of twenty-two years, 40715
except for veterans of the armed services whose attendance was 40716
interrupted before completing the recognized twelve-year course of 40717
the public schools by reason of induction or enlistment in the 40718
armed forces and who apply for reenrollment in the public school 40719
system of their residence not later than four years after 40720
termination of war or their honorable discharge. 40721

If, however, any veteran described by division (E)(4) of this 40722
section elects to enroll in special courses organized for veterans 40723
for whom tuition is paid under the provisions of federal laws, or 40724
otherwise, that veteran shall not be included in average daily 40725
membership. 40726

Notwithstanding division (E)(3) of this section, the 40727

membership of any school may include a pupil who did not take a 40728
test required by section 3301.0711 of the Revised Code if the 40729
superintendent of public instruction grants a waiver from the 40730
requirement to take the test to the specific pupil and a parent is 40731
not paying tuition for the pupil pursuant to section 3313.6410 of 40732
the Revised Code. The superintendent may grant such a waiver only 40733
for good cause in accordance with rules adopted by the state board 40734
of education. 40735

Except as provided in divisions (B)(2) and (F) of this 40736
section, the average daily membership figure of any local, city, 40737
exempted village, or joint vocational school district shall be 40738
determined by dividing the figure representing the sum of the 40739
number of pupils enrolled during each day the school of attendance 40740
is actually open for instruction during the week for which the 40741
formula ADM is being certified by the total number of days the 40742
school was actually open for instruction during that week. For 40743
purposes of state funding, "enrolled" persons are only those 40744
pupils who are attending school, those who have attended school 40745
during the current school year and are absent for authorized 40746
reasons, and those children with disabilities currently receiving 40747
home instruction. 40748

The average daily membership figure of any cooperative 40749
education school district shall be determined in accordance with 40750
rules adopted by the state board of education. 40751

(F)(1) If the formula ADM for the first full school week in 40752
February is at least three per cent greater than that certified 40753
for the first full school week in the preceding October, the 40754
superintendent of schools of any city, exempted village, or joint 40755
vocational school district or educational service center shall 40756
certify such increase to the superintendent of public instruction. 40757
Such certification shall be submitted no later than the fifteenth 40758
day of February. For the balance of the fiscal year, beginning 40759

with the February payments, the superintendent of public 40760
instruction shall use the increased formula ADM in calculating or 40761
recalculating the amounts to be allocated in accordance with 40762
section 3317.022 or 3317.16 of the Revised Code. In no event shall 40763
the superintendent use an increased membership certified to the 40764
superintendent after the fifteenth day of February. Division 40765
(F)(1) of this section does not apply after fiscal year 2006. 40766

(2) If on the first school day of April the total number of 40767
classes or units for preschool children with disabilities that are 40768
eligible for approval under division (B) of section 3317.05 of the 40769
Revised Code exceeds the number of units that have been approved 40770
for the year under that division, the superintendent of schools of 40771
any city, exempted village, or cooperative education school 40772
district or educational service center shall make the 40773
certifications required by this section for that day. If the 40774
department determines additional units can be approved for the 40775
fiscal year within any limitations set forth in the acts 40776
appropriating moneys for the funding of such units, the department 40777
shall approve additional units for the fiscal year on the basis of 40778
such average daily membership. For each unit so approved, the 40779
department shall pay an amount computed in the manner prescribed 40780
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 40781
Code. 40782

(3) If a student attending a community school under Chapter 40783
3314. or a science, technology, engineering, and mathematics 40784
school established under Chapter 3326. of the Revised Code is not 40785
included in the formula ADM certified for the school district in 40786
which the student is entitled to attend school under section 40787
3313.64 or 3313.65 of the Revised Code, the department of 40788
education shall adjust the formula ADM of that school district to 40789
include the student in accordance with division (C)(2) of this 40790
section, and shall recalculate the school district's payments 40791

under this chapter for the entire fiscal year on the basis of that 40792
adjusted formula ADM. This requirement applies regardless of 40793
whether the student was enrolled, as defined in division (E) of 40794
this section, in the community school or the science, technology, 40795
engineering, and mathematics school during the week for which the 40796
formula ADM is being certified. 40797

(4) If a student awarded an educational choice scholarship is 40798
not included in the formula ADM of the school district from which 40799
the department deducts funds for the scholarship under section 40800
3310.08 of the Revised Code, the department shall adjust the 40801
formula ADM of that school district to include the student to the 40802
extent necessary to account for the deduction, and shall 40803
recalculate the school district's payments under this chapter for 40804
the entire fiscal year on the basis of that adjusted formula ADM. 40805
This requirement applies regardless of whether the student was 40806
enrolled, as defined in division (E) of this section, in the 40807
chartered nonpublic school, the school district, or a community 40808
school during the week for which the formula ADM is being 40809
certified. 40810

(5) If a student awarded a scholarship under the special 40811
education scholarship pilot program is not included in the formula 40812
ADM of the school district from which the department deducts funds 40813
for the scholarship under section 3310.55 of the Revised Code, the 40814
department shall adjust the formula ADM of that school district to 40815
include the student to the extent necessary to account for the 40816
deduction, and shall recalculate the school district's payments 40817
under this chapter for the entire fiscal year on the basis of that 40818
adjusted formula ADM. This requirement applies regardless of 40819
whether the student was enrolled, as defined in division (E) of 40820
this section, in an alternative public provider, a registered 40821
private provider, or the school district during the week for which 40822
the formula ADM is being certified. 40823

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The average daily membership of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code;

(ii) The average daily membership of all preschool children with disabilities in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code.

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities

enrolled as of the first day of December in classes eligible for 40855
approval under division (B) of section 3317.05 of the Revised 40856
Code, and the number of those classes. 40857

(3)(a) If on the first school day of April the number of 40858
classes or units maintained for preschool children with 40859
disabilities by the county MR/DD board that are eligible for 40860
approval under division (B) of section 3317.05 of the Revised Code 40861
is greater than the number of units approved for the year under 40862
that division, the superintendent shall make the certification 40863
required by this section for that day. 40864

(b) If the department determines that additional classes or 40865
units can be approved for the fiscal year within any limitations 40866
set forth in the acts appropriating moneys for the funding of the 40867
classes and units described in division (G)(3)(a) of this section, 40868
the department shall approve and fund additional units for the 40869
fiscal year on the basis of such average daily membership. For 40870
each unit so approved, the department shall pay an amount computed 40871
in the manner prescribed in sections 3317.052 and 3317.053 of the 40872
Revised Code. 40873

(H) Except as provided in division (I) of this section, when 40874
any city, local, or exempted village school district provides 40875
instruction for a nonresident pupil whose attendance is 40876
unauthorized attendance as defined in section 3327.06 of the 40877
Revised Code, that pupil's membership shall not be included in 40878
that district's membership figure used in the calculation of that 40879
district's formula ADM or included in the determination of any 40880
unit approved for the district under section 3317.05 of the 40881
Revised Code. The reporting official shall report separately the 40882
average daily membership of all pupils whose attendance in the 40883
district is unauthorized attendance, and the membership of each 40884
such pupil shall be credited to the school district in which the 40885
pupil is entitled to attend school under division (B) of section 40886

3313.64 or section 3313.65 of the Revised Code as determined by 40887
the department of education. 40888

(I)(1) A city, local, exempted village, or joint vocational 40889
school district admitting a scholarship student of a pilot project 40890
district pursuant to division (C) of section 3313.976 of the 40891
Revised Code may count such student in its average daily 40892
membership. 40893

(2) In any year for which funds are appropriated for pilot 40894
project scholarship programs, a school district implementing a 40895
state-sponsored pilot project scholarship program that year 40896
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 40897
count in average daily membership: 40898

(a) All children residing in the district and utilizing a 40899
scholarship to attend kindergarten in any alternative school, as 40900
defined in section 3313.974 of the Revised Code; 40901

(b) All children who were enrolled in the district in the 40902
preceding year who are utilizing a scholarship to attend any such 40903
alternative school. 40904

(J) The superintendent of each cooperative education school 40905
district shall certify to the superintendent of public 40906
instruction, in a manner prescribed by the state board of 40907
education, the applicable average daily memberships for all 40908
students in the cooperative education district, also indicating 40909
the city, local, or exempted village district where each pupil is 40910
entitled to attend school under section 3313.64 or 3313.65 of the 40911
Revised Code. 40912

(K) If the superintendent of public instruction determines 40913
that a component of the formula ADM certified or reported by a 40914
district superintendent, or other reporting entity, is not 40915
correct, the superintendent of public instruction may order that 40916
the formula ADM used for the purposes of payments under any 40917

section of Title XXXVIII of the Revised Code be adjusted in the 40918
amount of the error. 40919

Sec. 3317.063. The superintendent of public instruction, in 40920
accordance with rules adopted by the department of education, 40921
shall annually reimburse each chartered nonpublic school for the 40922
actual mandated service administrative and clerical costs incurred 40923
by such school during the preceding school year in preparing, 40924
maintaining, and filing reports, forms, and records, and in 40925
providing such other administrative and clerical services that are 40926
not an integral part of the teaching process as may be required by 40927
state law or rule or by requirements duly promulgated by city, 40928
exempted village, or local school districts. The mandated service 40929
costs reimbursed pursuant to this section shall include, but are 40930
not limited to, the preparation, filing and maintenance of forms, 40931
reports, or records and other clerical and administrative services 40932
relating to state chartering or approval of the nonpublic school, 40933
pupil attendance, pupil health and health testing, transportation 40934
of pupils, federally funded education programs, pupil appraisal, 40935
pupil progress, educator licensure, unemployment and workers' 40936
compensation, transfer of pupils, and such other education related 40937
data which are now or hereafter shall be required of such 40938
nonpublic school by state law or rule, or by requirements of the 40939
state department of education, other state agencies, or city, 40940
exempted village, or local school districts. 40941

The reimbursement required by this section shall be for 40942
school years beginning on or after July 1, 1981. 40943

Each nonpublic school which seeks reimbursement pursuant to 40944
this section shall submit to the superintendent of public 40945
instruction an application together with such additional reports 40946
and documents as the department of education may require. Such 40947
application, reports, and documents shall contain such information 40948

as the department of education may prescribe in order to carry out 40949
the purposes of this section. No payment shall be made until the 40950
superintendent of public instruction has approved such 40951
application. 40952

Each nonpublic school which applies for reimbursement 40953
pursuant to this section shall maintain a separate account or 40954
system of accounts for the expenses incurred in rendering the 40955
required services for which reimbursement is sought. Such accounts 40956
shall contain such information as is required by the department of 40957
education and shall be maintained in accordance with rules adopted 40958
by the department of education. 40959

Reimbursement payments to a nonpublic school pursuant to this 40960
section shall not exceed an amount for each school year equal to 40961
three hundred twenty-five dollars per pupil enrolled in that 40962
nonpublic school. 40963

The superintendent of public instruction may, from time to 40964
time, examine any and all accounts and records of a nonpublic 40965
school which have been maintained pursuant to this section in 40966
support of an application for reimbursement, for the purpose of 40967
determining the costs to such school of rendering the services for 40968
which reimbursement is sought. If after such audit it is 40969
determined that any school has received funds in excess of the 40970
actual cost of providing such services, said school shall 40971
immediately reimburse the state in such excess amount. 40972

Any payments made to chartered nonpublic schools under this 40973
section may be disbursed without submission to and approval of the 40974
controlling board. 40975

Sec. 3317.08. A board of education may admit to its schools a 40976
child it is not required by section 3313.64 or 3313.65 of the 40977
Revised Code to admit, if tuition is paid for the child. 40978

Unless otherwise provided by law, tuition shall be computed 40979
in accordance with this section. A district's tuition charge for a 40980
school year shall be one of the following: 40981

(A) For any child, except a preschool child with a disability 40982
described in division (B) of this section, the quotient obtained 40983
by dividing the sum of the amounts described in divisions (A)(1) 40984
and (2) of this section by the district's formula ADM. 40985

(1) The district's total taxes charged and payable for 40987
current expenses for the tax year preceding the tax year in which 40988
the school year begins as certified under division (A)(3) of 40989
section 3317.021 of the Revised Code. 40990

(2) The district's total taxes collected for current expenses 40991
under a school district income tax adopted pursuant to section 40992
5748.03 or 5748.08 of the Revised Code that are disbursed to the 40993
district during the fiscal year, excluding any income tax receipts 40994
allocated for the project cost, debt service, or maintenance 40995
set-aside associated with a state-assisted classroom facilities 40996
project as authorized by section 3318.052 of the Revised Code. On 40997
or before the first day of June of each year, the tax commissioner 40998
shall certify the amount to be used in the calculation under this 40999
division for the next fiscal year to the department of education 41000
and the office of budget and management for each city, local, and 41001
exempted village school district that levies a school district 41002
income tax. 41003

(B) For any preschool child with a disability not included in 41004
a unit approved under division (B) of section 3317.05 of the 41005
Revised Code, an amount computed for the school year as follows: 41006

(1) For each type of special education service provided to 41007
the child for whom tuition is being calculated, determine the 41008
amount of the district's operating expenses in providing that type 41009

of service to all preschool children with disabilities not 41010
included in units approved under division (B) of section 3317.05 41011
of the Revised Code; 41012

(2) For each type of special education service for which 41013
operating expenses are determined under division (B)(1) of this 41014
section, determine the amount of such operating expenses that was 41015
paid from any state funds received under this chapter; 41016

(3) For each type of special education service for which 41017
operating expenses are determined under division (B)(1) of this 41018
section, divide the difference between the amount determined under 41019
division (B)(1) of this section and the amount determined under 41020
division (B)(2) of this section by the total number of preschool 41021
children with disabilities not included in units approved under 41022
division (B) of section 3317.05 of the Revised Code who received 41023
that type of service; 41024

(4) Determine the sum of the quotients obtained under 41025
division (B)(3) of this section for all types of special education 41026
services provided to the child for whom tuition is being 41027
calculated. 41028

The state board of education shall adopt rules defining the 41029
types of special education services and specifying the operating 41030
expenses to be used in the computation under this section. 41031

If any child for whom a tuition charge is computed under this 41032
section for any school year is enrolled in a district for only 41033
part of that school year, the amount of the district's tuition 41034
charge for the child for the school year shall be computed in 41035
proportion to the number of school days the child is enrolled in 41036
the district during the school year. 41037

Except as otherwise provided in division (J) of section 41038
3313.64 of the Revised Code, whenever a district admits a child to 41039
its schools for whom tuition computed in accordance with this 41040

section is an obligation of another school district, the amount of 41041
the tuition shall be certified by the treasurer of the board of 41042
education of the district of attendance, to the board of education 41043
of the district required to pay tuition for its approval and 41044
payment. If agreement as to the amount payable or the district 41045
required to pay the tuition cannot be reached, or the board of 41046
education of the district required to pay the tuition refuses to 41047
pay that amount, the board of education of the district of 41048
attendance shall notify the superintendent of public instruction. 41049
The superintendent shall determine the correct amount and the 41050
district required to pay the tuition and shall deduct that amount, 41051
if any, under division (G) of section 3317.023 of the Revised 41052
Code, from the district required to pay the tuition and add that 41053
amount to the amount allocated to the district attended under such 41054
division. The superintendent of public instruction shall send to 41055
the district required to pay the tuition an itemized statement 41056
showing such deductions at the time of such deduction. 41057

When a political subdivision owns and operates an airport, 41058
welfare, or correctional institution or other project or facility 41059
outside its corporate limits, the territory within which the 41060
facility is located is exempt from taxation by the school district 41061
within which such territory is located, and there are school age 41062
children residing within such territory, the political subdivision 41063
owning such tax exempt territory shall pay tuition to the district 41064
in which such children attend school. The tuition for these 41065
children shall be computed as provided for in this section. 41066

Sec. 3318.011. For purposes of providing assistance under 41067
sections 3318.01 to 3318.20 of the Revised Code, the department of 41068
education shall annually do all of the following: 41069

(A) Calculate the adjusted valuation per pupil of each city, 41070
local, and exempted village school district according to the 41071

following formula: 41072

The district's valuation per pupil - 41073

[\$30,000 X (1 - the district's income factor)]. 41074

For purposes of this calculation: 41075

(1) Except for a district with an open enrollment net gain 41076
that is ten per cent or more of its formula ADM, "valuation per 41077
pupil" for a district means its average taxable value, divided by 41078
its formula ADM for the previous fiscal year. "Valuation per 41079
pupil," for a district with an open enrollment net gain that is 41080
ten per cent or more of its formula ADM, means its average taxable 41081
value, divided by the sum of its formula ADM for the previous 41082
fiscal year plus its open enrollment net gain for the previous 41083
fiscal year. 41084

(2) "Average Except for a tangible personal property 41085
phase-out impacted district, "average taxable value" means the 41086
average of the amounts certified for a district in the second, 41087
third, and fourth preceding fiscal years under divisions (A)(1) 41088
and (2) of section 3317.021 of the Revised Code. For a tangible 41089
personal property phase-out impacted district, "average taxable 41090
value" means the average of the amounts certified for the district 41091
in the second, third, and fourth preceding fiscal years under 41092
division (A)(1) of section 3317.021 of the Revised Code. 41093

(3) "Entitled to attend school" means entitled to attend 41094
school in a city, local, or exempted village school district under 41095
section 3313.64 or 3313.65 of the Revised Code. 41096

(4) "Formula ADM" and "income factor" have the same meanings 41097
as in section 3317.02 of the Revised Code. 41098

(5) "Native student" has the same meaning as in section 41099
3313.98 of the Revised Code. 41100

(6) "Open enrollment net gain" for a district means (a) the 41101
number of the students entitled to attend school in another 41102

district but who are enrolled in the schools of the district under 41103
its open enrollment policy minus (b) the number of the district's 41104
native students who are enrolled in the schools of another 41105
district under the other district's open enrollment policy, both 41106
numbers as certified to the department under section 3313.981 of 41107
the Revised Code. If the difference is a negative number, the 41108
district's "open enrollment net gain" is zero. 41109

(7) "Open enrollment policy" means an interdistrict open 41110
enrollment policy adopted under section 3313.98 of the Revised 41111
Code. 41112

(8) "Tangible personal property phase-out impacted district" 41113
means a school district for which, on August 31, 2005, the taxable 41114
value of its tangible personal property, certified under division 41115
(A)(2) of section 3317.021 of the Revised Code, made up twenty per 41116
cent or more of its total taxable value, as defined in section 41117
3317.02 of the Revised Code. 41118

(B) Calculate for each district the three-year average of the 41119
adjusted valuations per pupil calculated for the district for the 41120
current and two preceding fiscal years; 41121

(C) Rank all such districts in order of adjusted valuation 41122
per pupil from the district with the lowest three-year average 41123
adjusted valuation per pupil to the district with the highest 41124
three-year average adjusted valuation per pupil; 41125

(D) Divide such ranking into percentiles with the first 41126
percentile containing the one per cent of school districts having 41127
the lowest three-year average adjusted valuations per pupil and 41128
the one-hundredth percentile containing the one per cent of school 41129
districts having the highest three-year average adjusted 41130
valuations per pupil; 41131

(E) Determine the school districts that have three-year 41132
average adjusted valuations per pupil that are greater than the 41133

median three-year average adjusted valuation per pupil for all 41134
school districts in the state; 41135

(F) On or before the first day of September, certify the 41136
information described in divisions (A) to (E) of this section to 41137
the Ohio school facilities commission. 41138

Sec. 3318.37. (A)(1) As used in this section: 41139

(a) "Large land area school district" means a school district 41140
with a territory of greater than three hundred square miles in any 41141
percentile as determined under section 3318.011 of the Revised 41142
Code. 41143

(b) "Low wealth school district" means a school district in 41144
the first through seventy-fifth percentiles as determined under 41145
section 3318.011 of the Revised Code. 41146

(c) A "school district with an exceptional need for immediate 41147
classroom facilities assistance" means a low wealth or large land 41148
area school district with an exceptional need for new facilities 41149
in order to protect the health and safety of all or a portion of 41150
its students. 41151

~~(2) No school district reasonably expected to be eligible for 41152
state assistance under sections 3318.01 to 3318.20 of the Revised 41153
Code within three fiscal years after the year of the application 41154
for assistance under this section shall be eligible for assistance 41155
under this section, unless the district's entire classroom 41156
facilities plan consists of only a single building designed to 41157
house grades kindergarten through twelve and the district 41158
satisfies the conditions prescribed in divisions (A)(3)(a) and (b) 41159
of this section. 41160~~

~~(3)~~ No school district that participates in the school 41161
building assistance expedited local partnership program under 41162
section 3318.36 of the Revised Code shall receive assistance under 41163

the program established under this section unless the following 41164
conditions are satisfied: 41165

(a) The district board adopted a resolution certifying its 41166
intent to participate in the school building assistance expedited 41167
local partnership program under section 3318.36 of the Revised 41168
Code prior to September 14, 2000. 41169

(b) The district was selected by the Ohio school facilities 41170
commission for participation in the school building assistance 41171
expedited local partnership program under section 3318.36 of the 41172
Revised Code in the manner prescribed by the commission under that 41173
section as it existed prior to September 14, 2000. 41174

(B)(1) There is hereby established the exceptional needs 41175
school facilities assistance program. Under the program, the Ohio 41176
school facilities commission may set aside from the moneys 41177
annually appropriated to it for classroom facilities assistance 41178
projects up to twenty-five per cent for assistance to school 41179
districts with exceptional needs for immediate classroom 41180
facilities assistance. 41181

(2)(a) After consulting with education and construction 41182
experts, the commission shall adopt guidelines for identifying 41183
school districts with an exceptional need for immediate classroom 41184
facilities assistance. 41185

(b) The guidelines shall include application forms and 41186
instructions for school districts to use in applying for 41187
assistance under this section. 41188

(3) The commission shall evaluate the classroom facilities, 41189
and the need for replacement classroom facilities from the 41190
applications received under this section. The commission, 41191
utilizing the guidelines adopted under division (B)(2)(a) of this 41192
section, shall prioritize the school districts to be assessed. 41193

Notwithstanding section 3318.02 of the Revised Code, the 41194

commission may conduct on-site evaluation of the school districts 41195
prioritized under this section and approve and award funds until 41196
such time as all funds set aside under division (B)(1) of this 41197
section have been encumbered. However, the commission need not 41198
conduct the evaluation of facilities if the commission determines 41199
that a district's assessment conducted under section 3318.36 of 41200
the Revised Code is sufficient for purposes of this section. 41201

(4) Notwithstanding division (A) of section 3318.05 of the 41202
Revised Code, the school district's portion of the basic project 41203
cost under this section shall be the "required percentage of the 41204
basic project costs," as defined in division (K) of section 41205
3318.01 of the Revised Code. 41206

(5) Except as otherwise specified in this section, any 41207
project undertaken with assistance under this section shall comply 41208
with all provisions of sections 3318.01 to 3318.20 of the Revised 41209
Code. A school district may receive assistance under sections 41210
3318.01 to 3318.20 of the Revised Code for the remainder of the 41211
district's classroom facilities needs as assessed under this 41212
section when the district is eligible for such assistance pursuant 41213
to section 3318.02 of the Revised Code, but any classroom facility 41214
constructed with assistance under this section shall not be 41215
included in a district's project at that time unless the 41216
commission determines the district has experienced the increased 41217
enrollment specified in division (B)(1) of section 3318.04 of the 41218
Revised Code. 41219

(C) No school district shall receive assistance under this 41220
section for a classroom facility that has been included in the 41221
discrete part of the district's classroom facilities needs 41222
identified and addressed in the district's project pursuant to an 41223
agreement entered into under section 3318.36 of the Revised Code, 41224
unless the district's entire classroom facilities plan consists of 41225
only a single building designed to house grades kindergarten 41226

through twelve. 41227

Sec. 3318.44. (A) A joint vocational school district board of 41228
education may generate the school district's portion of the basic 41229
project cost of its project under sections 3318.40 to 3318.45 of 41230
the Revised Code using any combination of the following means if 41231
lawfully employed for the acquisition of classroom facilities: 41232

(1) The issuance of securities in accordance with Chapter 41233
133. and section 3311.20 of the Revised Code; 41234

(2) Local donated contributions as authorized under section 41235
3318.084 of the Revised Code; 41236

(3) A levy for permanent improvements under section 3311.21 41237
or 5705.21 of the Revised Code; 41238

(4) Bonds issued pursuant to division (B) of this section. 41239

(B) By resolution adopted by a majority of all its members, a 41240
school district board, in order to pay all or part of the school 41241
district's portion of its basic project cost, may apply the 41242
proceeds of a tax levied under section 5705.21 of the Revised Code 41243
for general permanent improvements if the proceeds of that levy 41244
lawfully may be used for general construction, renovation, repair, 41245
or maintenance of classroom facilities to ~~leverage~~ pay debt 41246
charges on and financing costs related to bonds adequate issued to 41247
pay all or part of the school district portion of the basic 41248
project cost of the school district's project under sections 41249
3318.40 to 3318.45 of the Revised Code or to generate an amount 41250
equivalent to all or part of the amount required under section 41251
3318.43 of the Revised Code to be used for maintenance of 41252
classroom facilities acquired under the project. Bonds issued 41253
under this division shall be Chapter 133. securities, and may be 41254
issued as general obligation securities, but the issuance of the 41255
bonds shall not be subject to a vote of the electors of the school 41256

district as long as the tax proceeds earmarked for payment of the 41257
service debt charges on the bonds may lawfully be used for that 41258
purpose. Such bonds shall not be included in the calculation of 41259
net indebtedness under section 133.06 of the Revised Code if the 41260
resolution authorizing their issuance includes covenants to 41261
appropriate annually, from lawfully available proceeds of a 41262
property tax levied under section 5705.21 of the Revised Code, and 41263
to continue to levy that tax in amounts necessary to pay the debt 41264
charges on and financing costs related to the bonds as they become 41265
due. No property tax levied under section 5705.21 of the Revised 41266
Code that is pledged, or that the school district has covenanted 41267
to levy, collect, and appropriate annually to pay the debt charges 41268
on and financing costs related to the bonds under this section may 41269
be repealed while those bonds are outstanding. If such a tax is 41270
reduced by electors of the district or by the board of education 41271
while the bonds are outstanding, the board of education shall 41272
continue to levy and collect the tax under the authority of the 41273
original election authorizing the tax at a rate in each year that 41274
the board reasonably estimates will produce an amount in that year 41275
equal to the debt charges on the bonds in that year. 41276

No state moneys shall be released for a project to which this 41277
division applies until the proceeds of any bonds issued under this 41278
division that are dedicated for payment of the school district's 41279
portion of the basic project cost are first deposited into the 41280
school district's project construction fund. 41281

(C) A school district board of education may adopt a 41282
resolution proposing that any of the following questions be 41283
combined with a question specified in section 3318.45 of the 41284
Revised Code: 41285

(1) A bond issue question under section 133.18 of the Revised 41286
Code; 41287

(2) A tax levy question under section 3311.21 of the Revised 41288

Code; 41289

(3) A tax levy question under section 5705.21 of the Revised Code. 41290
41291

Any question described in divisions (C)(1) to (3) of this section that is combined with a question proposed under section 3318.45 of the Revised Code shall be for the purpose of either paying for any permanent improvement, as defined in section 133.01 of the Revised Code, or generating operating revenue specifically for the facilities acquired under the school district's project under Chapter 3318. of the Revised Code or for both to the extent such purposes are permitted by the sections of law under which each is proposed. 41292
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(D) The board of education of a joint vocational school district that receives assistance under this section may enter into an agreement for joint issuance of bonds as provided for in section 3318.085 of the Revised Code. 41301
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41304

Sec. 3319.073. (A) The board of education of each city and exempted village school district and the governing board of each educational service center shall adopt or adapt the curriculum developed by the department of education for, or shall develop, in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training ~~for persons employed by any school district or service center to work in an elementary school as a nurse, teacher, counselor, school psychologist, or administrator~~ in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in ~~an elementary~~ a school as a nurse, teacher, counselor, school psychologist, or administrator shall complete at least four hours of the in-service training ~~in the prevention of child abuse, violence, and substance~~ 41305
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~~abuse and the promotion of positive youth development~~ within two 41320
years of commencing employment with the district or center, and 41321
every five years thereafter. A person who is employed by any 41322
school district or service center to work in an elementary school 41323
as a nurse, teacher, counselor, school psychologist, or 41324
administrator on ~~the effective date of this amendment~~ March 30, 41325
2007, shall complete at least four hours of the in-service 41326
training ~~required by this section within two years of the~~ 41327
~~effective date of this amendment~~ not later than March 30, 2009, 41328
and every five years thereafter. A person who is employed by any 41329
school district or service center to work in a middle or high 41330
school as a nurse, teacher, counselor, school psychologist, or 41331
administrator on the effective date of this amendment shall 41332
complete at least four hours of the in-service training not later 41333
than two years after the effective date of this amendment and 41334
every five years thereafter. 41335

(B) Each board shall incorporate training in school safety 41336
and violence prevention into the in-service training required by 41337
division (A) of this section. For this purpose, the board shall 41338
adopt or adapt the curriculum developed by the department or shall 41339
develop its own curriculum in consultation with public or private 41340
agencies or persons involved in school safety and violence 41341
prevention programs. 41342

Sec. 3319.08. (A) The board of education of each city, 41343
exempted village, local, and joint vocational school district and 41344
the governing board of each educational service center shall enter 41345
into written contracts for the employment and reemployment of all 41346
teachers. Contracts for the employment of teachers shall be of two 41347
types, limited contracts and continuing contracts. The board of 41348
each ~~such~~ school district or service center that authorizes 41349
compensation in addition to the base salary stated in the 41350
teachers' salary schedule for the performance of duties by a 41351

teacher that are in addition to the teacher's regular teaching 41352
duties, shall enter into a supplemental written contract with each 41353
teacher who is to perform additional duties. Such supplemental 41354
written contracts shall be limited contracts. Such written 41355
contracts and supplemental written contracts shall set forth the 41356
teacher's duties and shall specify the salaries and compensation 41357
to be paid for regular teaching duties and additional teaching 41358
duties, respectively, either or both of which may be increased but 41359
not diminished during the term for which the contract is made, 41360
except as provided in section 3319.12 of the Revised Code. 41361

If a board adopts a motion or resolution to employ a teacher 41362
under a limited or continuing contract and the teacher accepts 41363
such employment, the failure of such parties to execute a written 41364
contract shall not void such employment contract. 41365

(B) Teachers must be paid for all time lost when the schools 41366
in which they are employed are closed due to an epidemic or other 41367
public calamity, and for time lost due to illness or otherwise for 41368
not less than five days annually as authorized by regulations 41369
which each board shall adopt. 41370

~~Contracts for the employment of teachers shall be of two 41371
types, limited contracts and continuing contracts. 41372~~

~~(A)~~(C) A limited contract is: 41373

(1) For a superintendent, a contract for such term as 41374
authorized by section 3319.01 of the Revised Code; 41375

(2) For an assistant superintendent, principal, assistant 41376
principal, or other administrator, a contract for such term as 41377
authorized by section 3319.02 of the Revised Code; 41378

(3) For all other teachers, a contract for a term not to 41379
exceed five years. 41380

~~(B)~~(D) A continuing contract is a contract that remains in 41381

effect until the teacher resigns, elects to retire, or is retired 41382
pursuant to former section 3307.37 of the Revised Code, or until 41383
it is terminated or suspended and shall be granted only to the 41384
following: 41385

(1) Any teacher holding a professional, permanent, or life 41386
teacher's certificate; 41387

(2) Any teacher ~~holding a professional educator license~~ who 41388
meets the following conditions: 41389

(a) The teacher was initially issued a teacher's certificate 41390
or educator license prior to January 1, 2011. 41391

(b) The teacher holds a professional educator license issued 41392
under section 3319.22 or 3319.222 or former section 3319.22 of the 41393
Revised Code or a senior professional educator license or lead 41394
professional educator license issued under section 3319.22 of the 41395
Revised Code. 41396

(c) The teacher has completed the applicable one of the 41397
following: 41398

~~(a)~~(i) If the teacher did not hold a ~~masters~~ master's degree 41399
at the time of initially receiving a teacher's certificate under 41400
former law or an educator license, thirty semester hours of 41401
coursework in the area of licensure or in an area related to the 41402
teaching field since the initial issuance of such certificate or 41403
license, as specified in rules which the state board of education 41404
shall adopt; 41405

~~(b)~~(ii) If the teacher held a ~~masters~~ master's degree at the 41406
time of initially receiving a teacher's certificate under former 41407
law or an educator license, six semester hours of graduate 41408
coursework in the area of licensure or in an area related to the 41409
teaching field since the initial issuance of such certificate or 41410
license, as specified in rules which the state board ~~of education~~ 41411
shall adopt. 41412

This (3) Any teacher who meets the following conditions: 41413

(a) The teacher never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011. 41414
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(b) The teacher holds a professional educator license, senior professional educator license, or lead professional educator license issued under section 3319.22 of the Revised Code. 41416
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(c) The teacher has held an educator license for at least nine years. 41419
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(d) The teacher has completed the applicable one of the following: 41421
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(i) If the teacher did not hold a master's degree at the time of initially receiving an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt; 41423
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(ii) If the teacher held a master's degree at the time of initially receiving an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt. 41428
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(E) Division (D) of this section applies only to continuing contracts entered into on or after August 18, 1969 the effective date of this amendment. Nothing in that division shall be construed to void or otherwise affect a continuing contract entered into prior to that date. 41433
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Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of division (D)(3) of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this amendment. 41438
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(F) Wherever the term "educator license" is used in this section without reference to a specific type of educator license, the term does not include an educator license for substitute teaching issued under section 3319.226 of the Revised Code.

Sec. 3319.11. (A) As used in this section: 41447

(1) "Evaluation procedures" means the procedures adopted pursuant to division (B) of section 3319.111 of the Revised Code. 41448
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(2) "Limited contract" means a limited contract, as described in section 3319.08 of the Revised Code, that a school district board of education or governing board of an educational service center enters into with a teacher who is not eligible for continuing service status. 41450
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(3) "Extended limited contract" means a limited contract, as described in section 3319.08 of the Revised Code, that a board of education or governing board enters into with a teacher who is eligible for continuing service status. 41455
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(B) Teachers eligible for continuing service status in any city, exempted village, local, or joint vocational school district or educational service center shall be those teachers qualified as described in division ~~(B)(1) or (2)~~ (D) of section 3319.08 of the Revised Code, who within the last five years have taught for at least three years in the district or center, and those teachers who, having attained continuing contract status elsewhere, have served two years in the district or center, but the board, upon the recommendation of the superintendent, may at the time of employment or at any time within such two-year period, declare any of the latter teachers eligible. 41459
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(1) Upon the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed, a continuing contract shall be entered into between the board and 41470
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the teacher unless the board by a three-fourths vote of its full membership rejects the recommendation of the superintendent. If the board rejects by a three-fourths vote of its full membership the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed and the superintendent makes no recommendation to the board pursuant to division (C) of this section, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to division (A) of section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the first day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If the superintendent recommends that a teacher eligible for continuing service status not be reemployed, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to division (A) of section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term

not to exceed one year at the same salary plus any increment 41506
provided by the salary schedule. The teacher is presumed to have 41507
accepted employment under the extended limited contract for a term 41508
not to exceed one year unless such teacher notifies the board in 41509
writing to the contrary on or before the first day of June, and an 41510
extended limited contract for a term not to exceed one year shall 41511
be executed accordingly. Upon any subsequent reemployment of a 41512
teacher only a continuing contract may be entered into. 41513

(3) Any teacher receiving written notice of the intention of 41514
a board not to reemploy such teacher pursuant to this division is 41515
entitled to the hearing provisions of division (G) of this 41516
section. 41517

(C)(1) If a board rejects the recommendation of the 41518
superintendent for reemployment of a teacher pursuant to division 41519
(B)(1) of this section, the superintendent may recommend 41520
reemployment of the teacher, if continuing service status has not 41521
previously been attained elsewhere, under an extended limited 41522
contract for a term not to exceed two years, provided that written 41523
notice of the superintendent's intention to make such 41524
recommendation has been given to the teacher with reasons directed 41525
at the professional improvement of the teacher on or before the 41526
thirtieth day of April. Upon subsequent reemployment of the 41527
teacher only a continuing contract may be entered into. 41528

(2) If a board of education takes affirmative action on a 41529
superintendent's recommendation, made pursuant to division (C)(1) 41530
of this section, of an extended limited contract for a term not to 41531
exceed two years but the board does not give the teacher written 41532
notice of its affirmative action on the superintendent's 41533
recommendation of an extended limited contract on or before the 41534
thirtieth day of April, the teacher is deemed reemployed under a 41535
continuing contract at the same salary plus any increment provided 41536
by the salary schedule. The teacher is presumed to have accepted 41537

employment under such continuing contract unless such teacher 41538
notifies the board in writing to the contrary on or before the 41539
first day of June, and a continuing contract shall be executed 41540
accordingly. 41541

(3) A board shall not reject a superintendent's 41542
recommendation, made pursuant to division (C)(1) of this section, 41543
of an extended limited contract for a term not to exceed two years 41544
except by a three-fourths vote of its full membership. If a board 41545
rejects by a three-fourths vote of its full membership the 41546
recommendation of the superintendent of an extended limited 41547
contract for a term not to exceed two years, the board may declare 41548
its intention not to reemploy the teacher by giving the teacher 41549
written notice on or before the thirtieth day of April of its 41550
intention not to reemploy the teacher. If evaluation procedures 41551
have not been complied with pursuant to division (A) of section 41552
3319.111 of the Revised Code or if the board does not give the 41553
teacher written notice on or before the thirtieth day of April of 41554
its intention not to reemploy the teacher, the teacher is deemed 41555
reemployed under an extended limited contract for a term not to 41556
exceed one year at the same salary plus any increment provided by 41557
the salary schedule. The teacher is presumed to have accepted 41558
employment under the extended limited contract for a term not to 41559
exceed one year unless such teacher notifies the board in writing 41560
to the contrary on or before the first day of June, and an 41561
extended limited contract for a term not to exceed one year shall 41562
be executed accordingly. Upon any subsequent reemployment of the 41563
teacher only a continuing contract may be entered into. 41564

Any teacher receiving written notice of the intention of a 41565
board not to reemploy such teacher pursuant to this division is 41566
entitled to the hearing provisions of division (G) of this 41567
section. 41568

(D) A teacher eligible for continuing contract status 41569

employed under an extended limited contract pursuant to division 41570
(B) or (C) of this section, is, at the expiration of such extended 41571
limited contract, deemed reemployed under a continuing contract at 41572
the same salary plus any increment granted by the salary schedule, 41573
unless evaluation procedures have been complied with pursuant to 41574
division (A) of section 3319.111 of the Revised Code and the 41575
employing board, acting on the superintendent's recommendation 41576
that the teacher not be reemployed, gives the teacher written 41577
notice on or before the thirtieth day of April of its intention 41578
not to reemploy such teacher. A teacher who does not have 41579
evaluation procedures applied in compliance with division (A) of 41580
section 3319.111 of the Revised Code or who does not receive 41581
notice on or before the thirtieth day of April of the intention of 41582
the board not to reemploy such teacher is presumed to have 41583
accepted employment under a continuing contract unless such 41584
teacher notifies the board in writing to the contrary on or before 41585
the first day of June, and a continuing contract shall be executed 41586
accordingly. 41587

Any teacher receiving a written notice of the intention of a 41588
board not to reemploy such teacher pursuant to this division is 41589
entitled to the hearing provisions of division (G) of this 41590
section. 41591

(E) A limited contract may be entered into by each board with 41592
each teacher who has not been in the employ of the board for at 41593
least three years and shall be entered into, regardless of length 41594
of previous employment, with each teacher employed by the board 41595
who ~~holds a provisional, temporary, or associate license, or who~~ 41596
~~holds a professional license and~~ is not eligible to be considered 41597
for a continuing contract. 41598

Any teacher employed under a limited contract, and not 41599
eligible to be considered for a continuing contract, is, at the 41600
expiration of such limited contract, considered reemployed under 41601

the provisions of this division at the same salary plus any 41602
increment provided by the salary schedule unless evaluation 41603
procedures have been complied with pursuant to division (A) of 41604
section 3319.111 of the Revised Code and the employing board, 41605
acting upon the superintendent's written recommendation that the 41606
teacher not be reemployed, gives such teacher written notice of 41607
its intention not to reemploy such teacher on or before the 41608
thirtieth day of April. A teacher who does not have evaluation 41609
procedures applied in compliance with division (A) of section 41610
3319.111 of the Revised Code or who does not receive notice of the 41611
intention of the board not to reemploy such teacher on or before 41612
the thirtieth day of April is presumed to have accepted such 41613
employment unless such teacher notifies the board in writing to 41614
the contrary on or before the first day of June, and a written 41615
contract for the succeeding school year shall be executed 41616
accordingly. 41617

Any teacher receiving a written notice of the intention of a 41618
board not to reemploy such teacher pursuant to this division is 41619
entitled to the hearing provisions of division (G) of this 41620
section. 41621

(F) The failure of a superintendent to make a recommendation 41622
to the board under any of the conditions set forth in divisions 41623
(B) to (E) of this section, or the failure of the board to give 41624
such teacher a written notice pursuant to divisions (C) to (E) of 41625
this section shall not prejudice or prevent a teacher from being 41626
deemed reemployed under either a limited or continuing contract as 41627
the case may be under the provisions of this section. A failure of 41628
the parties to execute a written contract shall not void any 41629
automatic reemployment provisions of this section. 41630

(G)(1) Any teacher receiving written notice of the intention 41631
of a board of education not to reemploy such teacher pursuant to 41632
division (B), (C)(3), (D), or (E) of this section may, within ten 41633

days of the date of receipt of the notice, file with the treasurer 41634
of the board a written demand for a written statement describing 41635
the circumstances that led to the board's intention not to 41636
reemploy the teacher. 41637

(2) The treasurer of a board, on behalf of the board, shall, 41638
within ten days of the date of receipt of a written demand for a 41639
written statement pursuant to division (G)(1) of this section, 41640
provide to the teacher a written statement describing the 41641
circumstances that led to the board's intention not to reemploy 41642
the teacher. 41643

(3) Any teacher receiving a written statement describing the 41644
circumstances that led to the board's intention not to reemploy 41645
the teacher pursuant to division (G)(2) of this section may, 41646
within five days of the date of receipt of the statement, file 41647
with the treasurer of the board a written demand for a hearing 41648
before the board pursuant to divisions (G)(4) to (6) of this 41649
section. 41650

(4) The treasurer of a board, on behalf of the board, shall, 41651
within ten days of the date of receipt of a written demand for a 41652
hearing pursuant to division (G)(3) of this section, provide to 41653
the teacher a written notice setting forth the time, date, and 41654
place of the hearing. The board shall schedule and conclude the 41655
hearing within forty days of the date on which the treasurer of 41656
the board receives a written demand for a hearing pursuant to 41657
division (G)(3) of this section. 41658

(5) Any hearing conducted pursuant to this division shall be 41659
conducted by a majority of the members of the board. The hearing 41660
shall be held in executive session of the board unless the board 41661
and the teacher agree to hold the hearing in public. The 41662
superintendent, assistant superintendent, the teacher, and any 41663
person designated by either party to take a record of the hearing 41664
may be present at the hearing. The board may be represented by 41665

counsel and the teacher may be represented by counsel or a 41666
designee. A record of the hearing may be taken by either party at 41667
the expense of the party taking the record. 41668

(6) Within ten days of the conclusion of a hearing conducted 41669
pursuant to this division, the board shall issue to the teacher a 41670
written decision containing an order affirming the intention of 41671
the board not to reemploy the teacher reported in the notice given 41672
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 41673
this section or an order vacating the intention not to reemploy 41674
and expunging any record of the intention, notice of the 41675
intention, and the hearing conducted pursuant to this division. 41676

(7) A teacher may appeal an order affirming the intention of 41677
the board not to reemploy the teacher to the court of common pleas 41678
of the county in which the largest portion of the territory of the 41679
school district or service center is located, within thirty days 41680
of the date on which the teacher receives the written decision, on 41681
the grounds that the board has not complied with this section 41682
~~3319.11~~ or section 3319.111 of the Revised Code. 41683

Notwithstanding section 2506.04 of the Revised Code, the 41684
court in an appeal under this division is limited to the 41685
determination of procedural errors and to ordering the correction 41686
of procedural errors and shall have no jurisdiction to order a 41687
board to reemploy a teacher, except that the court may order a 41688
board to reemploy a teacher in compliance with the requirements of 41689
division (B), (C)(3), (D), or (E) of this section when the court 41690
determines that evaluation procedures have not been complied with 41691
pursuant to division (A) of section 3319.111 of the Revised Code 41692
or the board has not given the teacher written notice on or before 41693
the thirtieth day of April of its intention not to reemploy the 41694
teacher pursuant to division (B), (C)(3), (D), or (E) of this 41695
section. Otherwise, the determination whether to reemploy or not 41696
reemploy a teacher is solely a board's determination and not a 41697

proper subject of judicial review and, except as provided in this 41698
division, no decision of a board whether to reemploy or not 41699
reemploy a teacher shall be invalidated by the court on any basis, 41700
including that the decision was not warranted by the results of 41701
any evaluation or was not warranted by any statement given 41702
pursuant to division (G)(2) of this section. 41703

No appeal of an order of a board may be made except as 41704
specified in this division. 41705

(H)(1) In giving a teacher any notice required by division 41706
(B), (C), (D), or (E) of this section, the board or the 41707
superintendent shall do either of the following: 41708

(a) Deliver the notice by personal service upon the teacher; 41709

(b) Deliver the notice by certified mail, return receipt 41710
requested, addressed to the teacher at the teacher's place of 41711
employment and deliver a copy of the notice by certified mail, 41712
return receipt requested, addressed to the teacher at the 41713
teacher's place of residence. 41714

(2) In giving a board any notice required by division (B), 41715
(C), (D), or (E) of this section, the teacher shall do either of 41716
the following: 41717

(a) Deliver the notice by personal delivery to the office of 41718
the superintendent during regular business hours; 41719

(b) Deliver the notice by certified mail, return receipt 41720
requested, addressed to the office of the superintendent and 41721
deliver a copy of the notice by certified mail, return receipt 41722
requested, addressed to the president of the board at the 41723
president's place of residence. 41724

(3) When any notice and copy of the notice are mailed 41725
pursuant to division (H)(1)(b) or (2)(b) of this section, the 41726
notice or copy of the notice with the earlier date of receipt 41727

shall constitute the notice for the purposes of division (B), (C), (D), or (E) of this section.

(I) The provisions of this section shall not apply to any supplemental written contracts entered into pursuant to section 3319.08 of the Revised Code.

Sec. 3319.16. The contract of any teacher employed by the board of education of any city, exempted village, local, county, or joint vocational school district may not be terminated except for gross inefficiency or immorality; for willful and persistent violations of reasonable violation of written rules and regulations ~~of as set forth by the board of education~~ or for ~~other good and just cause~~ incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other acts of misfeasance, malfeasance, or nonfeasance. ~~Before Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the provisions of this section relating to the grounds for termination of the contract of a teacher prevail over any conflicting provisions of a collective bargaining agreement entered into after the effective date of this amendment.~~

Before terminating any contract, the employing board shall furnish the teacher a written notice signed by its treasurer of its intention to consider the termination of ~~his~~ the teacher's contract with full specification of the grounds for such consideration. The board shall not proceed with formal action to terminate the contract until after the tenth day after receipt of the notice by the teacher. Within ten days after receipt of the notice from the treasurer of the board, the teacher may file with the treasurer a written demand for a hearing before the board or before a referee, and the board shall set a time for the hearing which shall be within thirty days from the date of receipt of the

written demand, and the treasurer shall give the teacher at least 41759
twenty days' notice in writing of the time and place of the 41760
hearing. If a referee is demanded by either the teacher or board, 41761
the treasurer also shall give twenty days' notice to the 41762
superintendent of public instruction. No hearing shall be held 41763
during the summer vacation without the teacher's consent. The 41764
hearing shall be private unless the teacher requests a public 41765
hearing. The hearing shall be conducted by a referee appointed 41766
pursuant to section 3319.161 of the Revised Code, if demanded; 41767
otherwise, it shall be conducted by a majority of the members of 41768
the board and shall be confined to the grounds given for the 41769
termination. The board shall provide for a complete stenographic 41770
record of the proceedings, a copy of the record to be furnished to 41771
the teacher. The board may suspend a teacher pending final action 41772
to terminate ~~his~~ the teacher's contract if, in its judgment, the 41773
character of the charges warrants such action. 41774

Both parties may be present at such hearing, be represented 41775
by counsel, require witnesses to be under oath, cross-examine 41776
witnesses, take a record of the proceedings, and require the 41777
presence of witnesses in their behalf upon subpoena to be issued 41778
by the treasurer of the board. In case of the failure of any 41779
person to comply with a subpoena, a judge of the court of common 41780
pleas of the county in which the person resides, upon application 41781
of any interested party, shall compel attendance of the person by 41782
attachment proceedings as for contempt. Any member of the board or 41783
the referee may administer oaths to witnesses. After a hearing by 41784
a referee, the referee shall file ~~his~~ a report within ten days 41785
after the termination of the hearing. After consideration of the 41786
referee's report, the board, by a majority vote, may accept or 41787
reject the referee's recommendation on the termination of the 41788
teacher's contract. After a hearing by the board, the board, by 41789
majority vote, may enter its determination upon its minutes. Any 41790
order of termination of a contract shall state the grounds for 41791

termination. If the decision, after hearing, is against 41792
termination of the contract, the charges and the record of the 41793
hearing shall be physically expunged from the minutes, and, if the 41794
teacher has suffered any loss of salary by reason of being 41795
suspended, ~~he~~ the teacher shall be paid ~~his~~ the teacher's full 41796
salary for the period of such suspension. 41797

Any teacher affected by an order of termination of contract 41798
may appeal to the court of common pleas of the county in which the 41799
school is located within thirty days after receipt of notice of 41800
the entry of such order. The appeal shall be an original action in 41801
the court and shall be commenced by the filing of a complaint 41802
against the board, in which complaint the facts shall be alleged 41803
upon which the teacher relies for a reversal or modification of 41804
such order of termination of contract. Upon service or waiver of 41805
summons in that appeal, the board immediately shall transmit to 41806
the clerk of the court for filing a transcript of the original 41807
papers filed with the board, a certified copy of the minutes of 41808
the board into which the termination finding was entered, and a 41809
certified transcript of all evidence adduced at the hearing or 41810
hearings before the board or a certified transcript of all 41811
evidence adduced at the hearing or hearings before the referee, 41812
whereupon the cause shall be at issue without further pleading and 41813
shall be advanced and heard without delay. The court shall examine 41814
the transcript and record of the hearing and shall hold such 41815
additional hearings as it considers advisable, at which it may 41816
consider other evidence in addition to the transcript and record. 41817

Upon final hearing, the court shall grant or deny the relief 41818
prayed for in the complaint as may be proper in accordance with 41819
the evidence adduced in the hearing. Such an action is a special 41820
proceeding, and either the teacher or the board may appeal from 41821
the decision of the court of common pleas pursuant to the Rules of 41822
Appellate Procedure and, to the extent not in conflict with those 41823

rules, Chapter 2505. of the Revised Code. 41824

In any court action, the board may utilize the services of 41825
the prosecuting attorney, village solicitor, city director of law, 41826
or other chief legal officer of a municipal corporation as 41827
authorized by section 3313.35 of the Revised Code, or may employ 41828
other legal counsel. 41829

A violation of division (A)(7) of section 2907.03 of the 41830
Revised Code is grounds for termination of a teacher contract 41831
under this section. 41832

Sec. 3319.161. For the purpose of providing referees for the 41833
hearings required by section 3319.16 of the Revised Code, the 41834
superintendent of public instruction shall compile a list of 41835
resident electors from names that ~~he~~ the superintendent shall 41836
solicit annually from the state bar association. 41837

Upon receipt of notice that a referee has been demanded by a 41838
teacher or by a board of education, the superintendent of public 41839
instruction shall immediately designate three persons from such 41840
list, from whom the referee to hear the matter shall be chosen, 41841
and ~~he~~ the superintendent shall immediately notify the designees, 41842
the teacher, and the board of the school district involved. If 41843
within five days of receipt of the notice, the teacher and board 41844
are unable to select a mutually agreeable designee to serve as 41845
referee, the superintendent of public instruction shall appoint 41846
one of the three designees to serve as referee. The appointment of 41847
the referee shall be entered in the minutes of the board. The 41848
referee appointed shall be paid ~~his~~ the referee's usual and 41849
customary fee for attending the hearing which shall be paid from 41850
the school district general fund upon vouchers approved by the 41851
superintendent of public instruction and presented to the 41852
treasurer of the district. No referee shall be a member of, an 41853
employee of, or teacher employed by the board of education nor 41854

related to any such person by consanguinity or marriage. ~~No person~~ 41855
~~shall be appointed to hear more than two contract termination~~ 41856
~~eases in any school year.~~ 41857

Sec. 3319.22. (A)(1) The state board of education shall ~~adopt~~ 41858
~~rules establishing the standards and requirements for obtaining~~ 41859
~~temporary, associate, provisional, and professional~~ issue the 41860
following educator licenses: 41861

(a) A resident educator license, which shall be valid for 41862
four years and shall be renewable; 41863

(b) A professional educator license, which shall be valid for 41864
five years and shall be renewable; 41865

(c) A senior professional educator license, which shall be 41866
valid for five years and shall be renewable; 41867

(d) A lead professional educator license, which shall be 41868
valid for five years and shall be renewable. 41869

(2) The state board may issue any additional educator 41870
licenses of any categories, types, and levels the board elects to 41871
provide. However, no educator license shall be required for 41872
teaching children two years old or younger. 41873

~~(2)~~(3) The state board shall adopt rules establishing the 41874
standards and requirements for obtaining each educator license 41875
issued under this section. 41876

(B) The rules adopted under this section shall require at 41877
least the following standards and qualifications for the educator 41878
licenses described in division (A)(1) of this section: 41879

(1) An applicant for a resident educator license shall hold 41880
at least a bachelor's degree from an accredited teacher 41881
preparation program. 41882

(2) An applicant for a professional educator license shall: 41883

<u>(a) Hold at least a bachelor's degree from an institution of</u>	41884
<u>higher education accredited by a regional accrediting</u>	41885
<u>organization;</u>	41886
<u>(b) Have successfully completed the Ohio teacher residency</u>	41887
<u>program established under section 3319.223 of the Revised Code, if</u>	41888
<u>the applicant's current or most recently issued license is a</u>	41889
<u>resident educator license issued under this section or an</u>	41890
<u>alternative resident educator license issued under section 3319.26</u>	41891
<u>of the Revised Code;</u>	41892
<u>(c) Demonstrate that students in the applicant's classroom</u>	41893
<u>have achieved a value-added measure designated by the</u>	41894
<u>superintendent of public instruction.</u>	41895
<u>(3) An applicant for a senior professional educator license</u>	41896
<u>shall:</u>	41897
<u>(a) Hold at least a master's degree from an institution of</u>	41898
<u>higher education accredited by a regional accrediting</u>	41899
<u>organization;</u>	41900
<u>(b) Have previously held a professional educator license</u>	41901
<u>issued under this section or section 3319.222 or under former</u>	41902
<u>section 3319.22 of the Revised Code;</u>	41903
<u>(c) Meet the criteria for the accomplished or distinguished</u>	41904
<u>level of performance, as described in the standards for teachers</u>	41905
<u>adopted by the state board under section 3319.61 of the Revised</u>	41906
<u>Code;</u>	41907
<u>(d) Demonstrate that students in the applicant's classroom</u>	41908
<u>have achieved a value-added measure designated by the</u>	41909
<u>superintendent of public instruction.</u>	41910
<u>(4) An applicant for a lead professional educator license</u>	41911
<u>shall:</u>	41912
<u>(a) Hold at least a master's degree from an institution of</u>	41913

higher education accredited by a regional accrediting organization; 41914
41915

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 41916
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(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 41920
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(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code; 41923
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(e) Demonstrate that students in the applicant's classroom have achieved a value-added measure designated by the superintendent of public instruction. 41928
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. The rules adopted under this section for obtaining a principal license shall require that an applicant, as a condition of qualifying for the license, demonstrate that students in the applicant's classroom have achieved a value-added measure designated by the superintendent of public instruction, if the applicant is a classroom teacher seeking issuance of a new principal license, or that students in the applicant's building have achieved a value-added measure designated by the superintendent of public instruction, if the applicant is a principal seeking renewal of a principal license. 41931
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(D) If the state board requires any examinations for educator 41944

licensure, the department of education shall provide the results 41945
of such examinations received by the department to the chancellor 41946
of the Ohio board of regents, in the manner and to the extent 41947
permitted by state and federal law. 41948

~~(B)~~(E) Any rules the state board of education adopts, amends, 41949
or rescinds for educator licenses under this section, division (D) 41950
of section 3301.07 of the Revised Code, or any other law shall be 41951
adopted, amended, or rescinded under Chapter 119. of the Revised 41952
Code except as follows: 41953

(1) Notwithstanding division (D) of section 119.03 and 41954
division (A)(1) of section 119.04 of the Revised Code, in the case 41955
of the adoption of any rule or the amendment or rescission of any 41956
rule that necessitates institutions' offering ~~teacher~~ preparation 41957
programs for educators and other school personnel that are 41958
approved by the ~~state board of education~~ chancellor of the Ohio 41959
board of regents under section ~~3319.23~~ 3333.048 of the Revised 41960
Code to revise the curriculum of those programs, the effective 41961
date shall not be as prescribed in division (D) of section 119.03 41962
and division (A)(1) of section 119.04 of the Revised Code. 41963
Instead, the effective date of such rules, or the amendment or 41964
rescission of such rules, shall be the date prescribed by section 41965
~~3319.23~~ 3333.048 of the Revised Code. 41966

(2) Notwithstanding the authority to adopt, amend, or rescind 41967
emergency rules in division (F) of section 119.03 of the Revised 41968
Code, this authority shall not apply to the state board of 41969
education with regard to rules for educator licenses. 41970

~~(C)~~(F)(1) The rules adopted under this section establishing 41971
standards requiring additional coursework for the renewal of any 41972
educator license shall require a school district and a chartered 41973
nonpublic school to establish local professional development 41974
committees. In a nonpublic school, the chief administrative 41975
officer shall establish the committees in any manner acceptable to 41976

such officer. The committees established under this division shall 41977
determine whether coursework that a district or chartered 41978
nonpublic school teacher proposes to complete meets the 41979
requirement of the rules. The department of education shall 41980
provide technical assistance and support to committees as the 41981
committees incorporate the professional development standards 41982
adopted by the state board of education pursuant to section 41983
3319.61 of the Revised Code into their review of coursework that 41984
is appropriate for license renewal. The rules shall establish a 41985
procedure by which a teacher may appeal the decision of a local 41986
professional development committee. 41987

(2) In any school district in which there is no exclusive 41988
representative established under Chapter 4117. of the Revised 41989
Code, the professional development committees shall be established 41990
as described in division ~~(C)~~(F)(2) of this section. 41991

Not later than the effective date of the rules adopted under 41992
this section, the board of education of each school district shall 41993
establish the structure for one or more local professional 41994
development committees to be operated by such school district. The 41995
committee structure so established by a district board shall 41996
remain in effect unless within thirty days prior to an anniversary 41997
of the date upon which the current committee structure was 41998
established, the board provides notice to all affected district 41999
employees that the committee structure is to be modified. 42000
Professional development committees may have a district-level or 42001
building-level scope of operations, and may be established with 42002
regard to particular grade or age levels for which an educator 42003
license is designated. 42004

Each professional development committee shall consist of at 42005
least three classroom teachers employed by the district, one 42006
principal employed by the district, and one other employee of the 42007
district appointed by the district superintendent. For committees 42008

with a building-level scope, the teacher and principal members 42009
shall be assigned to that building, and the teacher members shall 42010
be elected by majority vote of the classroom teachers assigned to 42011
that building. For committees with a district-level scope, the 42012
teacher members shall be elected by majority vote of the classroom 42013
teachers of the district, and the principal member shall be 42014
elected by a majority vote of the principals of the district, 42015
unless there are two or fewer principals employed by the district, 42016
in which case the one or two principals employed shall serve on 42017
the committee. If a committee has a particular grade or age level 42018
scope, the teacher members shall be licensed to teach such grade 42019
or age levels, and shall be elected by majority vote of the 42020
classroom teachers holding such a license and the principal shall 42021
be elected by all principals serving in buildings where any such 42022
teachers serve. The district superintendent shall appoint a 42023
replacement to fill any vacancy that occurs on a professional 42024
development committee, except in the case of vacancies among the 42025
elected classroom teacher members, which shall be filled by vote 42026
of the remaining members of the committee so selected. 42027

Terms of office on professional development committees shall 42028
be prescribed by the district board establishing the committees. 42029
The conduct of elections for members of professional development 42030
committees shall be prescribed by the district board establishing 42031
the committees. A professional development committee may include 42032
additional members, except that the majority of members on each 42033
such committee shall be classroom teachers employed by the 42034
district. Any member appointed to fill a vacancy occurring prior 42035
to the expiration date of the term for which a predecessor was 42036
appointed shall hold office as a member for the remainder of that 42037
term. 42038

The initial meeting of any professional development 42039
committee, upon election and appointment of all committee members, 42040

shall be called by a member designated by the district 42041
superintendent. At this initial meeting, the committee shall 42042
select a chairperson and such other officers the committee deems 42043
necessary, and shall adopt rules for the conduct of its meetings. 42044
Thereafter, the committee shall meet at the call of the 42045
chairperson or upon the filing of a petition with the district 42046
superintendent signed by a majority of the committee members 42047
calling for the committee to meet. 42048

(3) In the case of a school district in which an exclusive 42049
representative has been established pursuant to Chapter 4117. of 42050
the Revised Code, professional development committees shall be 42051
established in accordance with any collective bargaining agreement 42052
in effect in the district that includes provisions for such 42053
committees. 42054

If the collective bargaining agreement does not specify a 42055
different method for the selection of teacher members of the 42056
committees, the exclusive representative of the district's 42057
teachers shall select the teacher members. 42058

If the collective bargaining agreement does not specify a 42059
different structure for the committees, the board of education of 42060
the school district shall establish the structure, including the 42061
number of committees and the number of teacher and administrative 42062
members on each committee; the specific administrative members to 42063
be part of each committee; whether the scope of the committees 42064
will be district levels, building levels, or by type of grade or 42065
age levels for which educator licenses are designated; the lengths 42066
of terms for members; the manner of filling vacancies on the 42067
committees; and the frequency and time and place of meetings. 42068
However, in all cases, except as provided in division ~~(C)~~(F)(4) of 42069
this section, there shall be a majority of teacher members of any 42070
professional development committee, there shall be at least five 42071
total members of any professional development committee, and the 42072

exclusive representative shall designate replacement members in 42073
the case of vacancies among teacher members, unless the collective 42074
bargaining agreement specifies a different method of selecting 42075
such replacements. 42076

(4) Whenever an administrator's coursework plan is being 42077
discussed or voted upon, the local professional development 42078
committee shall, at the request of one of its administrative 42079
members, cause a majority of the committee to consist of 42080
administrative members by reducing the number of teacher members 42081
voting on the plan. 42082

~~(D)~~(G)(1) The department of education, educational service 42083
centers, county boards of mental retardation and developmental 42084
disabilities, regional professional development centers, special 42085
education regional resource centers, college and university 42086
departments of education, head start programs, the eTech Ohio 42087
commission, and the Ohio education computer network may establish 42088
local professional development committees to determine whether the 42089
coursework proposed by their employees who are licensed or 42090
certificated under this section or section 3319.222 of the Revised 42091
Code, or under the former version of either section as it existed 42092
prior to the effective date of this amendment, meet the 42093
requirements of the rules adopted under this section. They may 42094
establish local professional development committees on their own 42095
or in collaboration with a school district or other agency having 42096
authority to establish them. 42097

Local professional development committees established by 42098
county boards of mental retardation and developmental disabilities 42099
shall be structured in a manner comparable to the structures 42100
prescribed for school districts in divisions ~~(C)~~(F)(2) and (3) of 42101
this section, as shall the committees established by any other 42102
entity specified in division ~~(D)~~(G)(1) of this section that 42103
provides educational services by employing or contracting for 42104

services of classroom teachers licensed or certificated under this 42105
section or section 3319.222 of the Revised Code, or under the 42106
former version of either section as it existed prior to the 42107
effective date of this amendment. All other entities specified in 42108
division ~~(D)~~(G)(1) of this section shall structure their 42109
committees in accordance with guidelines which shall be issued by 42110
the state board. 42111

(2) Any public agency that is not specified in division 42112
~~(D)~~(G)(1) of this section but provides educational services and 42113
employs or contracts for services of classroom teachers licensed 42114
or certificated under this section or section 3319.222 of the 42115
Revised Code, or under the former version of either section as it 42116
existed prior to the effective date of this amendment, may 42117
establish a local professional development committee, subject to 42118
the approval of the department of education. The committee shall 42119
be structured in accordance with guidelines issued by the state 42120
board. 42121

Sec. 3319.222. (A) Notwithstanding the amendments to and 42122
repeal of statutes by the act that enacted this section, the state 42123
board of education shall accept applications for new, and renewal 42124
and upgrade of, temporary, associate, provisional, and 42125
professional educator licenses, alternative educator licenses, and 42126
one-year conditional teaching permits through December 31, 2010, 42127
and issue them on the basis of the applications received by that 42128
date in accordance with the former statutes in effect immediately 42129
prior to amendment or repeal by the act that enacted this section. 42130

(B) A permanent teacher's certificate issued under former 42132
sections 3319.22 to 3319.31 of the Revised Code prior to October 42133
29, 1996, or under former section 3319.222 of the Revised Code as 42134
it existed prior to the effective date of this section, shall be 42135

valid for teaching in the subject areas and grades for which the 42136
certificate was issued, except as the certificate is limited, 42137
suspended, or revoked under section 3319.31 of the Revised Code. 42138

(C) The following certificates, permits, or licenses shall be 42139
valid until the certificate, permit, or license expires for 42140
teaching in the subject areas and grades for which the 42141
certificate, permit, or license was issued, except as the 42142
certificate, permit, or license is limited, suspended, or revoked 42143
under section 3319.31 of the Revised Code: 42144

(1) Any professional teacher's certificate issued under 42145
former section 3319.222 of the Revised Code, as it existed prior 42146
to the effective date of this section; 42147

(2) Any temporary, associate, provisional, or professional 42148
educator license issued under former section 3319.22 of the 42149
Revised Code, as it existed prior to the effective date of this 42150
section, or under division (A) of this section; 42151

(3) Any alternative educator license issued under former 42152
section 3319.26 of the Revised Code, as it existed prior to the 42153
effective date of this section, or under division (A) of this 42154
section; 42155

(4) Any one-year conditional teaching permit issued under 42156
former section 3319.302 or 3319.304 of the Revised Code, as it 42157
existed prior to the effective date of this section, or under 42158
division (A) of this section. 42159

(D) Nothing in this section shall be construed to prohibit a 42160
person from applying to the state board for an educator license 42161
issued under section 3319.22 of the Revised Code or an alternative 42162
resident educator license issued under section 3319.26 of the 42163
Revised Code, as the section exists on and after the effective 42164
date of this section. 42165

(E) On and after the effective date of this section, any 42166

reference in the Revised Code to educator licensing is hereby 42167
deemed to refer also to certification or licensure under divisions 42168
(A) to (D) of this section. 42169

Sec. 3319.223. (A) Not later than January 1, 2011, the 42170
superintendent of public instruction and the chancellor of the 42171
Ohio board of regents jointly shall establish the Ohio teacher 42172
residency program, which shall be a four-year, entry-level program 42173
for classroom teachers. The teacher residency program shall 42174
include at least the following components: 42175

(1) Mentoring by teachers who hold a lead professional 42176
educator license issued under section 3319.22 of the Revised Code; 42177

(2) Counseling to ensure that program participants receive 42178
needed professional development; 42179

(3) Use of measures of student academic gain to evaluate the 42180
effectiveness of program participants; 42181

(4) Measures of appropriate progression through the program. 42182

(B) The teacher residency program shall be aligned with the 42183
standards for teachers adopted by the state board of education 42184
under section 3319.61 of the Revised Code and best practices 42185
identified by the superintendent of public instruction. 42186

(C) Each person who holds a resident educator license issued 42187
under section 3319.22 of the Revised Code or an alternative 42188
resident educator license issued under section 3319.26 of the 42189
Revised Code shall participate in the teacher residency program. 42190
Successful completion of the program shall be required to qualify 42191
any such person for a professional educator license issued under 42192
section 3319.22 of the Revised Code. 42193

Sec. ~~4753.073~~ 3319.227. (A)~~(1)~~ The state board of 42194
~~speech language pathology and audiology~~ education shall issue 42195

~~under its seal~~ a speech-language pathology ~~student permit intern~~ intern 42196
license to any applicant who submits a plan that has been approved 42197
by the applicant's university graduate program in speech-language 42198
pathology and that conforms to requirements determined by the 42199
board by rule and who meets all of the following requirements: 42200
42201

~~(a)~~(1) Is enrolled in a graduate program at an educational 42202
institution located in this state that is accredited by the 42203
council on academic accreditation in audiology and speech-language 42204
pathology of the American speech-language-hearing association; 42205

~~(b)~~(2) Has completed at least one year of postgraduate 42206
training in speech-language pathology, or equivalent coursework as 42207
determined by the board, and any student clinical experience the 42208
board may require by rule; 42209

(3) Has paid the fee established under division (E) of this 42210
section. 42211

~~(2)~~(B) The speech-language pathology ~~student permit intern~~ 42212
license authorizes the holder to practice speech-language 42213
pathology within limits determined by the state board by rule, 42214
which shall include the following: 42215

~~(a)~~(1) The ~~permit~~ license holder's caseload shall be limited 42216
in a manner to be determined by the board by rule. 42217

~~(b)~~(2) The ~~permit~~ license holder's authorized scope of 42218
practice shall be limited in a manner to be determined by the 42219
board by rule. The rule shall consider the coursework and clinical 42220
experience that has been completed by the ~~permit~~ license holder 42221
and the recommendation of the applicant's university graduate 42222
program in speech-language pathology. 42223

~~(e)~~(3) The ~~permit~~ license holder shall practice only when 42224
under the supervision of a speech-language pathologist who is 42225
licensed by the board of speech-language pathology and audiology 42226

and acting under the approval and direction of the applicant's 42227
university graduate program in speech-language pathology. The 42228
state board shall determine by rule the manner of supervision. 42229

~~(3)(C)~~ A permit license issued under this section shall 42230
expire two years after the date of issuance. ~~Student permits~~ 42231
Intern licenses may be renewed in a manner to be determined by the 42232
state board by rule. 42233

~~(4)(D)~~ Each permit license holder shall display the permit 42234
license or an official duplicate in a conspicuous place where the 42235
permit license holder practices speech-language pathology. 42236

(E) The state board shall charge a nonrefundable fee, to be 42237
determined by the board by rule, for each license issued under 42238
this section. 42239

(F) The state board, in accordance with Chapter 119. of the 42240
Revised Code, may establish rules to govern any disciplinary 42241
action to be taken against a student issued a license under this 42242
section. Any rules established under this division are not subject 42243
to the adjudication procedure requirements of sections 119.06 to 42244
119.13 of the Revised Code. 42245

(G) In adopting rules to administer this section, the state 42246
board shall consult with the chancellor of the Ohio board of 42247
regents. 42248

Sec. 3319.234. The teacher quality partnership, a consortium 42249
of teacher preparation programs that have been approved by the 42250
~~state board of education~~ chancellor of the Ohio board of regents 42251
under section ~~3319.23~~ 3333.048 of the Revised Code, shall study 42252
the relationship of teacher performance on educator licensure 42253
assessments, as adopted by the state board of education under 42254
section 3319.22 of the Revised Code, to teacher effectiveness in 42255
the classroom. Not later than September 1, 2008, the partnership 42256

shall begin submitting annual data reports along with any other 42257
data on teacher effectiveness the partnership determines 42258
appropriate to the governor, the president and minority leader of 42259
the senate, the speaker and minority leader of the house of 42260
representatives, the chairpersons and ranking minority members of 42261
the standing committees of the senate and the house of 42262
representatives that consider education legislation, the 42263
superintendent of public instruction, the state board of 42264
education, the chancellor of the Ohio board of regents, and the 42265
partnership for continued learning. 42266

Sec. 3319.235. (A) The standards for the preparation of 42267
teachers adopted under section ~~3319.23~~ 3333.048 of the Revised 42268
Code shall require any institution that provides a course of study 42269
for the training of teachers to ensure that graduates of such 42270
course of study are skilled at integrating educational technology 42271
in the instruction of children, as evidenced by the graduate 42272
having either demonstrated proficiency in such skills in a manner 42273
prescribed by the department of education or completed a course 42274
that includes training in such skills. 42275

(B) The eTech Ohio commission shall establish model 42276
professional development programs to assist teachers who completed 42277
their teacher preparation prior to the effective date of division 42278
(A) of this section to become skilled at integrating educational 42279
technology in the instruction of children. The commission shall 42280
provide technical assistance to school districts wishing to 42281
establish such programs. 42282

Sec. 3319.24. This section does not apply to any applicant 42283
for an educator license that is designed for persons specializing 42284
in teaching children in kindergarten through twelfth grade, or the 42285
equivalent, in the area of dance, drama, theater, music, visual 42286

arts, or physical education or a specialty area substantially	42287
equivalent to any of these when such applicant will be teaching	42288
children in the specialty area specified in the license.	42289
(A) As used in this section:	42290
(1) "Coursework in the teaching of reading" means coursework	42291
that includes training in a range of instructional strategies for	42292
teaching reading, in the assessment of reading skills, and in the	42293
diagnosis and remediation of reading difficulties;	42294
(2) "Phonics" means the techniques and strategies used to	42295
teach children to match, blend, and translate letters of the	42296
alphabet into the sounds they represent, which techniques and	42297
strategies are systematically integrated and thoroughly practiced	42298
in a developmentally appropriate instructional program to assist	42299
the child in learning to read, write, and spell;	42300
(3) "Course in the teaching of phonics" means a course	42301
providing the background necessary for effectively teaching and	42302
assessing phonics, phonemic awareness, and word recognition,	42303
including, but not limited to, the following topics:	42304
(a) Phonological and morphological underpinnings of English	42305
spellings and the history thereof;	42306
(b) The nature and role of word recognition in proficient	42307
reading;	42308
(c) Methods and rationale for the instruction of phonemic	42309
awareness, decoding, spelling, and the application thereof in	42310
reading and writing;	42311
(d) Methods and rationale for the assessment of phonemic	42312
awareness, decoding, spelling, and the application thereof in	42313
reading and writing;	42314
(e) The relation of deficits in phonemic awareness, decoding,	42315
spelling, and word recognition to reading disabilities;	42316

(4) "Phonemic awareness" means the awareness of sounds that 42317
make up spoken words and the ability to use this awareness of 42318
sounds in reading. 42319

(B) The rules adopted under ~~division (A)~~ of section 3319.22 42320
of the Revised Code shall require an applicant for ~~an initial~~ 42321
~~provisional~~ a resident educator license designated for teaching 42322
children in grades kindergarten through six or the equivalent to 42323
have successfully completed at least six semester hours, or the 42324
equivalent, of coursework in the teaching of reading that includes 42325
at least one separate course of at least three semester hours, or 42326
the equivalent, in the teaching of phonics in the context of 42327
reading, writing, and spelling. In addition, such rules ~~shall~~ 42328
~~require that such license be granted for a period of not more than~~ 42329
~~two years, and~~ shall require that the ~~first renewal~~ subsequent 42330
issuance of ~~such a professional educator~~ license be contingent 42331
upon the ~~license holder~~ applicant having completed six additional 42332
semester hours or the equivalent of coursework in the teaching of 42333
reading. The rules shall permit ~~a license holder~~ an applicant to 42334
apply undergraduate coursework in order to meet ~~such renewal~~ this 42335
requirement for additional coursework. 42336

Sec. 3319.25. Any teacher performance assessment entity with 42337
which the department of education or the state board of education 42338
contracts or any independent agent with whom such entity, the 42339
department, or the state board contracts to provide services as a 42340
teacher performance assessor, trainer of assessors, or assessment 42341
coordinator is not liable for damages in a civil action concerning 42342
the actions of such entity or agent made in the conduct of a 42343
teacher performance assessment unless those actions were conducted 42344
with malicious purpose, in bad faith, or in a wanton or reckless 42345
manner. 42346

As used in this section, "teacher performance assessment" 42347

means an assessment prescribed by the state board of education to 42348
measure the classroom performance of a teacher who is a candidate 42349
for a ~~professional educator license~~ licensure based on 42350
observations conducted by a trained assessor while the teacher is 42351
engaged in actual classroom instruction. 42352

Sec. 3319.26. (A) The state board of education shall adopt 42353
rules establishing the standards and requirements for obtaining an 42354
alternative resident educator license for teaching in grades ~~seven~~ 42355
four to twelve, or the equivalent, in a designated subject area. 42356
However, an alternative resident educator license in the area of 42357
intervention specialist, as defined by rule of the state board, 42358
shall be valid for teaching in grades kindergarten to twelve. 42359

(B)~~(1)~~ The superintendent of public instruction and the 42360
chancellor of the Ohio board of regents jointly shall develop an 42361
intensive pedagogical training institute to provide instruction in 42362
the principles and practices of teaching for individuals seeking 42363
an alternative resident educator license. The instruction shall 42364
cover such topics as student development and learning, pupil 42365
assessment procedures, curriculum development, classroom 42366
management, and teaching methodology. 42367

(C) The rules adopted under this section shall require 42368
applicants for the alternative resident educator license to 42369
satisfy the following conditions prior to issuance of the license: 42370

~~(a)~~(1) Hold a minimum of a baccalaureate degree; 42372

~~(b)~~(2) Successfully complete ~~three semester hours or the 42373
equivalent of college coursework in the developmental 42374
characteristics of adolescent youths and three semester hours or 42375
the equivalent in teaching methods~~ the pedagogical training 42376
institute described in division (B) of this section; 42377

~~(e)~~(3) Pass an examination in the subject area for which application is being made. 42378
42379

~~(2)~~(D) An alternative resident educator license shall be valid for ~~two~~ four years and shall ~~not~~ be renewable. 42380
42381

~~(3)~~(E) The rules shall require the holder of an alternative resident educator license, as a condition of continuing to hold the license, to ~~show~~ do all of the following: 42382
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42384

(1) Participate in the Ohio teacher residency program established under section 3319.223 of the Revised Code; 42385
42386

(2) Show satisfactory progress in taking and successfully completing ~~within two years~~ at least twelve additional semester hours, or the equivalent, of college coursework in the principles and practices of teaching in such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology; 42387
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(3) Take an assessment of professional knowledge in the second year of teaching under the license. 42393
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~~(C)~~(F) The rules shall provide for the granting of a ~~provisional~~ professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following: 42395
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42398

(1) ~~Two~~ At least four years of teaching under the alternative license; 42399
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(2) The twelve semester hours, or the equivalent, of the additional college coursework described in division ~~(B)~~(3)(E)(2) of this section; 42401
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42403

(3) The assessment of professional knowledge ~~that is required of other applicants for a provisional educator license~~ described in division (E)(3) of this section. The standards for successfully completing this assessment and the manner of conducting the 42404
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assessment shall be the same as for any other ~~applicant for a~~ 42408
~~provisional educator license individual who is required to take~~ 42409
~~the assessment pursuant to rules adopted by the state board under~~ 42410
~~section 3319.22 of the Revised Code.~~ 42411

(4) The Ohio teacher residency program; 42412

(5) All other requirements for a professional educator 42413
license adopted by the state board under section 3319.22 of the 42414
Revised Code. 42415

Sec. 3319.28. (A) As used in this section, "STEM school" 42416
means a science, technology, engineering, and mathematics school 42417
established under Chapter 3326. of the Revised Code. 42418

(B) Notwithstanding any other provision of the Revised Code 42419
or any rule adopted by the state board of education to the 42420
contrary, the state board shall issue a two-year provisional 42421
educator license for teaching science, technology, engineering, or 42422
mathematics in grades six through twelve in a STEM school to any 42423
applicant who meets the following conditions: 42424

(1) Holds a bachelor's degree from an accredited institution 42425
of higher education in a field related to the subject area to be 42426
taught; 42427

(2) Has passed an examination prescribed by the state board 42428
in the subject area to be taught. 42429

(C) The holder of a provisional educator license issued under 42430
this section shall complete a structured apprenticeship program 42431
provided by an educational service center or a teacher preparation 42432
program approved under section ~~3319.23~~ 3333.048 of the Revised 42433
Code, in partnership with the STEM school that employs the license 42434
holder. The apprenticeship program shall include the following: 42435

(1) Mentoring by a teacher or administrator who regularly 42436
42437

observes the license holder's classroom instruction, provides 42438
feedback on the license holder's teaching strategies and classroom 42439
management, and engages the license holder in discussions about 42440
methods for fostering and measuring student learning; 42441

(2) Regularly scheduled seminars or meetings that address the 42442
following topics: 42443

(a) The statewide academic standards adopted by the state 42444
board under section 3301.079 of the Revised Code and the 42445
importance of aligning curriculum with those standards; 42446

(b) The achievement tests prescribed by section 3301.0710 of 42447
the Revised Code; 42448

(c) The school district and building accountability system 42449
established under Chapter 3302. of the Revised Code; 42450

(d) Instructional methods and strategies; 42451

(e) Student development; 42452

(f) Assessing student progress and providing remediation and 42453
intervention, as necessary, to meet students' special needs; 42454

(g) Classroom management and record keeping. 42455

(D) After two years of teaching under a provisional educator 42456
license issued under this section, a person may apply for a 42457
five-year professional educator license in the same subject area 42458
named in the provisional license. The state board shall issue the 42459
applicant a professional educator license if the applicant meets 42460
the following conditions: 42461

(1) The applicant completed the apprenticeship program 42462
described in division (C) of this section. 42463

(2) The applicant receives a positive recommendation 42464
indicating that the applicant is an effective teacher from both of 42465
the following: 42466

(a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom teacher; 42467
42468

(b) The educational service center or teacher preparation program administrator in charge of the apprenticeship program completed by the applicant. 42469
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(3) The applicant meets all other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code. 42472
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(E) The department of education shall evaluate the experiences of STEM schools with classroom teachers holding provisional educator licenses issued under this section. The evaluation shall cover the first two school years for which licenses are issued and shall consider at least the schools' satisfaction with the teachers and the operation of the apprenticeship programs. 42475
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Sec. 3319.291. (A) The state board of education shall require each of the following persons, at the times prescribed by division (A) of this section, to ~~submit two complete sets of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of eriminal identification and investigation pursuant to division (F) of section 109.57 of the Revised Code and that authorizes that bureau to forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on~~ undergo a criminal records check, unless the person has undergone a records check under this section or a former version of this section less than five years prior to that time. 42482
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(1) Any person initially applying for any certificate, license, or permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code at the 42495
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time that application is made; 42498

(2) Any person applying for renewal of any certificate, 42499
license, or permit described in division (A)(1) of this section at 42500
the time that application is made; 42501

(3) Any person who is teaching under a professional teaching 42502
certificate issued under former ~~section 3319.22~~ or under section 42503
3319.222 of the Revised Code upon a date prescribed by the state 42504
board; 42505

(4) Any person who is teaching under a permanent teaching 42506
certificate issued under former section 3319.22 as it existed 42507
prior to October 29, 1996, or under former section 3319.222 of the 42508
Revised Code upon a date prescribed by the state board and every 42509
five years thereafter. 42510

(B)(1) Except as otherwise provided in division (B)(2) of 42511
this section, the state board shall require each person subject to 42512
a criminal records check under this section to submit two complete 42513
sets of fingerprints and written permission that authorizes the 42514
superintendent of public instruction to forward the fingerprints 42515
to the bureau of criminal identification and investigation 42516
pursuant to division (F) of section 109.57 of the Revised Code and 42517
that authorizes that bureau to forward the fingerprints to the 42518
federal bureau of investigation for purposes of obtaining any 42519
criminal records that the federal bureau maintains on the person. 42520

(2) If both of the following conditions apply to a person 42521
subject to a criminal records check under this section, the state 42522
board shall require the person to submit one complete set of 42523
fingerprints and written permission that authorizes the 42524
superintendent of public instruction to forward the fingerprints 42525
to the bureau of criminal identification and investigation so that 42526
bureau may forward the fingerprints to the federal bureau of 42527
investigation for purposes of obtaining any criminal records that 42528

the federal bureau maintains on the person: 42529

(a) Under this section or any former version of this section, 42530
the state board or the superintendent of public instruction 42531
previously requested the superintendent of the bureau of criminal 42532
identification and investigation to determine whether the bureau 42533
has any information, gathered pursuant to division (A) of section 42534
109.57 of the Revised Code, on the person. 42535

(b) The person presents proof that the person has been a 42536
resident of this state for the five-year period immediately prior 42537
to the date upon which the person becomes subject to a criminal 42538
records check under this section. 42539

(C) Except as provided in division ~~(C)~~(D) of this section, 42540
prior to issuing or renewing any certificate, license, or permit 42541
for a person described in division (A)(1) or (2) of this section 42542
who is subject to a criminal records check and in the case of a 42543
person ~~required to submit fingerprints and written permission~~ 42544
~~under~~ described in division (A)(3) or (4) of this section who is 42545
subject to a criminal records check, the state board or the 42546
superintendent of public instruction shall do one of the 42547
following: 42548

(1) If the person is required to submit fingerprints and 42549
written permission under division (B)(1) of this section, request 42550
the superintendent of the bureau of criminal identification and 42551
investigation to ~~investigate and~~ determine whether the bureau has 42552
any information, gathered pursuant to division (A) of section 42553
109.57 of the Revised Code, pertaining to ~~any~~ the person 42554
~~submitting fingerprints and written permission under this section~~ 42555
and to obtain any criminal records that the federal bureau of 42556
investigation has on the person. 42557

~~(C)~~(2) If the person is required to submit fingerprints and 42558
written permission under division (B)(2) of this section, request 42559

the superintendent of the bureau of criminal identification and 42560
investigation to obtain any criminal records that the federal 42561
bureau of investigation has on the person. 42562

(D) The state board or the superintendent of public 42563
instruction may choose not to request any information about a 42564
person required by division ~~(B)~~(C) of this section if the person 42565
~~applying for the issuance or renewal of a certificate, license, or~~ 42566
~~permit described in division (A)(1) or (2) of this section or the~~ 42567
~~person required to submit fingerprints and written permission~~ 42568
~~under division (A)(3) or (4) of this section~~ provides proof that a 42569
criminal records check that satisfies the requirements of that 42570
division was conducted on the person as a condition of employment 42571
pursuant to section 3319.39 of the Revised Code within the 42572
immediately preceding year. The state board or the superintendent 42573
of public instruction may accept a certified copy of records that 42574
were issued by the bureau of criminal identification and 42575
investigation and that are presented by a the person ~~applying for~~ 42576
~~the issuance or renewal of a certificate, license, or permit~~ 42577
~~described in this section~~ in lieu of requesting that information 42578
under division ~~(B)~~(C) of this section if the records were issued 42579
by the bureau within the immediately preceding year. 42580

~~(D)~~(E)(1) If a person described in division (A)(3) or (4) of 42581
this section who is subject to a criminal records check fails to 42582
submit fingerprints and written permission by the date specified 42583
in the applicable division, and the state board or the 42584
superintendent of public instruction does not apply division 42585
~~(C)~~(D) of this section to the person, the superintendent shall 42586
prepare a written notice stating that if the person does not 42587
submit the fingerprints and written permission within fifteen days 42588
after the date the notice was mailed, the person's professional or 42589
permanent teaching certificate will be inactivated. The 42590
superintendent shall send the notification by regular mail to the 42591

person's last known residence address or last known place of 42592
employment, as indicated in the department of education's records, 42593
or both. 42594

If the person fails to submit the fingerprints and written 42595
permission within fifteen days after the date the notice was 42596
mailed, the superintendent of public instruction, on behalf of the 42597
state board, shall issue a written order inactivating the person's 42598
professional or permanent teaching certificate. The inactivation 42599
shall remain in effect until the person submits the fingerprints 42600
and written permission. The superintendent shall send the order by 42601
regular mail to the person's last known residence address or last 42602
known place of employment, as indicated in the department's 42603
records, or both. The order shall state the reason for the 42604
inactivation and shall explain that the inactivation remains in 42605
effect until the person complies with division ~~(A)~~(B) of this 42606
section. 42607

The inactivation of a professional or permanent teaching 42608
certificate under division ~~(D)~~(E)(1) of this section does not 42609
constitute a suspension or revocation of the certificate by the 42610
state board under section 3319.31 of the Revised Code and the 42611
state board and the superintendent of public instruction need not 42612
provide the person with an opportunity for a hearing with respect 42613
to the inactivation. 42614

(2) If a person whose professional or permanent teaching 42615
certificate has been inactivated under division ~~(D)~~(E)(1) of this 42616
section submits fingerprints and written permission as required by 42617
division ~~(A)~~(B) of this section, the superintendent of public 42618
instruction, on behalf of the state board, shall issue a written 42619
order reactivating the certificate. The superintendent shall send 42620
the order to the person by regular mail. 42621

~~(E)~~(F) Notwithstanding divisions (A) and ~~(B)~~ to (C) of this 42622
section, if a person holds more than one certificate, license, or 42623

permit described in division (A)(1) of this section, the following shall apply:

(1) If the certificates, licenses, or permits are of different durations, the person shall be subject to divisions (A)~~(2)~~ and ~~(B)~~ to (C) of this section only when applying for renewal of the certificate, license, or permit that is of the longest duration. Prior to renewing any certificate, license, or permit with a shorter duration, the state board or the superintendent of public instruction shall determine whether the department of education has received any information about the person pursuant to section 109.5721 of the Revised Code, but the person shall not be subject to ~~division~~ divisions (A)~~(2)~~ or ~~(B)~~ to (C) of this section as long as the person's certificate, license, or permit with the longest duration is valid.

(2) If the certificates, licenses, or permits are of the same duration but do not expire in the same year, the person shall designate one of the certificates, licenses, or permits as the person's primary certificate, license, or permit and shall notify the department of that designation. The person shall be subject to divisions (A)~~(2)~~ and ~~(B)~~ to (C) of this section only when applying for renewal of the person's primary certificate, license, or permit. Prior to renewing any certificate, license, or permit that is not the person's primary certificate, license, or permit, the state board or the superintendent of public instruction shall determine whether the department has received any information about the person pursuant to section 109.5721 of the Revised Code, but the person shall not be subject to ~~division~~ divisions (A)~~(2)~~ or ~~(B)~~ to (C) of this section as long as the person's primary certificate, license, or permit is valid.

(3) If the certificates, licenses, or permits are of the same duration and expire in the same year and the person applies for renewal of the certificates, licenses, or permits at the same

time, the state board or the superintendent of public instruction 42656
shall request only one criminal records check of the person under 42657
division ~~(B)~~(C) of this section. 42658

Sec. 3319.303. (A) The state board of education shall adopt 42659
rules establishing standards and requirements for obtaining a 42660
pupil-activity program permit for any individual who does not hold 42661
a valid educator license, certificate, or permit issued by the 42662
state board under section 3319.22, 3319.26, or 3319.27, ~~3319.302,~~ 42663
~~or 3319.304~~ of the Revised Code. The permit issued under this 42664
section shall be valid for coaching, supervising, or directing a 42665
pupil-activity program under section 3313.53 of the Revised Code. 42666
Subject to the provisions of section 3319.31 of the Revised Code, 42667
a permit issued under this section shall be valid for three years 42668
and shall be renewable. 42669

(B) The state board shall adopt rules applicable to 42670
individuals who hold valid educator licenses, certificates, or 42671
permits issued by the state board under section 3319.22, 3319.26, 42672
or 3319.27, ~~3319.302,~~ ~~or 3319.304~~ of the Revised Code setting 42673
forth standards to assure any such individual's competence to 42674
direct, supervise, or coach a pupil-activity program. The rules 42675
adopted under this division shall not be more stringent than the 42676
standards set forth in rules applicable to individuals who do not 42677
hold such licenses, certificates, or permits adopted under 42678
division (A) of this section. 42679

Sec. 3319.36. (A) No treasurer of a board of education or 42680
educational service center shall draw a check for the payment of a 42681
teacher for services until the teacher files with the treasurer 42682
both of the following: 42683

(1) Such reports as are required by the state board of 42684
education, the school district board of education, or the 42685

superintendent of schools; 42686

(2) Except for a teacher who is engaged pursuant to section 42687
3319.301 of the Revised Code, a written statement from the city, 42688
exempted village, or local school district superintendent or the 42689
educational service center superintendent that the teacher has 42690
filed with the treasurer a legal educator license, or true copy of 42691
it, to teach the subjects or grades taught, with the dates of its 42692
validity. The state board of education shall prescribe the record 42693
and administration for such filing of educator licenses in 42694
educational service centers. 42695

(B) Notwithstanding division (A) of this section, the 42696
treasurer may pay either of the following: 42697

(1) Any teacher for services rendered during the first two 42698
months of the teacher's initial employment with the school 42699
district or educational service center, provided such teacher is 42700
the holder of a bachelor's degree or higher and has filed with the 42701
state board of education an application for the issuance of a 42702
~~provisional or professional~~ an educator license described in 42703
division (A)(1) of section 3319.22 of the Revised Code. 42704

(2) Any substitute teacher for services rendered while 42705
conditionally employed under section 3319.101 of the Revised Code. 42706

(C) Upon notice to the treasurer given by the state board of 42707
education or any superintendent having jurisdiction that reports 42708
required of a teacher have not been made, the treasurer shall 42709
withhold the salary of the teacher until the required reports are 42710
completed and furnished. 42711

Sec. 3319.391. This section applies to any person hired by a 42712
school district, educational service center, or chartered 42713
nonpublic school in any position that does not require a "license" 42714
issued by the state board of education, as defined in section 42715

3319.31 of the Revised Code, and is not for the operation of a 42716
vehicle for pupil transportation. 42717

(A) For each person to whom this section applies who is hired 42718
on or after November 14, 2007, the employer shall request a 42719
criminal records check in accordance with section 3319.39 of the 42720
Revised Code and shall request a subsequent criminal records check 42721
by the fifth day of September every fifth year thereafter. For 42722
each person to whom this division applies who is hired prior to 42723
November 14, 2007, the employer shall request a criminal records 42724
check by a date prescribed by the department of education and 42725
shall request a subsequent criminal records check by the fifth day 42726
of September every fifth year thereafter. 42727

(B)(1) Each request for a criminal records check under this 42729
section shall be made to the superintendent of the bureau of 42730
criminal identification and investigation in the manner prescribed 42731
in section 3319.39 of the Revised Code, except that if both of the 42732
following conditions apply to the person subject to the records 42733
check, the employer shall request the superintendent only to 42734
obtain any criminal records that the federal bureau of 42735
investigation has on the person: 42736

(a) The employer previously requested the superintendent to 42737
determine whether the bureau of criminal identification and 42738
investigation has any information, gathered pursuant to division 42739
(A) of section 109.57 of the Revised Code, on the person in 42740
conjunction with a criminal records check requested under section 42741
3319.39 of the Revised Code or under this section. 42742

(b) The person presents proof that the person has been a 42743
resident of this state for the five-year period immediately prior 42744
to the date upon which the person becomes subject to a criminal 42745
records check under this section. Upon 42746

(2) Upon receipt of a request under division (B)(1) of this section, the bureau superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(C) Any person who is the subject of a criminal records check under this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards adopted by the department under division (E) of that section.

Sec. 3319.51. (A) The state board of education shall annually establish the amount of the fees required to be paid for any license, certificate, or permit issued under this chapter or division (B) of section 3301.071, ~~under sections or section 3301.074, 3319.088, 3319.29, 3319.302, and 3319.304, and under division (A) of section 3319.303~~ of the Revised Code. The amount of these fees shall be such that they, along with any appropriation made to the fund established under division (B) of this section, will be sufficient to cover the annual estimated cost of administering the ~~sections of law listed~~ requirements described under division (B) of this section.

(B) There is hereby established in the state treasury the state board of education licensure fund, which shall be used by the state board of education solely to pay the cost of

administering requirements related to the issuance and renewal of 42778
licenses, certificates, and permits described in this chapter and 42779
sections 3301.071, and 3301.074, ~~3319.088, 3319.22, 3319.29,~~ 42780
~~3319.291, 3319.301, 3319.302, 3319.303, 3319.304,~~ and 3319.31 of 42781
the Revised Code. The fund shall consist of the amounts paid into 42782
the fund pursuant to division (B) of section 3301.071, and 42783
sections 3301.074, ~~3319.088,~~ and 3319.29, ~~3319.302, and 3319.304,~~ 42784
~~and division (A) of section 3319.303~~ of the Revised Code and any 42785
appropriations to the fund by the general assembly. 42786

Sec. 3319.56. The department of education shall identify 42787
promising practices in Ohio and throughout the country for 42788
engaging teachers certified by the national board for professional 42789
teaching standards, and other master lead teachers, as defined who 42790
meet the criteria adopted by the educator standards board pursuant 42791
to section 3319.61 of the Revised Code, in ways that add value 42792
beyond their own classrooms. Practices identified by the 42793
department as promising may include placing national board 42794
certified and ~~master lead~~ lead teachers in key roles in peer review 42795
programs; having such teachers serve as coaches, mentors, and 42796
trainers for other teachers; or having such teachers develop 42797
curricula or instructional integration strategies. 42798

Once the department has identified promising practices, the 42799
department shall inform all school districts of the practices by 42800
posting such information on the department's world wide web site. 42801

Sec. 3319.60. There is hereby established the educator 42802
standards board. The board shall develop and recommend to the 42803
state board of education standards for entering and continuing in 42804
the ~~teaching and principalship~~ educator professions and standards 42805
for educator professional development. The board membership shall 42806
reflect the diversity of the state in terms of gender, race, 42807
ethnic background, and geographic distribution. 42808

(A) The board shall consist of the following members: 42809

~~(1) The following eighteen members~~ appointed by the state 42810
board of education ~~within sixty days of the effective date of this~~ 42811
~~section:~~ 42812

~~(1) Eight~~ (a) Ten persons employed as teachers in a school 42813
district. ~~Two~~ Three persons appointed under this division shall be 42814
employed as teachers in a secondary school, two persons shall be 42815
employed as teachers in a middle school, ~~two~~ three persons shall 42816
be employed as teachers in an elementary school, one person shall 42817
be employed as a teacher in a pre-kindergarten classroom, and one 42818
person shall be a teacher who serves on a local professional 42819
development committee pursuant to section 3319.22 of the Revised 42820
Code. At least one person appointed under this division shall hold 42821
a teaching certificate or license issued by the national board for 42822
professional teaching standards. The Ohio education association 42823
shall submit a list of ~~twelve~~ fourteen nominees for these 42824
appointments and the state board shall appoint ~~six~~ seven members 42825
to the educator standards board from that list. The Ohio 42826
federation of teachers shall submit a list of ~~four~~ six nominees 42827
for these appointments and the state board shall appoint ~~two~~ three 42828
members to the educator standards board from that list. If there 42829
is an insufficient number of nominees from both lists to satisfy 42830
the membership requirements of this division, the state board 42831
shall request additional nominees who satisfy those requirements. 42832
42833

~~(2)~~(b) One person employed as a teacher in a chartered, 42834
nonpublic school. Stakeholder groups selected by the state board 42835
shall submit a list of two nominees for this appointment. 42836

~~(3) Four~~ (c) Five persons employed as school administrators 42837
in a school district. Of ~~the four~~ those five persons ~~appointed~~ 42838
~~under this division~~, one person shall be employed as a secondary 42839
school principal, one person shall be employed as a middle school 42840

principal, one person shall be employed as an elementary school 42841
principal, one person shall be employed as a school district 42842
treasurer or business manager, and one person shall be employed as 42843
a school district superintendent. The buckeye association of 42844
school administrators shall submit a list of two nominees for the 42845
school district superintendent, the Ohio association of school 42846
business officials shall submit a list of two nominees for the 42847
school district treasurer or business manager, the Ohio 42848
association of elementary school administrators shall submit a 42849
list of two nominees for the elementary school principal, and the 42850
Ohio association of secondary school administrators shall submit a 42851
list of two nominees for the middle school principal and a list of 42852
two nominees for the secondary school principal. 42853

~~(4)(d)~~ One person who is a member of a school district board 42854
of education. The Ohio school boards association shall submit a 42855
list of two nominees for this appointment. 42856

~~(5) Three persons employed by institutions of higher 42857
education that offer teacher preparation programs approved under 42858
section 3319.23 of the Revised Code. One person appointed under 42859
this division shall be employed by an institution of higher 42860
education that has a certificate of authorization under Chapter 42861
1713. of the Revised Code; one person shall be employed by a state 42862
university, as defined in section 3345.011 of the Revised Code, or 42863
a university branch; and one person shall be employed by a state 42864
community college, community college, or technical college. Of the 42865
two persons appointed under this division from an institution of 42866
higher education that has a certificate of authorization under 42867
Chapter 1713. of the Revised Code and from a state university or 42868
university branch, one shall be employed in a college of education 42869
and one shall be employed in a college of arts and sciences. The 42870
chancellor of the Ohio board of regents shall submit two slates of 42871
nominees for these appointments and the state board shall appoint 42872~~

~~one slate as members of the educator standards board.~~ 42873

~~(6)(e) One person who is a parent of a student currently 42874
enrolled in a school operated by a school district. The Ohio 42875
parent teacher association shall submit a list of two nominees for 42876
this appointment. 42877~~

~~(2) The chancellor of the Ohio board of regents shall appoint 42878
three persons employed by institutions of higher education that 42879
offer educator preparation programs. One person shall be employed 42880
by an institution of higher education that has a certificate of 42881
authorization under Chapter 1713. of the Revised Code; one person 42882
shall be employed by a state university, as defined in section 42883
3345.011 of the Revised Code, or a university branch; and one 42884
person shall be employed by a state community college, community 42885
college, or technical college. Of the two persons appointed from 42886
an institution of higher education that has a certificate of 42887
authorization under Chapter 1713. of the Revised Code and from a 42888
state university or university branch, one shall be employed in a 42889
college of education and one shall be employed in a college of 42890
arts and sciences. 42891~~

~~(3) The superintendent of public instruction or a designee of 42892
the superintendent, the chancellor of the Ohio board of regents or 42893
a designee of the chancellor, and the chairpersons and the ranking 42894
minority members of the education committees of the senate and 42895
house of representatives shall serve as nonvoting, ex officio 42896
members. 42897~~

~~(B) Initial terms of office for nine members shall be for two 42898
years and three years for eight members, beginning on the day all 42899
members are appointed to the board. At the first meeting of the 42900
board, members shall draw lots to determine the length of the term 42901
each member shall serve. Thereafter terms Terms of office shall be 42902
for two years. Each member shall hold office from the date of the 42903
member's appointment until the end of the term for which the 42904~~

member was appointed. At the first meeting, appointed members 42905
shall select a chairperson and a vice-chairperson. Vacancies on 42906
the board shall be filled in the same manner as ~~the original~~ 42907
prescribed for appointments under division (A) of this section. 42908
Any member appointed to fill a vacancy occurring prior to the 42909
expiration of the term for which the member's predecessor was 42910
appointed shall hold office for the remainder of such term. Any 42911
member shall continue in office subsequent to the expiration date 42912
of the member's term until the member's successor takes office, or 42913
until a period of sixty days has elapsed, whichever occurs first. 42914
The terms of office of members are renewable. 42915

(C) Members shall receive no compensation for their services. 42916

(D) The board shall establish guidelines for its operation. 42917
These guidelines shall require the creation of a standing 42918
subcommittee on higher education, and shall permit the creation of 42919
other standing subcommittees when necessary. The board shall 42920
determine the membership of any subcommittee it creates. The board 42921
may select persons who are not members of the board to participate 42922
in the deliberations of any subcommittee as representatives of 42923
stakeholder groups, but no such person shall vote on any issue 42924
before the subcommittee. 42925

Sec. 3319.61. (A) The educator standards board, in 42926
consultation with the chancellor of the Ohio board of regents, 42927
shall do all of the following: 42928

(1) Develop state standards for teachers and principals that 42929
reflect what teachers and principals are expected to know and be 42930
able to do at all stages of their careers. These standards shall 42931
be aligned with the statewide academic content standards for 42932
students adopted pursuant to section 3301.079 of the Revised Code, 42933
be primarily based on educator performance instead of years of 42934
experience or certain courses completed, and rely on 42935

evidence-based factors.	42936
(a) The standards for teachers shall reflect the following additional criteria:	42937 42938
(i) Alignment with the interstate new teacher assessment and support consortium standards;	42939 42940
(ii) Differentiation among novice, experienced, and advanced teachers;	42941 42942
(iii) Reliance on competencies that can be measured;	42943
(iv) Reliance on content knowledge, teaching skills, discipline-specific teaching methods, and requirements for professional development;	42944 42945 42946
(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards;	42947 42948 42949 42950
(vi) <u>The Ohio leadership framework.</u>	42951
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	42952 42953
(2) <u>Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards.</u>	42954 42955 42956 42957 42958 42959
(3) <u>Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards.</u>	42960 42961 42962 42963 42964 42965

(4) Develop standards for the renewal of ~~educator~~ licenses 42966
under ~~section~~ sections 3319.22 and 3301.074 of the Revised Code; 42967

~~(3)~~(5) Develop standards for educator professional 42968
development; 42969

(6) Investigate and make recommendations for the creation, 42970
expansion, and implementation of school building and school 42971
district leadership academies. 42972

The superintendent of public instruction, the chancellor of 42973
the Ohio board of regents, or the education standards board itself 42974
may request that the educator standards board update, review, or 42975
reconsider any standards developed under this section. 42976

(B) The educator standards board shall incorporate indicators 42977
of cultural competency into the standards developed under division 42978
(A) of this section. For this purpose, the educator standards 42979
board shall develop a definition of cultural competency based upon 42980
content and experiences that enable educators to know, understand, 42981
and appreciate the students, families, and communities that they 42982
serve and skills for addressing cultural diversity in ways that 42983
respond equitably and appropriately to the cultural needs of 42984
individual students. 42985

(C) In developing the standards under division (A) of this 42986
section, the educator standards board shall consider the impact of 42987
the standards on closing the achievement gap between students of 42988
different subgroups. 42989

(D) In developing the standards under division (A) of this 42990
section, the educator standards board shall ensure ~~that~~ both of 42991
the following: 42992

(1) That teachers ~~and principals~~ have sufficient knowledge to 42993
provide appropriate instruction for students identified as gifted 42994
pursuant to Chapter 3324. of the Revised Code and to assist in the 42995
identification of such students, and have sufficient knowledge 42996

that will enable teachers to provide learning opportunities for all children to succeed; 42997
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(2) That principals, superintendents, school treasurers, and school business managers have sufficient knowledge to provide principled, collaborative, foresighted, and data-based leadership that will provide learning opportunities for all children to succeed. 42999
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(E) The standards for educator professional development developed under division (A)~~(3)~~(5) of this section shall include standards the following: 43004
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(1) Standards for the inclusion of local professional development committees established under section 3319.22 of the Revised Code in the planning and design of professional development; 43007
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(2) Standards that address the crucial link between academic achievement and mental health issues. 43011
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(F) The educator standards board shall also perform the following functions: 43013
43014

~~(1) Collaborate with colleges and universities that offer teacher preparation programs approved pursuant to section 3319.23 of the Revised Code to align teacher and principal preparation courses with the standards developed under division (A) of this section and with student academic content standards adopted under section 3301.079 of the Revised Code. The educator standards board shall study the model developed by the college of food, agricultural, and environmental sciences and the college of education of the Ohio state university for aligning teacher preparation programs in agricultural education with recognized standards for this purpose.~~ 43015
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~~(2) Monitor compliance with the teacher and principal standards developed under division (A) of this section and make~~ 43026
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recommendations to the state board of education for appropriate 43028
corrective action if such standards are not met; 43029

~~(3)~~(2) Research, develop, and recommend policies on the 43030
professions of teaching and school administration; 43031

~~(4)~~(3) Recommend policies to close the achievement gap 43032
between students of different subgroups; 43033

~~(5)~~(4) Define a "master teacher" in a manner that can be used 43034
uniformly by all school districts; 43035

(5) Adopt criteria that a candidate for a lead professional 43036
educator license under section 3319.22 of the Revised Code who 43037
does not hold a valid certificate issued by the national board for 43038
professional teaching standards must meet to be considered a lead 43039
teacher for purposes of division (B)(4)(d) of that section. It is 43040
the intent of the general assembly that ~~when defining "master 43041
teacher,"~~ the educator standards board shall adopt multiple, 43042
equal-weighted criteria to use in determining whether a person is 43043
a ~~master~~ lead teacher. ~~Such~~ The criteria shall be in addition to 43044
the other standards and qualifications prescribed in division 43045
(B)(4) of section 3319.22 of the Revised Code. The criteria may 43046
include, but shall not be limited to, ~~attainment of a master's 43047
degree in an appropriate subject area,~~ completion of ~~other 43048
educational levels~~ beyond a master's degree or other professional 43049
development courses, ~~certification by the national board for 43050
professional teaching standards,~~ or demonstration of a leadership 43051
role in the teacher's school building or district. The board shall 43052
determine the number of criteria that a teacher shall satisfy to 43053
be recognized as a ~~master~~ lead teacher, which shall not be the 43054
total number of criteria adopted by the board. 43055

(6) Develop model teacher and principal evaluation 43056
instruments and processes. The models shall be based on the 43057
standards developed under division (A) of this section and student 43058

performance over time as determined by value-added data and other 43059
demonstrations of students' skills and abilities. 43060

(G) The educator standards board shall submit recommendations 43061
of standards developed under division (A) of this section to the 43062
state board of education ~~within one year after the educator~~ 43063
~~standards board first convenes~~ not later than September 1, 2010. 43064
The state board of education shall review those recommendations at 43065
the state board's regular meeting that next succeeds the date that 43066
the recommendations are submitted to the state board. At that 43067
meeting, the state board of education shall vote to either adopt 43068
standards based on those recommendations or request that the 43069
educator standards board reconsider its recommendations. The state 43070
board of education shall articulate reasons for requesting 43071
reconsideration of the recommendations but shall not direct the 43072
content of the recommendations. The educator standards board shall 43073
reconsider its recommendations if the state board of education so 43074
requests, may revise the recommendations, and shall resubmit the 43075
recommendations, whether revised or not, to the state board not 43076
later than two weeks prior to the state board's regular meeting 43077
that next succeeds the meeting at which the state board requested 43078
reconsideration of the initial recommendations. The state board of 43079
education shall review the recommendations as resubmitted by the 43080
educator standards board at the state board's regular meeting that 43081
next succeeds the meeting at which the state board requested 43082
reconsideration of the initial recommendations and may adopt the 43083
standards as resubmitted or, if the resubmitted standards have not 43084
addressed the state board's concerns, the state board may modify 43085
the standards prior to adopting them. The final responsibility to 43086
determine whether to adopt standards as described in division (A) 43087
of this section and the content of those standards, if adopted, 43088
belongs solely to the state board of education. 43089

Sec. 3319.611. The subcommittee on standards for 43090

superintendents of the education standards board is hereby 43091
established. The subcommittee shall consist of the following 43092
members: 43093

(A) The school district superintendent appointed to the 43094
educator standards board under section 3319.60 of the Revised 43095
Code, who shall act as chairperson of the subcommittee; 43096

(B) Three additional school district superintendents 43097
appointed by the state board of education, for terms of two years. 43098
The buckeye association of school administrators shall submit a 43099
list of six nominees for appointments under this section. 43100

(C) Three additional members of the educator standards board, 43101
appointed by the chairperson of the educator standards board; 43102

(D) The superintendent of public instruction and the 43103
chancellor of the Ohio board of regents, or their designees, who 43104
shall serve as nonvoting, ex officio members of the subcommittee. 43105

Members of the subcommittee shall receive no compensation for 43106
their services. The members appointed under divisions (B) and (C) 43107
of this section may be reappointed. 43108

The subcommittee shall assist the educator standards board in 43109
developing the standards for superintendents and with any 43110
additional matters the educator standards board directs the 43111
subcommittee to examine. 43112

Sec. 3319.612. The subcommittee on standards for school 43113
treasurers and business managers of the educator standards board 43114
is hereby established. The subcommittee shall consist of the 43115
following members: 43116

(A) The school district treasurer or business manager 43117
appointed to the educator standards board under section 3319.60 of 43118
the Revised Code, who shall act as chairperson of the 43119

subcommittee; 43120

(B) Three additional school district treasurers or business managers appointed by the state board of education for terms of two years. The Ohio association of school business officials shall submit a list of six nominees for appointments under this section. 43121
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(C) Three additional members of the educator standards board, appointed by the chairperson of the educator standards board; 43125
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(D) The superintendent of public instruction and the chancellor of the Ohio board of regents, or their designees, who shall serve as nonvoting, ex officio members of the subcommittee. 43127
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Members of the subcommittee shall receive no compensation for their services. The members appointed under divisions (B) and (C) of this section may be reappointed. 43130
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The subcommittee shall assist the educator standards board in developing the standards for school treasurers and business managers and with any additional matters the educator standards board directs the subcommittee to examine. 43133
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Sec. 3319.63. The board of education of a school district that employs any person who is appointed to serve as a member of the educator standards board under division (A)(1)(a) or ~~(3)~~(c) of section 3319.60, as a member of the subcommittee on standards for superintendents under division (B) or (C) of section 3319.611, or as a member of the subcommittee on standards for school treasurers and business managers under division (B) or (C) of section 3319.612 of the Revised Code shall grant that person paid professional leave for the purpose of attending meetings and conducting official business of the educator standards board and the subcommittees. 43137
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Sec. 3321.07. If any child attends upon instruction elsewhere than in a public school such instruction shall be in a school 43148
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which conforms to the minimum standards prescribed by the state 43150
board of education. The hours and term of attendance exacted shall 43151
be equivalent to the hours and term of attendance required of 43152
children in the public schools of the district, except that 43153
chartered nonpublic schools shall be permitted to measure the 43154
minimum school year by the number of hours of learning 43155
opportunities offered during the school year as prescribed in 43156
division (L)(3) of section 3314.08 of the Revised Code. This 43157
section does not require a child to attend a high school instead 43158
of a vocational, commercial, or other special type of school, 43159
provided the instruction therein is for a term and for hours 43160
equivalent to those of the high school, and provided his the 43161
child's attendance at such school will not interfere with a 43162
continuous program of education for the child to the age of 43163
sixteen. 43164

Sec. 3323.05. The state board of education shall establish 43165
procedures to ensure that children with disabilities and their 43166
parents are guaranteed procedural safeguards under this chapter 43167
with respect to a free appropriate public education. 43168

The procedures shall include, but need not be limited to: 43169

(A) An opportunity for the parents of a child with a 43170
disability to examine all records related to the child and to 43171
participate in meetings with respect to identification, 43172
evaluation, and educational placement of the child, and to obtain 43173
an independent educational evaluation of the child; 43174

(B) Procedures to protect the rights of the child whenever 43175
the parents of the child are not known, an agency after making 43176
reasonable efforts cannot find the parents, or the child is a ward 43177
of the state, including the assignment, ~~in accordance with section~~ 43178
~~3323.051 of the Revised Code,~~ of an individual to act as a 43179
surrogate for the parents+ made by the school district or other 43180

educational agency responsible for educating the child or by the 43181
court with jurisdiction over the child's custody. Such assignment 43182
shall be made in accordance with section 3323.051 of the Revised 43183
Code. 43184

(C) Prior written notice to the child's parents of a school 43185
district's proposal or refusal to initiate or change the 43186
identification, evaluation, or educational placement of the child 43187
or the provision of a free appropriate education for the child. 43188
The procedures established under this division shall: 43189

(1) Be designed to ensure that the written prior notice is in 43190
the native language of the parents, unless it clearly is not 43191
feasible to do so. 43192

(2) Specify that the prior written notice shall include: 43193

(a) A description of the action proposed or refused by the 43194
district; 43195

(b) An explanation of why the district proposes or refuses to 43196
take the action and a description of each evaluation procedure, 43197
assessment, record, or report the district used as a basis for the 43198
proposed or refused action; 43199

(c) A statement that the parents of a child with a disability 43200
have protection under the procedural safeguards and, if the notice 43201
is not in regard to an initial referral for evaluation, the means 43202
by which a copy of a description of the procedural safeguards can 43203
be obtained; 43204

(d) Sources for parents to contact to obtain assistance in 43205
understanding the provisions of Part B of the "Individuals with 43206
Disabilities Education Improvement Act of 2004"; 43207

(e) A description of other options considered by the IEP team 43208
and the reason why those options were rejected; 43209

(f) A description of the factors that are relevant to the 43210

agency's proposal or refusal. 43211

(D) An opportunity for the child's parents to present 43212
complaints to the superintendent of the child's school district of 43213
residence with respect to any matter relating to the 43214
identification, evaluation, or educational placement of the child, 43215
or the provision of a free appropriate public education under this 43216
chapter. 43217

Within twenty school days after receipt of a complaint, the 43218
district superintendent or the superintendent's designee, without 43219
undue delay and at a time and place convenient to all parties, 43220
shall review the case, may conduct an administrative review, and 43221
shall notify all parties in writing of the superintendent's or 43222
designee's decision. Where the child is placed in a program 43223
operated by a county MR/DD board or other educational agency, the 43224
superintendent shall consult with the administrator of that county 43225
MR/DD board or agency. 43226

Any party aggrieved by the decision of the district 43227
superintendent or the superintendent's designee may file a 43228
complaint with the state board as provided under division (E) of 43229
this section, request mediation as provided under division (F) of 43230
this section, or present a due process complaint notice and 43231
request for a due process hearing in writing to the superintendent 43232
of the district, with a copy to the state board, as provided under 43233
division (G) of this section. 43234

(E) An opportunity for a party to file a complaint with the 43235
state board of education with respect to the identification, 43236
evaluation, or educational placement of the child, or the 43237
provision of a free appropriate public education to such child. 43238
The department of education shall review and, where appropriate, 43239
investigate the complaint and issue findings. 43240

(F) An opportunity for parents and a school district to 43241

resolve through mediation disputes involving any matter. 43242

(1) The procedures established under this section shall 43243
ensure that the mediation process is voluntary on the part of the 43244
parties, is not used to deny or delay a parent's right to a due 43245
process hearing or to deny any other rights afforded under this 43246
chapter, and is conducted by a qualified and impartial mediator 43247
who is trained in effective mediation techniques. 43248

(2) A school district may establish procedures to offer to 43249
parents and schools that choose not to use the mediation process, 43250
an opportunity to meet, at a time and location convenient to the 43251
parents, with a disinterested party to encourage the use, and 43252
explain the benefits, of the mediation process to the parents. The 43253
disinterested party shall be an individual who is under contract 43254
with a parent training and information center or community parent 43255
resource center in the state or is under contract with an 43256
appropriate alternative dispute resolution entity. 43257

(3) The department shall maintain a list of individuals who 43258
are qualified mediators and knowledgeable in laws and regulations 43259
relating to the provision of special education and related 43260
services. 43261

(4) The department shall bear the cost of the mediation 43262
process, including the costs of meetings described in division 43263
(F)(2) of this section. 43264

(5) Each session in the mediation process shall be scheduled 43265
in a timely manner and shall be held in a location that is 43266
convenient to the parties to the dispute. 43267

(6) Discussions that occur during the mediation process shall 43268
be confidential and shall not be used as evidence in any 43269
subsequent due process hearing or civil proceeding. 43270

(7) In the case that a resolution is reached to resolve the 43271
complaint through the mediation process, the parties shall execute 43272

a legally binding agreement that sets forth the resolution and 43273
that: 43274

(a) States that all discussions that occurred during the 43275
mediation process shall be confidential and shall not be used as 43276
evidence in any subsequent due process hearing or civil 43277
proceeding; 43278

(b) Is signed by both the parent and a representative for the 43279
school district who has the authority to bind the district; 43280

(c) Is enforceable in any state court of competent 43281
jurisdiction or in a district court of the United States. 43282

(G)(1) An opportunity for parents or a school district to 43283
present a due process complaint and request for a due process 43284
hearing to the superintendent of the school district of the 43285
child's residence with respect to the identification, evaluation, 43286
or educational placement of the child, or the provision of a free 43287
appropriate public education to the child. The party presenting 43288
the due process complaint and request for a due process hearing 43289
shall provide due process complaint notice to the other party and 43290
forward a copy of the notice to the state board. The due process 43291
complaint notice shall include: 43292

(a) The name of the child, the address of the residence of 43293
the child, or the available contact information in the case of a 43294
homeless child, and the name of the school the child is attending; 43295

(b) A description of the nature of the problem of the child 43296
relating to the proposed initiation or change, including facts 43297
relating to the problem; 43298

(c) A proposed resolution of the problem to the extent known 43299
and available to the party at the time. 43300

A party shall not have a due process hearing until the party, 43301
or the attorney representing the party, files a notice that meets 43302

the requirement for filing a due process complaint notice. 43303

A due process hearing shall be conducted by an impartial 43304
hearing officer in accordance with standards and procedures 43305
adopted by the state board. A hearing officer shall not be an 43306
employee of the state board or any agency involved in the 43307
education or care of the child or a person having a personal or 43308
professional interest that conflicts with the person's objectivity 43309
in the hearing. A hearing officer shall possess knowledge of, and 43310
the ability to understand, the provisions of the "Individuals with 43311
Disabilities Education Improvement Act of 2004," federal and state 43312
regulations pertaining to that act, and legal interpretations of 43313
that act by federal and state courts; possess the knowledge and 43314
ability to conduct hearings in accordance with appropriate 43315
standard legal practice; and possess the knowledge and ability to 43316
render and write decisions in accordance with appropriate standard 43317
legal practice. The due process requirements of section 615 of the 43318
"Individuals with Disabilities Education Improvement Act of 2004," 43319
20 U.S.C. 1415, apply to due process complaint notices and 43320
requests for due process hearings and to due process hearings held 43321
under division (G) of this section, including, but not limited to, 43322
timelines for requesting hearings, requirements for sufficient 43323
complaint notices, resolution sessions, and sufficiency and 43324
hearing decisions. 43325

(2) Discussions that occur during a resolution session shall 43326
be confidential and shall not be used as evidence in any 43327
subsequent due process hearing or civil proceeding. If a 43328
resolution to the dispute is reached at a resolution session, the 43329
parties must execute a legally binding written settlement 43330
agreement which shall state that all discussions that occurred 43331
during the resolution process shall be confidential and shall not 43332
be used as evidence in any subsequent due process hearing or civil 43333
proceeding. 43334

(3) A party to a hearing under division (G) of this section shall be accorded:

(a) The right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

(b) The right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

(c) The right to a written or electronic verbatim record of the hearing;

(d) The right to written findings of fact and decisions, which findings of fact and decisions shall be made available to the public consistent with the requirements relating to the confidentiality of personally identifiable data, information, and records collected and maintained by state educational agencies and local educational agencies; and shall be transmitted to the advisory panel established and maintained by the department for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state.

(H) An opportunity for any party aggrieved by the findings and decision rendered in a hearing under division (G) of this section to appeal within forty-five days of notification of the decision to the state board, which shall appoint a state level officer who shall review the case and issue a final order. The state level officer shall be appointed and shall review the case in accordance with standards and procedures adopted by the state board.

Any party aggrieved by the final order of the state level officer may appeal the final order, in accordance with Chapter 119. of the Revised Code, within forty-five days after notification of the order to the court of common pleas of the

county in which the child's school district of residence is 43366
located, or to a district court of the United States within ninety 43367
days after the date of the decision of the state level review 43368
officer, as provided in section 615(i)(2) of the "Individuals with 43369
Disabilities Education Improvement Act of 2004," 20 U.S.C. 43370
1415(i)(2). 43371

Sec. 3323.052. Not later than January 31, 2011, the 43372
department of education shall develop a document that compares a 43373
parent's and child's rights under this chapter and 20 U.S.C. 1400 43374
et seq. with the parent's and child's rights under the special 43375
education scholarship pilot program, established in sections 43376
3310.51 to 3310.64 of the Revised Code, including the deadline for 43377
application for a scholarship or renewal of a scholarship and 43378
notice of that application to the child's school district, 43379
prescribed in division (C) of section 3310.52 of the Revised Code, 43380
and the provisions of divisions (A) and (B) of section 3310.53 of 43381
the Revised Code. The department shall revise that document as 43382
necessary to reflect any pertinent changes in state or federal 43383
statutory law, rule, or regulation enacted or adopted after the 43384
initial document is developed. The department and each school 43385
district shall ensure that the document prescribed in this section 43386
is included in, appended to, or otherwise distributed in 43387
conjunction with the notice required under 20 U.S.C. 1415(d), and 43388
any provision of the Code of Federal Regulations implementing that 43389
requirement, in the manner and at all the times specified for such 43390
notice in federal law or regulation. As used in this section, a 43391
"child's school district" means the school district in which the 43392
child is entitled to attend school under section 3313.64 or 43393
3313.65 of the Revised Code. 43394

Sec. 3326.11. Each science, technology, engineering, and 43395
mathematics school established under this chapter and its 43396

governing body shall comply with sections 9.90, 9.91, 109.65, 43397
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 43398
3301.0712, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 43399
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 43400
3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 43401
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 43402
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 43403
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 43404
3313.718, 3313.719, 3313.80, 3313.801, 3313.86, 3313.96, 3319.073, 43405
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.45, 43406
3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 43407
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 43408
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 43409
4167. of the Revised Code as if it were a school district. 43410

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Sec. 3326.36. The department of education shall reduce the 43412
amounts paid to a science, technology, engineering, and 43413
mathematics school under section 3326.33 of the Revised Code to 43414
reflect payments made to colleges under division (B) of section 43415
3365.07 of the Revised Code or through alternative funding 43416
agreements entered into under rules adopted under section 3365.12 43417
of the Revised Code. A student shall be considered enrolled in the 43418
school for any portion of the school year the student is attending 43419
a college under Chapter 3365. of the Revised Code. 43420

Sec. 3327.10. (A) No person shall be employed as driver of a 43421
school bus or motor van, owned and operated by any school district 43422
or educational service center or privately owned and operated 43423
under contract with any school district or service center in this 43424
state, who has not received a certificate from the educational 43425
service center governing board in case such person is employed by 43426
a service center or by a local school district under the 43427

supervision of the service center governing board, or by the 43428
superintendent of schools, in case such person is employed by the 43429
board of a city or exempted village school district, certifying 43430
that such person is at least eighteen years of age and is of good 43431
moral character and is qualified physically and otherwise for such 43432
position. The service center governing board or the 43433
superintendent, as the case may be, shall provide for an annual 43434
physical examination that conforms with rules adopted by the state 43435
board of education of each driver to ascertain the driver's 43436
physical fitness for such employment. Any certificate may be 43437
revoked by the authority granting the same on proof that the 43438
holder has been guilty of failing to comply with division (D)(1) 43439
of this section, or upon a conviction or a guilty plea for a 43440
violation, or any other action, that results in a loss or 43441
suspension of driving rights. Failure to comply with such division 43442
may be cause for disciplinary action or termination of employment 43443
under division (C) of section 3319.081, or section 124.34 of the 43444
Revised Code. 43445

(B) No person shall be employed as driver of a school bus or 43446
motor van not subject to the rules of the department of education 43447
pursuant to division (A) of this section who has not received a 43448
certificate from the school administrator or contractor certifying 43449
that such person is at least eighteen years of age, is of good 43450
moral character, and is qualified physically and otherwise for 43451
such position. Each driver shall have an annual physical 43452
examination which conforms to the state highway patrol rules, 43453
ascertaining the driver's physical fitness for such employment. 43454
The examination shall be performed by one of the following: 43455

(1) A person licensed under Chapter 4731. of the Revised Code 43456
or by another state to practice medicine and surgery or 43457
osteopathic medicine and surgery; 43458

(2) A physician assistant; 43459

(3) A certified nurse practitioner; 43460

(4) A clinical nurse specialist; 43461

(5) A certified nurse-midwife. 43462

Any written documentation of the physical examination shall 43463
be completed by the individual who performed the examination. 43464

Any certificate may be revoked by the authority granting the 43465
same on proof that the holder has been guilty of failing to comply 43466
with division (D)(2) of this section. 43467

(C) Any person who drives a school bus or motor van must give 43468
satisfactory and sufficient bond except a driver who is an 43469
employee of a school district and who drives a bus or motor van 43470
owned by the school district. 43471

(D) No person employed as driver of a school bus or motor van 43472
under this section who is convicted of a traffic violation or who 43473
has had the person's commercial driver's license suspended shall 43474
drive a school bus or motor van until the person has filed a 43475
written notice of the conviction or suspension, as follows: 43476

(1) If the person is employed under division (A) of this 43477
section, the person shall file the notice with the superintendent, 43478
or a person designated by the superintendent, of the school 43479
district for which the person drives a school bus or motor van as 43480
an employee or drives a privately owned and operated school bus or 43481
motor van under contract. 43482

(2) If employed under division (B) of this section, the 43483
person shall file the notice with the employing school 43484
administrator or contractor, or a person designated by the 43485
administrator or contractor. 43486

(E) In addition to resulting in possible revocation of a 43487
certificate as authorized by divisions (A) and (B) of this 43488
section, violation of division (D) of this section is a minor 43489

misdemeanor. 43490

(F)(1) Not later than thirty days after June 30, 2007, each 43491
owner of a school bus or motor van shall obtain the complete 43492
driving record for each person who is currently employed or 43493
otherwise authorized to drive the school bus or motor van. An 43494
owner of a school bus or motor van shall not permit a person to 43495
operate the school bus or motor van for the first time before the 43496
owner has obtained the person's complete driving record. 43497
Thereafter, the owner of a school bus or motor van shall obtain 43498
the person's driving record not less frequently than semiannually 43499
if the person remains employed or otherwise authorized to drive 43500
the school bus or motor van. An owner of a school bus or motor van 43501
shall not permit a person to resume operating a school bus or 43502
motor van, after an interruption of one year or longer, before the 43503
owner has obtained the person's complete driving record. 43504

(2) The owner of a school bus or motor van shall not permit a 43505
person to operate the school bus or motor van for six years after 43506
the date on which the person pleads guilty to or is convicted of a 43507
violation of section 4511.19 of the Revised Code or a 43508
substantially equivalent municipal ordinance. 43509

(3) An owner of a school bus or motor van shall not permit 43510
any person to operate such a vehicle unless the person meets all 43511
other requirements contained in rules adopted by the state board 43512
of education prescribing qualifications of drivers of school buses 43513
and other student transportation. 43514

(G) No superintendent of a school district, educational 43515
service center, community school, or public or private employer 43516
shall permit the operation of a vehicle used for pupil 43517
transportation within this state by an individual unless both of 43518
the following apply: 43519

(1) Information pertaining to that driver has been submitted 43520

to the department of education, pursuant to procedures adopted by 43521
that department. Information to be reported shall include the name 43522
of the employer or school district, name of the driver, driver 43523
license number, date of birth, date of hire, status of physical 43524
evaluation, and status of training. 43525

(2) The most recent criminal records check required by 43526
division (J) of this section, ~~including information from the~~ 43527
~~federal bureau of investigation,~~ has been completed and received 43528
by the superintendent or public or private employer. 43529

(H) A person, school district, educational service center, 43530
community school, nonpublic school, or other public or nonpublic 43531
entity that owns a school bus or motor van, or that contracts with 43532
another entity to operate a school bus or motor van, may impose 43533
more stringent restrictions on drivers than those prescribed in 43534
this section, in any other section of the Revised Code, and in 43535
rules adopted by the state board. 43536

(I) For qualified drivers who, on July 1, 2007, are employed 43537
by the owner of a school bus or motor van to drive the school bus 43538
or motor van, any instance in which the driver was convicted of or 43539
pleaded guilty to a violation of section 4511.19 of the Revised 43540
Code or a substantially equivalent municipal ordinance prior to 43541
two years prior to July 1, 2007, shall not be considered a 43542
disqualifying event with respect to division (F) of this section. 43543
43544

(J)(1) This division applies to persons hired by a school 43545
district, educational service center, community school, chartered 43546
nonpublic school, or science, technology, engineering, and 43547
mathematics school established under Chapter 3326. of the Revised 43548
Code to operate a vehicle used for pupil transportation. 43549

For each person to whom this division applies who is hired on 43550
or after November 14, 2007, the employer shall request a criminal 43551

records check in accordance with section 3319.39 of the Revised Code and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department of education and every six years thereafter.

(2) This division applies to persons hired by a public or private employer not described in division (J)(1) of this section to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under division (J) of this section.

(b) The person presents proof that the person has been a

resident of this state for the five-year period immediately prior 43583
to the date upon which the person becomes subject to a criminal 43584
records check under this section. ~~Upon~~ 43585

Upon receipt of a request, the ~~bureau~~ superintendent shall 43586
conduct the criminal records check in accordance with section 43587
109.572 of the Revised Code as if the request had been made under 43588
section 3319.39 of the Revised Code. However, as specified in 43589
division (B)(2) of section 109.572 of the Revised Code, if the 43590
employer requests the superintendent only to obtain any criminal 43591
records that the federal bureau of investigation has on the person 43592
for whom the request is made, the superintendent shall not conduct 43593
the review prescribed by division (B)(1) of that section. 43594

(K) Any person who is the subject of a criminal records check 43595
under division (J) of this section and has been convicted of or 43596
pleaded guilty to any offense described in division (C) of section 43597
3319.31 of the Revised Code shall not be hired or shall be 43598
released from employment. 43599

Sec. 3333.04. The chancellor of the Ohio board of regents 43600
shall: 43601

(A) Make studies of state policy in the field of higher 43602
education and formulate a master plan for higher education for the 43603
state, considering the needs of the people, the needs of the 43604
state, and the role of individual public and private institutions 43605
within the state in fulfilling these needs; 43606

(B)(1) Report annually to the governor and the general 43607
assembly on the findings from the chancellor's studies and the 43608
master plan for higher education for the state; 43609

(2) Report at least semiannually to the general assembly and 43610
the governor the enrollment numbers at each state-assisted 43611
institution of higher education. 43612

(C) Approve or disapprove the establishment of new branches 43613
or academic centers of state colleges and universities; 43614

(D) Approve or disapprove the establishment of state 43615
technical colleges or any other state institution of higher 43616
education; 43617

(E) Recommend the nature of the programs, undergraduate, 43618
graduate, professional, state-financed research, and public 43619
services which should be offered by the state colleges, 43620
universities, and other state-assisted institutions of higher 43621
education in order to utilize to the best advantage their 43622
facilities and personnel; 43623

(F) Recommend to the state colleges, universities, and other 43624
state-assisted institutions of higher education graduate or 43625
professional programs, including, but not limited to, doctor of 43626
philosophy, doctor of education, and juris doctor programs, that 43627
could be eliminated because they constitute unnecessary 43628
duplication, as shall be determined using the process developed 43629
pursuant to this division, or for other good and sufficient cause. 43630
Prior to recommending a program for elimination, the chancellor 43631
shall request the board of regents to hold at least one public 43632
hearing on the matter and advise the chancellor on whether the 43633
program should be recommended for elimination. The board shall 43634
provide notice of each hearing within a reasonable amount of time 43635
prior to its scheduled date. Following the hearing, the board 43636
shall issue a recommendation to the chancellor. The chancellor 43637
shall consider the board's recommendation but shall not be 43638
required to accept it. 43639

For purposes of determining the amounts of any state 43640
instructional subsidies paid to state colleges, universities, and 43641
other state-assisted institutions of higher education, the 43642
chancellor may exclude students enrolled in any program that the 43643
chancellor has recommended for elimination pursuant to this 43644

division except that the chancellor shall not exclude any such 43645
student who enrolled in the program prior to the date on which the 43646
chancellor initially commences to exclude students under this 43647
division. 43648

The chancellor and state colleges, universities, and other 43649
state-assisted institutions of higher education shall jointly 43650
develop a process for determining which existing graduate or 43651
professional programs constitute unnecessary duplication. 43652

(G) Recommend to the state colleges, universities, and other 43653
state-assisted institutions of higher education programs which 43654
should be added to their present programs; 43655

(H) Conduct studies for the state colleges, universities, and 43656
other state-assisted institutions of higher education to assist 43657
them in making the best and most efficient use of their existing 43658
facilities and personnel; 43659

(I) Make recommendations to the governor and general assembly 43660
concerning the development of state-financed capital plans for 43661
higher education; the establishment of new state colleges, 43662
universities, and other state-assisted institutions of higher 43663
education; and the establishment of new programs at the existing 43664
state colleges, universities, and other institutions of higher 43665
education; 43666

(J) Review the appropriation requests of the public community 43667
colleges and the state colleges and universities and submit to the 43668
office of budget and management and to the chairpersons of the 43669
finance committees of the house of representatives and of the 43670
senate the chancellor's recommendations in regard to the biennial 43671
higher education appropriation for the state, including 43672
appropriations for the individual state colleges and universities 43673
and public community colleges. For the purpose of determining the 43674
amounts of instructional subsidies to be paid to state-assisted 43675

colleges and universities, the chancellor shall define "full-time
equivalent student" by program per academic year. The definition
may take into account the establishment of minimum enrollment
levels in technical education programs below which support
allowances will not be paid. Except as otherwise provided in this
section, the chancellor shall make no change in the definition of
"full-time equivalent student" in effect on November 15, 1981,
which would increase or decrease the number of subsidy-eligible
full-time equivalent students, without first submitting a fiscal
impact statement to the president of the senate, the speaker of
the house of representatives, the legislative service commission,
and the director of budget and management. The chancellor shall
work in close cooperation with the director of budget and
management in this respect and in all other matters concerning the
expenditures of appropriated funds by state colleges,
universities, and other institutions of higher education.

(K) Seek the cooperation and advice of the officers and
trustees of both public and private colleges, universities, and
other institutions of higher education in the state in performing
the chancellor's duties and making the chancellor's plans,
studies, and recommendations;

(L) Appoint advisory committees consisting of persons
associated with public or private secondary schools, members of
the state board of education, or personnel of the state department
of education;

(M) Appoint advisory committees consisting of college and
university personnel, or other persons knowledgeable in the field
of higher education, or both, in order to obtain their advice and
assistance in defining and suggesting solutions for the problems
and needs of higher education in this state;

(N) Approve or disapprove all new degrees and new degree
programs at all state colleges, universities, and other

state-assisted institutions of higher education; 43708

(O) Adopt such rules as are necessary to carry out the 43709
chancellor's duties and responsibilities. The rules shall 43710
prescribe procedures for the chancellor to follow when taking 43711
actions associated with the chancellor's duties and 43712
responsibilities and shall indicate which types of actions are 43713
subject to those procedures. The procedures adopted under this 43714
division shall be in addition to any other procedures prescribed 43715
by law for such actions. However, if any other provision of the 43716
Revised Code or rule adopted by the chancellor prescribes 43717
different procedures for such an action, the procedures adopted 43718
under this division shall not apply to that action to the extent 43719
they conflict with the procedures otherwise prescribed by law. The 43720
procedures adopted under this division shall include at least the 43721
following: 43722

(1) Provision for public notice of the proposed action; 43723

(2) An opportunity for public comment on the proposed action, 43724
which may include a public hearing on the action by the board of 43725
regents; 43726

(3) Methods for parties that may be affected by the proposed 43727
action to submit comments during the public comment period; 43728

(4) Submission of recommendations from the board of regents 43729
regarding the proposed action, at the request of the chancellor; 43730

(5) Written publication of the final action taken by the 43731
chancellor and the chancellor's rationale for the action; 43732

(6) A timeline for the process described in divisions (O)(1) 43733
to (5) of this section. 43734

(P) Establish and submit to the governor and the general 43735
assembly a clear and measurable set of goals and timetables for 43736
their achievement for each program under the chancellor's 43737

supervision that is designed to accomplish any of the following:	43738
(1) Increased access to higher education;	43739
(2) Job training;	43740
(3) Adult literacy;	43741
(4) Research;	43742
(5) Excellence in higher education;	43743
(6) Reduction in the number of graduate programs within the same subject area.	43744 43745
In July of each odd-numbered year, the chancellor shall submit to the governor and the general assembly a report on progress made toward these goals.	43746 43747 43748
(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.27 <u>3333.26</u> , and 5910.02 of the Revised Code;	43749 43750 43751 43752
(R) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;	43753 43754 43755 43756
(S) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.27 <u>3333.26</u> , 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;	43757 43758 43759 43760 43761
(T) Conduct enrollment audits of state-supported institutions of higher education;	43762 43763
(U) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer	43764 43765 43766

center, the Ohio academic resources network, OhioLink, and the 43767
Ohio learning network. For each consortium, the chancellor shall 43768
designate a college or university to serve as that consortium's 43769
fiscal agent, financial officer, and employer. Any funds 43770
appropriated for the consortia shall be distributed to the fiscal 43771
agents for the operation of the consortia. A consortium shall 43772
follow the rules of the college or university that serves as its 43773
fiscal agent. The chancellor may restructure existing consortia, 43774
appointed under this division, in accordance with procedures 43775
adopted under divisions (D)(1) to (6) of this section. 43776

(V) Adopt rules establishing advisory duties and 43777
responsibilities of the board of regents not otherwise prescribed 43778
by law; 43779

(W) Respond to requests for information about higher 43780
education from members of the general assembly and direct staff to 43781
conduct research or analysis as needed for this purpose. 43782

Sec. 3333.048. (A) Not later than one year after the 43783
effective date of this section, the chancellor of the Ohio board 43784
of regents and the superintendent of public instruction jointly 43785
shall do the following: 43786

(1) In accordance with Chapter 119. of the Revised Code, 43787
establish metrics and educator preparation programs for the 43788
preparation of educators and other school personnel and the 43789
institutions of higher education that are engaged in their 43790
preparation. The metrics and educator preparation programs shall 43791
be aligned with the standards and qualifications for educator 43792
licenses adopted by the state board of education under section 43793
3319.22 of the Revised Code and the requirements of the Ohio 43794
teacher residency program established under section 3319.223 of 43795
the Revised Code. The metrics and educator preparation programs 43796
also shall ensure that educators and other school personnel are 43797

adequately prepared to use the value-added progress dimension 43798
prescribed by section 3302.021 of the Revised Code. 43799

(2) Provide for the inspection of institutions of higher 43800
education desiring to prepare educators and other school 43801
personnel. 43802

(B) Not later than one year after the effective date of this 43803
section, the chancellor shall approve institutions of higher 43804
education engaged in the preparation of educators and other school 43805
personnel that maintain satisfactory training procedures and 43806
records of performance, as determined by the chancellor. 43807

(C) If the metrics established under division (A)(1) of this 43808
section require an institution of higher education that prepares 43809
teachers to satisfy the standards of an independent accreditation 43810
organization, the chancellor shall permit each institution to 43811
satisfy the standards of either the national council for 43812
accreditation of teacher education or the teacher education 43813
accreditation council. 43814

(D) The metrics and educator preparation programs established 43815
under division (A)(1) of this section may require an institution 43816
of higher education, as a condition of approval by the chancellor, 43817
to make changes in the curricula of its preparation programs for 43818
educators and other school personnel. 43819

Notwithstanding division (D) of section 119.03 and division 43820
(A)(1) of section 119.04 of the Revised Code, any metrics, 43821
educator preparation programs, rules, and regulations, or any 43822
amendment or rescission of such metrics, educator preparation 43823
programs, rules, and regulations, adopted under this section that 43824
necessitate institutions offering preparation programs for 43825
educators and other school personnel approved by the chancellor to 43826
revise the curricula of those programs shall not be effective for 43827
at least one year after the first day of January next succeeding 43828

the publication of the said change. 43829

Each institution shall allocate money from its existing 43830
appropriations to pay the cost of making the curricular changes. 43831

(E) The chancellor shall notify the state board of the 43832
metrics and educator preparation programs established under 43833
division (A)(1) of this section and the institutions of higher 43834
education approved under division (B) of this section. The state 43835
board shall publish the metrics, educator preparation programs, 43836
and approved institutions with the standards and qualifications 43837
for each type of educator license. 43838

(F) The graduates of institutions of higher education 43839
approved by the chancellor shall be licensed by the state board in 43840
accordance with the standards and qualifications adopted under 43841
section 3319.22 of the Revised Code. 43842

Sec. ~~3319.233~~ 3333.049. ~~The state board of education~~ 43843
~~chancellor of the Ohio board of regents, in collaboration with the~~ 43844
~~Ohio board of regents~~ state board of education, shall issue an 43845
annual report on the quality of institutions approved for the 43846
preparation of teachers pursuant to section ~~3319.23~~ 3333.048 of 43847
the Revised Code. The ~~state board~~ chancellor shall prepare the 43848
report in collaboration with the state ~~board of regents~~ and the 43849
teacher quality partnership and shall use data collected by the 43850
partnership and other educational agencies as the basis for the 43851
information contained in the report. The report shall include at 43852
least the following information: 43853

(A) Identification of best practices in the preparation of 43854
teachers drawn from research conducted by the teacher quality 43855
partnership and other regional and national educational research 43856
efforts; 43857

(B) A plan for implementing best practices in approved 43858

teacher preparation institutions; 43859

(C) The number of graduates of approved teacher preparation 43860
institutions who graduated with a subject area specialty and teach 43861
grades seven through twelve. The number shall be disaggregated 43862
according to the subject areas of mathematics, science, foreign 43863
language, special education and related services, and any other 43864
subject area determined by the ~~state board~~ chancellor. 43865

(D) A plan to be implemented by the teacher preparation 43866
programs approved by the ~~state board~~ chancellor under section 43867
~~3319.23~~ 3333.048 of the Revised Code for increasing the number of 43868
classroom teachers in science, mathematics, and foreign language 43869
toward meeting the identified needs for teachers in those subject 43870
areas throughout the state but especially in hard-to-staff 43871
schools. 43872

The ~~state board~~ chancellor shall submit the report to the 43873
governor, the speaker and minority leader of the house of 43874
representatives, the president and minority leader of the senate, 43875
the chairpersons and ranking minority members of the standing 43876
committees of the house of representatives and the senate that 43877
consider education legislation, and the ~~chancellor of the~~ state 43878
board ~~of regents~~. 43879

Sec. 3333.122. (A) ~~As used in this section:~~ 43880

~~(1) "Eligible student" means a student who is:~~ 43881

~~(a) An Ohio resident who first enrolls in an undergraduate 43882
program in the 2006-2007 academic year or thereafter;~~ 43883

~~(b) If the student first enrolled in an undergraduate program 43884
in the 2006-2007 or 2007-2008 academic year, the student is 43885
enrolled in one of the following:~~ 43886

~~(i) An accredited institution of higher education in this 43887
state that meets the requirements of Title VI of the Civil Rights 43888~~

~~Act of 1964 and is state assisted, is nonprofit and has a 43889
certificate of authorization pursuant to Chapter 1713. of the 43890
Revised Code, has a certificate of registration from the state 43891
board of career colleges and schools and program authorization to 43892
award an associate or bachelor's degree, or is a private 43893
institution exempt from regulation under Chapter 3332. of the 43894
Revised Code as prescribed in section 3333.046 of the Revised 43895
Code. Students who attend an institution that holds a certificate 43896
of registration shall be enrolled in a program leading to an 43897
associate or bachelor's degree for which associate or bachelor's 43898
degree program the institution has program authorization issued 43899
under section 3332.05 of the Revised Code. 43900~~

~~(ii) A technical education program of at least two years 43901
duration sponsored by a private institution of higher education in 43902
this state that meets the requirements of Title VI of the Civil 43903
Rights Act of 1964; 43904~~

~~(iii) A nursing diploma program approved by the board of 43905
nursing under division (A)(5) of section 4723.06 of the Revised 43906
Code and that meets the requirements of Title VI of the Civil 43907
Rights Act of 1964. 43908~~

~~(c) If the student first enrolled in an undergraduate program 43909
after the 2007-2008 academic year, the student is enrolled in one 43910
of the following: 43911~~

~~(i) An accredited institution of higher education in this 43912
state that meets the requirements of Title VI of the Civil Rights 43913
Act of 1964 and is state assisted, is nonprofit and has a 43914
certificate of authorization pursuant to Chapter 1713. of the 43915
Revised Code, or is a private institution exempt from regulation 43916
under Chapter 3332. of the Revised Code as prescribed in section 43917
3333.046 of the Revised Code; 43918~~

~~(ii) An education program of at least two years duration 43919~~

~~sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code;~~

~~(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code and that meets the requirements of Title VI of the Civil Rights Act of 1964.~~

~~(2) A student who participated in either the early college high school program administered by the department of education or in the post secondary enrollment options program pursuant to Chapter 3365. of the Revised Code before the 2006-2007 academic year shall not be excluded from eligibility for a needs based financial aid grant under this section.~~

~~(3) The chancellor of the Ohio board of regents shall adopt rules to carry out this section and as authorized under section 3333.123 of the Revised Code. The rules shall include definitions of the terms "resident," "expected family contribution" or "EFC," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," "state cost of attendance," and "accredited" shall be defined by rules adopted by the chancellor of the Ohio board of regents for the purpose of those sections.~~

~~(B) Only an Ohio resident who meets both of the following is eligible for a grant awarded under this section:~~

~~(1) The resident has an expected family contribution of two thousand one hundred ninety or less;~~

~~(2) The resident enrolls in one of the following:~~

~~(a) An undergraduate program, or a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a state-assisted state institution~~

of higher education, as defined in section 3345.12 of the Revised Code, that meets the requirements of Title VI of the Civil Rights Act of 1964; 43951
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(b) An undergraduate program, or a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 43954
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(c) An undergraduate program, or a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a career college in this state that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or at a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code. 43959
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(C)(1) The chancellor shall establish and administer a needs-based financial aid grants program based on the United States department of education's method of determining financial need and may adopt rules to carry out this section. The program shall be known as the Ohio college opportunity grant program. The general assembly shall support the needs-based financial aid program by such sums and in such manner as it may provide, but the chancellor also may also receive funds from other sources to support the program. If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor shall do one of the following: 43968
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(a) Give preference in the payment of grants shall be given in terms of based upon expected family contribution, beginning with the lowest expected family contribution category and 43980
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proceeding upward by category to the highest expected family contribution category; 43983
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(b) Proportionately reduce the amount of each grant to be awarded for the academic year under this section; 43985
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(c) Use an alternate formula for such grants that addresses the shortage of available funds and has been submitted to and approved by the controlling board. 43987
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~~A~~ (2) The needs-based financial aid grant shall be paid to ~~an~~ the eligible student through the institution in which the student is enrolled, except that no needs-based financial aid grant shall be paid to any person serving a term of imprisonment. Applications for ~~such~~ the grants shall be made as prescribed by the chancellor, and such applications may be made in conjunction with and upon the basis of information provided in conjunction with student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify that the student applicant meets the requirements set forth in ~~divisions (A)(1)(a) and (b)~~ division (B) of this section. Needs-based financial aid grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma or an associate or bachelor's degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by rule issued by the chancellor. No student shall receive more than one grant on the basis of less than full-time enrollment. 43990
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~~A needs-based financial aid grant shall not exceed the total instructional and general charges of the institution.~~ 44013
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~~(C) The tables in this division prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D) of this section.~~ 44015
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~~As used in the tables in division (C) of this section:~~ 44020

~~(1) "Private institution" means an institution that is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.~~ 44021
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~~(2) "Career college" means either an institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.~~ 44024
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~~Full time students shall be eligible to receive awards according to the following table:~~ 44029
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~~Full-Time Enrollment~~ 44031

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$300	\$600	\$480	44033
2,001	2,100	402	798	642	44034
1,901	2,000	498	1,002	798	44035
1,801	1,900	600	1,200	960	44036
1,701	1,800	702	1,398	1,122	44037
1,601	1,700	798	1,602	1,278	44038

1,501	1,600	900	1,800	1,440	44039
1,401	1,500	1,002	1,998	1,602	44040
1,301	1,400	1,098	2,202	1,758	44041
1,201	1,300	1,200	2,400	1,920	44042
1,101	1,200	1,302	2,598	2,082	44043
1,001	1,100	1,398	2,802	2,238	44044
901	1,000	1,500	3,000	2,400	44045
801	900	1,602	3,198	2,562	44046
701	800	1,698	3,402	2,718	44047
601	700	1,800	3,600	2,280	44048
501	600	1,902	3,798	3,042	44049
401	500	1,998	4,002	3,198	44050
301	400	2,100	4,200	3,360	44051
201	300	2,202	4,398	3,522	44052
101	200	2,298	4,602	3,678	44053
1	100	2,400	4,800	3,840	44054
0	0	2,496	4,992	3,996	44055

~~Three quarters time students shall be eligible to receive awards according to the following table:~~ 44056
44057

~~Three-Quarters Time Enrollment~~ 44058

If the EFC is equal to or greater than:	And the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	44059
\$2,101	\$2,190	\$228	\$450	\$360	44060
2,001	2,100	300	600	480	44061
1,901	2,000	372	750	600	44062
1,801	1,900	450	900	720	44063
1,701	1,800	528	1,050	840	44064

1,601	1,700	600	1,200	960	44065
1,501	1,600	678	1,350	1,080	44066
1,401	1,500	750	1,500	1,200	44067
1,301	1,400	822	1,650	1,320	44068
1,201	1,300	900	1,800	1,440	44069
1,101	1,200	978	1,950	1,560	44070
1,001	1,100	1,050	2,100	1,680	44071
901	1,000	1,128	2,250	1,800	44072
801	900	1,200	2,400	1,920	44073
701	800	1,272	2,550	2,040	44074
601	700	1,350	2,700	2,160	44075
501	600	1,428	2,850	2,280	44076
401	500	1,500	3,000	2,400	44077
301	400	1,578	3,150	2,520	44078
201	300	1,650	3,300	2,640	44079
101	200	1,722	3,450	2,760	44080
1	100	1,800	3,600	2,880	44081
0	0	1,872	3,744	3,000	44082

~~Half-time students shall be eligible to receive awards~~ 44083

~~according to the following table:~~ 44084

~~Half-Time Enrollment~~ 44085

~~If the EFC~~ ~~And if the~~ ~~If the~~ ~~If the~~ ~~If the~~ 44086

~~is equal~~ ~~EFC is no~~ ~~student~~ ~~student~~ ~~student~~

~~to or~~ ~~more than:~~ ~~attends a~~ ~~attends a~~ ~~attends a~~

~~greater~~ ~~public~~ ~~private~~ ~~career~~

~~than:~~ ~~institution,~~ ~~institution,~~ ~~college,~~

~~the annual~~ ~~the annual~~ ~~the annual~~

~~award~~ ~~award~~ ~~award~~

~~shall be:~~ ~~shall be:~~ ~~shall be:~~

~~\$2,101~~ ~~\$2,190~~ ~~\$150~~ ~~\$300~~ ~~\$240~~ 44087

~~2,001~~ ~~2,100~~ ~~204~~ ~~402~~ ~~324~~ 44088

~~1,901~~ ~~2,000~~ ~~252~~ ~~504~~ ~~402~~ 44089

~~1,801~~ ~~1,900~~ ~~300~~ ~~600~~ ~~480~~ 44090

1,701	1,800	354	702	564	44091
1,601	1,700	402	804	642	44092
1,501	1,600	450	900	720	44093
1,401	1,500	504	1,002	804	44094
1,301	1,400	552	1,104	882	44095
1,201	1,300	600	1,200	960	44096
1,101	1,200	654	1,302	1,044	44097
1,001	1,100	702	1,404	1,122	44098
901	1,000	750	1,500	1,200	44099
801	900	804	1,602	1,284	44100
701	800	852	1,704	1,362	44101
601	700	900	1,800	1,440	44102
501	600	954	1,902	1,524	44103
401	500	1,002	2,004	1,602	44104
301	400	1,050	2,100	1,680	44105
201	300	1,104	2,202	1,764	44106
101	200	1,152	2,304	1,842	44107
1	100	1,200	2,400	1,920	44108
0	0	1,248	2,496	1,998	44109

~~One quarter time students shall be eligible to receive awards~~ 44110
~~according to the following table:~~ 44111

~~One Quarter Time Enrollment~~ 44112

If the EFC	And if the	If the	If the	If the	
is equal	EFC is no	student	student	student	
to or	more than:	attends a	attends a	attends a	
greater		public	private	career	
than:		institution,	institution,	college,	
		the annual	the annual	the annual	
		award	award	award	
		shall be:	shall be:	shall be:	
\$2,101	\$2,190	\$78	\$150	\$120	44114
2,001	2,100	102	198	162	44115
1,901	2,000	126	252	198	44116

1,801	1,900	150	300	240	44117
1,701	1,800	174	348	282	44118
1,601	1,700	198	402	318	44119
1,501	1,600	228	450	360	44120
1,401	1,500	252	498	402	44121
1,301	1,400	276	552	438	44122
1,201	1,300	300	600	480	44123
1,101	1,200	324	648	522	44124
1,001	1,100	348	702	558	44125
901	1,000	378	750	600	44126
801	900	402	798	642	44127
701	800	426	852	678	44128
601	700	450	900	720	44129
501	600	474	948	762	44130
401	500	498	1,002	798	44131
301	400	528	1,050	840	44132
201	300	552	1,098	882	44133
101	200	576	1,152	918	44134
1	100	600	1,200	960	44135
0	0	624	1,248	1,002	44136

(D)(1) Except as provided in division (D)(4) of this section, 44137
no grant awarded under this section shall exceed the total state 44138
cost of attendance. 44139

(2) Subject to divisions (D)(1), (3), and (4) of this 44140
section, the amount of a grant awarded to a student under this 44141
section shall equal the student's remaining state cost of 44142
attendance after the student's Pell grant and expected family 44143
contribution are applied to the instructional and general charges 44144
for the undergraduate program. However, for students enrolled in a 44145
state university or college as defined in section 3345.12 of the 44146
Revised Code or a university branch, the chancellor may provide 44147
that the grant amount shall equal the student's remaining 44148
instructional and general charges for the undergraduate program 44149

after the student's Pell grant and expected family contribution 44150
have been applied to those charges, but, in no case, shall the 44151
grant amount for such a student exceed any maximum that the 44152
chancellor may set by rule. 44153

(3) For a ~~full-time~~ student enrolled in ~~an~~ eligible 44154
~~institution~~ for a semester or quarter in addition to the portion 44155
of the academic year covered by a grant ~~determined~~ under ~~division~~ 44156
(C) ~~of~~ this section, the maximum grant amount shall be a 44157
percentage of the maximum ~~prescribed~~ specified in the ~~applicable~~ 44158
any table of that division established in rules adopted by the 44159
chancellor as provided in division (A) of this section. The 44160
maximum grant for a fourth quarter shall be one-third of the 44161
maximum amount so ~~prescribed under that division.~~ The maximum 44162
grant for a third semester shall be one-half of the maximum amount 44163
so ~~prescribed under that division.~~ 44164

(4) If a student is enrolled in a two-year institution of 44165
higher education and is eligible for an education and training 44166
voucher through the Ohio education and training voucher program 44167
that receives federal funding under the John H. Chafee foster care 44168
independence program, 42 U.S.C. 677, the amount of a grant awarded 44169
under this section may exceed the total state cost of attendance 44170
to additionally cover housing costs. 44171

(E) No grant shall be made to any student in a course of 44172
study in theology, religion, or other field of preparation for a 44173
religious profession unless such course of study leads to an 44174
accredited bachelor of arts, bachelor of science, associate of 44175
arts, or associate of science degree. 44176

(F)(1) Except as provided in division (F)(2) of this section, 44177
no grant shall be made to any student for enrollment during a 44178
fiscal year in an institution with a cohort default rate 44179
determined by the United States secretary of education pursuant to 44180
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 44181

20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 44182
preceding the fiscal year, equal to or greater than thirty per 44183
cent for each of the preceding two fiscal years. 44184

(2) Division (F)(1) of this section does not apply ~~to~~ in the 44185
case of either of the following: 44186

(a) ~~Any student enrolled in an~~ The institution ~~that under the~~ 44187
pursuant to federal law appeals its loss of eligibility for 44188
federal financial aid and the United States secretary of education 44189
determines its cohort default rate after recalculation is lower 44190
than the rate specified in division (F)(1) of this section or the 44191
secretary determines due to mitigating circumstances that the 44192
institution may continue to participate in federal financial aid 44193
programs. The chancellor shall adopt rules requiring ~~institutions~~ 44194
any such appellant to provide information to the chancellor 44195
regarding an appeal ~~to the chancellor~~. 44196

(b) Any student who has previously received a grant ~~under~~ 44197
pursuant to any provision of this section, including prior to the 44198
section's amendment by H.B. 1 of the 128th general assembly, and 44199
who meets all other eligibility requirements of this section. 44200

(3) The chancellor shall adopt rules for the notification of 44201
all institutions whose students will be ineligible to participate 44202
in the grant program pursuant to division (F)(1) of this section. 44203
44204

(4) A student's attendance at ~~an~~ any institution whose 44205
students ~~lose eligibility~~ are ineligible for grants ~~under~~ due to 44206
division (F)(1) of this section shall not affect that student's 44207
eligibility to receive a grant when enrolled in another 44208
institution. 44209

(G) Institutions of higher education that enroll students 44210
receiving needs-based financial aid grants under this section 44211
shall report to the chancellor all students who have received such 44212

needs-based financial aid grants but are no longer eligible for 44213
all or part of ~~such~~ those grants and shall refund any moneys due 44214
the state within thirty days after the beginning of the quarter or 44215
term immediately following the quarter or term in which the 44216
student was no longer eligible to receive all or part of the 44217
student's grant. There shall be an interest charge of one per cent 44218
per month on all moneys due and payable after such thirty-day 44219
period. The chancellor shall immediately notify the office of 44220
budget and management and the legislative service commission of 44221
all refunds so received. 44222

Sec. 3333.16. As used in this section "state institution of 44223
higher education" means an institution of higher education as 44224
defined in section 3345.12 of the Revised Code. 44225

(A) The chancellor of the Ohio board of regents shall do all 44226
of the following: 44227

(1) Establish policies and procedures applicable to all state 44228
institutions of higher education that ensure that students can 44229
begin higher education at any state institution of higher 44230
education and transfer coursework and degrees to any other state 44231
institution of higher education without unnecessary duplication or 44232
institutional barriers. The purpose of this requirement is to 44233
allow students to attain their highest educational aspirations in 44234
the most efficient and effective manner for the students and the 44235
state. These policies and procedures shall require state 44236
institutions of higher education to make changes or modifications, 44237
as needed, to strengthen course content so as to ensure 44238
equivalency for that course at any state institution of higher 44239
education. 44240

(2) Develop and implement a universal course equivalency 44241
classification system for state institutions of higher education 44242
so that the transfer of students and the transfer and articulation 44243

of equivalent courses or specified learning modules or units 44244
completed by students are not inhibited by inconsistent judgment 44245
about the application of transfer credits. Coursework completed 44246
within such a system at one state institution of higher education 44247
and transferred to another institution shall be applied to the 44248
student's degree objective in the same manner as equivalent 44249
coursework completed at the receiving institution. 44250

(3) Develop a system of transfer policies that ensure that 44251
graduates with associate degrees which include completion of 44252
approved transfer modules shall be admitted to a state institution 44253
of higher education, shall be able to compete for admission to 44254
specific programs on the same basis as students native to the 44255
institution, and shall have priority over out-of-state associate 44256
degree graduates and transfer students. To assist a student in 44257
advising and transferring, all state institutions of higher 44258
education shall fully implement the ~~course applicability~~ 44259
information system for advising and transferring selected by, 44260
contracted for, or developed by the chancellor. 44261

(4) Examine the feasibility of developing a transfer 44262
marketing agenda that includes materials and interactive 44263
technology to inform the citizens of Ohio about the availability 44264
of transfer options at state institutions of higher education and 44265
to encourage adults to return to colleges and universities for 44266
additional education; 44267

(5) Study, in consultation with the state board of career 44268
colleges and schools, and in light of existing criteria and any 44269
other criteria developed by the articulation and transfer advisory 44270
council, the feasibility of credit recognition and transferability 44271
to state institutions of higher education for graduates who have 44272
received associate degrees from a career college or school with a 44273
certificate of registration from the state board of career 44274
colleges and schools under Chapter 3332. of the Revised Code. 44275

(B) All provisions of the existing articulation and transfer policy developed by the Ohio board of regents shall remain in effect except where amended by this section.

Sec. 3333.28. (A) The chancellor of the Ohio board of regents shall establish the nurse education assistance program, the purpose of which shall be to make loans to students enrolled in prelicensure nurse education programs at institutions approved by the board of nursing under section 4723.06 of the Revised Code and postlicensure nurse education programs approved by the chancellor under section 3333.04 of the Revised Code or offered by an institution holding a certificate of authorization issued under Chapter 1713. of the Revised Code. The board of nursing shall assist the chancellor in administering the program.

(B) There is hereby created in the state treasury the nurse education assistance fund, which shall consist of all money transferred to it pursuant to section 4743.05 of the Revised Code. The fund shall be used by the chancellor for loans made under division (A) of this section and for expenses of administering the loan program.

(C) Between July 1, ~~2005~~ 2009, and January 1, 2012, the chancellor shall distribute money in the nurse education assistance fund in the following manner:

(1)(a) ~~Fifty~~ Seventy-five per cent of available funds shall be awarded as loans to registered nurses enrolled in postlicensure nurse education programs described in division (A) of this section. To be eligible for a loan, the applicant shall provide the chancellor with a letter of intent to practice as a faculty member at a prelicensure or postlicensure program for nursing in this state upon completion of the applicant's academic program.

(b) If the borrower of a loan under division (C)(1)(a) of

this section secures employment as a faculty member of an approved 44307
nursing education program in this state within six months 44308
following graduation from an approved nurse education program, the 44309
chancellor may forgive the principal and interest of the student's 44310
loans received under division (C)(1)(a) of this section at a rate 44311
of twenty-five per cent per year, for a maximum of four years, for 44312
each year in which the borrower is so employed. A deferment of the 44313
service obligation, and other conditions regarding the forgiveness 44314
of loans may be granted as provided by the rules adopted under 44315
division (D)(7) of this section. 44316

(c) Loans awarded under division (C)(1)(a) of this section 44317
shall be awarded on the basis of the student's expected family 44318
contribution, with preference given to those applicants with the 44319
lowest expected family contribution. However, the chancellor may 44320
consider other factors the chancellor determines relevant in 44321
ranking the applications. 44322

(d) Each loan awarded to a student under division (C)(1)(a) 44323
of this section shall be not less than five thousand dollars per 44324
year. 44325

(2) Twenty-five per cent of available funds shall be awarded 44326
to students enrolled in prelicensure nurse education programs for 44327
registered nurses, as defined in section 4723.01 of the Revised 44328
Code. 44329

~~(3) Twenty five per cent of available funds shall be awarded 44330
to students enrolled in prelicensure professional nurse education 44331
programs for licensed practical nurses, as defined in section 44332
4723.01 of the Revised Code. 44333~~

After January 1, 2012, the chancellor shall determine the 44334
manner in which to distribute loans under this section. 44335

(D) Subject to the requirements specified in division (C) of 44336
this section, the chancellor shall adopt rules in accordance with 44337

Chapter 119. of the Revised Code establishing:	44338
(1) Eligibility criteria for receipt of a loan;	44339
(2) Loan application procedures;	44340
(3) The amounts in which loans may be made and the total amount that may be loaned to an individual;	44341 44342
(4) The total amount of loans that can be made each year;	44343
(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;	44344 44345
(6) Interest and principal repayment schedules;	44346
(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;	44347 44348 44349
(8) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;	44350 44351 44352
(9) Any other matters incidental to the operation of the program.	44353 44354
(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.	44355 44356 44357 44358 44359 44360 44361
(F) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.12, 3333.122, 3333.22, 3333.26, 3333.27 , 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the chancellor may provide for taking assistance received under those sections into consideration when	44362 44363 44364 44365 44366 44367

determining a student's eligibility for a loan under this section. 44368

Sec. 3333.35. The state board of education and the chancellor 44369
of the Ohio board of regents shall strive to reduce unnecessary 44370
student remediation costs incurred by colleges and universities in 44371
this state, increase overall access for students to higher 44372
education, enhance the post-secondary enrollment options program 44373
in accordance with Chapter 3365. of the Revised Code, and enhance 44374
the alternative resident educator licensure program in accordance 44375
with section 3319.26 of the Revised Code. 44376

Sec. 3333.38. (A) As used in this section: 44377

(1) "Institution of higher education" includes all of the 44378
following: 44379

(a) A state institution of higher education, as defined in 44380
section 3345.011 of the Revised Code; 44381

(b) A nonprofit institution issued a certificate of 44382
authorization under Chapter 1713. of the Revised Code; 44383

(c) A private institution exempt from regulation under 44384
Chapter 3332. of the Revised Code, as prescribed in section 44385
3333.046 of the Revised Code; 44386

(d) An institution of higher education with a certificate of 44387
registration from the state board of career colleges and schools 44388
under Chapter 3332. of the Revised Code. 44389

(2) "Student financial assistance supported by state funds" 44390
includes assistance granted under sections 3315.33, 3333.12, 44391
3333.122, 3333.21, 3333.26, ~~3333.27~~, 3333.28, 3333.372, 5910.03, 44392
5910.032, and 5919.34 of the Revised Code, financed by an award 44393
under the choose Ohio first scholarship program established under 44394
section 3333.61 of the Revised Code, or financed by an award under 44395
the Ohio co-op/internship program established under section 44396

3333.72 of the Revised Code, and any other post-secondary student financial assistance supported by state funds.

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(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:

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(1) A violation of section 2917.02 or 2917.03 of the Revised Code;

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(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree;

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(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code.

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(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that nature for one academic year after the individual applies for admission to a state-supported institution of higher education. This division does not limit or affect the ability of a state-supported institution of higher education to suspend or otherwise discipline its students.

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Sec. 3333.39. The chancellor of the Ohio board of regents and 44427
the superintendent of public instruction shall establish and 44428
administer the teach Ohio program to promote and encourage 44429
citizens of this state to consider teaching as a profession. The 44430
program shall include all of the following: 44431

(A) A statewide program administered by a nonprofit 44432
corporation that has been in existence for at least fifteen years 44433
with demonstrated results in encouraging high school students from 44434
economically disadvantaged groups to enter the teaching 44435
profession. The chancellor and superintendent jointly shall select 44436
the nonprofit corporation. 44437

(B) The Ohio teacher residency program established under 44438
section 3319.223 of the Revised Code; 44439

(C) Alternative licensure procedures established under 44440
section 3319.26 of the Revised Code; 44441

(D) Any other program as identified by the chancellor and the 44442
superintendent. 44443

Sec. 3333.42. No state institution of higher education, as 44444
defined in section 3345.011 of the Revised Code, shall charge a 44445
nonresident student who is a member of the armed forces of the 44446
United States and who is stationed in this state pursuant to 44447
military orders or who is a member of the Ohio national guard, or 44448
who is the spouse or dependent child of such a student, rates for 44449
tuition and fees that are higher than the rates charged to an Ohio 44450
resident. 44451

Sec. 3333.61. The chancellor of the Ohio board of regents 44452
shall establish and administer the Ohio innovation partnership, 44453
which shall consist of the choose Ohio first scholarship program 44454
and the Ohio research scholars program. Under the programs, the 44455

chancellor, subject to approval by the controlling board, shall 44456
make awards to state universities or colleges for programs and 44457
initiatives that recruit students and scientists in the fields of 44458
science, technology, engineering, mathematics, and medicine to 44459
state universities or colleges, in order to enhance regional 44460
educational and economic strengths and meet the needs of the 44461
state's regional economies. Awards may be granted for programs and 44462
initiatives to be implemented by a state university or college 44463
alone or in collaboration with other state institutions of higher 44464
education, nonpublic Ohio universities and colleges, or other 44465
public or private Ohio entities. If the chancellor makes an award 44466
to a program or initiative that is intended to be implemented by a 44467
state university or college in collaboration with other state 44468
institutions of higher education or nonpublic Ohio universities or 44469
colleges, the chancellor may provide that some portion of the 44470
award be received directly by the collaborating universities or 44471
colleges consistent with all terms of the Ohio innovation 44472
partnership. 44473

The choose Ohio first scholarship program shall assign a 44474
number of scholarships to state universities and colleges to 44475
recruit Ohio residents as undergraduate, or as provided in section 44476
3333.66 of the Revised Code graduate, students in the fields of 44477
science, technology, engineering, mathematics, and medicine, or in 44478
science, technology, engineering, mathematics, or medical 44479
education. Choose Ohio first scholarships shall be awarded to each 44480
participating eligible student as a grant to the state university 44481
or college the student is attending and shall be reflected on the 44482
student's tuition bill. Choose Ohio first scholarships are 44483
student-centered grants from the state to students to use to 44484
attend a university or college and are not grants from the state 44485
to universities or colleges. 44486

Notwithstanding any other provision of this section or 44487

sections 3333.62 to 3333.70 of the Revised Code, a nonpublic 44488
four-year Ohio institution of higher education may submit a 44489
proposal for choose Ohio first scholarships ~~if the proposal is to~~ 44490
~~be implemented in collaboration with a state university or college~~ 44491
~~or Ohio research scholars grants.~~ If the chancellor ~~grants awards~~ 44492
a nonpublic institution ~~an award of~~ scholarships or grants, the 44493
nonpublic institution shall comply with all requirements of this 44494
section, sections 3333.62 to 3333.70 of the Revised Code, and the 44495
rules adopted under this section that apply to state universities 44496
or colleges awarded choose Ohio first scholarships or Ohio 44497
research scholars grants. 44498

The Ohio research scholars program shall award grants to use 44499
in recruiting scientists to the faculties of state universities or 44500
colleges. 44501

The chancellor shall adopt rules in accordance with Chapter 44502
119. of the Revised Code to administer the programs. 44503

Sec. 3333.62. The chancellor of the Ohio board of regents 44504
shall establish a competitive process for making awards under the 44505
choose Ohio first scholarship program and the Ohio research 44506
scholars program. The chancellor, on completion of that process, 44507
shall make a recommendation to the controlling board asking for 44508
approval of each award selected by the chancellor. 44509

Any state university or college may apply for one or more 44510
awards under one or both programs. The state university or college 44511
shall submit a proposal and other documentation required by the 44512
chancellor, in the form and manner prescribed by the chancellor, 44513
for each award it seeks. A proposal may propose an initiative to 44514
be implemented solely by the state university or college or in 44515
collaboration with other state institutions of higher education, 44516
nonpublic Ohio universities or colleges, or other public or 44517
nonpublic Ohio entities. A single proposal may seek an award under 44518

one or both programs. 44519

The chancellor shall determine which proposals will receive 44520
awards each fiscal year, and the amount of each award, on the 44521
basis of the merit of each proposal, which the chancellor, subject 44522
to approval by the controlling board, shall determine based on one 44523
or more of the following criteria: 44524

(A) The quality of the program that is the subject of the 44525
proposal and the extent to which additional resources will enhance 44526
its quality; 44527

(B) The extent to which the proposal is integrated with the 44528
strengths of the regional economy; 44529

(C) The extent to which the proposal is integrated with 44530
centers of research excellence within the private sector; 44531

(D) The amount of other institutional, public, or private 44532
resources, whether monetary or nonmonetary, that the proposal 44533
pledges to leverage; 44534

(E) The extent to which the proposal is collaborative with 44535
other public or nonpublic Ohio institutions of higher education; 44536

(F) The extent to which the proposal is integrated with the 44537
university's or college's mission and does not displace existing 44538
resources already committed to the mission; 44539

(G) The extent to which the proposal facilitates a more 44540
efficient utilization of existing faculty and programs; 44541

(H) The extent to which the proposal meets a statewide 44542
educational need; 44543

(I) The demonstrated productivity or future capacity of the 44544
students or scientists to be recruited; 44545

(J) The extent to which the proposal will create additional 44546
capacity in educational or economic areas of need; 44547

(K) The extent to which the proposal will encourage students 44548
who received degrees in the fields of science, technology, 44549
engineering, mathematics, or medicine from two-year institutions 44550
to transfer to state universities or colleges to pursue 44551
baccalaureate degrees in science, technology, engineering, 44552
mathematics, or medicine; 44553

(L) The extent to which the proposal encourages students 44554
enrolled in state universities to transfer into science, 44555
technology, engineering, mathematics, or medicine programs; 44556

(M) The extent to which the proposal facilitates the 44557
completion of a baccalaureate degree in a cost-effective manner, 44558
for example, by facilitating students' completing two years at a 44559
two-year institution and two years at a state university or 44560
college; 44561

(N) The extent to which the proposal allows attendance at a 44562
state university or college of students who otherwise could not 44563
afford to attend; 44564

(O) The extent to which other institutional, public, or 44565
private resources pledged to the proposal will be deployed to 44566
assist in sustaining students' scholarships over their academic 44567
careers; 44568

(P) The extent to which the proposal increases the likelihood 44569
that students will successfully complete their degree programs in 44570
science, technology, engineering, mathematics, or medicine or in 44571
science, technology, engineering, mathematics, or medical 44572
education; 44573

(Q) The extent to which the proposal ensures that a student 44574
who is awarded a scholarship is appropriately qualified and 44575
prepared to successfully complete a degree program in science, 44576
technology, engineering, mathematics, or medicine or in science, 44577
technology, engineering, mathematics, or medical education; 44578

(R) The extent to which the proposal will increase the number of women participating in the choose Ohio first scholarship program. 44579
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Sec. 3333.66. (A) ~~In~~ (1) Except as provided in division (A)(2) of this section, in each academic year, no student who receives a choose Ohio first scholarship shall receive less than one thousand five hundred dollars or more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities. For this purpose, if Miami university is implementing the pilot tuition restructuring plan originally recognized in Am. Sub. H.B. 95 of the 125th general assembly, that university's instructional and general fees shall be considered to be the average full-time in-state undergraduate instructional and general fee amount after taking into account the Ohio resident and Ohio leader scholarships and any other credit provided to all Ohio residents. 44582
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(2) The chancellor of the Ohio board of regents may authorize a state university or college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in an amount greater than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities to either of the following: 44595
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(a) Any undergraduate student who qualifies for a scholarship and is enrolled in a program leading to a teaching profession in science, technology, engineering, mathematics, or medicine; 44601
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(b) Any graduate student who qualifies for a scholarship, if any initiatives are selected for award under division (B) of this section. 44604
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(B) ~~The chancellor of the Ohio board of regents shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education,~~ 44607
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nonpublic Ohio universities and colleges, or other public or 44610
private Ohio entities, to submit proposals under the choose Ohio 44611
first scholarship program for initiatives that recruit Ohio 44612
residents enrolled in colleges and universities in other states or 44613
other countries to return to Ohio and enroll in state universities 44614
or colleges as graduate students in the fields of science, 44615
technology, engineering, mathematics, and medicine, or in the 44616
fields of science, technology, engineering, mathematics, or 44617
medical education. If such proposals are submitted and meet the 44618
chancellor's competitive criteria for awards, the chancellor, 44619
subject to approval by the controlling board, shall give at least 44620
one of the proposals preference for an award. 44621

(C) The general assembly intends that money appropriated for 44622
the choose Ohio first scholarship program in each fiscal year be 44623
used for scholarships in the following academic year. 44624

Sec. 3333.90. (A) As used in this section: 44625

(1) "Allocated state share of instruction" means, for any 44626
fiscal year, the amount of the state share of instruction 44627
appropriated to the Ohio board of regents by the general assembly 44628
that is allocated to a community or technical college or community 44629
or technical college district for such fiscal year. 44630

(2) "Authority" means the Ohio building authority. 44631

(3) "Bond service charges" has the same meaning as in section 44632
152.09 of the Revised Code. 44633

(4) "Chancellor" means the chancellor of the Ohio board of 44634
regents. 44635

(5) "Community or technical college" or "college" means any 44636
of the following state-supported or state-assisted institutions of 44637
higher education: 44638

(a) A community college as defined in section 3354.01 of the 44639

<u>Revised Code;</u>	44640
<u>(b) A technical college as defined in section 3357.01 of the Revised Code;</u>	44641
<u>Revised Code;</u>	44642
<u>(c) A state community college as defined in section 3358.01 of the Revised Code.</u>	44643
	44644
<u>(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:</u>	44645
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<u>(a) A community college district as defined in section 3354.01 of the Revised Code;</u>	44648
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<u>(b) A technical college district as defined in section 3357.01 of the Revised Code;</u>	44650
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<u>(c) A state community college district as defined in section 3358.01 of the Revised Code.</u>	44652
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<u>(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.</u>	44654
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<u>(8) "Obligations" has the meaning as in section 152.09 or 3345.12 of the Revised Code, as the context requires.</u>	44656
	44657
<u>(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the Revised Code, or for whose benefit and on whose behalf the authority proposes to issue obligations under division (G) of section 152.09 of the Revised Code, may adopt a resolution requesting the chancellor to enter into an agreement with the community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds otherwise due the district or the community or technical college it operates in respect of its allocated state share of instruction, for the payment of bond</u>	44658
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service charges on such obligations. 44670

The board of trustees shall deliver to the chancellor a copy 44671
of the resolution and any additional pertinent information the 44672
chancellor may require. 44673

The chancellor and the office of budget and management, and 44674
the authority in the case of obligations to be issued by the 44675
authority, shall evaluate each request received from a community 44676
or technical college district under this section. The chancellor, 44677
with the advice and consent of the director of budget and 44678
management and the authority in the case of obligations to be 44679
issued by the authority, shall approve each request if all of the 44680
following conditions are met: 44681

(1) Approval of the request will enhance the marketability of 44682
the obligations for which the request is made; 44683

(2) The chancellor and the office of budget and management, 44684
and the authority in the case of obligations to be issued by the 44685
authority, have no reason to believe the requesting community or 44686
technical college district or the community or technical college 44687
it operates will be unable to pay when due the bond service 44688
charges on the obligations for which the request is made, and bond 44689
service charges on those obligations are therefore not anticipated 44690
to be paid pursuant to this section from the allocated state share 44691
of instruction for purposes of Section 17 of Article VIII, Ohio 44692
Constitution. 44693

(3) Any other pertinent conditions established in rules 44694
adopted under division (H) of this section. 44695

(C) If the chancellor approves the request of a community or 44696
technical college district to withhold and deposit funds pursuant 44697
to this section, the chancellor shall enter into a written 44698
agreement with the district and the primary paying agent or fiscal 44699
agent for the obligations, which agreement shall provide for the 44700

withholding of funds pursuant to this section for the payment of 44701
bond service charges on those obligations. The agreement may also 44702
include both of the following: 44703

(1) Provisions for certification by the district to the 44704
chancellor, prior to the deadline for payment of the applicable 44705
bond service charges, whether the district and the community or 44706
technical college it operates are able to pay those bond service 44707
charges when due; 44708

(2) Requirements that the district or the community or 44709
technical college it operates deposits amounts for the payment of 44710
those bond service charges with the primary paying agent or fiscal 44711
agent for the obligations prior to the date on which the bond 44712
service charges are due to the owners or holders of the 44713
obligations. 44714

(D) Whenever a district or the community or technical college 44715
it operates notifies the chancellor that it will not be able to 44716
pay the bond service charges when they are due, subject to the 44717
withholding provisions of this section, or whenever the applicable 44718
paying agent or fiscal agent notifies the chancellor that it has 44719
not timely received from a district or from the college it 44720
operates the full amount needed for payment of the bond service 44721
charges when due to the holders or owners of such obligations, the 44722
chancellor shall immediately contact the district or college and 44723
the paying agent or fiscal agent to confirm that the district and 44724
the college are not able to make the required payment by the date 44725
on which it is due. 44726

If the chancellor confirms that the district and the college 44727
are not able to make the payment and the payment will not be made 44728
pursuant to a credit enhancement facility, the chancellor shall 44729
promptly pay to the applicable primary paying agent or fiscal 44730
agent the lesser of the amount due for bond service charges or the 44731
amount of the next periodic distribution scheduled to be made to 44732

the district or to the college in respect of its allocated state 44733
share of instruction. If this amount is insufficient to pay the 44734
total amount then due the agent for the payment of bond service 44735
charges, the chancellor shall continue to pay to the agent from 44736
each periodic distribution thereafter, and until the full amount 44737
due the agent for unpaid bond service charges is paid in full, the 44738
lesser of the remaining amount due the agent for bond service 44739
charges or the amount of the next periodic distribution scheduled 44740
to be made to the district or college in respect of its allocated 44741
state share of instruction. 44742

(E) The chancellor may make any payments under this section 44743
by direct deposit of funds by electronic transfer. 44744

Any amount received by a paying agent or fiscal agent under 44745
this section shall be applied only to the payment of bond service 44746
charges on the obligations of the community or technical college 44747
district or community or technical college subject to this section 44748
or to the reimbursement of the provider of a credit enhancement 44749
facility that has paid the bond service charges. 44750

(F) The chancellor may make payments under this section to 44751
paying agents or fiscal agents during any fiscal biennium of the 44752
state only from and to the extent that money is appropriated to 44753
the board of regents by the general assembly for distribution 44754
during such biennium for the state share of instruction and only 44755
to the extent that a portion of the state share of instruction has 44756
been allocated to the community or technical college district or 44757
community or technical college. Obligations of the authority or of 44758
a community or technical college district to which this section is 44759
made applicable do not constitute an obligation or a debt or a 44760
pledge of the faith, credit, or taxing power of the state, and the 44761
holders or owners of those obligations have no right to have 44762
excises or taxes levied or appropriations made by the general 44763
assembly for the payment of bond service charges on the 44764

obligations, and the obligations shall contain a statement to that effect. The agreement for or the actual withholding and payment of money under this section does not constitute the assumption by the state of any debt of a community or technical college district or a community or technical college, and bond service charges on the related obligations are not anticipated to be paid from the state general revenue fund for purposes of Section 17 of Article VIII, Ohio Constitution. 44765
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(G) In the case of obligations subject to the withholding provisions of this section, the issuing community or technical college district, or the authority in the case of obligations issued by the authority, shall appoint a paying agent or fiscal agent who is not an officer or employee of the district or college. 44773
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(H) The chancellor, with the advice and consent of the office of budget and management, may adopt reasonable rules not inconsistent with this section for the implementation of this section to secure payment of bond service charges on obligations issued by a community or technical college district or by the authority for the benefit of a community or technical college district or the community or technical college it operates. Those rules shall include criteria for the evaluation and approval or denial of community or technical college district requests for withholding under this section. 44779
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(I) The authority granted by this section is in addition to and not a limitation on any other authorizations granted by or pursuant to law for the same or similar purposes. 44789
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Sec. 3333.91. (A) As used in this section, "bioscience sector" includes companies that manufacture medical devices, biopharmaceutical products, biofuel, or agricultural bioproducts; health care service companies; health care organizations; and 44792
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medical research organizations. 44796

(B) The chancellor of the Ohio board of regents shall provide grants to entities that satisfy the requirements specified in this section to provide training for individuals who are not employed in the field of biotechnology or the bioscience sector and wish to receive training to be employed in that field or sector. The chancellor may provide such grants to entities engaged in any other field in which critical demands exist for certain skills. 44797
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(C) The chancellor may accept applications for training grant funds awarded pursuant to this section from any of the following entities: 44804
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(1) A municipal corporation that provides any of the training programs described in division (D) of this section; 44808
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(2) An employer, including an intermediary or a training agent of the employer, that provides any of the training programs described in division (D) of this section; 44810
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(3) Any of the following entities that sponsor multi-company employee training projects that offer programs described in division (D) of this section if those projects will address common training needs identified by employers that elect to participate in the project offered by the entity: 44813
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(a) Business associations; 44818

(b) Strategic business partnerships; 44819

(c) Institutions of secondary or higher education; 44820

(d) Large manufacturers for supplier network companies; 44821

(e) Agencies of the state or of a political subdivision of the state or grant recipients under the federal "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as 44822
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amended. 44825

(D) The chancellor may award grants to eligible applicants described in division (C) of this section if in the application, the applicant specifies that the money received from the grant will be used for employee training programs that include, but are not limited to, any of the following: 44826
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(1) Training programs that are in response to new or changing technology introduced into the workplace; 44831
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(2) Job-linked training programs that offer special skills for career advancement or that are preparatory for, and lead directly to, a job with definite career potential and long-term job security; 44833
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(3) Training programs that are necessary to implement a total quality management system, a total quality improvement system, or both within the workplace; 44837
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(4) Training related to learning how to operate new machinery or equipment; 44840
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(5) Training for employees of companies that are expanding into new markets or expanding exports from this state and that provide jobs in this state; 44842
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(6) Basic training, remedial training, or both of employees as a prerequisite for other vocational or technical skills training or as a condition for sustained employment; 44845
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(7) Other training activities, training projects, or both, related to the support, development, or evaluation of job training programs, activities, and delivery systems, including training needs assessment and design. 44848
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(E) The chancellor shall use the same competitive process established under section 3333.73 of the Revised Code for making awards under the Ohio co-op/internship program, adapted as 44852
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necessary, to award training grants under this section. 44855

(F) The chancellor shall adopt rules in accordance with 44856
Chapter 119. of the Revised Code to establish the terms and 44857
conditions under which a grant may be awarded under this section 44858
and as necessary to implement this section. The chancellor shall 44859
include in the rules a requirement that, if an entity that applies 44860
for a grant awarded under this section is not an employer, the 44861
entity must specify in the entity's application employers that 44862
will benefit from the training the entity provides to ensure that 44863
the training provided satisfies the needs of employers located in 44864
the area where the entity provides the training programs described 44865
in division (D) of this section. No grant awarded under this 44866
section shall be for an amount that exceeds fifty per cent of the 44867
allowable costs of the training programs described in division (D) 44868
of this section provided by an entity described in division (C) of 44869
this section. Under this section, allowable costs include, but are 44870
not limited to, the following costs: 44871

(1) Administrative costs for tracking, documenting, 44873
reporting, and processing training funds or project costs; 44874

(2) Costs for developing a curriculum; 44875

(3) Wages for instructors and if the individuals receiving 44876
training are employed by the employer who offers the program, 44877
wages for those individuals; 44878

(4) Costs incurred for producing training materials, 44879
including scrap product costs; 44880

(5) Trainee travel expenses; 44881

(6) Costs for rent, purchase, or lease of training equipment; 44882

(7) Other usual and customary training costs. 44883

(G) An entity described in division (C) of this section shall 44884

use money received from a grant only for the programs that the 44885
entity specified in the entity's application in accordance with 44886
division (D) of this section. A municipal corporation that 44887
receives a grant under this section may use the money received for 44888
a training program that also is funded pursuant to the federal 44889
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, 44890
as amended. 44891

(H) The chancellor shall adopt rules in accordance with 44892
Chapter 119. of the Revised Code to establish methods and 44893
procedures the chancellor shall use to identify transitional jobs 44894
and to develop and identify training strategies that will enable 44895
individuals who are not employed in the field of biotechnology or 44896
the bioscience sector to be employed in that field or sector. 44897

(I) The chancellor shall require an employee of the board of 44898
regents to conduct at least one on-site visit to monitor the 44899
application of the grant and compliance with this section and any 44900
rules the chancellor adopts pursuant to it, either during the 44901
course of the grant period or within six months after the end of 44902
the grant period. The employee shall verify that the grantee's 44903
financial management system is structured to provide for accurate, 44904
current, and complete disclosure of the financial results of the 44905
grant program in accordance with all provisions, terms, and 44906
conditions contained in the grant contract entered into by the 44907
grantee and the chancellor pursuant to this section and any rules 44908
the chancellor adopts pursuant to it. 44909

Sec. 3334.03. (A)(1) There is hereby created the Ohio tuition 44910
trust authority within the office of the chancellor of the Ohio 44911
board of regents, which shall have the powers enumerated in this 44912
chapter and which shall operate as a qualified state tuition 44913
program within the meaning of section 529 of the Internal Revenue 44914
Code. The exercise by the authority of its powers shall be and is 44915

hereby declared an essential state governmental function. The 44916
authority is subject to all provisions of law generally applicable 44917
to state agencies which do not conflict with the provisions of 44918
this chapter. 44919

(2) Except for the duties and responsibilities under this 44920
chapter of the Ohio tuition trust authority board as specified in 44921
divisions (B)(2) and (3) of this section, the Ohio tuition trust 44922
authority shall perform all duties and responsibilities specified 44923
under this chapter. 44924

(B) ~~The (1)(a) There is hereby created the Ohio tuition trust 44925
authority board, which shall consist of eleven members, no more 44926
than six of whom shall be of the same political party. Six members 44927
shall be appointed by the governor with the advice and consent of 44928
the senate as follows: one shall represent state institutions of 44929
higher education, one shall represent private nonprofit colleges 44930
and universities located in Ohio, one shall have experience in the 44931
field of marketing or public relations, one shall have experience 44932
in the field of information systems design or management, and two 44933
shall have experience in the field of banking, investment banking, 44934
insurance, or law. Four members shall be appointed by the speaker 44935
of the house of representatives and the president of the senate as 44936
follows: the speaker of the house of representatives shall appoint 44937
one member of the house from each political party and the 44938
president of the senate shall appoint one member of the senate 44939
from each political party. The chancellor ~~of the board of regents 44940
or the chancellor's designee shall be an ex officio voting 44941
nonvoting member; provided, however, that the chancellor may 44942
designate a vice chancellor of the board of regents to serve as 44943
the chancellor's representative. The political party of the 44944
chancellor shall be deemed the political party of the designee for 44945
purposes of determining that no more than six members are of the 44946
same political party. 44947~~~~

~~Initial gubernatorial appointees to the authority shall serve~~ 44948
~~staggered terms, with two terms expiring on January 31, 1991, one~~ 44949
~~term expiring on January 31, 1992, and one term expiring on~~ 44950
~~January 31, 1993. The governor shall appoint two additional~~ 44951
~~members to the authority no later than thirty days after March 30,~~ 44952
~~1999, and their initial terms shall expire January 31, 2002.~~ 44953
~~Thereafter, terms~~ Terms of office for gubernatorial appointees 44954
shall be ~~for four years~~ staggered four-year terms. The initial 44955
~~terms of the four legislative members shall expire on January 31,~~ 44956
~~1991. Thereafter legislative~~ Legislative members shall serve 44957
two-year terms, provided that legislative members may continue to 44958
serve on the ~~authority~~ board only if they remain members of the 44959
general assembly. Any vacancy on the ~~authority~~ board shall be 44960
filled in the same manner as the original appointment, except that 44961
any person appointed to fill a vacancy shall be appointed to the 44962
remainder of the unexpired term. Any member is eligible for 44963
reappointment. 44964

~~(C)~~(b) Any member may be removed by the appointing authority 44965
for misfeasance, malfeasance, or willful neglect of duty or for 44966
other cause after notice and a public hearing, unless the notice 44967
and hearing are waived in writing by the member. Members shall 44968
serve without compensation but shall receive their reasonable and 44969
necessary expenses incurred in the conduct of ~~authority~~ the 44970
board's business. 44971

~~(D)~~(c) The speaker of the house of representatives and the 44972
president of the senate shall each designate a member of the 44973
~~authority~~ board to serve as co-chairpersons. The six gubernatorial 44974
appointees and the chancellor ~~of the board of regents~~ or the 44975
chancellor's designee shall serve as the executive committee of 44976
the ~~authority~~ board, and shall elect an executive chairperson from 44977
among the executive committee members. The ~~authority~~ board and the 44978
executive committee may elect such other officers as determined by 44979

the authority board or the executive committee respectively. The 44980
authority shall meet at least annually at the call of either 44981
co-chairperson and at such other times as either co-chairperson or 44982
the authority board determines necessary. In the absence of both 44983
co-chairpersons, the executive chairperson shall serve as the 44984
presiding officer of the authority board. The executive committee 44985
shall meet at the call of the executive chairperson or as the 44986
executive committee determines necessary. The authority board may 44987
delegate to the executive committee such duties and 44988
responsibilities as the authority board determines appropriate, 44989
except that the authority board may not delegate to the executive 44990
committee ~~the final determination of the annual price of a tuition~~ 44991
~~unit,~~ the final designation of bonds as college savings bonds, or 44992
providing of advice concerning and consent to the employment of an 44993
executive director of the Ohio tuition trust authority. Upon such 44994
delegation, the executive committee shall have the authority to 44995
act pursuant to such delegation without further approval or action 44996
by the authority board. A majority of the authority board shall 44997
constitute a quorum of the authority board, and the affirmative 44998
vote of a majority of the members present shall be necessary for 44999
any action taken by the authority board. A majority of the 45000
executive committee shall constitute a quorum of the executive 45001
committee, and the affirmative vote of a majority of the members 45002
present shall be necessary for any action taken by the executive 45003
committee. No vacancy in the membership of the authority board or 45004
the executive committee shall impair the rights of a quorum to 45005
exercise all rights and perform all duties of the authority board 45006
or the executive committee respectively. 45007

(2) The Ohio tuition trust authority board solely shall 45008
perform the duties and responsibilities specified in division 45009
(B)(3) of this section and in all of the following: 45010

(a) Section 3334.04 of the Revised Code, except for 45011

administration responsibilities that include, but are not limited to, marketing, promoting, and advertising; 45012
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(b) Division (A)(11) of section 3334.08 of the Revised Code to provide advice and consent to the Ohio tuition trust authority on the hiring of the executive director, provided that the executive director shall not be hired unless a majority of the board votes in favor of the hiring; 45014
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(c) Divisions (A) to (E), (G)(1), (K), (L), and (M) of section 3334.11 of the Revised Code, except that the board shall consult with the chancellor prior to any change in the order of expenditures under division (B) of that section, prior to entering into a contract under division (E) of that section, or prior to establishing an entity authorized under division (K)(2) of that section; 45019
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(d) Section 3334.12 of the Revised Code; 45026

(e) Sections 3334.18 to 3334.21 of the Revised Code concerning investment and fiduciary duties that are required for the variable college savings program. In addition, prior to any change in the order of expenditures under division (F) of section 3334.19 of the Revised Code, the board shall consult with the chancellor. 45027
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(3) Subject to the advice and consent of the chancellor, the Ohio tuition trust authority board may remove at any time the executive director of the Ohio tuition trust authority hired under division (A)(11) of section 3334.08 of the Revised Code. 45033
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Sec. 3334.07. (A) The Ohio tuition trust authority shall develop a plan for the sale of tuition units. ~~The Ohio board of regents shall cooperate with the authority and provide technical assistance upon request~~ Not later than December 31, 2009, the authority shall conduct a study of guaranteed tuition program 45037
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plans and submit a report that contains recommendations for a new 45042
guaranteed tuition plan to the speaker of the house of 45043
representatives, the president of the senate, and the governor. 45044
The authority shall include in the report consideration of a 45045
guaranteed tuition program plan in which the risks of the plan are 45046
shared equitably among institutions of higher education, the 45047
state, the Ohio tuition trust authority, and the investors in the 45048
program. 45049

(B) Annually, the authority shall determine the weighted 45050
average tuition of four-year state universities in the academic 45051
year that begins on or after the first day of August of the 45052
current calendar year, and shall establish the price of a tuition 45053
unit in the ensuing sales period. Such price shall be based on 45054
sound actuarial principles, and shall, to the extent actuarially 45055
possible, reasonably approximate one per cent of the weighted 45056
average tuition for that academic year plus the costs of 45057
administering the program that are in excess of general revenue 45058
fund appropriations for administrative costs. The sales period to 45059
which such price applies shall consist of twelve months, and the 45060
authority by rule shall establish the date on which the sales 45061
period begins. If circumstances arise during a sales period that 45062
the authority determines causes the price of tuition units to be 45063
insufficient to ensure the actuarial soundness of the Ohio tuition 45064
trust fund, the authority may adjust the price of tuition units 45065
purchased during the remainder of the sales period. To promote the 45066
purchase of tuition units and in accordance with actuarially sound 45067
principles, the authority may adjust the sales price as part of 45068
incentive programs, such as discounting for lump sum purchases and 45069
multi-year installment plans at a fixed rate of purchase. 45070

(C) The authority may establish and administer more than one 45071
plan for the sale of tuition units within the Ohio tuition trust 45072
fund using similar principles specified in division (B) of this 45073

section or modeled after a plan that was included in the study 45074
that was conducted under division (A) of this section. If the 45075
authority establishes and administers more than one plan for the 45076
sale of tuition units, the money received under each plan shall be 45077
segregated and identified within the Ohio tuition trust fund. 45078

Sec. 3334.08. (A) Subject to division (B) of this section, in 45079
addition to any other powers conferred by this chapter, the Ohio 45080
tuition trust authority may do any of the following: 45081

(1) Impose reasonable residency requirements for 45082
beneficiaries of tuition units; 45083

(2) Impose reasonable limits on the number of tuition unit 45084
participants; 45085

(3) Impose and collect administrative fees and charges in 45086
connection with any transaction under this chapter; 45087

(4) Purchase insurance from insurers licensed to do business 45088
in this state providing for coverage against any loss in 45089
connection with the authority's property, assets, or activities or 45090
to further ensure the value of tuition units; 45091

(5) Indemnify or purchase policies of insurance on behalf of 45092
members, officers, and employees of the authority from insurers 45093
licensed to do business in this state providing for coverage for 45094
any liability incurred in connection with any civil action, 45095
demand, or claim against a director, officer, or employee by 45096
reason of an act or omission by the director, officer, or employee 45097
that was not manifestly outside the scope of the employment or 45098
official duties of the director, officer, or employee or with 45099
malicious purpose, in bad faith, or in a wanton or reckless 45100
manner; 45101

(6) Make, execute, and deliver contracts, conveyances, and 45102
other instruments necessary to the exercise and discharge of the 45103

powers and duties of the authority; 45104

(7) Promote, advertise, and publicize the Ohio college 45105
savings program and the variable college savings program; 45106

(8) Adopt rules under section 111.15 of the Revised Code for 45107
the implementation of the Ohio college savings program; 45108

(9) Contract, for the provision of all or part of the 45109
services necessary for the management and operation of the Ohio 45110
college savings program and the variable college savings program, 45111
with a bank, trust company, savings and loan association, 45112
insurance company, or licensed dealer in securities if the bank, 45113
company, association, or dealer is authorized to do business in 45114
this state and information about the contract is filed with the 45115
controlling board pursuant to division (D)(6) of section 127.16 of 45116
the Revised Code; 45117

(10) Contract for other services, or for goods, needed by the 45118
authority in the conduct of its business, including but not 45119
limited to credit card services; 45120

(11) Employ an executive director and other personnel as 45121
necessary to carry out its responsibilities under this chapter, 45122
and fix the compensation of these persons. All employees of the 45123
authority shall be in the unclassified civil service and shall be 45124
eligible for membership in the public employees retirement system. 45125
In the hiring of the executive director, the Ohio tuition trust 45126
authority shall obtain the advice and consent of the Ohio tuition 45127
trust board created in section 3334.03 of the Revised Code, 45128
provided that the executive director shall not be hired unless a 45129
majority of the board votes in favor of the hiring. In addition, 45130
the board may remove the executive director at any time subject to 45131
the advice and consent of the chancellor of the Ohio board of 45132
regents. 45133

(12) Contract with financial consultants, actuaries, 45134

auditors, and other consultants as necessary to carry out its 45135
responsibilities under this chapter; 45136

(13) Enter into agreements with any agency of the state or 45137
its political subdivisions or with private employers under which 45138
an employee may agree to have a designated amount deducted in each 45139
payroll period from the wages or salary due the employee for the 45140
purpose of purchasing tuition units pursuant to a tuition payment 45141
contract or making contributions pursuant to a variable college 45142
savings program contract; 45143

(14) Enter into an agreement with the treasurer of state 45144
under which the treasurer of state will receive, and credit to the 45145
Ohio tuition trust fund or variable college savings program fund, 45146
from any bank or savings and loan association authorized to do 45147
business in this state, amounts that a depositor of the bank or 45148
association authorizes the bank or association to withdraw 45149
periodically from the depositor's account for the purpose of 45150
purchasing tuition units pursuant to a tuition payment contract or 45151
making contributions pursuant to a variable college savings 45152
program contract; 45153

(15) Solicit and accept gifts, grants, and loans from any 45154
person or governmental agency and participate in any governmental 45155
program; 45156

(16) Impose limits on the number of units which may be 45157
purchased on behalf of or assigned or awarded to any beneficiary 45158
and on the total amount of contributions that may be made on 45159
behalf of a beneficiary; 45160

(17) Impose restrictions on the substitution of another 45161
individual for the original beneficiary under the Ohio college 45162
savings program; 45163

(18) Impose a limit on the age of a beneficiary, above which 45164
tuition units may not be purchased on behalf of that beneficiary; 45165

(19) Enter into a cooperative agreement with the treasurer of state to provide for the direct disbursement of payments under tuition payment or variable college savings program contracts;

(20) Determine the other higher education expenses for which tuition units or contributions may be used;

(21) Terminate any tuition payment or variable college savings program contract if no purchases or contributions are made for a period of three years or more and there are fewer than a total of five tuition units or less than a dollar amount set by rule on account, provided that notice of a possible termination shall be provided in advance, explaining any options to prevent termination, and a reasonable amount of time shall be provided within which to act to prevent a termination;

(22) Maintain a separate account for each tuition payment or variable college savings program contract;

(23) Perform all acts necessary and proper to carry out the duties and responsibilities of the authority pursuant to this chapter.

(B) The authority shall adopt rules under section 111.15 of the Revised Code for the implementation and administration of the variable college savings program. The rules shall provide taxpayers with the maximum tax advantages and flexibility consistent with section 529 of the Internal Revenue Code and regulations adopted thereunder with regard to disposition of contributions and earnings, designation of beneficiaries, and rollover of account assets to other programs.

(C) Except as otherwise specified in this chapter, the provisions of Chapters 123., 125., and 4117. of the Revised Code shall not apply to the authority. The department of administrative services shall, upon the request of the authority, act as the authority's agent for the purchase of equipment, supplies,

insurance, or services, or the performance of administrative 45197
services pursuant to Chapter 125. of the Revised Code. 45198

Sec. 3334.11. (A) The assets of the Ohio tuition trust 45199
authority reserved for payment of the obligations of the authority 45200
pursuant to tuition payment contracts shall be placed in a fund, 45201
which is hereby created and shall be known as the Ohio tuition 45202
trust fund. The fund shall be in the custody of the treasurer of 45203
state, but shall not be part of the state treasury. That portion 45204
of payments received by the authority or the treasurer of state 45205
from persons purchasing tuition units under tuition payment 45206
contracts that the authority determines is actuarially necessary 45207
for the payment of obligations of the authority pursuant to 45208
tuition payment contracts, all interest and investment income 45209
earned by the fund, and all other receipts of the authority from 45210
any other source that the authority determines appropriate, shall 45211
be deposited in the fund. No purchaser or beneficiary of tuition 45212
units shall have any claim against the funds of any state 45213
institution of higher education. All investment fees and other 45214
costs incurred in connection with the exercise of the investment 45215
powers of the authority pursuant to divisions (D) and (E) of this 45216
section shall be paid from the assets of the fund. 45217

(B) Unless otherwise provided by the authority, the assets of 45218
the Ohio tuition trust fund shall be expended in the following 45219
order: 45220

(1) To make payments to beneficiaries, or institutions of 45221
higher education on behalf of beneficiaries, under division (B) of 45222
section 3334.09 of the Revised Code; 45223

(2) To make refunds as provided in divisions (A) and (C) of 45224
section 3334.10 of the Revised Code; 45225

(3) To pay the investment fees and other costs of 45226
administering the fund. 45227

(C)(1) Except as may be provided in an agreement under 45228
division (A)(19) of section 3334.08 of the Revised Code, all 45229
disbursements from the Ohio tuition trust fund shall be made by 45230
the treasurer of state on order of a designee of the authority. 45231

(2) The treasurer of state shall deposit any portion of the 45232
Ohio tuition trust fund not needed for immediate use in the same 45233
manner as state funds are deposited. 45234

(D) The authority is the trustee of the Ohio tuition trust 45235
fund. The authority shall have full power to invest the assets of 45236
the fund and in exercising this power shall be subject to the 45237
limitations and requirements contained in divisions (K) to (M) of 45238
this section and sections 145.112 and 145.113 of the Revised Code. 45239
The evidences of title of all investments shall be delivered to 45240
the treasurer of state or to a qualified trustee designated by the 45241
treasurer of state as provided in section 135.18 of the Revised 45242
Code. Assets of the fund shall be administered by the authority in 45243
a manner designed to be actuarially sound so that the assets of 45244
the fund will be sufficient to satisfy the obligations of the 45245
authority pursuant to tuition payment contracts and defray the 45246
reasonable expenses of administering the fund. 45247

(E) The ~~public employees retirement board shall, with the~~ 45248
~~approval of the authority, exercise the investment powers of the~~ 45249
authority may enter into an agreement with any business, entity, 45250
or governmental agency to perform the investment duties of the 45251
authority as set forth in division (D) of this section ~~until the~~ 45252
~~authority determines that assumption and exercise by the authority~~ 45253
~~of the investment powers is financially and administratively~~ 45254
~~feasible.~~ The investment powers shall be exercised by the ~~public~~ 45255
~~employees retirement board~~ business, entity, or governmental 45256
agency that entered into an agreement with the authority in a 45257
manner agreed upon by the authority that maximizes the return on 45258
investment and minimizes the administrative expenses. 45259

(F)(1) The authority shall maintain a separate account for 45260
each tuition payment contract entered into pursuant to division 45261
(A) of section 3334.09 of the Revised Code for the purchase of 45262
tuition units on behalf of a beneficiary or beneficiaries showing 45263
the beneficiary or beneficiaries of that contract and the number 45264
of tuition units purchased pursuant to that contract. Upon request 45265
of any beneficiary or person who has entered into a tuition 45266
payment contract, the authority shall provide a statement 45267
indicating, in the case of a beneficiary, the number of tuition 45268
units purchased on behalf of the beneficiary, or in the case of a 45269
person who has entered into a tuition payment contract, the number 45270
of tuition units purchased, used, or refunded pursuant to that 45271
contract. A beneficiary and person that have entered into a 45272
tuition payment contract each may file only one request under this 45273
division in any year. 45274

(2) The authority shall maintain an account for each 45275
scholarship program showing the number of tuition units that have 45276
been purchased for or donated to the program and the number of 45277
tuition units that have been used. Upon the request of the entity 45278
that established the scholarship program, the authority shall 45279
provide a statement indicating these numbers. 45280

(G)(1) In addition to the Ohio tuition trust fund, there is 45281
hereby established a reserve fund that shall be in the custody of 45282
the treasurer of state but shall not be part of the state 45283
treasury, and shall be known as the Ohio tuition trust reserve 45284
fund, and an operating fund that shall be part of the state 45285
treasury, and shall be known as the Ohio tuition trust operating 45286
fund. That portion of payments received by the authority or the 45287
treasurer of state from persons purchasing tuition units under 45288
tuition payment contracts that the authority determines is not 45289
actuarially necessary for the payment of obligations of the 45290
authority pursuant to tuition payment contracts, any interest and 45291

investment income earned by the reserve fund, any administrative 45292
charges and fees imposed by the authority on transactions under 45293
this chapter or on purchasers or beneficiaries of tuition units, 45294
and all other receipts from any other source that the authority 45295
determines appropriate, shall be deposited in the reserve fund to 45296
pay the operating expenses of the authority and the costs of 45297
administering the program. The assets of the reserve fund may be 45298
invested in the same manner and subject to the same limitations 45299
set forth in divisions (D), (E), and (K) to (M) of this section 45300
and sections 145.112 and 145.113 of the Revised Code. All 45301
investment fees and other costs incurred in connection with the 45302
exercise of the investment powers shall be paid from the assets of 45303
the reserve fund. Except as otherwise provided for in this 45304
chapter, all operating expenses of the authority and costs of 45305
administering the program shall be paid from the operating fund. 45306
The 45307

(2) The treasurer shall, upon request of the authority, 45308
transfer funds from the reserve fund to the operating fund as the 45309
authority determines appropriate to pay those current operating 45310
expenses of the authority and costs of administering the program 45311
as the authority designates. Any interest or investment income 45312
earned on the assets of the operating fund shall be deposited in 45313
the operating fund. 45314

(H) In January of each year the authority shall report to 45315
each person who received any payments or refunds from the 45316
authority during the preceding year information relative to the 45317
value of the payments or refunds to assist in determining that 45318
person's tax liability. 45319

(I) The authority shall report to the tax commissioner any 45320
information, and at the times, as the tax commissioner requires to 45321
determine any tax liability that a person may have incurred during 45322
the preceding year as a result of having received any payments or 45323

refunds from the authority. 45324

(J) All records of the authority indicating the identity of 45325
purchasers and beneficiaries of tuition units or college savings 45326
bonds, the number of tuition units purchased, used, or refunded 45327
under a tuition payment contract, and the number of college 45328
savings bonds purchased, held, or redeemed are not public records 45329
within the meaning of section 149.43 of the Revised Code. 45330

(K)(1) The authority and other fiduciaries shall discharge 45331
their duties with respect to the funds with care, skill, prudence, 45332
and diligence under the circumstances then prevailing that a 45333
prudent person acting in a like capacity and familiar with such 45334
matters would use in the conduct of an enterprise of a like 45335
character and with like aims; and by diversifying the investments 45336
of the assets of the funds so as to minimize the risk of large 45337
losses, unless under the circumstances it is clearly prudent not 45338
to do so. 45339

(2) To facilitate investment of the funds, the authority may 45340
establish a partnership, trust, limited liability company, 45341
corporation, including a corporation exempt from taxation under 45342
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 45343
amended, or any other legal entity authorized to transact business 45344
in this state. 45345

(L) In exercising its fiduciary responsibility with respect 45346
to the investment of the assets of the funds, it shall be the 45347
intent of the authority to give consideration to investments that 45348
enhance the general welfare of the state and its citizens where 45349
the investments offer quality, return, and safety comparable to 45350
other investments currently available to the authority. In 45351
fulfilling this intent, equal consideration shall also be given to 45352
investments otherwise qualifying under this section that involve 45353
minority owned and controlled firms and firms owned and controlled 45354
by women, either alone or in joint venture with other firms. 45355

The authority shall adopt, in regular meeting, policies, objectives, or criteria for the operation of the investment program that include asset allocation targets and ranges, risk factors, asset class benchmarks, time horizons, total return objectives, and performance evaluation guidelines. In adopting policies and criteria for the selection of agents with whom the authority may contract for the administration of the assets of the funds, the authority shall give equal consideration to minority owned and controlled firms, firms owned and controlled by women, and ventures involving minority owned and controlled firms and firms owned and controlled by women that otherwise meet the policies and criteria established by the authority. Amendments and additions to the policies and criteria shall be adopted in regular meeting. The authority shall publish its policies, objectives, and criteria under this provision no less often than annually and shall make copies available to interested parties.

When reporting on the performance of investments, the authority shall comply with the performance presentation standards established by the association for investment management and research.

(M) All investments shall be purchased at current market prices and the evidences of title of the investments shall be placed in the hands of the treasurer of state, who is hereby designated as custodian thereof, or in the hands of the treasurer of state's authorized agent. The treasurer of state or the agent shall collect the principal, dividends, distributions, and interest thereon as they become due and payable and place them when so collected into the custodial funds.

The treasurer of state shall pay for investments purchased by the authority on receipt of written or electronic instructions from the authority or the authority's designated agent authorizing the purchase and pending receipt of the evidence of title of the

investment by the treasurer of state or the treasurer of state's 45388
authorized agent. The authority may sell investments held by the 45389
authority, and the treasurer of state or the treasurer of state's 45390
authorized agent shall accept payment from the purchaser and 45391
deliver evidence of title of the investment to the purchaser on 45392
receipt of written or electronic instructions from the authority 45393
or the authority's designated agent authorizing the sale, and 45394
pending receipt of the moneys for the investments. The amount 45395
received shall be placed in the custodial funds. The authority and 45396
the treasurer of state may enter into agreements to establish 45397
procedures for the purchase and sale of investments under this 45398
division and the custody of the investments. 45399

No purchase or sale of any investment shall be made under 45400
this section except as authorized by the authority. 45401

Any statement of financial position distributed by the 45402
authority shall include fair value, as of the statement date, of 45403
all investments held by the authority under this section. 45404

Sec. 3334.12. Notwithstanding anything to the contrary in 45405
sections 3334.07 and 3334.09 of the Revised Code: 45406

(A) Annually, the Ohio tuition trust authority shall have the 45407
actuarial soundness of the Ohio tuition trust fund evaluated by a 45408
nationally recognized actuary and shall determine whether 45409
additional assets are necessary to defray the obligations of the 45410
authority. If, after the authority sets the price for tuition 45411
units, circumstances arise that the executive director determines 45412
necessitate an additional evaluation of the actuarial soundness of 45413
the fund, the executive director shall have a nationally 45414
recognized actuary conduct the necessary evaluation. If the assets 45415
of the fund are insufficient to ensure the actuarial soundness of 45416
the fund, the authority shall adjust the price of subsequent 45417
purchases of tuition units to the extent necessary to help restore 45418

the actuarial soundness of the fund. If, at any time, the 45419
adjustment is likely, in the opinion of the authority, to diminish 45420
the marketability of tuition units to an extent that the continued 45421
sale of the units likely would not restore the actuarial soundness 45422
of the fund and external economic factors continue to negatively 45423
impact the soundness of the program, the authority may suspend 45424
sales, either permanently or temporarily, of tuition units. During 45425
any suspension, the authority shall continue to service existing 45426
college savings program accounts. 45427

(B) Upon termination of ~~the program~~ all programs or 45428
liquidation of the Ohio tuition trust fund, the Ohio tuition trust 45429
reserve fund, and the Ohio tuition trust operating fund, any 45430
remaining assets of the funds after all obligations of the funds 45431
have been satisfied pursuant to division (B) of section 3334.11 of 45432
the Revised Code shall be transferred to the general revenue fund 45433
of the state. 45434

(C) The authority shall prepare and cause to have audited an 45435
annual financial report on all financial activity of the Ohio 45436
tuition trust authority within ninety days of the end of the 45437
fiscal year. The authority shall transmit a copy of the audited 45438
financial report to the governor, the president of the senate, the 45439
speaker of the house of representatives, and the minority leaders 45440
of the senate and the house of representatives. Copies of the 45441
audited financial report also shall be made available, upon 45442
request, to the persons entering into contracts with the authority 45443
and to prospective purchasers of tuition units and prospective 45444
contributors to variable college savings program accounts. 45445

Sec. 3343.04. The board of trustees of the Central state 45446
university shall meet in regular session at the university twice a 45447
year. ~~The first meeting shall be on the third Thursday in June,~~ 45448
~~and the second on the first Thursday in November of each year.~~ 45449

Other meetings may be called and held at such places as the board 45450
prescribes. A majority of the board present at any meeting shall 45451
constitute a quorum; but a majority of the board shall be 45452
necessary to elect or remove a president, business manager, or 45453
professor. The trustees shall receive no compensation for their 45454
services, but shall be paid their expenses for traveling and other 45455
reasonable and necessary expenses while engaged in the discharge 45456
of their official duties. 45457

Sec. 3345.011. "State university" means a public institution 45458
of higher education which is a body politic and corporate. Each of 45459
the following institutions of higher education shall be recognized 45460
as a state university: university of Akron, Bowling Green state 45461
university, Central state university, university of Cincinnati, 45462
Cleveland state university, Kent state university, Miami 45463
university, Ohio university, Ohio state university, Shawnee state 45464
university, university of Toledo, Wright state university, and 45465
Youngstown state university. 45466

"State institution of higher education" means any state 45467
university or college as defined in division (A)(1) of section 45468
3345.12 of the Revised Code, community college, state community 45469
college, university branch established under Chapter 3355. of the 45470
Revised Code, or technical college. 45471

"University system of Ohio" means the collective group of all 45472
of the state institutions of higher education. 45473

"Member of the university system of Ohio" means any 45474
individual state institution of higher education. 45475

Sec. 3345.12. (A) As used in this section and sections 45476
3345.07 and 3345.11 of the Revised Code, in other sections of the 45477
Revised Code that make reference to this section unless the 45478
context does not permit, and in related bond proceedings unless 45479

otherwise expressly provided: 45480

(1) "State university or college" means each of the state 45481
universities identified in section 3345.011 of the Revised Code 45482
and the northeastern Ohio universities college of medicine, and 45483
includes its board of trustees. 45484

(2) "Institution of higher education" or "institution" means 45485
a state university or college, or a community college district, 45486
technical college district, university branch district, or state 45487
community college, and includes the applicable board of trustees 45488
or, in the case of a university branch district, any other 45489
managing authority. 45490

(3) "Housing and dining facilities" means buildings, 45491
structures, and other improvements, and equipment, real estate, 45492
and interests in real estate therefor, to be used for or in 45493
connection with dormitories or other living quarters and 45494
accommodations, or related dining halls or other food service and 45495
preparation facilities, for students, members of the faculty, 45496
officers, or employees of the institution of higher education, and 45497
their spouses and families. 45498

(4) "Auxiliary facilities" means buildings, structures, and 45499
other improvements, and equipment, real estate, and interests in 45500
real estate therefor, to be used for or in connection with student 45501
activity or student service facilities, housing and dining 45502
facilities, dining halls, and other food service and preparation 45503
facilities, vehicular parking facilities, bookstores, athletic and 45504
recreational facilities, faculty centers, auditoriums, assembly 45505
and exhibition halls, hospitals, infirmaries and other medical and 45506
health facilities, research, and continuing education facilities. 45507

(5) "Education facilities" means buildings, structures, and 45508
other improvements, and equipment, real estate, and interests in 45509
real estate therefor, to be used for or in connection with, 45510

classrooms or other instructional facilities, libraries, 45511
administrative and office facilities, and other facilities, other 45512
than auxiliary facilities, to be used directly or indirectly for 45513
or in connection with the conduct of the institution of higher 45514
education. 45515

(6) "Facilities" means housing and dining facilities, 45516
auxiliary facilities, or education facilities, and includes any 45517
one, part of, or any combination of such facilities, and further 45518
includes site improvements, utilities, machinery, furnishings, and 45519
any separate or connected buildings, structures, improvements, 45520
sites, open space and green space areas, utilities or equipment to 45521
be used in, or in connection with the operation or maintenance of, 45522
or supplementing or otherwise related to the services or 45523
facilities to be provided by, such facilities. 45524

(7) "Obligations" means bonds or notes or other evidences of 45525
obligation, including interest coupons pertaining thereto, 45526
authorized to be issued under this section or section 3345.07, 45527
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 45528
Code. 45529

(8) "Bond service charges" means principal, including any 45530
mandatory sinking fund or redemption requirements for the 45531
retirement of obligations, interest, or interest equivalent and 45532
other accreted amounts, and any call premium required to be paid 45533
on obligations. 45534

(9) "Bond proceedings" means the resolutions, trust 45535
agreement, indenture, and other agreements and credit enhancement 45536
facilities, and amendments and supplements to the foregoing, or 45537
any one or more or combination thereof, authorizing, awarding, or 45538
providing for the terms and conditions applicable to, or providing 45539
for the security or liquidity of, obligations, and the provisions 45540
contained in those obligations. 45541

(10) "Costs of facilities" means the costs of acquiring, 45542
constructing, reconstructing, rehabilitating, remodeling, 45543
renovating, enlarging, improving, equipping, or furnishing 45544
facilities, and the financing thereof, including the cost of 45545
clearance and preparation of the site and of any land to be used 45546
in connection with facilities, the cost of any indemnity and 45547
surety bonds and premiums on insurance, all related direct 45548
administrative expenses and allocable portions of direct costs of 45549
the institution of higher education or state agency, cost of 45550
engineering, architectural services, design, plans, specifications 45551
and surveys, estimates of cost, legal fees, fees and expenses of 45552
trustees, depositories, bond registrars, and paying agents for the 45553
obligations, cost of issuance of the obligations and financing 45554
costs and fees and expenses of financial advisers and consultants 45555
in connection therewith, interest on the obligations from the date 45556
thereof to the time when interest is to be covered by available 45557
receipts or other sources other than proceeds of the obligations, 45558
amounts necessary to establish reserves as required by the bond 45559
proceedings, costs of audits, the reimbursements of all moneys 45560
advanced or applied by or borrowed from the institution or others, 45561
from whatever source provided, including any temporary advances 45562
from state appropriations, for the payment of any item or items of 45563
cost of facilities, and all other expenses necessary or incident 45564
to planning or determining feasibility or practicability with 45565
respect to facilities, and such other expenses as may be necessary 45566
or incident to the acquisition, construction, reconstruction, 45567
rehabilitation, remodeling, renovation, enlargement, improvement, 45568
equipment, and furnishing of facilities, the financing thereof and 45569
the placing of them in use and operation, including any one, part 45570
of, or combination of such classes of costs and expenses. 45571

(11) "Available receipts" means all moneys received by the 45572
institution of higher education, including income, revenues, and 45573
receipts from the operation, ownership, or control of facilities, 45574

grants, gifts, donations, and pledges and receipts therefrom, 45575
receipts from fees and charges, and the proceeds of the sale of 45576
obligations, including proceeds of obligations issued to refund 45577
obligations previously issued, but excluding any special fee, and 45578
receipts therefrom, charged pursuant to division (D) of section 45579
154.21 of the Revised Code. 45580

(12) "Credit enhancement facilities" has the meaning given in 45581
division (H) of section 133.01 of the Revised Code. 45582

(13) "Financing costs" has the meaning given in division (K) 45583
of section 133.01 of the Revised Code. 45584

(14) "Interest" or "interest equivalent" has the meaning 45585
given in division (R) of section 133.01 of the Revised Code. 45586

(B) Obligations issued under section 3345.07 or 3345.11 of 45587
the Revised Code by a state university or college shall be 45588
authorized by resolution of its board of trustees. Obligations 45589
issued by any other institution of higher education shall be 45590
authorized by resolution of its board of trustees, or managing 45591
directors in the case of certain university branch districts, as 45592
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 45593
apply to obligations. Obligations may be issued to pay costs of 45594
facilities even if the institution anticipates the possibility of 45595
a future state appropriation to pay all or a portion of such 45596
costs. 45597

(C) Obligations shall be secured by a pledge of and lien on 45598
all or such part of the available receipts of the institution of 45599
higher education as it provides for in the bond proceedings, 45600
excluding moneys raised by taxation and state appropriations 45601
except as permitted by section 3333.90 of the Revised Code. Such 45602
pledge and lien may be made prior to all other expenses, claims, 45603
or payments, excepting any pledge of such available receipts 45604
previously made to the contrary and except as provided by any 45605

existing restrictions on the use thereof, or such pledge and lien 45606
may be made subordinate to such other expenses, claims, or 45607
payments, as provided in the bond proceedings. Obligations may be 45608
additionally secured by covenants of the institution to make, fix, 45609
adjust, collect, and apply such charges, rates, fees, rentals, and 45610
other items of available receipts as will produce pledged 45611
available receipts sufficient to meet bond service charges, 45612
reserve, and other requirements provided for in the bond 45613
proceedings. Notwithstanding this and any other sections of the 45614
Revised Code, the holders or owners of the obligations shall not 45615
be given the right and shall have no right to have excises or 45616
taxes levied by the general assembly for the payment of bond 45617
service charges thereon, and each such obligation shall bear on 45618
its face a statement to that effect and to the effect that the 45619
right to such payment is limited to the available receipts and 45620
special funds pledged to such purpose under the bond proceedings. 45621

All pledged available receipts and funds and the proceeds of 45622
obligations are trust funds and, subject to the provisions of this 45623
section and the applicable bond proceedings, shall be held, 45624
deposited, invested, reinvested, disbursed, applied, and used to 45625
such extent, in such manner, at such times, and for such purposes, 45626
as are provided in the bond proceedings. 45627

(D) The bond proceedings for obligations shall provide for 45628
the purpose thereof and the principal amount or maximum principal 45629
amount, and provide for or authorize the manner of determining the 45630
principal maturity or maturities, the sale price including any 45631
permitted discount, the interest rate or rates, which may be a 45632
variable rate or rates, or the maximum interest rate, the date of 45633
the obligations and the date or dates of payment of interest 45634
thereon, their denominations, the manner of sale thereof, and the 45635
establishment within or without the state of a place or places of 45636
payment of bond service charges. The bond proceedings also shall 45637

provide for a pledge of and lien on available receipts of the 45638
institution of higher education as provided in division (C) of 45639
this section, and a pledge of and lien on such fund or funds 45640
provided in the bond proceedings arising from available receipts, 45641
which pledges and liens may provide for parity with obligations 45642
theretofore or thereafter issued by the institution. The available 45643
receipts so pledged and thereafter received by the institution and 45644
the funds so pledged are immediately subject to the lien of such 45645
pledge without any physical delivery thereof or further act, and 45646
the lien of any such pledge is valid and binding against all 45647
parties having claims of any kind against the institution, 45648
irrespective of whether such parties have notice thereof, and 45649
shall create a perfected security interest for all purposes of 45650
Chapter 1309. of the Revised Code, without the necessity for 45651
separation or delivery of funds or for the filing or recording of 45652
the bond proceedings by which such pledge is created or any 45653
certificate, statement, or other document with respect thereto; 45654
and the pledge of such available receipts and funds shall be 45655
effective and the money therefrom and thereof may be applied to 45656
the purposes for which pledged without necessity for any act of 45657
appropriation. 45658

(E) The bond proceedings may contain additional provisions 45659
customary or appropriate to the financing or to the obligations or 45660
to particular obligations, including: 45661

(1) The acquisition, construction, reconstruction, equipment, 45662
furnishing, improvement, operation, alteration, enlargement, 45663
maintenance, insurance, and repair of facilities, and the duties 45664
of the institution of higher education with reference thereto; 45665

(2) The terms of the obligations, including provisions for 45666
their redemption prior to maturity at the option of the 45667
institution of higher education at such price or prices and under 45668
such terms and conditions as are provided in the bond proceedings; 45669

45670

(3) Limitations on the purposes to which the proceeds of the obligations may be applied; 45671
45672

(4) The rates or rentals or other charges for the use of or right to use the facilities financed by the obligations, or other properties the revenues or receipts from which are pledged to the obligations, and rules for assuring use and occupancy thereof, including limitations upon the right to modify such rates, rentals, other charges, or regulations; 45673
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(5) The use and expenditure of the pledged available receipts in such manner and to such extent as shall be determined, which may include provision for the payment of the expenses of operation, maintenance, and repair of facilities so that such expenses, or part thereof, shall be paid or provided as a charge prior or subsequent to the payment of bond service charges and any other payments required to be made by the bond proceedings; 45679
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(6) Limitations on the issuance of additional obligations; 45686

(7) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued; 45687
45688

(8) The deposit, investment, and application of funds, and the safeguarding of funds on hand or on deposit without regard to Chapter 131. or 135. of the Revised Code, and any bank or trust company or other financial institution that acts as depository of any moneys under the bond proceedings shall furnish such indemnifying bonds or pledge such securities as required by the bond proceedings or otherwise by the institution of higher education; 45689
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(9) The binding effect of any or every provision of the bond proceedings upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be 45697
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necessary to perform all or any part of the duty required by such 45701
provision; 45702

(10) Any provision that may be made in a trust agreement or 45703
indenture; 45704

(11) Any other or additional agreements with respect to the 45705
facilities of the institution of higher education, their 45706
operation, the available receipts and funds pledged, and insurance 45707
of facilities and of the institution, its officers and employees. 45708
45709

(F) Such obligations may have the seal of the institution of 45710
higher education or a facsimile thereof affixed thereto or printed 45711
thereon and shall be executed by such officers as are designated 45712
in the bond proceedings, which execution may be by facsimile 45713
signatures. Any obligations may be executed by an officer who, on 45714
the date of execution, is the proper officer although on the date 45715
of such obligations such person was not the proper officer. In 45716
case any officer whose signature or a facsimile of whose signature 45717
appears on any such obligation ceases to be such officer before 45718
delivery thereof, such signature or facsimile is nevertheless 45719
valid and sufficient for all purposes as if the person had 45720
remained such officer until such delivery; and in case the seal of 45721
the institution has been changed after a facsimile of the seal has 45722
been imprinted on such obligations, such facsimile seal continues 45723
to be sufficient as to such obligations and obligations issued in 45724
substitution or exchange therefor. 45725

(G) All such obligations are negotiable instruments and 45726
45727
securities under Chapter 1308. of the Revised Code, subject to the 45728
provisions of the bond proceedings as to registration. The 45729
obligations may be issued in coupon or in registered form, or 45730
both. Provision may be made for the registration of any 45731
obligations with coupons attached thereto as to principal alone or 45732

as to both principal and interest, their exchange for obligations 45733
so registered, and for the conversion or reconversion into 45734
obligations with coupons attached thereto of any obligations 45735
registered as to both principal and interest, and for reasonable 45736
charges for such registration, exchange, conversion, and 45737
reconversion. 45738

(H) Pending preparation of definitive obligations, the 45739
institution of higher education may issue interim receipts or 45740
certificates which shall be exchanged for such definitive 45741
obligations. 45742

(I) Such obligations may be secured additionally by a trust 45743
agreement or indenture between the institution of higher education 45744
and a corporate trustee, which may be any trust company or bank 45745
having the powers of a trust company within or without this state 45746
but authorized to exercise trust powers within this state. Any 45747
such agreement or indenture may contain the resolution authorizing 45748
the issuance of the obligations, any provisions that may be 45749
contained in the bond proceedings as authorized by this section, 45750
and other provisions which are customary or appropriate in an 45751
agreement or indenture of such type, including: 45752

(1) Maintenance of each pledge, trust agreement, and 45753
indenture, or other instrument comprising part of the bond 45754
proceedings until the institution of higher education has fully 45755
paid the bond service charges on the obligations secured thereby, 45756
or provision therefor has been made; 45757
45758

(2) In the event of default in any payments required to be 45759
made by the bond proceedings, or any other agreement of the 45760
institution of higher education made as a part of the contract 45761
under which the obligations were issued, enforcement of such 45762
payments or agreement by mandamus, the appointment of a receiver, 45763
suit in equity, action at law, or any combination of the 45764

foregoing; 45765

(3) The rights and remedies of the holders of obligations and 45766
of the trustee, and provisions for protecting and enforcing them, 45767
including limitations on rights of individual holders of 45768
obligations; 45769

(4) The replacement of any obligations that become mutilated 45770
or are destroyed, lost, or stolen; 45771

(5) Such other provisions as the trustee and the institution 45772
of higher education agree upon, including limitations, conditions, 45773
or qualifications relating to any of the foregoing. 45774

(J) Each duty of the institution of higher education and its 45775
officers or employees, undertaken pursuant to the bond proceedings 45776
or any related agreement or lease made under authority of law, is 45777
hereby established as a duty of such institution, and of each such 45778
officer or employee having authority to perform such duty, 45779
specially enjoined by law resulting from an office, trust, or 45780
station within the meaning of section 2731.01 of the Revised Code. 45781
The persons who are at the time the members of the board of 45782
trustees or the managing directors of the institution or its 45783
officers or employees are not liable in their personal capacities 45784
on such obligations, or lease, or other agreement of the 45785
institution. 45786

(K) The authority to issue obligations includes authority to: 45787
45788

(1) Issue obligations in the form of bond anticipation notes 45789
and to renew them from time to time by the issuance of new notes. 45790
Such notes are payable solely from the available receipts and 45791
funds that may be pledged to the payment of such bonds, or from 45792
the proceeds of such bonds or renewal notes, or both, as the 45793
institution of higher education provides in its resolution 45794
authorizing such notes. Such notes may be additionally secured by 45795

covenants of the institution to the effect that it will do such or 45796
all things necessary for the issuance of such bonds or renewal 45797
notes in appropriate amount, and either exchange such bonds or 45798
renewal notes therefor or apply the proceeds thereof to the extent 45799
necessary, to make full payment of the bond service charges on 45800
such notes at the time or times contemplated, as provided in such 45801
resolution. Subject to the provisions of this division, all 45802
references to obligations in this section apply to such 45803
anticipation notes. 45804

(2) Issue obligations to refund, including funding and 45805
retirement of, obligations previously issued to pay costs of 45806
facilities. Such obligations may be issued in amounts sufficient 45807
for payment of the principal amount of the obligations to be so 45808
refunded, any redemption premiums thereon, principal maturities of 45809
any obligations maturing prior to the redemption of any other 45810
obligations on a parity therewith to be so refunded, interest 45811
accrued or to accrue to the maturity date or dates of redemption 45812
of such obligations, and any expenses incurred or to be incurred 45813
in connection with such refunding or the issuance of the 45814
obligations. 45815

(L) Obligations are lawful investments for banks, societies 45816
for savings, savings and loan associations, deposit guarantee 45817
associations, trust companies, trustees, fiduciaries, insurance 45818
companies, including domestic for life and domestic not for life, 45819
trustees or other officers having charge of sinking and bond 45820
retirement or other special funds of political subdivisions and 45821
taxing districts of this state, the commissioners of the sinking 45822
fund, the administrator of workers' compensation in accordance 45823
with the investment policy approved by the bureau of workers' 45824
compensation board of directors pursuant to section 4121.12 of the 45825
Revised Code, the state teachers retirement system, the public 45826
employees retirement system, the school employees retirement 45827

system, and the Ohio police and fire pension fund, notwithstanding 45828
any other provisions of the Revised Code or rules adopted pursuant 45829
thereto by any state agency with respect to investments by them, 45830
and are also acceptable as security for the deposit of public 45831
moneys. 45832

(M) All facilities purchased, acquired, constructed, or owned 45833
by an institution of higher education, or financed in whole or in 45834
part by obligations issued by an institution, and used for the 45835
purposes of the institution or other publicly owned and controlled 45836
college or university, is public property used exclusively for a 45837
public purpose, and such property and the income therefrom is 45838
exempt from all taxation and assessment within this state, 45839
including ad valorem and excise taxes. The obligations, the 45840
transfer thereof, and the income therefrom, including any profit 45841
made on the sale thereof, are at all times free from taxation 45842
within the state. The transfer of tangible personal property by 45843
lease under authority of this section or section 3345.07, 3345.11, 45844
3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code is 45845
not a sale as used in Chapter 5739. of the Revised Code. 45846
45847

(N) The authority granted by this section is cumulative with 45848
the authority granted to institutions of higher education under 45849
Chapter 154. of the Revised Code, and nothing in this section 45850
impairs or limits the authority granted by Chapter 154. of the 45851
Revised Code. In any lease, agreement, or commitment made by an 45852
institution of higher education under Chapter 154. of the Revised 45853
Code, it may agree to restrict or subordinate any pledge it may 45854
thereafter make under authority of this section. 45855

(O) Title to lands acquired under this section and sections 45856
3345.07 and 3345.11 of the Revised Code by a state university or 45857
college shall be taken in the name of the state. 45858

(P) Except where costs of facilities are to be paid in whole 45859

or in part from funds appropriated by the general assembly, 45860
section 125.81 of the Revised Code and the requirement for 45861
certification with respect thereto under section 153.04 of the 45862
Revised Code do not apply to such facilities. 45863

(Q) A state university or college may sell or lease lands or 45864
interests in land owned by it or by the state for its use, or 45865
facilities authorized to be acquired or constructed by it under 45866
section 3345.07 or 3345.11 of the Revised Code, to permit the 45867
purchasers or lessees thereof to acquire, construct, equip, 45868
furnish, reconstruct, alter, enlarge, remodel, renovate, 45869
rehabilitate, improve, maintain, repair, or maintain and operate 45870
thereon and to provide by lease or otherwise to such institution, 45871
facilities authorized in section 3345.07 or 3345.11 of the Revised 45872
Code. Such land or interests therein shall be sold for such 45873
appraised value, or leased, and on such terms as the board of 45874
trustees determines. All deeds or other instruments relating to 45875
such sales or leases shall be executed by such officer of the 45876
state university or college as the board of trustees designates. 45877
The state university or college shall hold, invest, or use the 45878
proceeds of such sales or leases for the same purposes for which 45879
proceeds of borrowings may be used under sections 3345.07 and 45880
3345.11 of the Revised Code. 45881

(R) An institution of higher education may pledge available 45882
receipts, to the extent permitted by division (C) of this section 45883
with respect to obligations, to secure the payments to be made by 45884
it under any lease, lease with option to purchase, or 45885
lease-purchase agreement authorized under this section or section 45886
3345.07, 3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the 45887
Revised Code. 45888

Sec. 3345.32. (A) As used in this section: 45889

(1) "State university or college" means the institutions 45890

described in section 3345.27 of the Revised Code and the 45891
northeastern Ohio universities college of medicine. 45892

(2) "Resident" has the meaning specified by rule of the 45893
chancellor of the Ohio board of regents. 45894

(3) "Statement of selective service status" means a statement 45895
certifying one of the following: 45896

(a) That the individual filing the statement has registered 45897
with the selective service system in accordance with the "Military 45898
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 45899
amended; 45900

(b) That the individual filing the statement is not required 45901
to register with the selective service for one of the following 45902
reasons: 45903

(i) The individual is under eighteen or over twenty-six years 45904
of age. 45905

(ii) The individual is on active duty with the armed forces 45906
of the United States other than for training in a reserve or 45907
national guard unit. 45908

(iii) The individual is a nonimmigrant alien lawfully in the 45909
United States in accordance with section 101 (a)(15) of the 45910
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 45911

(iv) The individual is not a citizen of the United States and 45912
is a permanent resident of the Trust Territory of the Pacific 45913
Islands or the Northern Mariana Islands. 45914

(4) "Institution of higher education" means any eligible 45915
institution approved by the United States department of education 45916
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 45917
amended, or any institution whose students are eligible for 45918
financial assistance under any of the programs described by 45919
division (E) of this section. 45920

(B) The chancellor shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (F) of this section. Each statement of selective service status shall contain a section wherein a male student born after December 31, 1959, certifies that the student has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended. For those students not required to register with the selective service, as specified in divisions (A)(2)(b)(i) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The chancellor may require that such statements be accompanied by documentation specified by rule of the chancellor.

(C) A state university or college that enrolls in any course, class, or program a male student born after December 31, 1959, who has not filed a statement of selective service status with the university or college shall, regardless of the student's residency, charge the student any tuition surcharge charged students who are not residents of this state.

(D) No male born after December 31, 1959, shall be eligible to receive any loan, grant, scholarship, or other financial assistance for educational expenses granted under section 3315.33, 3333.12, 3333.122, 3333.21, 3333.22, 3333.26, ~~3333.27~~, 5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, unless that person has filed a statement of selective service status with that person's institution of higher education.

(E) If an institution of higher education receives a statement from an individual certifying that the individual has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan guarantee or for any form of financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than that the individual is under eighteen years of age.

Sec. 3345.61. As used in this section and sections 3345.62 to 3345.66 of the Revised Code:

(A) "Avoided capital costs" means a measured reduction in the cost of future equipment or other capital purchases that results from implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such cost.

(B) "Board of trustees of a state institution of higher education" means the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code.

~~(B)~~(C) "Energy conservation measure" means an installation or modification of an installation in, or a remodeling of, an

existing building in order to reduce energy consumption and	45984
operating costs . The term includes <u>any of the following</u> :	45985
(1) Installation or modification of insulation in the	45986
building structure and systems within the building;	45987
(2) Installation or modification of <u>a storm</u> windows and doors	45988
<u>window or door</u> , <u>a multiglazed</u> windows and doors <u>window or door</u> ,	45989
and or a heat absorbing or heat reflective glazed and coated	45990
window and door systems <u>system</u> ; installation of additional	45991
glazing; reductions <u>a reduction</u> in glass area; and or other window	45992
and or door system modifications <u>modification</u> that reduce <u>reduces</u>	45993
energy consumption and operating costs;	45994
(3) Installation or modification of <u>an</u> automatic energy	45995
control systems <u>system</u> ;	45996
(4) Replacement or modification of <u>a</u> heating, ventilating, or	45997
air conditioning systems <u>system</u> ;	45998
(5) Application of caulking and weatherstripping;	45999
(6) Replacement or modification of <u>a</u> lighting fixtures	46000
<u>fixture</u> to increase the energy efficiency of the system without	46001
increasing the overall illumination of a facility, unless such	46002
increase in illumination is necessary to conform to the applicable	46003
state or local building code for the proposed lighting system;	46004
(7) Installation or modification of <u>an</u> energy recovery	46005
systems <u>system</u> ;	46006
(8) Installation or modification of cogeneration systems that	46007
produce steam or forms of energy such as heat, as well as	46008
electricity, for use primarily within a building or complex of	46009
buildings;	46010
(9) Any other modification, installation, or remodeling	46011
approved by the board of trustees of a state institution of higher	46012
education as an energy conservation measure for one or more	46013

buildings owned by the institution. 46014

~~(C)~~(D) "Energy saving measure" means the acquisition and 46015
installation, by purchase, lease, lease-purchase, lease with an 46016
option to buy, or installment purchase, of an energy conservation 46017
measure and any attendant architectural and engineering consulting 46018
services. 46019

(E) "Energy, water, or wastewater cost savings" means a 46020
measured reduction in, as applicable, the cost of fuel, energy or 46021
water consumption, wastewater production, or stipulated operation 46022
or maintenance resulting from the implementation of one or more 46023
energy or water conservation measures, when compared to an 46024
established baseline for previous such costs, respectively. 46025

(F) "Operating cost savings" means a measured reduction in 46026
the cost of stipulated operation or maintenance created by the 46027
installation of new equipment or implementation of a new service, 46028
when compared with an established baseline for previous such 46029
stipulated costs. 46030

(G) "Water conservation measure" means an installation or 46031
modification of an installation in, or a remodeling of, an 46032
existing building or the surrounding grounds in order to reduce 46033
water consumption. The term includes any of the following: 46034

(1) Water-conserving fixture, appliance, or equipment, or the 46035
substitution of a nonwater-using fixture, appliance, or equipment; 46036

(2) Water-conserving, landscape irrigation equipment; 46037

(3) Landscaping measure that reduces storm water runoff 46038
demand and capture and hold applied water and rainfall, including 46039
landscape contouring such as the use of a berm, swale, or terrace 46040
and including the use of a soil amendment, including compost, that 46041
increases the water-holding capacity of the soil; 46042

(4) Rainwater harvesting equipment or equipment to make use 46043

of water collected as part of a storm water system installed for 46044
water quality control; 46045

(5) Equipment for recycling or reuse of water originating on 46046
the premises or from another source, including treated, municipal 46047
effluent; 46048

(6) Equipment needed to capture water for nonpotable uses 46049
from any nonconventional, alternate source, including air 46050
conditioning condensate or gray water; 46051

(7) Any other modification, installation, or remodeling 46052
approved by the board of trustees of a state institution of higher 46053
education, as defined in section 3345.011 of the Revised Code, as 46054
a water conservation measure for one or more buildings or the 46055
surrounding grounds owned by the institution. 46056

(H) "Water saving measure" means the acquisition and 46057
installation, by the purchase, lease, lease-purchase, lease with 46058
an option to buy, or installment purchases of a water conservation 46059
measure and any attendant architectural and engineering consulting 46060
services. 46061

Sec. 3345.62. The board of trustees of a state institution of 46062
higher education may contract with an energy or water services 46063
company, architect, professional engineer, contractor, or other 46064
person experienced in the design and implementation of energy or 46065
water conservation measures for a report containing an analysis 46066
and recommendations pertaining to the implementation of energy or 46067
water conservation measures that would ~~significantly reduce result~~ 46068
~~in energy consumption and, water, or wastewater cost savings,~~ 46069
~~operating costs in buildings owned by~~ cost savings, or avoided 46070
capital costs for the institution. The report shall include 46071
estimates of all costs of such installations, including the costs 46072
of design, engineering, installation, maintenance, repairs, and 46073
debt service, and estimates of the ~~amounts by which~~ energy 46074

~~consumption and, water, or wastewater cost savings, operating~~ 46075
~~costs would be reduced~~ cost savings, and avoided capital costs 46076
created. 46077

Sec. 3345.63. If the board of trustees of a state institution 46078
of higher education wishes to enter into a contract, other than an 46079
installment payment contract provided under section 3345.64 of the 46080
Revised Code, to implement one or more energy or water saving 46081
measures, the board may proceed under the applicable competitive 46082
bidding requirements in Chapter 153. or section 3354.16, 3355.12, 46083
3357.16, or 3358.10 of the Revised Code or, notwithstanding those 46084
requirements, may enter into such a contract as provided in 46085
section 3345.65 of the Revised Code. 46086

Sec. 3345.64. In accordance with this section, the board of 46087
trustees of a state institution of higher education may enter into 46088
an installment payment contract for the implementation of one or 46089
more energy or water saving measures. Any such contract shall be 46090
subject to the competitive bidding requirements of Chapter 153. or 46091
section 3354.16, 3355.12, 3357.16, or 3358.10 of the Revised Code, 46092
as applicable to each such board, except as follows: 46093

(A) If the board does not exempt the entire installment 46094
payment contract from the applicable competitive bidding 46095
requirements pursuant to division (B) of this section, the 46096
provisions of the contract dealing with interest charges and 46097
financing terms shall not be subject to the applicable competitive 46098
bidding requirements. Each such contract shall require repayment 46099
on the following terms: 46100

(1) Not less than one-~~tenth~~ fifteenth of the costs of the 46101
contract shall be paid within two years from the date of purchase; 46102

(2)~~(a)~~ The remaining balance of the costs of the contract, ~~in~~ 46103
~~the case of an installment payment contract for a cogeneration~~ 46104

~~system described in division (B)(8) of section 3345.61 of the Revised Code, shall be paid within five fifteen years from the date of purchase;~~

~~(b) The remaining balance of the costs of the contract, in the case of an installment payment contract for an energy saving measure that is not a cogeneration system, shall be paid within ten years from the date of purchase.~~

(B) The board by majority vote may exempt from the applicable competitive bidding requirements an entire installment payment contract for the implementation of energy or water saving measures pursuant to this section and instead of those requirements shall enter into the contract as provided in section 3345.65 of the Revised Code.

Sec. 3345.65. To enter into a contract under this section pursuant to section 3345.63 or division (B) of section 3345.64 of the Revised Code, a board of trustees of a state institution of higher education shall request proposals from at least three parties for the implementation of energy or water saving measures. Prior to providing any interested party a copy of any such request, the board shall advertise, in a newspaper of general circulation in the county where the contract is to be performed, its intent to request proposals for the implementation of energy or water saving measures. The notice shall invite interested parties to submit proposals for consideration and shall be published at least thirty days prior to the date for accepting proposals.

Upon receiving the proposals, the board shall analyze them. After considering the cost estimates of each proposal, how qualified each party submitting a proposal is to implement its proposal, and the institution's ability to pay for each with current revenues or by financing the cost of each, the board may

select one or more proposals or, instead, reject all proposals. In 46136
selecting proposals, the board shall select the proposal or 46137
proposals most likely to result in the greatest savings when the 46138
cost of the proposal is compared to the ~~reduced energy and, water,~~ 46139
or wastewater cost savings, operating cost savings, and avoided 46140
capital costs that will result from implementing the proposal. 46141

No board shall award a contract to implement energy or water 46142
saving measures under this section unless the board finds that ~~one~~ 46143
~~or both of the following circumstances exists, as applicable:~~ 46144

~~(A) In the case of a contract for a cogeneration system~~ 46145
~~described in division (B)(8) of section 3345.61 of the Revised~~ 46146
~~Code,~~ the cost of the contract is not likely to exceed the amount 46147
of ~~money the board would save in energy and, water, or wastewater~~ 46148
savings, operating cost savings, and avoided capital costs over no 46149
more than ~~five~~ fifteen years. 46150

~~(B) In the case of any contract for any energy saving measure~~ 46151
~~other than a cogeneration system, the cost of the contract is not~~ 46152
~~likely to exceed the amount of money the board would save in~~ 46153
~~energy and operating costs over no more than ten years.~~ 46154

Sec. 3345.66. The board of trustees of a state institution of 46155
higher education may issue notes of the institution signed by the 46156
~~chairman~~ chairperson and treasurer or other chief fiscal officer 46157
of the board and specifying the terms of the purchase and securing 46158
the payments provided in section 3345.64 of the Revised Code, 46159
payable at the times provided and bearing interest at a rate not 46160
exceeding a rate determined under section 9.95 of the Revised 46161
Code. The notes may contain an option for prepayment and are not 46162
subject to Chapter 133. of the Revised Code. Revenues derived from 46163
any source, other than money appropriated by the general assembly, 46164
that may be used for the purpose of ~~conserving~~ implementing energy 46165
or water saving measures or for defraying the current operating 46166

expenses of the institution may be pledged to the payment of 46167
interest and the retirement of such notes. The notes may be sold 46168
at private sale or given to the contractor under the installment 46169
payment contract authorized by section 3345.64 of the Revised 46170
Code. 46171

Sec. 3351.07. (A) For the purposes of this chapter, "approved 46172
lender" means any bank as defined in section 1101.01 of the 46173
Revised Code, any domestic savings and loan association as defined 46174
in section 1151.01 of the Revised Code, any credit union as 46175
defined in section 1733.01 of the Revised Code, any federal credit 46176
union established pursuant to federal law, any insurance company 46177
organized or authorized to do business in this state, any pension 46178
fund eligible under the "Higher Education Amendments of 1968," 82 46179
Stat. 1026, 20 U.S.C.A. 1085, as amended, the secondary market 46180
operation designated under division (B) of this section, or any 46181
secondary market operation established pursuant to the "Education 46182
Amendments of 1972," 86 Stat. 261, 20 U.S.C.A. 1071, as amended, 46183
or under the laws of any state. 46184

(B) The governor may designate one nonprofit corporation 46185
secondary market operation to be the single nonprofit private 46186
agency designated by the state under the "Higher Education Act of 46187
1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(D), as amended. A 46188
designation in effect on the effective date of this amendment 46189
expires December 31, 2009. Each designation after the effective 46190
date of this amendment shall be made by competitive selection and 46191
shall be valid for one year. The controlling board shall not waive 46192
the competitive selection requirement. 46193

(C) The nonprofit corporation designated by the governor 46194
under division (B) of this section as the private agency secondary 46195
market operation shall be considered to be an agency of the state, 46196
in accordance with section 435(d)(1)(F) of the "Higher Education 46197

Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(F), as 46198
amended, exclusively for the purpose of functioning as a secondary 46199
student loan market. The corporation shall be considered a state 46200
agency only for the purposes of this division and no other 46201
division or section of the Revised Code regarding state agencies 46202
shall apply to the corporation. No liability or obligation 46203
incurred by the corporation shall be considered to be a liability 46204
or debt of the state, nor shall the state be construed to act as 46205
guarantor of any debt of the corporation. 46206

(D) The nonprofit corporation designated under division (B) 46207
of this section shall designate a separate nonprofit corporation 46208
to operate exclusively for charitable and educational purposes, 46209
complementing and supplementing the designating corporation's 46210
secondary market operation for student loans authorized under the 46211
"Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085, 46212
as amended, and promoting the general health and welfare of the 46213
state, the public interest, and a public purpose through improving 46214
student assistance programs by expanding access to higher 46215
education financing programs for students and families in need of 46216
student financial aid. In furtherance of such purposes, the 46217
separate nonprofit corporation may do all of the following: 46218

(1) Assist educational institutions in establishing financial 46219
aid programs to help students obtain an economical education; 46220

(2) Encourage financial institutions to increase educational 46221
opportunities by making funds available to both students and 46222
educational institutions; 46223

(3) Make available financial aid that supplements the 46224
financial assistance provided by eligible and approved lenders 46225
under state and federal programs; 46226

(4) Develop and administer programs that do all of the 46227
following: 46228

(a) Provide financial aid and incidental student financial aid information to students and their parents or other persons responsible for paying educational costs of those students at educational institutions;

(b) Provide financial aid and information relating to it to and through educational institutions, enabling those institutions to assist students financially in obtaining an education and fully expanding their intellectual capacity and skills;

(c) Better enable financial institutions to participate in student loan programs and other forms of financial aid, assisting students and educational institutions to increase education excellence and accessibility.

(E) The nonprofit corporation designated under authority of division (D) of this section shall do both of the following:

(1) Establish the criteria, standards, terms, and conditions for participation by students, parents, educational institutions, and financial institutions in that corporation's programs;

(2) Provide the governor a report of its programs and a copy of its audited financial statements not later than one hundred eighty days after the end of each fiscal year of the corporation.

No liability, obligation, or debt incurred by the corporation designated under authority of division (D) of this section or by any person under that corporation's programs shall be, or be considered to be, a liability, obligation, or debt of, or a pledge of the faith and credit of, the state, any political subdivision of the state, or any state-supported or state-assisted institution of higher education, nor shall the state or any political subdivision of the state or any state-supported or state-assisted institution of higher education be or be construed to act as an obligor under or guarantor of any liability, obligation, or debt of that corporation or of any person under that corporation's

programs or incur or be construed to have incurred any other 46260
liability, obligation, or debt as a result of any acts of the 46261
corporation. 46262

(F) The nonprofit corporation designated under authority of 46263
division (D) of this section shall not be deemed to qualify by 46264
reason of the designation as a guarantor or an eligible lender 46265
under sections 435(d) and (j) of the "Higher Education Act of 46266
1965," 101 Stat. 347, 20 U.S.C.A. 1085(d) and (j), as amended. 46267

Sec. 3354.24. (A) The provisions of this section prevail over 46268
conflicting provisions of this chapter; however, except as 46269
otherwise provided in this section, the eastern gateway community 46270
college district and its board of trustees shall comply with the 46271
provisions of this chapter. 46272

(B) The territory of Columbiana, Mahoning, and Trumbull 46273
counties is hereby added to the territory of the community college 46274
district of Jefferson county, creating a new community college 46275
district to replace the former community college district of 46276
Jefferson county. The district created under this section shall be 46277
known as and operate under the name of "eastern gateway community 46278
college district," and its charter shall be amended to this name. 46279
The Jefferson county campus is hereby part of the eastern gateway 46280
community college district and shall remain in operation unless 46281
otherwise specified by the board of trustees of the community 46282
college. 46283

The eastern gateway community college district is divided 46284
into two taxing subdistricts, one consisting of the territory of 46285
Jefferson county, and the other consisting of the territories of 46286
Columbiana, Mahoning, and Trumbull counties. 46287

(C) On the effective date of this section as enacted by H.B. 46288
1 of the 128th general assembly, the government of the eastern 46289
gateway community college district shall be vested in a board of 46290

eleven trustees to be appointed by the governor, with the advice 46291
and consent of the senate. The board of trustees of the former 46292
community college district of Jefferson county is abolished on 46293
that date. 46294

The governor shall appoint the members of the board of 46295
trustees of the eastern gateway community college district as 46296
successors to the board of trustees of Jefferson community college 46297
as follows: Three members of the board of trustees shall be 46298
residents of Jefferson county. (The initial Jefferson county 46299
members shall be members of the board of trustees of the former 46300
community college district of Jefferson county, as it existed 46301
before the effective date of this section.) Eight members of the 46302
board of trustees shall be residents of Columbiana, Mahoning, and 46303
Trumbull counties. 46304

The initial board of trustees shall be appointed within 46305
ninety days after the effective date of this section for terms as 46306
follows: Of the trustees who are residents of Jefferson county, 46307
one trustee shall be appointed for a one-year term, one trustee 46308
shall be appointed for a three-year term, and one trustee shall be 46309
appointed for a five-year term. Of the trustees who are residents 46310
of Columbiana, Mahoning, and Trumbull counties, one trustee shall 46311
be appointed for a one-year term, two trustees shall be appointed 46312
for two-year terms, two trustees shall be appointed for three-year 46313
terms, two trustees shall be appointed for four-year terms, and 46314
one trustee shall be appointed for a five-year term. 46315

At the conclusion of each initial term, the term of office of 46316
each trustee shall be five years, each term ending on the same day 46317
of the same month of the year as did the term that it succeeds. 46318

Each trustee shall hold office from the date of the trustee's 46319
appointment until the end of the term for which the trustee was 46320
appointed. Any trustee appointed to fill a vacancy occurring 46321
before the expiration of the term for which the trustee's 46322

predecessor was appointed shall hold office for the remainder of 46323
that term. Any trustee shall continue in office subsequent to the 46324
expiration date of the trustee's term until the trustee's 46325
successor takes office, or until a period of sixty days has 46326
elapsed, whichever occurs first. 46327

If a vacancy occurs and the Jefferson county tax levy is no 46328
longer in place or a conversion under division (H) of this section 46329
has occurred, the governor shall fill the vacancy with a person 46330
residing within the eastern gateway community college district. 46331

(D) The board of trustees of the eastern gateway community 46332
college district shall continue to comply with division (G) of 46333
section 3354.09 of the Revised Code regarding tuition for students 46334
who are residents of Ohio but not residents of the district, and 46335
for students who are nonresidents of Ohio. The tuition rate shall 46336
be based on the student's county of residence and shall apply to 46337
all eastern gateway community college district classes in all 46338
district locations. Except as provided in division (F)(3) of this 46339
section, students who are residents of Columbiana, Mahoning, or 46340
Trumbull county shall continue to be charged tuition at the same 46341
rate as Ohio residents who are not residents of the district. 46342

(E)(1) Except as provided in divisions (E)(2) and (3) of this 46343
section, each member of the board of trustees shall have full 46344
voting rights on all matters that come before the board. 46345

(2) The three trustees representing Jefferson county shall 46346
have sole authority to vote on the following matters: 46347

(a) The Jefferson county tax levy; 46348

(b) The expenditure of revenue from that tax levy; 46349

(c) Levy-subsidized tuition rates. 46350

(3) The voting restrictions under division (E)(2) of this 46351
section apply until the electors of the Columbiana, Mahoning, and 46352

Trumbull county taxing subdistrict approve a tax levy under 46353
division (F)(3) of this section that is equivalent to the tax levy 46354
approved by the electors of Jefferson county for the support of 46355
the former community college district of Jefferson county on the 46356
effective date of this section. For the purposes of this division, 46357
the tax levy is an equivalent tax levy if either: 46358

(a) In the first tax year for which the tax is collected, it 46359
yields revenue per capita equal to or greater than the yield per 46360
capita of levies of the community college district in effect that 46361
year in Jefferson county, as jointly determined by the county 46362
auditors of Jefferson, Columbiana, Mahoning, and Trumbull 46363
counties; or 46364

(b) In the first tax year for which the tax is collected, the 46365
effective tax rate of the tax is equal to or greater than the 46366
effective tax rate of levies of the community college district in 46367
effect that tax year in Jefferson county, as jointly determined by 46368
the county auditors of Jefferson, Columbiana, Mahoning, and 46369
Trumbull counties. 46370

As used in this division, "effective tax rate" means the 46371
quotient obtained by dividing the total taxes charged and payable 46372
for a taxing subdistrict for a tax year after the reduction 46373
prescribed by section 319.301 of the Revised Code but before the 46374
reduction prescribed by section 319.302 or 323.152 of the Revised 46375
Code, by the taxable value for the taxing subdistrict for that tax 46376
year. 46377

(F)(1) For each taxing subdistrict of the eastern gateway 46378
community college district, the board of trustees may propose to 46379
levy a tax in accordance with the procedures prescribed in section 46380
3354.12 of the Revised Code, except the following terms used in 46381
that section shall have the meanings given them in this section: 46382

(a) "District" and "community college district" mean the 46383

appropriate taxing subdistrict defined in this section; 46384

(b) "Board of trustees of the community college district" means the board of trustees for the entire eastern gateway community college district. That board of trustees may propose separate levies for either of the two taxing subdistricts. 46385
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(c) "Tax duplicate" means the tax duplicate of only the appropriate taxing subdistrict and not the tax duplicate of the entire eastern gateway community college district. 46389
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(2) The board of trustees may propose to levy a tax on taxable property in Jefferson county to be voted on by the electors of Jefferson county as provided in division (F)(1) of this section. An affirmative vote by a majority of the electors of the subdistrict voting on the question is necessary for passage. Any money raised by a tax levied by the former community college district of Jefferson county or a subsequent tax levied in Jefferson county in accordance with division (F)(1) of this section shall be used solely for the benefit of Jefferson county residents attending the eastern gateway community college in the form of student tuition subsidies, student scholarships, and instructional facilities, equipment, and support services located within Jefferson county, or for any purpose approved by the electors. Such amounts shall be deposited into a separate fund of the taxing subdistrict, and shall be budgeted separately. 46392
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(3) The board of trustees may propose to levy a tax on taxable property in Columbiana, Mahoning, and Trumbull counties to be voted on by the electors of the counties as provided in division (F)(1) of this section. An affirmative vote by a majority of the electors of the subdistrict voting on the question is necessary for passage. Any amounts raised by such a tax in the tax subdistrict shall be used solely for the benefit of residents of the subdistrict attending the eastern gateway community college in the form of student tuition subsidies, student scholarships, and 46407
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instructional facilities, equipment, and support services located 46416
within Columbiana, Mahoning, and Trumbull counties, or for any 46417
purpose approved by the electors. Amounts collected shall be 46418
deposited into a separate fund from all other revenues collected 46419
by each taxing subdistrict. 46420

The board of trustees may adjust the rate of tuition charged 46421
to each taxing subdistrict's residents to an amount commensurate 46422
with the amount of tax the board of trustees dedicates for 46423
instructional and general services provided to the residents of 46424
the subdistrict. 46425

(G) The board of trustees of the eastern gateway community 46426
college district may issue bonds in accordance with section 46427
3354.11 of the Revised Code, but the board may limit the question 46428
of approval of the issue of those bonds to the electors of only 46429
one of the two taxing subdistricts, in which case the board also 46430
may limit the use of the property or improvements to the residents 46431
of that subdistrict. 46432

(H) If the tax levy in Jefferson county expires, is not 46433
renewed, or is not approved by the electors of Jefferson county 46434
and the other taxing subdistrict does not levy a tax for the 46435
purposes of this section, the board of trustees of the eastern 46436
gateway community college district shall submit a proposal to the 46437
chancellor of the board of regents to convert to a state community 46438
college and, upon the chancellor's approval of the proposal, enter 46439
into a transition agreement with the chancellor following the 46440
procedures set forth in section 3358.05 of the Revised Code for a 46441
technical college district. 46442

Sec. 3354.26. Notwithstanding the provisions in section 46443
3354.07 and division (A) of section 3354.09 of the Revised Code, 46444
which allow the board of trustees of a community college district 46445
to contract with a generally accredited public university or 46446

college for operation of such community college, the board of 46447
trustees of the Rio Grande community college district and the 46448
board of trustees of the university of Rio Grande, a private 46449
nonprofit corporation also located in Rio Grande, Ohio, may enter 46450
into ~~a contract~~ one or more contracts for the board of trustees of 46451
the university of Rio Grande to provide any services for the 46452
operation of the community college. ~~The, except the services of a~~ 46453
treasurer or other fiscal officer. Under the contracts, the 46454
community college board of trustees may ~~employ a person to serve~~ 46455
~~as president of the community college, and also may have that~~ 46456
~~person serve as president of the university as established by the~~ 46457
~~contract entered into pursuant to this section. The salary,~~ 46458
~~benefits, and other compensation for any such employee for all~~ 46459
~~duties shall be determined and paid solely by the community~~ 46460
~~college~~ acquire the services of the president of the university 46461
and other personnel, except as otherwise provided in this section. 46462
The community college board shall have exclusive authority to 46463
employ and make personnel decisions regarding the treasurer or 46464
other fiscal officer of the community college and any other 46465
personnel the community college board considers necessary for the 46466
operation of the community college. The purpose of the contracts 46467
shall be to provide the necessary leadership and to secure the 46468
efficient and effective provision of educational services for the 46469
community college from the university. The board of trustees of 46470
Rio Grande community college may terminate any such contract if a 46471
majority of the members of the board determines that the contract 46472
is no longer in the best interests of the community college. Each 46473
such contract shall include a provision for termination of the 46474
contract. 46475

Sec. 3365.04. The rules adopted under section 3365.02 of the 46476
Revised Code shall provide for students to enroll in courses under 46477
either of the following options: 46478

(A) The student may elect at the time of enrollment to be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the student about payment of tuition and fees in the customary manner followed by the college. A student electing this option also shall elect, at the time of enrollment, whether to receive only college credit or high school credit and college credit for the course.

(1) The student may elect to receive only college credit for the course. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course, but the board of education, community school governing authority, STEM school, or nonpublic participating school shall not award the high school credit.

(2) The student may elect to receive both high school credit and college credit for the course. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course and the board of education, community school governing authority, STEM school, or nonpublic school shall award the student high school credit.

(B) The student may elect at the time of enrollment for each course to have the college reimbursed under section 3365.07 of the Revised Code or as provided in alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course, the board of education, community school governing authority, STEM school, or nonpublic school shall award the student high school credit, and the college shall be reimbursed in accordance with

section 3365.07 of the Revised Code or alternative funding 46511
agreements entered into under rules adopted under section 3365.12 46512
of the Revised Code. 46513

When determining a school district's formula ADM under 46514
section 3317.03 of the Revised Code, the time a participant is 46515
attending courses under division (A) of this section shall be 46516
considered as time the participant is not attending or enrolled in 46517
school anywhere, and the time a participant is attending courses 46518
under division (B) of this section shall be considered as time the 46519
participant is attending or enrolled in the district's schools. 46520

Sec. 3365.041. (A) When a school district superintendent, the 46521
governing authority of a community school, or the chief 46522
administrative officer of a STEM school expels a student under 46523
division (B) of section 3313.66 of the Revised Code, the district 46524
superintendent, governing authority, or chief administrative 46525
officer shall send a written notice of the expulsion to any 46526
college in which the expelled student is enrolled under section 46527
3365.03 of the Revised Code at the time the expulsion is imposed. 46528
The notice shall indicate the date the expulsion is scheduled to 46529
expire. The notice also shall indicate whether the district board 46530
of education, community school governing authority, or the STEM 46531
school has adopted a policy under section 3313.613 of the Revised 46532
Code to deny high school credit for post-secondary courses taken 46533
during an expulsion. If the expulsion is extended under division 46534
(F) of section 3313.66 of the Revised Code, the district 46535
superintendent, community school governing authority, or STEM 46536
school chief administrative officer shall notify the college of 46537
the extension. 46538

(B) A college may withdraw its acceptance under section 46539
3365.03 of the Revised Code of a student who is expelled from 46540
school under division (B) of section 3313.66 of the Revised Code. 46541

As provided in section 3365.03 of the Revised Code, regardless of 46542
whether the college withdraws its acceptance of the student for 46543
the college term in which the student is expelled, the student is 46544
ineligible to enroll in a college under that section for 46545
subsequent college terms during the period of the expulsion, 46546
unless the student enrolls in another school district or community 46547
school, or a participating nonpublic school during that period. 46548

If a college withdraws its acceptance of an expelled student 46549
who elected either option of division (A)(1) or (2) of section 46550
3365.04 of the Revised Code, the college shall refund tuition and 46551
fees paid by the student in the same proportion that it refunds 46552
tuition and fees to students who voluntarily withdraw from the 46553
college at the same time in the term. 46554

If a college withdraws its acceptance of an expelled student 46555
who elected the option of division (B) of section 3365.04 of the 46556
Revised Code, the school district, community school, or STEM 46557
school shall not award high school credit for the college courses 46558
in which the student was enrolled at the time the college withdrew 46559
its acceptance, and any reimbursement under section 3365.07 of the 46560
Revised Code or through alternative funding agreements entered 46561
into under rules adopted under section 3365.12 of the Revised Code 46562
for the student's attendance prior to the withdrawal shall be the 46563
same as would be paid for a student who voluntarily withdrew from 46564
the college at the same time in the term. If the withdrawal 46565
results in the college's receiving no reimbursement, the college 46566
may require the student to return or pay for the textbooks and 46567
materials it provided the student free of charge under section 46568
3365.08 of the Revised Code. 46569

(C) When a student who elected the option of division (B) of 46570
section 3365.04 of the Revised Code is expelled under division (B) 46571
of section 3313.66 of the Revised Code from a school district, 46572
community school, or STEM school that has adopted a policy under 46573

section 3313.613 of the Revised Code, that election is 46574
automatically revoked for all college courses in which the student 46575
is enrolled during the college term in which the expulsion is 46576
imposed. Any reimbursement under section 3365.07 of the Revised 46577
Code or through alternative funding agreements entered into under 46578
rules adopted under section 3365.12 of the Revised Code for the 46579
student's attendance prior to the expulsion shall be the same as 46580
would be paid for a student who voluntarily withdrew from the 46581
college at the same time in the term. If the revocation results in 46582
the college's receiving no reimbursement, the college may require 46583
the student to return or pay for the textbooks and materials it 46584
provided the student free of charge under section 3365.08 of the 46585
Revised Code. 46586

No later than five days after receiving an expulsion notice 46587
from the superintendent of a district, the governing authority of 46588
a community school, or the chief administrative officer of a STEM 46589
school that has adopted a policy under section 3313.613 of the 46590
Revised Code, the college shall send a written notice to the 46591
expelled student that the student's election of division (B) of 46592
section 3365.04 of the Revised Code is revoked. If the college 46593
elects not to withdraw its acceptance of the student, the student 46594
shall pay all applicable tuition and fees for the college courses 46595
and shall pay for the textbooks and materials that the college 46596
provided under section 3365.08 of the Revised Code. 46597

Sec. 3365.07. (A) The rules adopted under section 3365.02 of 46598
the Revised Code shall specify a method for each of the following: 46599

(1) Determining, with respect to any participant, the 46600
percentage of a full-time educational program constituted by the 46601
participant's total educational program. That percentage shall be 46602
the participant's full-time equivalency percentage for purposes of 46603
the computation required by division (B)(1) of this section. 46604

(2) In the case of a participant who is not enrolled in a participating nonpublic school, determining the percentage of a participant's school day during which the participant is participating in each of the following:

(a) Programs provided by the city, local, or exempted village school district, a community school, or a STEM school;

(b) Programs provided by a joint vocational school district;

(c) Programs provided by a college under division (B) of section 3365.04 of the Revised Code.

The sum of divisions (A)(2)(a) to (c) of this section shall equal one hundred per cent.

(3) In the case of a participant who is not enrolled in a participating nonpublic school, determining the percentage of a participant's enrollment that shall be deemed to be enrollment in a joint vocational school district and the percentage that shall be deemed to be enrollment in a city, local, or exempted village school district. The sum of such percentages shall equal one hundred per cent.

(4) In the case of a participant who is enrolled in a participating nonpublic school, determining the percentage of a participant's school day during which the participant is participating in programs provided by a college under division (B) of section 3365.04 of the Revised Code.

(B) Each July, unless provided otherwise in an alternative funding agreement entered into under rules adopted under section 3365.12 of the Revised Code, the department of education shall pay each college for any participant enrolled in the college in the prior school year under division (B) of section 3365.04 of the Revised Code an amount computed as follows:

(1) Multiply the tuition base by the participant's full-time

equivalency percentage and multiply the resulting amount by a 46635
percentage equal to the percentage of the participant's school day 46636
apportioned to the college under division (A)(2)(c) or (4) of this 46637
section, as applicable. 46638

(2) Pay the college the lesser of: 46639

(a) The amount computed under division (B)(1) of this 46640
section; 46641

(b) The actual costs that would have been the responsibility 46642
of the participant had the participant elected to enroll under 46643
division (A) of section 3365.04 of the Revised Code, as verified 46644
by the department, of tuition, textbooks, materials, and fees 46645
directly related to any courses elected by the participant during 46646
the prior school year under division (B) of section 3365.04 of the 46647
Revised Code. 46648

(C) The department shall not reimburse any college for any 46649
course taken by a participant under division (A) of section 46650
3365.04 of the Revised Code. 46651

(D) If the participant was not enrolled in a participating 46652
nonpublic school, the amount paid under division (B) of this 46653
section for each participant shall be subtracted from the school 46654
foundation payments made to the participant's school district or, 46655
if the participant was enrolled in a community school or a STEM 46656
school, from the payments made to the participant's school under 46657
section 3314.08 or 3326.33 of the Revised Code. If the participant 46658
was enrolled in a joint vocational school district, a portion of 46659
the amount shall be subtracted from the payments to the joint 46660
vocational school district and a portion shall be subtracted from 46661
the payments to the participant's city, local, or exempted village 46662
school district. The amount of the payment subtracted from the 46663
city, local, or exempted village school district shall be computed 46664
as follows: 46665

(1) Add the following: 46666

(a) The percentage of the participant's enrollment in the 46667
school district, determined under division (A)(3) of this section; 46668
and 46669

(b) Twenty-five per cent times the percentage of the 46670
participant's enrollment in the joint vocational school district, 46671
determined under division (A)(3) of this section. 46672

(2) Multiply the sum obtained under division (D)(1) of this 46673
section by the amount computed under division (B)(2) of this 46674
section. 46675

The balance of the payment shall be subtracted from the joint 46676
vocational district's school foundation payments. 46677

(E) If the participant was enrolled in a participating 46678
nonpublic school, the amount paid under division (B) of this 46679
section shall be subtracted from moneys set aside by the general 46680
assembly for such purpose from funds appropriated for the purposes 46681
of section 3317.06 of the Revised Code. 46682

Sec. 3365.08. (A) A college that expects to receive or 46683
receives reimbursement under section 3365.07 of the Revised Code 46684
or through alternative funding agreements entered into under rules 46685
adopted under section 3365.12 of the Revised Code shall furnish to 46686
a participant all textbooks and materials directly related to a 46687
course taken by the participant under division (B) of section 46688
3365.04 of the Revised Code. No college shall charge such 46689
participant for tuition, textbooks, materials, or other fees 46690
directly related to any such course. 46691

(B) No student enrolled under this chapter in a course for 46692
which credit toward high school graduation is awarded shall 46693
receive direct financial aid through any state or federal program. 46694

(C) If a school district provides transportation for resident 46695

school students in grades eleven and twelve under section 3327.01 46696
of the Revised Code, a parent of a pupil enrolled in a course 46697
under division (A)(2) or (B) of section 3365.04 of the Revised 46698
Code may apply to the board of education for full or partial 46699
reimbursement for the necessary costs of transporting the student 46700
between the secondary school the student attends and the college 46701
in which the student is enrolled. Reimbursement may be paid solely 46702
from funds received by the district under division (D) of section 46703
3317.022 of the Revised Code. The state board of education shall 46704
establish guidelines, based on financial need, under which a 46705
district may provide such reimbursement. 46706

(D) If a community school provides or arranges transportation 46707
for its pupils in grades nine through twelve under section 46708
3314.091 of the Revised Code, a parent of a pupil of the community 46709
school who is enrolled in a course under division (A)(2) or (B) of 46710
section 3365.04 of the Revised Code may apply to the governing 46711
authority of the community school for full or partial 46712
reimbursement of the necessary costs of transporting the student 46713
between the community school and the college. The governing 46714
authority may pay the reimbursement in accordance with the state 46715
board's rules adopted under division (C) of this section solely 46716
from funds paid to it under section 3314.091 of the Revised Code. 46717

Sec. 3365.09. Section 3365.07 ~~and~~ divisions (A) and (C) of 46718
section 3365.08, and agreements entered into under rules adopted 46719
under section 3365.12 of the Revised Code do not apply to any 46720
college course in which a student is enrolled if during the term 46721
such student is enrolled in the college course the student is also 46722
a full-time student in the student's district, community school, 46723
STEM school, or nonpublic school. The rules adopted under section 46724
3365.02 of the Revised Code shall prescribe a method for 46725
determining whether a student is enrolled full-time in the 46726
student's district, community school, STEM school, or nonpublic 46727

school. 46728

Sec. 3365.10. As used in this section, the "base amount" for 46729
any school year is one million dollars. "Full-time equivalency 46730
percentage" and "percentage of the school day" enrolled in college 46731
shall be determined under the rules described by divisions (A)(1) 46732
and (4) of section 3365.07 of the Revised Code or the rules 46733
adopted under section 3365.12 of the Revised Code. 46734

(A) Each nonpublic school student who wishes to become a 46735
participant in any school year shall send to the department of 46736
education a copy of ~~his~~ the student's acceptance from a college 46737
and an application. The application shall be made on forms 46738
provided by the state board and shall include information about 46739
the student's proposed participation, including the school year in 46740
which ~~he~~ the student wishes to participate; the semesters or terms 46741
the student wishes to enroll during such year; the student's 46742
expected full-time equivalency percentage for each such semester 46743
or term; and the percentage of the school day each such semester 46744
or term that the student expects to be enrolled in programs 46745
provided by a college under division (B) of section 3365.04 of the 46746
Revised Code. The department shall mark each application with the 46747
date and time of receipt. 46748

(B) Calculations involving applications under this division 46749
shall be made in the order in which the applications are received. 46750

Upon receipt of an application under division (A) of this 46751
section, the department shall calculate the amount the college 46752
would be paid under division (B) of section 3365.07 of the Revised 46753
Code or through alternative funding agreements entered into under 46754
rules adopted under section 3365.12 of the Revised Code for the 46755
student's expected participation. The For calculations made under 46756
division (B) of section 3365.07 of the Revised Code, the 46757
department shall subtract each such calculated amount from the 46758

base amount for that year, or the amount remaining for that year 46759
after the subtraction from the base amount of amounts previously 46760
calculated under this division as a result of prior applications 46761
for participation in that year, whichever is the lesser amount. 46762

(C) If such a subtraction under division (B) of this section 46763
results in a positive number, the department shall notify the 46764
applicant within three weeks of the receipt of ~~his~~ the application 46765
that ~~he~~ such applicant may participate in the post-secondary 46766
enrollment options program to the extent indicated in the 46767
application. 46768

(D) If such a subtraction under division (B) of this section 46769
results in a negative number, the department shall, within one 46770
week of the receipt of such application, notify the applicant, the 46771
applicant's nonpublic school, and the college accepting the 46772
applicant that funds will not be available for the applicant's 46773
participation in the program during the year for which the 46774
application was made. The department shall also notify all 46775
applicants whose applications for that year are subsequently 46776
received, their nonpublic schools, and the colleges accepting them 46777
of the same fact. 46778

(E) No applicant receiving notification under division (D) of 46779
this section may become a participant under division (B) of 46780
section 3365.04 of the Revised Code for the year for which ~~he~~ the 46781
applicant applied and no college shall be paid under division (B) 46782
of section 3365.07 of the Revised Code or through alternative 46783
funding agreements entered into under rules adopted under section 46784
3365.12 of the Revised Code for participation by any such 46785
applicant in such year. 46786

Sec. 3365.12. The superintendent of public instruction and 46787
the chancellor of the Ohio board of regents jointly may adopt 46788
rules in accordance with Chapter 119. of the Revised Code 46789

permitting a board of education of a school district or joint 46790
vocational school district, governing authority of a community 46791
school, governing body of a STEM school, or governing authority of 46792
a participating nonpublic school to enter into an agreement with a 46793
college or university to use an alternate funding formula to 46794
calculate, or an alternate method to transmit, the amount the 46795
college or university would be paid for a student participating in 46796
a program under this chapter, including the program known as 46797
seniors to sophomores. 46798

Rules adopted under this section may include, but need not be 46799
limited to, any of the following alternative funding options: 46800

(A) Direct payment of funds necessary to support students 46801
participating in a program under this chapter, including the 46802
seniors to sophomores program, by the school district, joint 46803
vocational school district, community school, STEM school, or any 46804
combination thereof, to the college or university in which the 46805
student enrolled; 46806

(B) Alternate funding formulas to calculate the amount of 46807
money to be paid to colleges for participants; 46808

(C) A negotiated amount to be paid, as agreed by the school 46809
district, joint vocational school district, community school, or 46810
STEM school and the college or university. 46811

Sec. 3375.79. There is hereby created in the state treasury 46812
the Bill and Melinda Gates foundation grant fund consisting of 46813
Bill and Melinda Gates foundation grants awarded to the state 46814
library of Ohio. The state library board shall use the fund for 46815
the improvement of public library services, interlibrary 46816
cooperation, or other library purposes. All investment earnings of 46817
the fund shall be credited to the fund. 46818

Sec. 3501.17. (A) The expenses of the board of elections 46819
shall be paid from the county treasury, in pursuance of 46820
appropriations by the board of county commissioners, in the same 46821
manner as other county expenses are paid. If the board of county 46822
commissioners fails to appropriate an amount sufficient to provide 46823
for the necessary and proper expenses of the board of elections 46824
pertaining to the conduct of elections, the board of elections may 46825
apply to the court of common pleas within the county, which shall 46826
fix the amount necessary to be appropriated and the amount shall 46827
be appropriated. Payments shall be made upon vouchers of the board 46828
of elections certified to by its chairperson or acting chairperson 46829
and the director or deputy director, upon warrants of the county 46830
auditor. 46831

The board of elections shall not incur any obligation 46832
involving the expenditure of money unless there are moneys 46833
sufficient in the funds appropriated therefor to meet the 46834
obligation. If the board of elections requests a transfer of funds 46835
from one of its appropriation items to another, the board of 46836
county commissioners shall adopt a resolution providing for the 46837
transfer except as otherwise provided in section 5705.40 of the 46838
Revised Code. The expenses of the board of elections shall be 46839
apportioned among the county and the various subdivisions as 46840
provided in this section, and the amount chargeable to each 46841
subdivision shall be withheld by the auditor from the moneys 46842
payable thereto at the time of the next tax settlement. At the 46843
time of submitting budget estimates in each year, the board of 46844
elections shall submit to the taxing authority of each 46845
subdivision, upon the request of the subdivision, an estimate of 46846
the amount to be withheld from the subdivision during the next 46847
fiscal year. 46848

(B) Except as otherwise provided in division (F) of this 46849
section, the compensation of the members of the board of elections 46850

and of the director, deputy director, and regular employees in the 46851
board's offices, other than compensation for overtime worked; the 46852
expenditures for the rental, furnishing, and equipping of the 46853
office of the board and for the necessary office supplies for the 46854
use of the board; the expenditures for the acquisition, repair, 46855
care, and custody of the polling places, booths, guardrails, and 46856
other equipment for polling places; the cost of tally sheets, 46857
maps, flags, ballot boxes, and all other permanent records and 46858
equipment; the cost of all elections held in and for the state and 46859
county; and all other expenses of the board which are not 46860
chargeable to a political subdivision in accordance with this 46861
section shall be paid in the same manner as other county expenses 46862
are paid. 46863

(C) The compensation of judges of elections and intermittent 46864
employees in the board's offices; the cost of renting, moving, 46865
heating, and lighting polling places and of placing and removing 46866
ballot boxes and other fixtures and equipment thereof, including 46867
voting machines, marking devices, and automatic tabulating 46868
equipment; the cost of printing and delivering ballots, cards of 46869
instructions, registration lists required under section 3503.23 of 46870
the Revised Code, and other election supplies, including the 46871
supplies required to comply with division (H) of section 3506.01 46872
of the Revised Code; the cost of contractors engaged by the board 46873
to prepare, program, test, and operate voting machines, marking 46874
devices, and automatic tabulating equipment; and all other 46875
expenses of conducting primaries and elections in the odd-numbered 46876
years shall be charged to the subdivisions in and for which such 46877
primaries or elections are held. The charge for each primary or 46878
general election in odd-numbered years for each subdivision shall 46879
be determined in the following manner: first, the total cost of 46880
all chargeable items used in conducting such elections shall be 46881
ascertained; second, the total charge shall be divided by the 46882
number of precincts participating in such election, in order to 46883

fix the cost per precinct; third, the cost per precinct shall be 46884
prorated by the board of elections to the subdivisions conducting 46885
elections for the nomination or election of offices in such 46886
precinct; fourth, the total cost for each subdivision shall be 46887
determined by adding the charges prorated to it in each precinct 46888
within the subdivision. 46889

(D) The entire cost of special elections held on a day other 46890
than the day of a primary or general election, both in 46891
odd-numbered or in even-numbered years, shall be charged to the 46892
subdivision. Where a special election is held on the same day as a 46893
primary or general election in an even-numbered year, the 46894
subdivision submitting the special election shall be charged only 46895
for the cost of ballots and advertising. Where a special election 46896
is held on the same day as a primary or general election in an 46897
odd-numbered year, the subdivision submitting the special election 46898
shall be charged for the cost of ballots and advertising for such 46899
special election, in addition to the charges prorated to such 46900
subdivision for the election or nomination of candidates in each 46901
precinct within the subdivision, as set forth in the preceding 46902
paragraph. 46903

(E) Where a special election is held on the day specified by 46904
division (E) of section 3501.01 of the Revised Code for the 46905
holding of a primary election, for the purpose of submitting to 46906
the voters of the state constitutional amendments proposed by the 46907
general assembly, and a subdivision conducts a special election on 46908
the same day, the entire cost of the special election shall be 46909
divided proportionally between the state and the subdivision based 46910
upon a ratio determined by the number of issues placed on the 46911
ballot by each, except as otherwise provided in division (G) of 46912
this section. Such proportional division of cost shall be made 46913
only to the extent funds are available for such purpose from 46914
amounts appropriated by the general assembly to the secretary of 46915

state. If a primary election is also being conducted in the 46916
subdivision, the costs shall be apportioned as otherwise provided 46917
in this section. 46918

(F) When a precinct is open during a general, primary, or 46919
special election solely for the purpose of submitting to the 46920
voters a statewide ballot issue, the state shall bear the entire 46921
cost of the election in that precinct and shall reimburse the 46922
county for all expenses incurred in opening the precinct. 46923

(G)(1) The state shall bear the entire cost of advertising in 46924
newspapers statewide ballot issues, explanations of those issues, 46925
and arguments for or against those issues, as required by Section 46926
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 46927
and any other section of law. Appropriations made to the 46928
controlling board shall be used to reimburse the secretary of 46929
state for all expenses the secretary of state incurs for such 46930
advertising under division (G) of section 3505.062 of the Revised 46931
Code. 46932

(2) There is hereby created in the state treasury the 46933
statewide ballot advertising fund. The fund shall receive 46934
transfers approved by the controlling board, and shall be used by 46935
the secretary of state to pay the costs of advertising state 46936
ballot issues as required under division (G)(1) of this section. 46937
Any such transfers may be requested from and approved by the 46938
controlling board prior to placing the advertising, in order to 46939
facilitate timely provision of the required advertising. 46940

(H) The cost of renting, heating, and lighting registration 46941
places; the cost of the necessary books, forms, and supplies for 46942
the conduct of registration; and the cost of printing and posting 46943
precinct registration lists shall be charged to the subdivision in 46944
which such registration is held. 46945

(I) At the request of a majority of the members of the board 46946

of elections, the board of county commissioners may, by 46947
resolution, establish an elections revenue fund. Except as 46948
otherwise provided in this division, the purpose of the fund shall 46949
be to accumulate revenue withheld by or paid to the county under 46950
this section for the payment of any expense related to the duties 46951
of the board of elections specified in section 3501.11 of the 46952
Revised Code, upon approval of a majority of the members of the 46953
board of elections. The fund shall not accumulate any revenue 46954
withheld by or paid to the county under this section for the 46955
compensation of the members of the board of elections or of the 46956
director, deputy director, or other regular employees in the 46957
board's offices, other than compensation for overtime worked. 46958

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 46959
Revised Code, the board of county commissioners may, by 46960
resolution, transfer money to the elections revenue fund from any 46961
other fund of the political subdivision from which such payments 46962
lawfully may be made. Following an affirmative vote of a majority 46963
of the members of the board of elections, the board of county 46964
commissioners may, by resolution, rescind an elections revenue 46965
fund established under this division. If an elections revenue fund 46966
is rescinded, money that has accumulated in the fund shall be 46967
transferred to the county general fund. 46968

(J) As used in this section: 46969

(1) "Political subdivision" and "subdivision" mean any board 46970
of county commissioners, board of township trustees, legislative 46971
authority of a municipal corporation, board of education, or any 46972
other board, commission, district, or authority that is empowered 46973
to levy taxes or permitted to receive the proceeds of a tax levy, 46974
regardless of whether the entity receives tax settlement moneys as 46975
described in division (A) of this section; 46976

(2) "Statewide ballot issue" means any ballot issue, whether 46977
proposed by the general assembly or by initiative or referendum, 46978

that is submitted to the voters throughout the state. 46979

Sec. 3503.15. (A) The secretary of state shall establish and 46980
maintain a statewide voter registration database that shall be 46981
continuously available to each board of elections and to other 46982
agencies as authorized by law. 46983

(B) The statewide voter registration database established 46984
under this section shall be the official list of registered voters 46985
for all elections conducted in this state. 46986

(C) The statewide voter registration database established 46987
under this section shall, at a minimum, include all of the 46988
following: 46989

(1) An electronic network that connects all board of 46990
elections offices with the office of the secretary of state and 46991
with the offices of all other boards of elections; 46992

(2) A computer program that harmonizes the records contained 46993
in the database with records maintained by each board of 46994
elections; 46995

(3) An interactive computer program that allows access to the 46996
records contained in the database by each board of elections and 46997
by any persons authorized by the secretary of state to add, 46998
delete, modify, or print database records, and to conduct updates 46999
of the database; 47000

(4) A search program capable of verifying registered voters 47001
and their registration information by name, driver's license 47002
number, birth date, social security number, or current address; 47003

(5) Safeguards and components to ensure that the integrity, 47004
security, and confidentiality of the voter registration 47005
information is maintained. 47006

(D) The secretary of state shall adopt rules pursuant to 47007
Chapter 119. of the Revised Code doing all of the following: 47008

(1) Specifying the manner in which existing voter registration records maintained by boards of elections shall be converted to electronic files for inclusion in the statewide voter registration database;

(2) Establishing a uniform method for entering voter registration records into the statewide voter registration database on an expedited basis, but not less than once per day, if new registration information is received;

(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code;

(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database;

(5) Establishing a process for annually auditing the information contained in the statewide voter registration database.

(E) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D)(3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.

(F) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.

(G)(1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:

(a) Except as otherwise provided in division (G)(1)(b) of this section, only the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:

(i) The voter's name;

(ii) The voter's address;

(iii) The voter's precinct number;

(iv) The voter's voting history.

(b) During the thirty days before the day of a primary or general election, the web site interface of the statewide voter registration database shall permit a voter to search for the polling location at which that voter may cast a ballot.

(2) The secretary of state shall establish, by rule adopted under Chapter 119. of the Revised Code, a process for boards of elections to notify the secretary of state of changes in the locations of precinct polling places for the purpose of updating the information made available on the secretary of state's web site under division (G)(1)(b) of this section. Those rules shall require a board of elections, during the thirty days before the day of a primary or general election, to notify the secretary of state within one business day of any change to the location of a precinct polling place within the county.

(3) During the thirty days before the day of a primary or general election, not later than one business day after receiving a notification from a county pursuant to division (G)(2) of this section that the location of a precinct polling place has changed, the secretary of state shall update that information on the secretary of state's web site for the purpose of division (G)(1)(b) of this section.

(H)(1) As used in division (H) of this section, "mismatch"

means any of the following data fields that are not identical to 47070
one another with respect to a particular individual when 47071
information in the statewide voter registration database is 47072
compared to motor vehicle records: 47073

(a) Driver's license number; 47074

(b) Social security number; 47075

(c) Date of birth. 47076

(2) On or before the effective date of this amendment, the 47077
secretary of state and the registrar of motor vehicles shall enter 47078
into an agreement to match information in the statewide voter 47079
registration database with motor vehicle records for the purpose 47080
of verifying the accuracy of the information in the statewide 47081
voter registration database and the information provided on voter 47082
registration applications, as required under 42 U.S.C. 15483. 47083

47084

(3) Not later than December 31, 2009, and not later than the 47085
first day of July of each year thereafter, the secretary of state 47086
shall identify any mismatches between voter registration 47087
information and motor vehicle records that the secretary of state 47088
receives under division (H)(2) of this section regarding persons 47089
registered to vote in each county, and shall notify the applicable 47090
board of elections of any mismatches not later than fifteen days 47091
after they are identified. 47092

(4) Upon notification of mismatches by the secretary of state 47093
under division (H)(3) of this section, the board of elections 47094
shall notify each affected voter of the mismatch regarding the 47095
voter's information. The board shall provide the voter with the 47096
opportunity to verify and correct the mismatched information. Each 47097
board of elections, by majority vote, shall establish procedures 47098
to notify affected voters of mismatches and to provide those 47099
voters with the opportunity to verify and correct the mismatched 47100

information. The procedures shall conform to the voluntary 47101
guidelines for implementing statewide voter registration lists 47102
adopted by the United States election assistance commission. 47103

47104

(5) Notwithstanding any provision of the Revised Code to the 47105
contrary, a mismatch shall not be the sole reason for the removal 47106
of a voter from the statewide voter registration database or for 47107
rendering the voter ineligible to vote. 47108

~~Sec. 3503.18. The chief health officer of each political~~ 47109
~~subdivision and the director of health shall file with the board~~ 47110
~~of elections, at least once each month, the names, dates of birth,~~ 47111
~~dates of death, and residences of all persons, over eighteen years~~ 47112
~~of age, who have died within such subdivision or within this state~~ 47113
~~or another state, respectively, within such month. At least once~~ 47114
~~each month the, each probate judge in this state shall file with~~ 47115
~~the board of elections the names and residence addresses of all~~ 47116
~~persons over eighteen years of age who have been adjudicated~~ 47117
~~incompetent for the purpose of voting, as provided in section~~ 47118
~~5122.301 of the Revised Code. At least once each month the clerk~~ 47119
~~of the court of common pleas shall file with the board the names~~ 47120
~~and residence addresses of all persons who have been convicted~~ 47121
~~during the previous month of crimes that would disfranchise such~~ 47122
~~persons under existing laws of the state. Reports of conviction of~~ 47123
~~crimes under the laws of the United States that would disfranchise~~ 47124
~~an elector and that are provided to the secretary of state by any~~ 47125
~~United States attorney shall be forwarded by the secretary of~~ 47126
~~state to the appropriate board of elections.~~ 47127

Upon receiving ~~any a~~ report ~~described in~~ required by this 47128
section or section 3705.031 of the Revised Code, the board of 47129
elections shall promptly cancel the registration of ~~the~~ each 47130
elector named in the report. If the report contains a residence 47131

address of an elector in a county other than the county in which 47132
the board of elections is located, the director shall promptly 47133
send a copy of the report to the appropriate board of elections, 47134
which shall cancel the registration. 47135

Sec. 3503.21. (A) The registration of a registered elector 47136
shall be canceled upon the occurrence of any of the following: 47137

(1) The filing by a registered elector of a written request 47138
with a board of elections, on a form prescribed by the secretary 47139
of state and signed by the elector, that the registration be 47140
canceled. The filing of such a request does not prohibit an 47141
otherwise qualified elector from reregistering to vote at any 47142
time. 47143

~~(2) The filing of a notice of the death of the registered 47144
elector as provided in section 3503.18 of the Revised Code;~~ 47145

~~(3) The conviction of the registered elector of a felony 47146
under the laws of this state, any other state, or the United 47147
States as provided in section 2961.01 of the Revised Code;~~ 47148

~~(4)~~(3) The adjudication of incompetency of the registered 47149
elector for the purpose of voting as provided in section 5122.301 47150
of the Revised Code; 47151

(4) The receipt by a board of elections of a report required 47152
by section 3705.031 of the Revised Code that contains the name of 47153
the registered elector; 47154

(5) The change of residence of the registered elector to a 47155
location outside the county of registration in accordance with 47156
division (B) of this section; 47157

(6) The failure of the registered elector, after having been 47158
mailed a confirmation notice, to do either of the following: 47159

(a) Respond to such a notice and vote at least once during a 47160
period of four consecutive years, which period shall include two 47161

general federal elections; 47162

(b) Update the elector's registration and vote at least once 47163
during a period of four consecutive years, which period shall 47164
include two general federal elections. 47165

(B)(1) The secretary of state shall prescribe procedures to 47166
identify and cancel the registration in a prior county of 47167
residence of any registrant who changes the registrant's voting 47168
residence to a location outside the registrant's current county of 47169
registration. Any procedures prescribed in this division shall be 47170
uniform and nondiscriminatory, and shall comply with the Voting 47171
Rights Act of 1965. The secretary of state may prescribe 47172
procedures under this division that include the use of the 47173
national change of address service provided by the United States 47174
postal system through its licensees. Any program so prescribed 47175
shall be completed not later than ninety days prior to the date of 47176
any primary or general election for federal office. 47177

(2) The registration of any elector identified as having 47178
changed the elector's voting residence to a location outside the 47179
elector's current county of registration shall not be canceled 47180
unless the registrant is sent a confirmation notice on a form 47181
prescribed by the secretary of state and the registrant fails to 47182
respond to the confirmation notice or otherwise update the 47183
registration and fails to vote in any election during the period 47184
of two federal elections subsequent to the mailing of the 47185
confirmation notice. 47186

(C) The registration of a registered elector shall not be 47187
canceled except as provided in this section, division (Q) of 47188
section 3501.05 of the Revised Code, division (C)(2) of section 47189
3503.19 of the Revised Code, or division (C) of section 3503.24 of 47190
the Revised Code. 47191

(D) Boards of elections shall send their voter registration 47192

information to the secretary of state as required under section 47193
3503.15 of the Revised Code. In the first quarter of each 47194
odd-numbered year, the secretary of state shall send the 47195
information to the national change of address service described in 47196
division (B) of this section and request that service to provide 47197
the secretary of state with a list of any voters sent by the 47198
secretary of state who have moved within the last thirty-six 47199
months. The secretary of state shall transmit to each appropriate 47200
board of elections whatever lists the secretary of state receives 47201
from that service. The board shall send a notice to each person on 47202
the list transmitted by the secretary of state requesting 47203
confirmation of the person's change of address, together with a 47204
postage prepaid, preaddressed return envelope containing a form on 47205
which the voter may verify or correct the change of address 47206
information. 47207

(E) The registration of a registered elector described in 47208
division (A)(6) or (B)(2) of this section shall be canceled not 47209
later than one hundred twenty days after the date of the second 47210
general federal election in which the elector fails to vote or not 47211
later than one hundred twenty days after the expiration of the 47212
four-year period in which the elector fails to vote or respond to 47213
a confirmation notice, whichever is later. 47214

Sec. 3701.021. (A) The public health council shall adopt, in 47215
accordance with Chapter 119. of the Revised Code, such rules as 47216
are necessary to carry out sections 3701.021 to 3701.0210 of the 47217
Revised Code, including, but not limited to, rules to establish 47218
the following: 47219

(1) Medical and financial eligibility requirements for the 47220
program for medically handicapped children; 47221

(2) Eligibility requirements for providers of services for 47222
medically handicapped children; 47223

(3) Procedures to be followed by the department of health in disqualifying providers for violating requirements adopted under division (A)(2) of this section;	47224 47225 47226
(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section;	47227 47228 47229 47230
(5) Standards for the provision of service coordination by the department of health and city and general health districts;	47231 47232
(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;	47233 47234 47235 47236 47237
(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	47238 47239 47240
(8) Criteria for payment of approved providers who provide services for medically handicapped children;	47241 47242
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective;	47243 47244 47245
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	47246 47247 47248
(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;	47249 47250 47251
(12) Eligibility requirements for the hemophilia program, including income and hardship requirements.	47252 47253

(B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children to implement sections 3701.021 to 3701.0210 of the Revised Code.

(C) The director of health may adopt rules to establish a drug rebate program for medically handicapped children that is substantially similar to the medicaid supplemental drug rebate program established under section 5111.081 of the Revised Code.

If the director establishes a drug rebate program for medically handicapped children, the director shall consult with drug manufacturers regarding the implementation of the program. A drug manufacturer participating in the program shall provide drug rebates to the program for medically handicapped children in accordance with rules adopted under this section.

The director may cooperate with the director of job and family services to obtain rebates for all drugs that are covered by the program established under this section and the medicaid supplemental drug rebate program established under section 5111.081 of the Revised Code.

Sec. 3701.0212. The drug rebate for medically handicapped children fund is hereby created in the state treasury. All rebates received for purposes of any drug rebate program established under section 3701.021 of the Revised Code, including any funds collected for the program by the department of job and family services under section 5111.081 of the Revised Code, shall be credited to the fund. The department of health shall use money credited to the fund for the administration of the program for medically handicapped children.

Sec. 3701.045. (A) The department of health, in consultation with the children's trust fund board established under section

3109.15 of the Revised Code and any bodies acting as child 47284
fatality review boards on ~~the effective date of this section~~ 47285
October 5, 2000, shall adopt rules in accordance with Chapter 119. 47286
of the Revised Code that establish a procedure for child fatality 47287
review boards to follow in conducting a review of the death of a 47288
child. The rules shall do all of the following: 47289

(1) Establish the format for the annual reports required by 47290
section 307.626 of the Revised Code; 47291

(2) Establish guidelines for a child fatality review board to 47292
follow in compiling statistics for annual reports so that the 47293
reports do not contain any information that would permit any 47294
person's identity to be ascertained from a report; 47295

(3) Establish guidelines for a child fatality review board to 47296
follow in creating and maintaining the comprehensive database of 47297
child deaths required by section 307.623 of the Revised Code, 47298
including provisions establishing uniform record-keeping 47299
procedures; 47300

(4) Establish guidelines for reporting child fatality review 47301
data to the department of health or a national child death review 47302
database, either of which must maintain the confidentiality of 47303
information that would permit a person's identity to be 47304
ascertained; 47305

(5) Establish guidelines, materials, and training to help 47306
educate members of child fatality review boards about the purpose 47307
of the review process and the confidentiality of the information 47308
described in section 307.629 of the Revised Code and to make them 47309
aware that such information is not a public record under section 47310
149.43 of the Revised Code. 47311

(B) On or before the thirtieth day of September of each year, 47312
the department of health and the children's trust fund board 47313
jointly shall prepare and publish a report organizing and setting 47314

forth the data from the department of health child death review 47315
database or the national child death review database, data in all 47316
the reports provided by child fatality review boards in their 47317
annual reports for the previous calendar year, and ~~recommending~~ 47318
recommendations for any changes to law and policy that might 47319
prevent future deaths. The department and the children's trust 47320
fund board jointly shall provide a copy of the report to the 47321
governor, the speaker of the house of representatives, the 47322
president of the senate, the minority leaders of the house of 47323
representatives and the senate, each county or regional child 47324
fatality review board, and each county or regional family and 47325
children first council. 47326

Sec. 3701.07. (A) The public health council shall adopt rules 47327
in accordance with Chapter 119. of the Revised Code defining and 47328
classifying hospitals and dispensaries and providing for the 47329
reporting of information by hospitals and dispensaries. Except as 47330
otherwise provided in the Revised Code, the rules providing for 47331
the reporting of information shall not require inclusion of any 47332
confidential patient data or any information concerning the 47333
financial condition, income, expenses, or net worth of the 47334
facilities other than that financial information already contained 47335
in those portions of the medicare or medicaid cost report that is 47336
necessary for the department of health to certify the per diem 47337
cost under section 3701.62 of the Revised Code. The rules may 47338
require the reporting of information in the following categories: 47339

(1) Information needed to identify and classify the 47340
institution; 47341

(2) Information on facilities and type and volume of services 47342
provided by the institution; 47343

(3) The number of beds listed by category of care provided; 47344

(4) The number of licensed or certified professional 47345

employees by classification; 47346

(5) The number of births that occurred at the institution the 47347
previous calendar year; 47348

(6) Any other information that the council considers relevant 47349
to the safety of patients served by the institution. 47350

Every hospital and dispensary, public or private, annually 47351
shall register with and report to the department of health. 47352
Reports shall be submitted in the manner prescribed in rules 47353
adopted under this division. 47354

(B) Every governmental entity or private nonprofit 47355
corporation or association whose employees or representatives are 47356
defined as residents' rights advocates under divisions (E)(1) and 47357
(2) of section 3721.10 or division (A)(10) of section 3722.01 of 47358
the Revised Code shall register with the department of health on 47359
forms furnished by the director of health and shall provide such 47360
reasonable identifying information as the director may prescribe. 47361

The department shall compile a list of the governmental 47362
entities, corporations, or associations registering under this 47363
division and shall update the list annually. Copies of the list 47364
shall be made available to nursing home administrators as defined 47365
in division (C) of section 3721.10 of the Revised Code and to 47366
adult care facility managers as defined in section 3722.01 of the 47367
Revised Code. 47368

~~(C) Every governmental entity or private nonprofit 47369
corporation or association whose employees or representatives act 47370
as residents' rights advocates for community alternative homes 47371
pursuant to section 3724.08 of the Revised Code shall register 47372
with the department of health on forms furnished by the director 47373
of health and shall provide such reasonable identifying 47374
information as the director may prescribe. 47375~~

~~The department shall compile a list of the governmental 47376~~

~~entities, corporations, and associations registering under this 47377
division and shall update the list annually. Copies of the list 47378
shall be made available to operators or residence managers of 47379
community alternative homes as defined in section 3724.01 of the 47380
Revised Code. 47381~~

~~Sec. 3701.242. (A) An HIV test shall may be performed only 47382
if, prior to the test, informed consent is obtained either by the 47383
person or agency of state or local government ordering the test or 47384
by the person or agency performing the test. Consent may be given 47385
orally or in writing after the person or agency performing or 47386
ordering the test has given the individual to be tested or his 47387
guardian the following information: 47388~~

~~(1) An oral or written explanation of the test and testing 47389
procedures, including the purposes and limitations of the test and 47390
the meaning of its results; 47391~~

~~(2) An oral or written explanation that the test is 47392
voluntary, that consent to be tested may be withdrawn, if the test 47393
is performed on an outpatient basis, at any time before the 47394
individual tested leaves the premises where blood is taken for the 47395
test, or, if the test is performed on an inpatient basis, within 47396
one hour after the blood is taken for the test, and that the 47397
individual or guardian may elect to have an anonymous test; 47398~~

~~(3) An oral or written explanation about behaviors known to 47399
pose risks for transmission of HIV infection. 47400~~

~~The public health council shall adopt rules, pursuant to 47401
recommendations of the director of health and in accordance with 47402
Chapter 119. of the Revised Code, specifying the information 47403
required by this section to be given to an individual before he is 47404
given an HIV test. The rules shall contain specifications for an 47405
informed consent form that includes the required information. The 47406
director of health shall prepare and distribute the form. A person 47407~~

~~or government agency required by division (A) of this section to~~ 47408
~~give information to an individual may satisfy the requirement by~~ 47409
~~obtaining the signature of the individual on the form prepared by~~ 47410
~~the director~~ by or on the order of a health care provider who, in 47411
the exercise of the provider's professional judgment, determines 47412
the test to be necessary for providing diagnosis and treatment to 47413
the individual to be tested, if the individual or the individual's 47414
parent or guardian has given consent to the provider for medical 47415
or other health care treatment. The health care provider shall 47416
inform the individual of the individual's right under division (D) 47417
of this section to an anonymous test. 47418

(B) A minor may consent to be given an HIV test. The consent 47419
is not subject to disaffirmance because of minority. The parents 47420
or guardian of a minor giving consent under this division are not 47421
liable for payment and shall not be charged for an HIV test given 47422
to the minor without the consent of a parent or the guardian. 47423

(C) ~~The person or government agency~~ health care provider 47424
~~ordering an HIV test shall provide post-test counseling for the an~~ 47425
~~individual who was tested at the time he is told the result of the~~ 47426
~~test or informed of a diagnosis of AIDS or of an AIDS related~~ 47427
~~condition~~ receives an HIV-positive test result. If the test was 47428
~~performed on the order of the individual tested, the person or~~ 47429
~~government agency that performed the test shall provide~~ 47430
~~counseling. The individual shall be given an oral or written~~ 47431
~~explanation of the nature of AIDS and AIDS-related conditions and~~ 47432
~~the relationship between the HIV test and those diseases and a~~ 47433
~~list of resources for further counseling or support. When~~ 47434
~~necessary, the individual shall be referred for further counseling~~ 47435
~~to help him cope with the emotional consequences of learning the~~ 47436
~~test result~~ The public health council may adopt rules, pursuant to 47437
recommendations from the director of health and in accordance with 47438
Chapter 119. of the Revised Code, specifying the information to be 47439

provided in post-test counseling. 47440

47441

(D) ~~Any~~ An individual ~~seeking an HIV test~~ shall have the 47442
right, ~~on his request,~~ to an anonymous test. A health care 47443
facility or health care provider that does not provide anonymous 47444
testing shall refer an individual requesting an anonymous test to 47445
a site where it is available. 47446

(E) Divisions ~~(A)~~ (B) to (D) of this section do not apply to 47447
the performance of an HIV test in any of the following 47448
circumstances: 47449

(1) When the test is performed in a medical emergency by a 47450
nurse or physician and the test results are medically necessary to 47451
avoid or minimize an immediate danger to the health or safety of 47452
the individual to be tested or another individual, except that 47453
post-test counseling shall be given to the individual ~~as soon as~~ 47454
~~possible after the emergency is over~~ if the individual receives an 47455
HIV-positive test result; 47456

(2) When the test is performed for the purpose of research if 47457
the researcher does not know and cannot determine the identity of 47458
the individual tested; 47459

(3) When the test is performed by a person who procures, 47460
processes, distributes, or uses a human body part from a deceased 47461
person donated for a purpose specified in Chapter 2108. of the 47462
Revised Code, if the test is medically necessary to ensure that 47463
the body part is acceptable for its intended purpose; 47464

(4) When the test is performed on a person incarcerated in a 47465
correctional institution under the control of the department of 47466
rehabilitation and correction if the head of the institution has 47467
determined, based on good cause, that a test is necessary; 47468

(5) When the test is performed ~~by or on the order of a~~ 47469
~~physician who, in the exercise of his professional judgment,~~ 47470

~~determines the test to be necessary for providing diagnosis and 47471
treatment to the individual to be tested, if the individual or his 47472
parent or guardian has given consent to the physician for medical 47473
treatment in accordance with section 2907.27 of the Revised Code;~~ 47474

(6) When the test is performed on an individual after the 47475
infection control committee of a health care facility, or other 47476
body of a health care facility performing a similar function 47477
determines that a health care provider, emergency medical services 47478
worker, or peace officer, while rendering health or emergency care 47479
to an individual, has sustained a significant exposure to the body 47480
fluids of that individual, and the individual has refused to give 47481
consent for testing. 47482

~~(F) If the requirements of division (A) of this section have 47483
been met, consent to be tested given under that division shall be 47484
presumed to be valid and effective, and no evidence is admissible 47485
in a civil action to impeach, modify, or limit the consent. 47486~~

~~(G) The consent of the individual to be tested is not 47487
required, and the individual or guardian may not elect to have an 47488
anonymous test, when the test is ordered by a court in connection 47489
with a criminal investigation. 47490~~

Sec. 3701.247. (A)(1) Any of the following persons may bring 47491
an action in a probate court for an order compelling another 47492
person to undergo HIV testing: 47493

(a) A person who believes ~~he~~ the person may have been exposed 47494
to HIV infection while rendering health or emergency care to the 47495
other person; 47496

(b) A peace officer who believes ~~he~~ the peace officer may 47497
have been exposed to HIV infection while dealing with the other 47498
person in the performance of ~~his~~ official duties. 47499

(2) The complaint in the action shall be accompanied by an 47500

affidavit in which the plaintiff attests to all of the following: 47501

(a) While rendering health or emergency care to the 47502
defendant, or while dealing with the defendant in the performance 47503
of ~~his~~ the plaintiff's duties, the plaintiff sustained a 47504
significant exposure to body fluids of the defendant that are 47505
known to transmit HIV; 47506

(b) The plaintiff has reason to believe the defendant may 47507
have an HIV infection; 47508

(c) The plaintiff made a reasonable attempt to have the 47509
defendant submit to HIV testing in accordance with section 47510
3701.242 of the Revised Code, and notified the defendant that ~~he~~ 47511
the plaintiff would bring an action under this section on the 47512
defendant's refusal or failure to be tested, but the defendant has 47513
not been tested; 47514

(d) Within seven days after the exposure, the plaintiff took 47515
an HIV test ~~and also has received counseling pursuant to section~~ 47516
~~3701.242 of the Revised Code.~~ 47517

In the complaint, the defendant shall be identified by a 47518
pseudonym and ~~his~~ the defendant's name communicated to the court 47519
confidentially pursuant to a court order restricting the use of 47520
the name. Proceedings shall be conducted in chambers unless the 47521
defendant agrees to a hearing in open court. 47522

(B) The court shall hold a hearing on the complaint at the 47523
earliest possible time but not later than the third business day 47524
after the day the defendant is served with the complaint and 47525
notice of the hearing. The court shall enter judgment on the 47526
complaint on the day the hearing is concluded. 47527

(C) Notwithstanding division (A) of section 3701.242 of the 47528
Revised Code, the court may order the defendant to undergo HIV 47529
testing if it finds by clear and convincing evidence that the 47530
plaintiff has proved the matters attested to in ~~his~~ the 47531

plaintiff's affidavit and has demonstrated that ~~he~~ the plaintiff 47532
has a compelling need for the results of the test and no other 47533
means exist to accommodate the need. If granted, the order shall 47534
guard against unauthorized disclosure of the test results by 47535
specifying the persons and governmental entities that may have 47536
access to the results and by limiting further disclosure. The 47537
court shall require that the defendant be given test results and, 47538
if the defendant's test results are HIV-positive, that post-test 47539
counseling be provided ~~him~~ the defendant in accordance with 47540
division (C) of section 3701.242 of the Revised Code. The court 47541
may order the plaintiff to pay the cost of the defendant's testing 47542
and counseling. 47543

Sec. 3701.344. As used in this section and sections 3701.345, 47544
3701.346, and 3701.347 of the Revised Code: 47545

(A) "Private water system" means any water system for the 47546
provision of water for human consumption, if such system has fewer 47547
than fifteen service connections and does not regularly serve an 47548
average of at least twenty-five individuals daily at least sixty 47549
days out of the year. A private water system includes any well, 47550
spring, cistern, pond, or hauled water and any equipment for the 47551
collection, transportation, filtration, disinfection, treatment, 47552
or storage of such water extending from and including the source 47553
of the water to the point of discharge from any pressure tank or 47554
other storage vessel; to the point of discharge from the water 47555
pump where no pressure tank or other storage vessel is present; 47556
or, in the case of multiple service connections serving more than 47557
one dwelling, to the point of discharge from each service 47558
connection. ~~A private~~ "Private water system" does not include the 47559
water service line extending from the point of discharge to a 47560
structure. 47561

(B) Notwithstanding section 3701.347 of the Revised Code and 47562

subject to division (C) of this section, rules adopted by the 47563
public health council regarding private water systems shall 47564
provide for the following: 47565

(1) Except as otherwise provided in this division, boards of 47566
health of city or general health districts shall be given the 47567
exclusive power to establish fees in accordance with section 47568
3709.09 of the Revised Code for administering and enforcing such 47569
rules. Such fees shall establish a different rate for 47570
administering and enforcing the rules relative to private water 47571
systems serving single-family dwelling houses and nonsingle-family 47572
dwelling houses. Except for an amount established by the public 47573
health council, pursuant to division (B)(5) of this section, for 47574
each new private water system installation, no portion of any fee 47575
for administering and enforcing such rules shall be returned to 47576
the department of health. If the director of health determines 47577
that a board of health of a city or general health district is 47578
unable to administer and enforce a private water system program in 47579
the district, the director shall administer and enforce such a 47580
program in the district and establish fees for such administration 47581
and enforcement. 47582

(2) Boards of health of city or general health districts 47583
shall be given the exclusive power to determine the number of 47584
inspections necessary for determining the safe drinking 47585
characteristics of a private water system. 47586

(3) Private water systems contractors, as a condition of 47587
doing business in this state, shall annually register with, and 47588
comply with surety bonding requirements of, the department of 47589
health. No such contractor shall be permitted to register if ~~he~~ 47590
the contractor fails to comply with all applicable rules adopted 47591
by the public health council and the board of health of the city 47592
or general health district. The annual registration fee for 47593
private water systems contractors shall be sixty-five dollars. The 47594

public health council, by rule adopted in accordance with Chapter 47595
119. of the Revised Code, may increase the annual registration 47596
fee. Before January 1, 1993, the fee shall not be increased by 47597
more than fifty per cent of the amount prescribed by this section. 47598

(4) Boards of health of city or general health districts 47599
subject to such rules of the public health council shall have the 47600
option of determining whether bacteriological examinations shall 47601
be performed at approved laboratories of the state or at approved 47602
private laboratories. 47603

(5) The public health council may establish fees for each new 47604
private water system installation, which shall be collected by the 47605
appropriate city or general health district and returned to the 47606
department of health. 47607

(6) All fees collected by the director of health under 47608
divisions (B)(1), (3), and (5) of this section shall be deposited 47609
in the state treasury to the credit of the general operations fund 47610
created in section 3701.83 of the Revised Code for use in the 47611
administration and enforcement of sections 3701.344 to 3701.347 of 47612
the Revised Code and the rules pertaining to private water systems 47613
adopted under those sections or section 3701.34 of the Revised 47614
Code. 47615

(C) To the extent that rules adopted under division (B) of 47616
this section require health districts to follow specific 47617
procedures or use prescribed forms, no such procedure or form 47618
shall be implemented until it is approved by majority vote of an 47619
approval board of health commissioners, hereby created. Members of 47620
the board shall be the officers of the association of Ohio health 47621
commissioners, or any successor organization, and membership on 47622
the board shall be coterminous with holding an office of the 47623
association. No health district is required to follow a procedure 47624
or use a form required by a rule adopted under division (B) of 47625
this section without the approval of the board. 47626

(D) A board of health shall collect well log filing fees on behalf of the division of soil and water resources in the department of natural resources in accordance with section 1521.05 of the Revised Code and rules adopted under it. The fees shall be submitted to the division quarterly as provided in those rules. 47627
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Sec. 3701.611. (A) The governor shall create the help me grow advisory council in accordance with 20 U.S.C. 1441, which shall serve as the state interagency coordinating council, as described in 20 U.S.C. 1441. Members of the council shall reasonably represent the population of this state. The governor shall appoint as a member of the council a representative of a board of health of a city or general health district or an authority having the duties of a board of health under section 3709.05 of the Revised Code. 47633
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The governor shall appoint one of the council members to serve as chairperson of the council, or the governor may delegate appointment of the chairperson to the council. No member of the council representing the department of health shall serve as chairperson. 47642
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(B) The council shall meet at least once in each quarter of the calendar year. The chairperson may call additional meetings if necessary. 47647
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(C) A member of the council shall not vote on any matter that is likely to provide a direct financial benefit to that member or otherwise be a conflict of interest. 47650
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(D) The governor may reimburse members of the council for actual and necessary expenses incurred in the performance of their official duties, including child care for the parent representatives described in 20 U.S.C. 1441(b)(1)(A). The governor also may compensate members of the council who are not employed or 47653
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who must forfeit wages from other employment when performing 47658
official council business. 47659

(E) The department of health shall serve as the "lead 47660
agency," as described by 20 U.S.C. 1435(a)(10). 47661

(F) The help me grow advisory council shall do all of the 47662
following: 47663

(1) Advise and assist the department of health in the 47664
performance of the responsibilities described in 20 U.S.C. 47665
1435(a)(10), including the following: 47666

(a) Identification of the sources of fiscal and other support 47667
for services for early intervention programs; 47668

(b) Assignment of financial responsibility to the appropriate 47669
agency, in accordance with 20 U.S.C. 1437(a)(2); 47670

(c) Promotion of formal interagency agreements that define 47671
the financial responsibility of each agency for paying for early 47672
intervention services and procedures for resolving disputes; 47673

(2) Advise and assist the department of health in the 47674
preparation and amendment of applications related to the 47675
department of health's responsibilities described in 20 U.S.C. 47676
1435(a)(10); 47677

(3) Advise and assist the department of education regarding 47678
the transition of toddlers with disabilities to preschool and 47679
other appropriate services; 47680

(4) Prepare and submit an annual report to the governor, 47681
before the thirtieth day of September, on the status of early 47682
intervention programs for infants and toddlers with disabilities 47683
and their families operated within this state during the most 47684
recent fiscal year. 47685

(G) The help me grow advisory council may advise and assist 47686
the department of health and the department of education regarding 47687

the provision of appropriate services for children age five and younger. The council may advise appropriate agencies about the integration of services for infants and toddlers with disabilities, and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services.

(H) The help me grow advisory council shall promote family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children.

Sec. 3701.78. (A) There is hereby created the commission on minority health, consisting of ~~eighteen~~ twenty-one members. The governor shall appoint to the commission nine members from among health researchers, health planners, and health professionals. The governor also shall appoint two members who are representatives of the lupus awareness and education program. The speaker of the house of representatives shall appoint to the commission two members of the house of representatives, not more than one of whom is a member of the same political party, and the president of the senate shall appoint to the commission two members of the senate, not more than one of whom is a member of the same political party. The directors of health, mental health, mental retardation and developmental disabilities, alcohol and drug addiction services, and job and family services, or their designees, and the superintendent of public instruction, or the superintendent's designee, shall be members of the commission. The commission shall elect a chairperson from among its members. Of the members appointed by the governor, five shall be appointed to initial terms of one year, and four shall be appointed to initial terms of two years. Thereafter, all members appointed by the governor shall be appointed to terms of two years. All members of the commission

appointed by the speaker of the house of representatives or the 47720
president of the senate shall be nonvoting members of the 47721
commission and be appointed within thirty days after the 47722
commencement of the first regular session of each general 47723
assembly, and shall serve until the expiration of the session of 47724
the general assembly during which they were appointed. Members of 47725
the commission shall serve without compensation, but shall be 47726
reimbursed for the actual and necessary expenses they incur in the 47727
performance of their official duties. 47728

(B) The commission shall promote health and the prevention of 47729
disease among members of minority groups. Each year the commission 47730
shall distribute grants from available funds to community-based 47731
health groups to be used to promote health and the prevention of 47732
disease among members of minority groups. As used in this 47733
division, "minority group" means any of the following economically 47734
disadvantaged groups: Blacks, American Indians, Hispanics, and 47735
Orientals. The commission shall adopt and maintain rules pursuant 47736
to Chapter 119. of the Revised Code to provide for the 47737
distribution of these grants. No group shall qualify to receive a 47738
grant from the commission unless it receives at least twenty per 47739
cent of its funds from sources other than grants distributed under 47740
this section. 47741

(C) The commission may appoint such employees as it considers 47742
necessary to carry out its duties under this section. The 47743
department of health shall provide office space for the 47744
commission. 47745

(D) The commission shall meet at the call of its chairperson 47746
to conduct its official business. A majority of the voting members 47747
of the commission constitute a quorum. The votes of at least eight 47748
voting members of the commission are necessary for the commission 47749
to take any official action or to approve the distribution of 47750
grants under this section. 47751

Sec. 3701.83. (A) There is hereby created in the state 47752
treasury the general operations fund. Moneys in the fund shall be 47753
used for the purposes specified in sections 3701.04, 3701.344, 47754
3702.20, 3710.15, 3711.16, 3717.25, 3717.45, 3718.06, 3721.02, 47755
3722.04, 3729.07, 3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 47756
3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 47757
4769.09 of the Revised Code. 47758

(B) The alcohol testing program fund is hereby created in the 47759
state treasury. The director of health shall use the fund to 47760
administer and enforce the alcohol testing and permit program 47761
authorized by section 3701.143 of the Revised Code. 47762

The fund shall receive transfers from the liquor control fund 47763
created under section 4301.12 of the Revised Code. All investment 47764
earnings of the alcohol testing program fund shall be credited to 47765
the fund. 47766

Sec. 3702.30. (A) As used in this section: 47767

(1) "Ambulatory surgical facility" means a facility, whether 47768
or not part of the same organization as a hospital, that is 47769
located in a building distinct from another in which inpatient 47770
care is provided, and to which any of the following apply: 47771

(a) Outpatient surgery is routinely performed in the 47772
facility, and the facility functions separately from a hospital's 47773
inpatient surgical service and from the offices of private 47774
physicians, podiatrists, and dentists. 47775

(b) Anesthesia is administered in the facility by an 47776
anesthesiologist or certified registered nurse anesthetist, and 47777
the facility functions separately from a hospital's inpatient 47778
surgical service and from the offices of private physicians, 47779
podiatrists, and dentists. 47780

(c) The facility applies to be certified by the United States 47781

centers for medicare and medicaid services as an ambulatory 47782
surgical center for purposes of reimbursement under Part B of the 47783
medicare program, Part B of Title XVIII of the "Social Security 47784
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 47785

(d) The facility applies to be certified by a national 47786
accrediting body approved by the centers for medicare and medicaid 47787
services for purposes of deemed compliance with the conditions for 47788
participating in the medicare program as an ambulatory surgical 47789
center. 47790

(e) The facility bills or receives from any third-party 47791
payer, governmental health care program, or other person or 47792
government entity any ambulatory surgical facility fee that is 47793
billed or paid in addition to any fee for professional services. 47794

(f) The facility is held out to any person or government 47795
entity as an ambulatory surgical facility or similar facility by 47796
means of signage, advertising, or other promotional efforts. 47797

"Ambulatory surgical facility" does not include a hospital 47798
emergency department. 47799

(2) "Ambulatory surgical facility fee" means a fee for 47800
certain overhead costs associated with providing surgical services 47801
in an outpatient setting. A fee is an ambulatory surgical facility 47802
fee only if it directly or indirectly pays for costs associated 47803
with any of the following: 47804

(a) Use of operating and recovery rooms, preparation areas, 47805
and waiting rooms and lounges for patients and relatives; 47806

(b) Administrative functions, record keeping, housekeeping, 47807
utilities, and rent; 47808

(c) Services provided by nurses, orderlies, technical 47809
personnel, and others involved in patient care related to 47810
providing surgery. 47811

"Ambulatory surgical facility fee" does not include any 47812
additional payment in excess of a professional fee that is 47813
provided to encourage physicians, podiatrists, and dentists to 47814
perform certain surgical procedures in their office or their group 47815
practice's office rather than a health care facility, if the 47816
purpose of the additional fee is to compensate for additional cost 47817
incurred in performing office-based surgery. 47818

(3) "Governmental health care program" has the same meaning 47819
as in section 4731.65 of the Revised Code. 47820

(4) "Health care facility" means any of the following: 47821

(a) An ambulatory surgical facility; 47822

(b) A freestanding dialysis center; 47823

(c) A freestanding inpatient rehabilitation facility; 47824

(d) A freestanding birthing center; 47825

(e) A freestanding radiation therapy center; 47826

(f) A freestanding or mobile diagnostic imaging center. 47827

(5) "Third-party payer" has the same meaning as in section 47828
3901.38 of the Revised Code. 47829

(B) By rule adopted in accordance with sections 3702.12 and 47830
3702.13 of the Revised Code, the director of health shall 47831
establish quality standards for health care facilities. The 47832
standards may incorporate accreditation standards or other quality 47833
standards established by any entity recognized by the director. 47834

(C) Every ambulatory surgical facility shall require that 47835
each physician who practices at the facility comply with all 47836
relevant provisions in the Revised Code that relate to the 47837
obtaining of informed consent from a patient. 47838

(D) The director shall issue a license to each health care 47839
facility that makes application for a license and demonstrates to 47840

the director that it meets the quality standards established by 47841
the rules adopted under division (B) of this section and satisfies 47842
the informed consent compliance requirements specified in division 47843
(C) of this section. 47844

(E)(1) Except as provided in division (H) of this section and 47845
in section 3702.301 of the Revised Code, no health care facility 47846
shall operate without a license issued under this section. 47847

(2) If the department of health finds that a physician who 47848
practices at a health care facility is not complying with any 47849
provision of the Revised Code related to the obtaining of informed 47850
consent from a patient, the department shall report its finding to 47851
the state medical board, the physician, and the health care 47852
facility. 47853

(3) This division does not create, and shall not be construed 47854
as creating, a new cause of action or substantive legal right 47855
against a health care facility and in favor of a patient who 47856
allegedly sustains harm as a result of the failure of the 47857
patient's physician to obtain informed consent from the patient 47858
prior to performing a procedure on or otherwise caring for the 47859
patient in the health care facility. 47860

(F) The rules adopted under division (B) of this section 47861
shall include all of the following: 47862

(1) Provisions governing application for, renewal, 47863
suspension, and revocation of a license under this section; 47864

(2) Provisions governing orders issued pursuant to section 47865
3702.32 of the Revised Code for a health care facility to cease 47866
its operations or to prohibit certain types of services provided 47867
by a health care facility; 47868

(3) Provisions governing the imposition under section 3702.32 47869
of the Revised Code of civil penalties for violations of this 47870
section or the rules adopted under this section, including a scale 47871

for determining the amount of the penalties. 47872

(G) An ambulatory surgical facility that performs or induces 47873
abortions shall comply with section 3701.791 of the Revised Code. 47874

(H) The following entities are not required to obtain a 47875
license as a freestanding diagnostic imaging center issued under 47876
this section: 47877

(1) A hospital registered under section 3701.07 of the 47878
Revised Code and providing diagnostic imaging; 47879

(2) An entity that is reviewed as part of a hospital 47880
accreditation or certification program providing diagnostic 47881
imaging; 47882

(3) An ambulatory surgical facility providing diagnostic 47883
imaging in conjunction with or during any portion of a surgical 47884
procedure. 47885

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the 47886
Revised Code: 47887

(A) "Applicant" means any person that submits an application 47888
for a certificate of need and who is designated in the application 47889
as the applicant. 47890

(B) "Person" means any individual, corporation, business 47891
trust, estate, firm, partnership, association, joint stock 47892
company, insurance company, government unit, or other entity. 47893

(C) "Certificate of need" means a written approval granted by 47894
the director of health to an applicant to authorize conducting a 47895
reviewable activity. 47896

(D) "Health service area" means a geographic region 47897
designated by the director of health under section 3702.58 of the 47898
Revised Code. 47899

(E) "Health service" means a clinically related service, such 47900

as a diagnostic, treatment, rehabilitative, or preventive service. 47901

(F) "Health service agency" means an agency designated to 47902
serve a health service area in accordance with section 3702.58 of 47903
the Revised Code. 47904

(G) "Health care facility" means: 47905

(1) A hospital registered under section 3701.07 of the 47906
Revised Code; 47907

(2) A nursing home licensed under section 3721.02 of the 47908
Revised Code, or by a political subdivision certified under 47909
section 3721.09 of the Revised Code; 47910

(3) A county home or a county nursing home as defined in 47911
section 5155.31 of the Revised Code that is certified under Title 47912
XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 47913
U.S.C.A. 301, as amended; 47914

(4) A freestanding dialysis center; 47915

(5) A freestanding inpatient rehabilitation facility; 47916

(6) An ambulatory surgical facility; 47917

(7) A freestanding cardiac catheterization facility; 47918

(8) A freestanding birthing center; 47919

(9) A freestanding or mobile diagnostic imaging center; 47920

(10) A freestanding radiation therapy center. 47921

A health care facility does not include the offices of 47922
private physicians and dentists whether for individual or group 47923
practice, residential facilities licensed under section 5123.19 of 47924
the Revised Code, or an institution for the sick that is operated 47925
exclusively for patients who use spiritual means for healing and 47926
for whom the acceptance of medical care is inconsistent with their 47927
religious beliefs, accredited by a national accrediting 47928
organization, exempt from federal income taxation under section 47929

501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 47930
U.S.C.A. 1, as amended, and providing twenty-four hour nursing 47931
care pursuant to the exemption in division (E) of section 4723.32 47932
of the Revised Code from the licensing requirements of Chapter 47933
4723. of the Revised Code. 47934

(H) "Medical equipment" means a single unit of medical 47935
equipment or a single system of components with related functions 47936
that is used to provide health services. 47937

(I) "Third-party payer" means a health insuring corporation 47938
licensed under Chapter 1751. of the Revised Code, a health 47939
maintenance organization as defined in division (K) of this 47940
section, an insurance company that issues sickness and accident 47941
insurance in conformity with Chapter 3923. of the Revised Code, a 47942
state-financed health insurance program under Chapter 3701., 47943
4123., or 5111. of the Revised Code, or any self-insurance plan. 47944

(J) "Government unit" means the state and any county, 47945
municipal corporation, township, or other political subdivision of 47946
the state, or any department, division, board, or other agency of 47947
the state or a political subdivision. 47948

(K) "Health maintenance organization" means a public or 47949
private organization organized under the law of any state that is 47950
qualified under section 1310(d) of Title XIII of the "Public 47951
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 47952

(L) "Existing health care facility" means either of the 47953
following: 47954

(1) A health care facility that is licensed or otherwise 47955
authorized to operate in this state in accordance with applicable 47956
law, including a county home or a county nursing home that is 47957
certified as of February 1, 2008, under Title XVIII or Title XIX 47958
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 47959
as amended, is staffed and equipped to provide health care 47960

services, and is actively providing health services; 47961

(2) A health care facility that is licensed or otherwise 47962
authorized to operate in this state in accordance with applicable 47963
law, including a county home or a county nursing home that is 47964
certified as of February 1, 2008, under Title XVIII or Title XIX 47965
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 47966
as amended, or that has beds registered under section 3701.07 of 47967
the Revised Code as skilled nursing beds or long-term care beds 47968
and has provided services for at least three hundred sixty-five 47969
consecutive days within the twenty-four months immediately 47970
preceding the date a certificate of need application is filed with 47971
the director of health. 47972

(M) "State" means the state of Ohio, including, but not 47973
limited to, the general assembly, the supreme court, the offices 47974
of all elected state officers, and all departments, boards, 47975
offices, commissions, agencies, institutions, and other 47976
instrumentalities of the state of Ohio. "State" does not include 47977
political subdivisions. 47978

(N) "Political subdivision" means a municipal corporation, 47979
township, county, school district, and all other bodies corporate 47980
and politic responsible for governmental activities only in 47981
geographic areas smaller than that of the state to which the 47982
sovereign immunity of the state attaches. 47983

(O) "Affected person" means: 47984

(1) An applicant for a certificate of need, including an 47985
applicant whose application was reviewed comparatively with the 47986
application in question; 47987

(2) The person that requested the reviewability ruling in 47988
question; 47989

(3) Any person that resides or regularly uses health care 47990
facilities within the geographic area served or to be served by 47991

the health care services that would be provided under the 47992
certificate of need or reviewability ruling in question; 47993

(4) Any health care facility that is located in the health 47994
service area where the health care services would be provided 47995
under the certificate of need or reviewability ruling in question; 47996

(5) Third-party payers that reimburse health care facilities 47997
for services in the health service area where the health care 47998
services would be provided under the certificate of need or 47999
reviewability ruling in question; 48000

(6) Any other person who testified at a public hearing held 48001
under division (B) of section 3702.52 of the Revised Code or 48002
submitted written comments in the course of review of the 48003
certificate of need application in question. 48004

(P) "Osteopathic hospital" means a hospital registered under 48005
section 3701.07 of the Revised Code that advocates osteopathic 48006
principles and the practice and perpetuation of osteopathic 48007
medicine by doing any of the following: 48008

(1) Maintaining a department or service of osteopathic 48009
medicine or a committee on the utilization of osteopathic 48010
principles and methods, under the supervision of an osteopathic 48011
physician; 48012

(2) Maintaining an active medical staff, the majority of 48013
which is comprised of osteopathic physicians; 48014

(3) Maintaining a medical staff executive committee that has 48015
osteopathic physicians as a majority of its members. 48016

(Q) "Ambulatory surgical facility" has the same meaning as in 48017
section 3702.30 of the Revised Code. 48018

(R) ~~Except as otherwise provided in division (T) of this 48019
section, and until the termination date specified in section 48020
3702.511 of the Revised Code, "reviewable activity" means any of 48021~~

the following:	48022
(1) The addition by any person of any of the following health services, regardless of the amount of operating costs or capital expenditures:	48023
(a) A heart, heart lung, lung, liver, kidney, bowel, pancreas, or bone marrow transplantation service, a stem cell harvesting and reinfusion service, or a service for transplantation of any other organ unless transplantation of the organ is designated by public health council rule not to be a reviewable activity;	48024
(a) A heart, heart lung, lung, liver, kidney, bowel, pancreas, or bone marrow transplantation service, a stem cell harvesting and reinfusion service, or a service for transplantation of any other organ unless transplantation of the organ is designated by public health council rule not to be a reviewable activity;	48025
(a) A heart, heart lung, lung, liver, kidney, bowel, pancreas, or bone marrow transplantation service, a stem cell harvesting and reinfusion service, or a service for transplantation of any other organ unless transplantation of the organ is designated by public health council rule not to be a reviewable activity;	48026
(a) A heart, heart lung, lung, liver, kidney, bowel, pancreas, or bone marrow transplantation service, a stem cell harvesting and reinfusion service, or a service for transplantation of any other organ unless transplantation of the organ is designated by public health council rule not to be a reviewable activity;	48027
(a) A heart, heart lung, lung, liver, kidney, bowel, pancreas, or bone marrow transplantation service, a stem cell harvesting and reinfusion service, or a service for transplantation of any other organ unless transplantation of the organ is designated by public health council rule not to be a reviewable activity;	48028
(a) A heart, heart lung, lung, liver, kidney, bowel, pancreas, or bone marrow transplantation service, a stem cell harvesting and reinfusion service, or a service for transplantation of any other organ unless transplantation of the organ is designated by public health council rule not to be a reviewable activity;	48029
(a) A heart, heart lung, lung, liver, kidney, bowel, pancreas, or bone marrow transplantation service, a stem cell harvesting and reinfusion service, or a service for transplantation of any other organ unless transplantation of the organ is designated by public health council rule not to be a reviewable activity;	48030
(a) A heart, heart lung, lung, liver, kidney, bowel, pancreas, or bone marrow transplantation service, a stem cell harvesting and reinfusion service, or a service for transplantation of any other organ unless transplantation of the organ is designated by public health council rule not to be a reviewable activity;	48031
(b) A cardiac catheterization service;	48032
(c) An open heart surgery service;	48033
(d) Any new, experimental medical technology that is designated by rule of the public health council.	48034
(d) Any new, experimental medical technology that is designated by rule of the public health council.	48035
(2) The acceptance of high risk patients, as defined in rules adopted under section 3702.57 of the Revised Code, by any cardiac catheterization service that was initiated without a certificate of need pursuant to division (R)(3)(b) of the version of this section in effect immediately prior to April 20, 1995;	48036
(2) The acceptance of high risk patients, as defined in rules adopted under section 3702.57 of the Revised Code, by any cardiac catheterization service that was initiated without a certificate of need pursuant to division (R)(3)(b) of the version of this section in effect immediately prior to April 20, 1995;	48037
(2) The acceptance of high risk patients, as defined in rules adopted under section 3702.57 of the Revised Code, by any cardiac catheterization service that was initiated without a certificate of need pursuant to division (R)(3)(b) of the version of this section in effect immediately prior to April 20, 1995;	48038
(2) The acceptance of high risk patients, as defined in rules adopted under section 3702.57 of the Revised Code, by any cardiac catheterization service that was initiated without a certificate of need pursuant to division (R)(3)(b) of the version of this section in effect immediately prior to April 20, 1995;	48039
(2) The acceptance of high risk patients, as defined in rules adopted under section 3702.57 of the Revised Code, by any cardiac catheterization service that was initiated without a certificate of need pursuant to division (R)(3)(b) of the version of this section in effect immediately prior to April 20, 1995;	48040
(3)(a) The establishment, development, or construction of a new health care facility other than a new long term care facility or a new hospital;	48041
(3)(a) The establishment, development, or construction of a new health care facility other than a new long term care facility or a new hospital;	48042
(3)(a) The establishment, development, or construction of a new health care facility other than a new long term care facility or a new hospital;	48043
(b) The establishment, development, or construction of a new hospital or the relocation of an existing hospital;	48044
(b) The establishment, development, or construction of a new hospital or the relocation of an existing hospital;	48045
(c) The relocation of hospital beds, other than long term care, perinatal, or pediatric intensive care beds, into or out of a rural area.	48046
(c) The relocation of hospital beds, other than long term care, perinatal, or pediatric intensive care beds, into or out of a rural area.	48047
(c) The relocation of hospital beds, other than long term care, perinatal, or pediatric intensive care beds, into or out of a rural area.	48048
(4)(a) The replacement of an existing hospital;	48049
(b) The replacement of an existing hospital obstetric or newborn care unit or freestanding birthing center.	48050
(b) The replacement of an existing hospital obstetric or newborn care unit or freestanding birthing center.	48051

~~(5)(a) The renovation of a hospital that involves a capital expenditure, obligated on or after June 30, 1995, of five million dollars or more, not including expenditures for equipment, staffing, or operational costs. For purposes of division (R)(5)(a) of this section, a capital expenditure is obligated:~~

~~(i) When a contract enforceable under Ohio law is entered into for the construction, acquisition, lease, or financing of a capital asset;~~

~~(ii) When the governing body of a hospital takes formal action to commit its own funds for a construction project undertaken by the hospital as its own contractor;~~

~~(iii) In the case of donated property, on the date the gift is completed under applicable Ohio law.~~

~~(b) The renovation of a hospital obstetric or newborn care unit or freestanding birthing center that involves a capital expenditure of five million dollars or more, not including expenditures for equipment, staffing, or operational costs.~~

~~(6) Any change in the health care services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, if the change is made prior to the date the activity for which the certificate was issued ceases to be a reviewable activity;~~

~~(7) Any of the following changes in perinatal bed capacity or pediatric intensive care bed capacity:~~

~~(a) An increase in bed capacity;~~

~~(b) A change in service or service level designation of newborn care beds or obstetric beds in a hospital or freestanding birthing center, other than a change of service that is provided within the service level designation of newborn care or obstetric~~

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~~beds as registered by the department of health;~~ 48082

~~(c) A relocation of perinatal or pediatric intensive care 48083
beds from one physical facility or site to another, excluding the 48084
relocation of beds within a hospital or freestanding birthing 48085
center or the relocation of beds among buildings of a hospital or 48086
freestanding birthing center at the same site. 48087~~

~~(8) The expenditure of more than one hundred ten per cent of 48088
the maximum expenditure specified in a certificate of need; 48089~~

~~(9) Any transfer of a certificate of need issued prior to 48090
April 20, 1995, from the person to whom it was issued to another 48091
person before the project that constitutes a reviewable activity 48092
is completed, any agreement that contemplates the transfer of a 48093
certificate of need issued prior to that date upon completion of 48094
the project, and any transfer of the controlling interest in an 48095
entity that holds a certificate of need issued prior to that date. 48096
However, the transfer of a certificate of need issued prior to 48097
that date or agreement to transfer such a certificate of need from 48098
the person to whom the certificate of need was issued to an 48099
affiliated or related person does not constitute a reviewable 48100
transfer of a certificate of need for the purposes of this 48101
division, unless the transfer results in a change in the person 48102
that holds the ultimate controlling interest in the certificate of 48103
need. 48104~~

~~(10)(a) The acquisition by any person of any of the following 48105
medical equipment, regardless of the amount of operating costs or 48106
capital expenditure: 48107~~

~~(i) A cobalt radiation therapy unit; 48108~~

~~(ii) A linear accelerator; 48109~~

~~(iii) A gamma knife unit. 48110~~

~~(b) The acquisition by any person of medical equipment with a 48111~~

cost of two million dollars or more. The cost of acquiring medical	48112
equipment includes the sum of the following:	48113
(i) The greater of its fair market value or the cost of its	48114
lease or purchase;	48115
(ii) The cost of installation and any other activities	48116
essential to the acquisition of the equipment and its placement	48117
into service.	48118
(11) The addition of another cardiac catheterization	48119
laboratory to an existing cardiac catheterization service.	48120
(S) Except as provided in division (T)(S) of this section,	48121
"reviewable activity" also means any of the following activities,	48122
none of which are subject to a termination date:	48123
(1) The establishment, development, or construction of a new	48124
long-term care facility;	48125
(2) The replacement of an existing long-term care facility;	48126
(3) The renovation of a long-term care facility that involves	48127
a capital expenditure of two million dollars or more, not	48128
including expenditures for equipment, staffing, or operational	48129
costs;	48130
(4) <u>Any</u> <u>Either</u> of the following changes in long-term care bed	48131
capacity:	48132
(a) An increase in bed capacity;	48133
(b) A relocation of beds from one physical facility or site	48134
to another, excluding the relocation of beds within a long-term	48135
care facility or among buildings of a long-term care facility at	48136
the same site;	48137
(c) A recategorization of hospital beds registered under	48138
section 3701.07 of the Revised Code from another registration	48139
category to skilled nursing beds or long term care beds.	48140

(5) Any change in the health services, bed capacity, or site, 48141
or any other failure to conduct the reviewable activity in 48142
substantial accordance with the approved application for which a 48143
certificate of need concerning long-term care beds was granted, if 48144
the change is made within five years after the implementation of 48145
the reviewable activity for which the certificate was granted; 48146

(6) The expenditure of more than one hundred ten per cent of 48147
the maximum expenditure specified in a certificate of need 48148
concerning long-term care beds; 48149

~~(7) Any transfer of a certificate of need that concerns 48150
long term care beds and was issued prior to April 20, 1995, from 48151
the person to whom it was issued to another person before the 48152
project that constitutes a reviewable activity is completed, any 48153
agreement that contemplates the transfer of such a certificate of 48154
need upon completion of the project, and any transfer of the 48155
controlling interest in an entity that holds such a certificate of 48156
need. However, the transfer of a certificate of need that concerns 48157
long term care beds and was issued prior to April 20, 1995, or 48158
agreement to transfer such a certificate of need from the person 48159
to whom the certificate was issued to an affiliated or related 48160
person does not constitute a reviewable transfer of a certificate 48161
of need for purposes of this division, unless the transfer results 48162
in a change in the person that holds the ultimate controlling 48163
interest in the certificate of need. 48164~~

~~(T)(S)~~ "Reviewable activity" does not include any of the 48165
following activities: 48166

(1) Acquisition of computer hardware or software; 48167

(2) Acquisition of a telephone system; 48168

(3) Construction or acquisition of parking facilities; 48169

(4) Correction of cited deficiencies that are in violation of 48170
federal, state, or local fire, building, or safety laws and rules 48171

and that constitute an imminent threat to public health or safety;	48172
(5) Acquisition of an existing health care facility that does not involve a change in the number of the beds, by service, or in the number or type of health services;	48173 48174 48175
(6) Correction of cited deficiencies identified by accreditation surveys of the joint commission on accreditation of healthcare organizations or of the American osteopathic association;	48176 48177 48178 48179
(7) Acquisition of medical equipment to replace the same or similar equipment for which a certificate of need has been issued if the replaced equipment is removed from service;	48180 48181 48182
(8) Mergers, consolidations, or other corporate reorganizations of health care facilities that do not involve a change in the number of beds, by service, or in the number or type of health services;	48183 48184 48185 48186
(9) Construction, repair, or renovation of bathroom facilities;	48187 48188
(10) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;	48189 48190 48191 48192
(11) Acquisition of medical equipment to conduct research required by the United States food and drug administration or clinical trials sponsored by the national institute of health. Use of medical equipment that was acquired without a certificate of need under division (F) <u>(S)</u> (11) of this section and for which premarket approval has been granted by the United States food and drug administration to provide services for which patients or reimbursement entities will be charged shall be a reviewable activity.	48193 48194 48195 48196 48197 48198 48199 48200 48201

(12) Removal of asbestos from a health care facility. 48202

Only that portion of a project that meets the requirements of 48203
this division ~~(T) of this section~~ is not a reviewable activity. 48204

~~(U)~~(T) "Small rural hospital" means a hospital that is 48205
located within a rural area, has fewer than one hundred beds, and 48206
to which fewer than four thousand persons were admitted during the 48207
most recent calendar year. 48208

~~(V)~~(U) "Children's hospital" means any of the following: 48209

(1) A hospital registered under section 3701.07 of the 48210
Revised Code that provides general pediatric medical and surgical 48211
care, and in which at least seventy-five per cent of annual 48212
inpatient discharges for the preceding two calendar years were 48213
individuals less than eighteen years of age; 48214

(2) A distinct portion of a hospital registered under section 48215
3701.07 of the Revised Code that provides general pediatric 48216
medical and surgical care, has a total of at least one hundred 48217
fifty registered pediatric special care and pediatric acute care 48218
beds, and in which at least seventy-five per cent of annual 48219
inpatient discharges for the preceding two calendar years were 48220
individuals less than eighteen years of age; 48221

(3) A distinct portion of a hospital, if the hospital is 48222
registered under section 3701.07 of the Revised Code as a 48223
children's hospital and the children's hospital meets all the 48224
requirements of division ~~(V)~~(U)(1) of this section. 48225

~~(W)~~(V) "Long-term care facility" means any of the following: 48226

(1) A nursing home licensed under section 3721.02 of the 48227
Revised Code or by a political subdivision certified under section 48228
3721.09 of the Revised Code; 48229

(2) The portion of any facility, including a county home or 48230
county nursing home, that is certified as a skilled nursing 48231

facility or a nursing facility under Title XVIII or XIX of the 48232
"Social Security Act"; 48233

(3) The portion of any hospital that contains beds registered 48234
under section 3701.07 of the Revised Code as skilled nursing beds 48235
or long-term care beds. 48236

~~(X)~~(W) "Long-term care bed" means a bed in a long-term care 48237
facility. 48238

~~(Y)~~ "Perinatal bed" means a bed in a hospital that is 48239
registered under section 3701.07 of the Revised Code as a newborn 48240
care bed or obstetric bed, or a bed in a freestanding birthing 48241
center. 48242

~~(Z)~~(X) "Freestanding birthing center" means any facility in 48243
which deliveries routinely occur, regardless of whether the 48244
facility is located on the campus of another health care facility, 48245
and which is not licensed under Chapter 3711. of the Revised Code 48246
as a level one, two, or three maternity unit or a limited 48247
maternity unit. 48248

~~(AA)~~(Y)(1) "Reviewability ruling" means a ruling issued by 48249
the director of health under division (A) of section 3702.52 of 48250
the Revised Code as to whether a particular proposed project is or 48251
is not a reviewable activity. 48252

(2) "Nonreviewability ruling" means a ruling issued under 48253
that division that a particular proposed project is not a 48254
reviewable activity. 48255

~~(BB)~~(Z)(1) "Metropolitan statistical area" means an area of 48256
this state designated a metropolitan statistical area or primary 48257
metropolitan statistical area in United States office of 48258
management and budget bulletin no. 93-17, June 30, 1993, and its 48259
attachments. 48260

(2) "Rural area" means any area of this state not located 48261

within a metropolitan statistical area. 48262

~~(CC)~~(AA) "County nursing home" has the same meaning as in 48263
section 5155.31 of the Revised Code. 48264

Sec. 3702.52. The director of health shall administer a state 48265
certificate of need program in accordance with sections 3702.51 to 48266
3702.62 of the Revised Code and rules adopted under those 48267
sections. 48268

(A) The director shall issue rulings on whether a particular 48269
proposed project is a reviewable activity. The director shall 48270
issue a ruling not later than forty-five days after receiving a 48271
request for a ruling accompanied by the information needed to make 48272
the ruling. If the director does not issue a ruling in that time, 48273
the project shall be considered to have been ruled not a 48274
reviewable activity. 48275

(B) The director shall review applications for certificates 48276
of need. Each application shall be submitted to the director on 48277
forms prescribed by the director, shall include all information 48278
required by rules adopted under division (B) of section 3702.57 of 48279
the Revised Code, and shall be accompanied by the application fee 48280
established in rules adopted under division (G) of that section. 48281

Application fees received by the director under this division 48282
shall be deposited into the state treasury to the credit of the 48283
certificate of need fund, which is hereby created. The director 48284
shall use the fund only to pay the costs of administering sections 48285
3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised 48286
Code and rules adopted under those sections. 48287

The director shall mail to the applicant a written notice 48288
that the application meets the criteria for a complete application 48289
specified in rules adopted under section 3702.57 of the Revised 48290
Code, or a written request for additional information, not later 48291

than thirty days after receiving an application or a response to 48292
an earlier request for information. The director shall not make 48293
more than two requests for additional information. 48294

The director may conduct a public informational hearing in 48295
the course of reviewing any application for a certificate of need, 48296
and shall conduct one if requested to do so by any affected person 48297
not later than fifteen days after the director mails the notice 48298
that the application is complete. The hearing shall be conducted 48299
in the community in which the activities authorized by the 48300
certificate of need would be carried out. Any affected person may 48301
testify at the hearing. The director may, with the health service 48302
agency's consent, designate a health service agency to conduct the 48303
hearing. 48304

Except during a public hearing or as necessary to comply with 48305
a subpoena issued under division ~~(F)~~(E) of this section, after a 48306
notice of completeness has been received, no person shall make 48307
revisions to information that was submitted to the director before 48308
the director mailed the notice of completeness or knowingly 48309
discuss in person or by telephone the merits of the application 48310
with the director. A person may supplement an application after a 48311
notice of completeness has been received by submitting clarifying 48312
information to the director. If one or more persons request a 48313
meeting in person or by telephone, the director shall make a 48314
reasonable effort to invite interested parties to the meeting or 48315
conference call. 48316

(C) All of the following apply to the process of granting or 48317
denying a certificate of need: 48318

(1) If the project proposed in a certificate of need 48319
application meets all of the applicable certificate of need 48320
criteria for approval under sections 3702.51 to 3702.62 of the 48321
Revised Code and the rules adopted under those sections, the 48322
director shall grant a certificate of need for all or part of the 48323

entire project that is the subject of the application immediately 48324
after both of the following conditions are met: 48325

~~(a) The board of trustees of the health service agency of the 48326
health service area in which the reviewable activity is proposed 48327
to be conducted recommends, prior to the deadline specified in 48328
division (C)(4) of this section or any extension of it under 48329
division (C)(5) of this section, that the certificate of need be 48330
granted; 48331~~

~~(b) The director does not receive any written objections to 48332
the application from any affected person by the thirtieth day 48333
after the director mails the notice of completeness by the 48334
applicable deadline specified in division (C)(4) of this section 48335
or any extension of it under division (C)(5) of this section. 48336~~

~~(2) In the case of certificate of need applications under 48337
comparative review, if the projects proposed in the applications 48338
meet all of the applicable certificate of need criteria for 48339
approval under sections 3702.51 to 3702.62 of the Revised Code and 48340
the rules adopted under those sections, the director shall grant 48341
certificates of need for the entire projects that are the subject 48342
of the applications immediately after both of the following 48343
conditions are met: 48344~~

~~(a) The board of trustees of the health service agency of 48345
each health service area in which the reviewable activities are 48346
proposed to be conducted recommends, prior to the deadline 48347
specified in division (C)(4) of this section or any extension of 48348
it under division (C)(5) of this section, that certificates of 48349
need be granted for each of the reviewable activities to be 48350
conducted in its health service area; 48351~~

~~(b) The director does not receive any written objections to 48352
any of the applications from any affected person by the thirtieth 48353
day after the director mails the last notice of completeness. 48354~~

~~The~~ The director's grant of a certificate of need ~~under~~ 48355
~~division (C)(1) or (2) of this section~~ does not affect, and sets 48356
no precedent for, the director's decision to grant or deny other 48357
applications for similar reviewable activities proposed to be 48358
conducted in the same or different health service areas. 48359

(3) If the director receives written objections to an 48360
application from any affected person by the thirtieth day after 48361
mailing the notice of completeness, ~~regardless of the health~~ 48362
~~service agency's recommendation,~~ the director shall notify the 48363
applicant and assign a hearing examiner to conduct an adjudication 48364
hearing concerning the application in accordance with Chapter 119. 48365
of the Revised Code. In the case of applications under comparative 48366
review, if the director receives written objections to any of the 48367
applications from any affected person by the thirtieth day after 48368
the director mails the last notice of completeness, ~~regardless of~~ 48369
~~the health service agencies' recommendation,~~ the director shall 48370
notify all of the applicants and appoint a hearing examiner to 48371
conduct a consolidated adjudication hearing concerning the 48372
applications in accordance with Chapter 119. of the Revised Code. 48373
The hearing examiner shall be employed by or under contract with 48374
the department of health. 48375

The adjudication hearings may be conducted in the health 48376
service area in which the reviewable activity is proposed to be 48377
conducted. Consolidated adjudication hearings for applications in 48378
comparative review may be conducted in the geographic region in 48379
which all of the reviewable activities will be conducted. The 48380
applicant, the director, and the affected persons that filed 48381
objections to the application shall be parties to the hearing. If 48382
none of the affected persons that submitted written objections to 48383
the application appears or prosecutes the hearing, the hearing 48384
examiner shall dismiss the hearing and the director shall grant a 48385
certificate of need for all or part of the ~~entire~~ project that is 48386

the subject of the application if the proposed project meets all 48387
of the applicable certificate of need criteria for approval under 48388
sections 3702.51 to 3702.62 of the Revised Code and the rules 48389
adopted under those sections. The affected persons bear the burden 48390
of proving by a preponderance of evidence that the project is not 48391
needed or that granting the certificate would not be in accordance 48392
with sections 3702.51 to 3702.62 of the Revised Code or the rules 48393
adopted under those sections. 48394

(4) Except as provided in ~~divisions~~ division (C)~~(1)~~ and 48395
~~(2)~~(5) of this section, the director shall grant or deny 48396
certificate of need applications for which an adjudication hearing 48397
is not conducted under division (C)(3) of this section not later 48398
than sixty days after mailing the notice of completeness or, in 48399
the case of an application proposing addition of long-term care 48400
beds, not later than sixty days after such other time as is 48401
specified in rules adopted under section 3702.57 of the Revised 48402
Code. ~~The~~ Except as provided in division (C)(5) of this section, 48403
the director shall grant or deny certificate of need applications 48404
for which an adjudication hearing is conducted under division 48405
(C)(3) of this section not later than thirty days after the 48406
expiration of the time for filing objections to the report and 48407
recommendation of the hearing examiner under section 119.09 of the 48408
Revised Code. The director shall base decisions concerning 48409
applications for which an adjudication hearing is conducted under 48410
division (C)(3) of this section on the report and recommendations 48411
of the hearing examiner. 48412

(5) Except as otherwise provided in division (C)~~(1)~~, ~~(2)~~, ~~or~~ 48413
(6) of this section, the director or the applicant may extend the 48414
deadline prescribed in division (C)(4) of this section once, for 48415
no longer than thirty days, by written notice before the end of 48416
the ~~original thirty day period~~ deadline prescribed by division 48417
(C)(4) of this section. An extension by the director under 48418

division (C)(5) of this section shall apply to all applications 48419
that are in comparative review. 48420

(6) No applicant in a comparative review may extend the 48421
deadline specified in division (C)(4) of this section. 48422

(7) ~~Except as provided in divisions (C)(1) and (2) of this~~ 48423
~~section, the director may grant a certificate of need for all or~~ 48424
~~part of the project that is the subject of an application.~~ If the 48425
director does not grant or deny the certificate by the applicable 48426
deadline specified in division (C)(4) of this section or any 48427
extension of it under division (C)(5) of this section, the 48428
certificate shall be considered to have been granted. 48429

(8) In granting a certificate of need, the director shall 48430
specify as the maximum capital expenditure the certificate holder 48431
may obligate under the certificate a figure equal to one hundred 48432
ten per cent of the approved project cost. 48433

(9) In granting a certificate of need, the director may grant 48434
the certificate with conditions that must be met by the holder of 48435
the certificate. 48436

(D) The director shall monitor the activities of persons 48437
granted certificates of need ~~concerning long term care beds~~ during 48438
the period beginning with the granting of the certificate of need 48439
and ending five years after implementation of the activity for 48440
which the certificate was granted. 48441

~~In the case of any other certificate of need, the director~~ 48442
~~shall monitor the activities of persons granted certificates of~~ 48443
~~need during the period beginning with the granting of the~~ 48444
~~certificate of need and ending when the activity for which the~~ 48445
~~certificate was granted ceases to be a reviewable activity in~~ 48446
~~accordance with section 3702.511 of the Revised Code.~~ 48447

(E) When reviewing applications for certificates of need or 48448
monitoring activities of persons granted certificates of need, the 48449

director may issue and enforce, in the manner provided in section 48450
119.09 of the Revised Code, subpoenas duces tecum to compel the 48451
production of documents relevant to review of the application or 48452
monitoring of the activities. In addition, the director or the 48453
director's designee, which may include a health service agency, 48454
may visit the sites where the activities are or will be conducted. 48455

48456

(F) The director may withdraw certificates of need. 48457

(G) The director shall conduct, on a regular basis, health 48458
system data collection and analysis activities and prepare 48459
reports. The director shall make recommendations based upon these 48460
activities to the public health council concerning the adoption of 48461
appropriate rules under section 3702.57 of the Revised Code. All 48462
health care facilities and other health care providers shall 48463
submit to the director, upon request, any information that is 48464
necessary to conduct reviews of certificate of need applications 48465
and to develop recommendations for criteria for reviews, and that 48466
is prescribed by rules adopted under division (H) of section 48467
3702.57 of the Revised Code. 48468

(H) Any decision to grant or deny a certificate of need shall 48469
consider the special needs and circumstances resulting from moral 48470
and ethical values and the free exercise of religious rights of 48471
health care facilities administered by religious organizations, 48472
and the special needs and circumstances of ~~children's hospitals,~~ 48473
inner city ~~hospitals,~~ and ~~small rural hospitals~~ communities. 48474

Sec. 3702.524. (A) Except as provided in division (B) ~~or (C)~~ 48475
of this section, a certificate of need granted on or after April 48476
20, 1995, is not transferable prior to the completion of the 48477
reviewable activity for which it was granted. If any person 48478
holding a certificate of need issued on or after that date 48479
transfers the certificate of need to another person before the 48480

reviewable activity is completed, or enters into an agreement that 48481
contemplates the transfer of the certificate of need on the 48482
completion of the reviewable activity, the certificate of need is 48483
void. If the controlling interest in an entity that holds a 48484
certificate of need issued on or after that date is transferred 48485
prior to the completion of the reviewable activity, the 48486
certificate of need is void. 48487

(B) Division (A) of this section does not prohibit the 48488
transfer of a certificate of need issued on or after April 20, 48489
1995, between affiliated or related persons, as defined in rules 48490
adopted under section 3702.57 of the Revised Code, if the transfer 48491
does not result in a change in the person that holds the ultimate 48492
controlling interest, as defined in the rules, in the certificate 48493
of need. 48494

The transfer of a health care facility after the completion 48495
of a reviewable activity for which a certificate of need was 48496
issued on or after April 20, 1995, is not a transfer of the 48497
certificate of need, unless the facility is transferred pursuant 48498
to an agreement entered into prior to the completion of the 48499
reviewable activity. 48500

~~(C) Division (A) of this section does not apply to a transfer 48501
of a certificate of need that meets all of the following 48502
conditions: 48503~~

~~(1) The certificate of need is transferred for no more than 48504
the amount of money the person transferring the certificate 48505
expended for reasonable and necessary expenses incurred in 48506
applying for and obtaining the certificate; 48507~~

~~(2) The person holding the certificate of need is unable to 48508
complete the reviewable activity for which it was issued due to 48509
circumstances beyond the person's control, including zoning 48510
restrictions, natural disasters, or comparable events; 48511~~

~~(3) The director, after reviewing documentation supplied by the person transferring the certificate of need, certifies in writing prior to the transfer that the transfer meets the conditions specified in divisions (C)(1) and (2) of this section.~~

~~If the person that acquires a certificate of need under this division intends to implement the project other than in substantial compliance with the approved application for the certificate, that change is a reviewable activity for which the person must obtain another certificate of need.~~

Sec. 3702.525. (A) Not later than twenty-four months after the date the director of health mails the notice that the certificate of need has been granted or, if the grant or denial of the certificate of need is appealed under section 3702.60 of the Revised Code, not later than twenty-four months after issuance of an order granting the certificate that is not subject to further appeal, each person holding a certificate of need granted on or after April 20, 1995, shall:

(1) If the project for which the certificate of need was granted primarily involves construction and is to be financed primarily through external borrowing of funds, secure financial commitment for the stated purpose of developing the project and commence construction that continues uninterrupted except for interruptions or delays that are unavoidable due to reasons beyond the person's control, including labor strikes, natural disasters, material shortages, or comparable events;

(2) If the project for which the certificate of need was granted primarily involves construction and is to be financed primarily internally, receive formal approval from the holder's board of directors or trustees or other governing authority to commit specified funds for implementation of the project and commence construction that continues uninterrupted except for

interruptions or delays that are unavoidable due to reasons beyond 48543
the person's control, including labor strikes, natural disasters, 48544
material shortages, or comparable events; 48545

(3) If the project for which the certificate of need was 48546
granted primarily involves acquisition of medical equipment, enter 48547
into a contract to purchase or lease the equipment and to accept 48548
the equipment at the site for which the certificate was granted; 48549

(4) If the project for which the certificate of need was 48550
granted involves no capital expenditure or only minor renovations 48551
to existing structures, provide the health service or activity by 48552
the means specified in the approved application for the 48553
certificate; 48554

(5) If the project for which the certificate of need was 48555
granted primarily involves leasing a building or space that 48556
requires only minor renovations to the existing space, execute a 48557
lease and provide the health service or activity by the means 48558
specified in the approved application for the certificate; 48559

(6) If the project for which the certificate of need was 48560
granted primarily involves leasing a building or space that has 48561
not been constructed or requires substantial renovations to 48562
existing space, commence construction for the purpose of 48563
implementing the reviewable activity that continues uninterrupted 48564
except for interruptions or delays that are unavoidable due to 48565
reasons beyond the person's control, including labor strikes, 48566
natural disasters, material shortages, or comparable events. 48567

(B) The twenty-four-month period specified in division (A) of 48568
this section shall not be extended by any means, including the 48569
~~transfer of a certificate of need under division (C) of section~~ 48570
~~3702.524 of the Revised Code or~~ granting of a subsequent or 48571
replacement certificate of need. Each person holding a certificate 48572
of need granted on or after April 20, 1995, shall provide the 48573

director of health documentation of compliance with that division 48574
not later than the earlier of thirty days after complying with 48575
that division or five days after the twenty-four-month period 48576
expires. Not later than the earlier of fifteen days after 48577
receiving the documentation or fifteen days after the 48578
twenty-four-month period expires, the director shall send by 48579
certified mail a notice to the holder of the certificate of need 48580
specifying whether the holder has complied with division (A) of 48581
this section. 48582

(C) Notwithstanding division (B) of this section, the 48583
twenty-four-month period specified in division (A) of this section 48584
shall be extended for an additional twenty-four months for any 48585
certificate of need granted for the purchase and relocation of 48586
licensed nursing home beds on February 26, 1999. 48587

(D) A certificate of need granted on or after April 20, 1995, 48588
expires, regardless of whether the director sends a notice under 48589
division (B) of this section, if the holder fails to comply with 48590
division (A) or (C) of this section or to provide information 48591
under division (B) of this section as necessary for the director 48592
to determine compliance. 48593

Sec. 3702.53. (A) No person shall carry out any reviewable 48594
activity unless a certificate of need for such activity has been 48595
granted under sections 3702.51 to 3702.62 of the Revised Code or 48596
the person is exempted by division ~~(T)~~(S) of section 3702.51 or 48597
section ~~3702.527, 3702.528, 3702.529,~~ 3702.5210~~7~~, or 3702.62 of the 48598
Revised Code from the requirement that a certificate of need be 48599
obtained. No person shall carry out any reviewable activity if a 48600
certificate of need authorizing that activity has been withdrawn 48601
by the director of health under section 3702.52 or 3702.526 of the 48602
Revised Code. No person shall carry out a reviewable activity if 48603
the certificate of need authorizing that activity is void pursuant 48604

to section 3702.524 of the Revised Code or has expired pursuant to 48605
section 3702.525 of the Revised Code. 48606

(B) No person shall separate portions of any proposal for any 48607
reviewable activity to evade the requirements of sections 3702.51 48608
to 3702.62 of the Revised Code. 48609

(C) No person granted a certificate of need shall carry out 48610
the reviewable activity authorized by the certificate of need 48611
other than in substantial accordance with the approved application 48612
for the certificate of need. 48613

Sec. 3702.532. When the director of health determines that a 48614
person has violated section 3702.53 of the Revised Code, the 48615
director shall send a notice to the person by certified mail, 48616
return receipt requested, specifying the activity constituting the 48617
violation and the penalties imposed under section 3702.54, or 48618
3702.541, ~~or 3702.542~~ of the Revised Code. 48619

Sec. 3702.54. Except as provided in ~~sections~~ section 3702.541 48620
~~and 3702.542 and former section 3702.543~~ of the Revised Code, 48621
divisions (A) and (B) of this section apply when the director of 48622
health determines that a person has violated section 3702.53 of 48623
the Revised Code. 48624

(A) The director shall impose a civil penalty on the person 48625
in an amount equal to the greatest of the following: 48626

(1) Three thousand dollars; 48627

(2) Five per cent of the operating cost of the activity that 48628
constitutes the violation during the period of time it was 48629
conducted in violation of section 3702.53 of the Revised Code; 48630

(3) ~~Two~~ If a certificate of need was granted, two per cent of 48631
the total approved capital cost associated with implementation of 48632
the activity for which the certificate of need was granted. 48633

In no event, however, shall the penalty exceed two hundred 48634
fifty thousand dollars. 48635

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 48636
the director shall refuse to accept for review any application for 48637
a certificate of need filed by or on behalf of the person, or any 48638
successor to the person or entity related to the person, for a 48639
period of not less than one year and not more than three years 48640
after the director mails the notice of the director's 48641
determination under section 3702.532 of the Revised Code or, if 48642
the determination is appealed under section 3702.60 of the Revised 48643
Code, the issuance of the order upholding the determination that 48644
is not subject to further appeal. In determining the length of 48645
time during which applications will not be accepted, the director 48646
may consider any of the following: 48647

(a) The nature and magnitude of the violation; 48648

(b) The ability of the person to have averted the violation; 48649

(c) Whether the person disclosed the violation to the 48650
director before the director commenced his investigation; 48651

(d) The person's history of compliance with sections 3702.51 48652
to 3702.62 and the rules adopted under section 3702.57 of the 48653
Revised Code; 48654

(e) Any community hardship that may result from refusing to 48655
accept future applications from the person. 48656

(2) Notwithstanding the one-year minimum imposed by division 48657
(B)(1) of this section, the director may establish a period of 48658
less than one year during which the director will refuse to accept 48659
certificate of need applications if, after reviewing all 48660
information available to the director, the director determines and 48661
expressly indicates in the notice mailed under section 3702.532 of 48662
the Revised Code that refusing to accept applications for a longer 48663
period would result in hardship to the community in which the 48664

person provides health services. The director's finding of 48665
community hardship shall not affect the granting or denial of any 48666
future certificate of need application filed by the person. 48667

Sec. 3702.544. Each person required by section 3702.54~~7~~ or 48668
3702.541, ~~or 3702.542, or former section 3702.543~~ of the Revised 48669
Code to pay a civil penalty shall do so not later than sixty days 48670
after receiving the notice mailed under section 3702.532 of the 48671
Revised Code or, if the person appeals under section 3702.60 of 48672
the Revised Code the director of health's determination that a 48673
violation has occurred, not later than sixty days after the 48674
issuance of an order upholding the director's determination that 48675
is not subject to further appeal. The civil penalties shall be 48676
paid to the director. The director shall deposit them into the 48677
certificate of need fund created by section 3702.52 of the Revised 48678
Code. 48679

Sec. 3702.55. ~~Except as provided in section 3702.542 of the~~ 48680
~~Revised Code, a~~ A person that the director of health determines 48681
has violated section 3702.53 of the Revised Code shall cease 48682
conducting the activity that constitutes the violation or 48683
utilizing the equipment or facility resulting from the violation 48684
not later than thirty days after the person receives the notice 48685
mailed under section 3702.532 of the Revised Code or, if the 48686
person appeals the director's determination under section 3702.60 48687
of the Revised Code, thirty days after the person receives an 48688
order upholding the director's determination that is not subject 48689
to further appeal. ~~A person that applies for a certificate of need~~ 48690
~~as described in section 3702.542 of the Revised Code shall cease~~ 48691
~~conducting the activity or using the equipment or facility in~~ 48692
~~accordance with the timetable established by the director of~~ 48693
~~health under that section.~~ 48694

If any person determined to have violated section 3702.53 of 48695

the Revised Code fails to cease conducting an activity or using 48696
equipment or a facility as required by this section ~~or a timetable~~ 48697
~~established under section 3702.542 of the Revised Code,~~ or if the 48698
person continues to seek payment or reimbursement for services 48699
rendered or costs incurred in conducting the activity as 48700
prohibited by section 3702.56 of the Revised Code, in addition to 48701
the penalties imposed under section 3702.54, or 3702.541, ~~or~~ 48702
~~3702.542 or former section 3702.543~~ of the Revised Code: 48703

(A) The director of health may refuse to include any beds 48704
involved in the activity in the bed capacity of a hospital for 48705
purposes of registration under section 3701.07 of the Revised 48706
Code; 48707

(B) The director of health may refuse to license, or may 48708
revoke a license or reduce bed capacity previously granted to, a 48709
hospice care program under section 3712.04 of the Revised Code; a 48710
nursing home, rest home, or home for the aging under section 48711
3721.02 of the Revised Code; or any beds within any of those 48712
facilities that are involved in the activity; 48713

(C) A political subdivision certified under section 3721.09 48714
of the Revised Code may refuse to license, or may revoke a license 48715
or reduce bed capacity previously granted to, a nursing home, rest 48716
home, or home for the aging, or any beds within any of those 48717
facilities that are involved in the activity; 48718

(D) The director of mental health may refuse to license under 48719
section 5119.20 of the Revised Code, or may revoke a license or 48720
reduce bed capacity previously granted to, a hospital receiving 48721
mentally ill persons or beds within such a hospital that are 48722
involved in the activity; 48723

(E) The department of job and family services may refuse to 48724
enter into a provider agreement that includes a facility, beds, or 48725
services that result from the activity. 48726

Sec. 3702.57. (A) The public health council shall adopt rules 48727
establishing procedures and criteria for reviews of applications 48728
for certificates of need and issuance, denial, or withdrawal of 48729
certificates. 48730

~~(1) The rules shall require that, in addition to any other 48731
applicable review requirements of sections 3702.51 to 3702.62 of 48732
the Revised Code and rules adopted thereunder, any application for 48733
a certificate of need from an osteopathic hospital be reviewed on 48734
the basis of the need for and the availability in the community of 48735
services and hospitals for osteopathic physicians and their 48736
patients, and in terms of its impact on existing and proposed 48737
institutional training programs for doctors of osteopathy and 48738
doctors of medicine at the student, internship, and residency 48739
training levels. 48740~~

~~(2)~~ In adopting rules that establish criteria for reviews of 48741
applications of certificates of need, the council shall consider 48742
the availability of and need for long-term care beds to provide 48743
care and treatment to persons diagnosed as having traumatic brain 48744
injuries and shall prescribe criteria for reviewing applications 48745
that propose to add long-term care beds to provide care and 48746
treatment to persons diagnosed as having traumatic brain injuries. 48747

~~(3)~~(2) The criteria for reviews of applications for 48748
certificates of need shall relate to the need for the reviewable 48749
activity and shall pertain to all of the following matters: 48750

(a) The impact of the reviewable activity on the cost and 48751
quality of health services in the relevant geographic area, 48752
including, but not limited, to the historical and projected 48753
utilization of the services to which the application pertains and 48754
the effect of the reviewable activity on utilization of other 48755
providers of similar services; 48756

(b) The quality of the services to be provided as the result 48757

of the activity, as evidenced by the historical performance of the 48758
persons that will be involved in providing the services and by the 48759
provisions that are proposed in the application to ensure quality, 48760
including but not limited to adequate available personnel, 48761
available ancillary and support services, available equipment, 48762
size and configuration of physical plant, and relations with other 48763
providers; 48764

(c) The impact of the reviewable activity on the availability 48765
and accessibility of the type of services proposed in the 48766
application to the population of the relevant geographic area, and 48767
the level of access to the services proposed in the application 48768
that will be provided to medically underserved individuals such as 48769
recipients of public assistance and individuals who have no health 48770
insurance or whose health insurance is insufficient; 48771

(d) The activity's short- and long-term financial feasibility 48772
and cost-effectiveness, the impact of the activity on the 48773
applicant's costs and charges, and a comparison of the applicant's 48774
costs and charges with those of providers of similar services in 48775
the applicant's proposed service area; 48776

(e) The advantages, disadvantages, and costs of alternatives 48777
to the reviewable activity; 48778

(f) The impact of the activity on all other providers of 48779
similar services in the health service area or other relevant 48780
geographic area, including the impact on their utilization, market 48781
share, and financial status; 48782

(g) The historical performance of the applicant and related 48783
or affiliated parties in complying with previously granted 48784
certificates of need and any applicable certification, 48785
accreditation, or licensure requirements; 48786

(h) The relationship of the activity to the current edition 48787
of the state health resources plan issued under section 3702.521 48788

of the Revised Code; 48789

(i) The historical performance of the applicant and related 48790
or affiliated parties in providing cost-effective health care 48791
services; 48792

(j) The special needs and circumstances of the applicant or 48793
population proposed to be served by the proposed project, 48794
including research activities, prevalence of particular diseases, 48795
unusual demographic characteristics, cost-effective contractual 48796
affiliations, and other special circumstances; 48797

(k) The appropriateness of the zoning status of the proposed 48798
site of the activity; 48799

(l) The participation by the applicant in research conducted 48800
by the United States food and drug administration or clinical 48801
trials sponsored by the national institutes of health. 48802

~~(4)(3)~~ The criteria for reviews of applications shall include 48803
a formula for determining each county's long-term care bed need 48804
for purposes of section 3702.593 of the Revised Code and may 48805
include other formulas for determining need for beds ~~and services~~. 48806
48807

~~(a) The criteria prescribing formulas shall not, either by 48808
themselves or in conjunction with any established occupancy 48809
guidelines, require, as a condition of being granted a certificate 48810
of need, that a hospital reduce its complement of registered beds 48811
or discontinue any service that is not related to the service or 48812
project for which the certificate of need is sought. 48813~~

~~(b) With respect to applications to conduct reviewable 48814
activities that are affected directly by the inpatient occupancy 48815
of a health care facility, including addition, relocation, or 48816
recategorization of beds or renovation or other construction 48817
activities relating to inpatient services, the rules shall 48818
prescribe criteria for determining whether the scope of the 48819~~

~~proposed project is appropriate in light of the historical and 48820
reasonably projected occupancy rates for the beds related to the 48821
project. 48822~~

~~(e) Any rules prescribing criteria that establish ratios of 48823
beds, services, or equipment to population shall specify the bases 48824
for establishing the ratios or mitigating factors or exceptions to 48825
the ratios. 48826~~

(B) The council shall adopt rules specifying all of the 48827
following: 48828

(1) Information that must be provided in applications for 48829
certificates of need, which shall include a plan for obligating 48830
the capital expenditure or implementing the proposed project on a 48831
timely basis in accordance with section 3702.525 of the Revised 48832
Code; 48833

(2) Procedures for reviewing applications for completeness of 48834
information; 48835

(3) Criteria for determining that the application is 48836
complete. 48837

(C) The council shall adopt rules specifying requirements 48838
that holders of certificates of need must meet in order for the 48839
certificates to remain valid and establishing definitions and 48840
requirements for obligation of capital expenditures and 48841
implementation of projects authorized by certificates of need. 48842

(D) The council shall adopt rules establishing criteria and 48843
procedures under which the director of health may withdraw a 48844
certificate of need if the holder fails to meet requirements for 48845
continued validity of the certificate. 48846

(E) The council shall adopt rules establishing procedures 48847
under which the department of health shall monitor project 48848
implementation activities of holders of certificates of need. The 48849

rules adopted under this division also may establish procedures 48850
for monitoring implementation activities of persons that have 48851
received nonreviewability rulings. 48852

(F) The council shall adopt rules establishing procedures 48853
under which the director of health shall review certificates of 48854
need whose holders exceed or appear likely to exceed an 48855
expenditure maximum specified in a certificate. 48856

(G) The council shall adopt rules establishing certificate of 48857
need application fees sufficient to pay the costs incurred by the 48858
department for administering sections 3702.51 to 3702.62 of the 48859
Revised Code and to pay health service agencies for the functions 48860
they perform under division (D)(5) of section 3702.58 of the 48861
Revised Code. Unless rules are adopted under this division 48862
establishing different application fees, the application fee for a 48863
project not involving a capital expenditure shall be three 48864
thousand dollars and the application fee for a project involving a 48865
capital expenditure shall be nine-tenths of one per cent of the 48866
capital expenditure proposed subject to a minimum of three 48867
thousand dollars and a maximum of twenty thousand dollars. 48868

(H) The council shall adopt rules specifying information that 48869
is necessary to conduct reviews of certificate of need 48870
applications and to develop recommendations for criteria for 48871
reviews that health care facilities and other health care 48872
providers are to submit to the director under division (G) of 48873
section 3702.52 of the Revised Code. 48874

(I) The council shall adopt rules defining "affiliated 48875
person," "related person," and "ultimate controlling interest" for 48876
purposes of section 3702.524 of the Revised Code. 48877

(J) The council shall adopt rules prescribing requirements 48878
for holders of certificates of need to demonstrate to the director 48879
under section 3702.526 of the Revised Code that reasonable 48880

progress is being made toward completion of the reviewable 48881
activity and establishing standards by which the director shall 48882
determine whether reasonable progress is being made. 48883

~~(K) The council shall adopt rules defining high risk cardiac 48884
catheterization patients. High risk patients shall include 48885
patients with significant ischemic syndromes or unstable 48886
myocardial infarction, patients who need intervention such as 48887
angioplasty or bypass surgery, patients who may require difficult 48888
or complex catheterization procedures such as transeptal 48889
assessment of valvular dysfunction, patients with critical aortic 48890
stenosis or congestive heart failure, and other patients specified 48891
by the council. 48892~~

~~(L) The public health council shall adopt all rules under 48893
divisions (A) to ~~(K)~~(J) of this section in accordance with Chapter 48894
119. of the Revised Code. The council may adopt other rules as 48895
necessary to carry out the purposes of sections 3702.51 to 3702.62 48896
of the Revised Code. 48897~~

Sec. 3702.59. ~~(A) Notwithstanding any conflicting provision 48898
of sections 3702.51 to 3702.62 of the Revised Code, other than the 48899
provisions of sections 3702.5210, 3702.5211, 3702.5212, and 48900
3702.5213 of the Revised Code, both of the following apply under 48901
the certificate of need program: 48902~~

~~(1) Divisions (B) to (E) of this section apply to the review 48903
of certificate of need applications during the period beginning 48904
July 1, 1993, and ending June 30, 2009. 48905~~

~~(2) Beginning July 1, 2009, the director of health shall not 48906
accept for review under section 3702.52 of the Revised Code any 48907
application for a certificate of need to recategorize hospital 48908
beds as described in section 3702.522 of the Revised Code. 48909~~

~~(B)(1) Except as provided in division (B)(2) of this section, 48910~~

~~the director of health shall neither grant nor deny any~~ 48911
~~application for a certificate of need submitted prior to July 1,~~ 48912
~~1993, if the application was for any of the following and the~~ 48913
~~director had not issued a written decision concerning the~~ 48914
~~application prior to that date:~~ 48915

~~(a) Approval of beds in a new health care facility or an~~ 48916
~~increase of beds in an existing health care facility, if the beds~~ 48917
~~are proposed to be licensed as nursing home beds under Chapter~~ 48918
~~3721. of the Revised Code;~~ 48919

~~(b) Approval of beds in a new county home or new county~~ 48920
~~nursing home as defined in section 5155.31 of the Revised Code, or~~ 48921
~~an increase of beds in an existing county home or existing county~~ 48922
~~nursing home, if the beds are proposed to be certified as skilled~~ 48923
~~nursing facility beds under Title XVIII or nursing facility beds~~ 48924
~~under Title XIX of the "Social Security Act," 49 Stat. 620 (1935),~~ 48925
~~42 U.S.C.A. 301, as amended;~~ 48926

~~(c) Recategorization of hospital beds as described in section~~ 48927
~~3702.522 of the Revised Code, an increase of hospital beds~~ 48928
~~registered pursuant to section 3701.07 of the Revised Code as~~ 48929
~~long term care beds or skilled nursing facility beds, or a~~ 48930
~~recategorization of hospital beds that would result in an increase~~ 48931
~~of beds registered pursuant to that section as long term care beds~~ 48932
~~or skilled nursing facility beds.~~ 48933

~~On July 1, 1993, the director shall return each such~~ 48934
~~application to the applicant and, notwithstanding section 3702.52~~ 48935
~~of the Revised Code regarding the uses of the certificate of need~~ 48936
~~fund, shall refund to the applicant the application fee paid under~~ 48937
~~that section. Applications returned under division (B)(1) of this~~ 48938
~~section may be resubmitted in accordance with section 3702.52 of~~ 48939
~~the Revised Code no sooner than July 1, 2009.~~ 48940

~~(2) The director shall continue to review and shall issue a~~ 48941

~~decision regarding any application submitted prior to July 1, 1993, to increase beds for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated.~~

~~(C)(1) Except as provided in division (C)(2) of this section, the director, during the period beginning July 1, 1993, and ending June 30, 2009, shall not accept for review under section 3702.52 of the Revised Code any application for a certificate of need for any of the purposes described in divisions (B)(1)(a) to (c) of this section.~~

~~(2)(a) The director of health shall accept for review any application for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds from an existing health care facility within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated certificate of need applications as provided in sections 3702.592, 3702.593, and 3702.594 of the Revised Code.~~

~~(B) The director shall not approve an application for a certificate of need for addition of long-term care beds to an existing health care facility ~~by relocation of beds~~ or for the development of a new health care facility ~~by relocation of beds~~ unless all if any of the following conditions are met apply:~~

~~(i)(1) The existing health care facility ~~to~~ in which the beds are being ~~relocated~~ placed has ~~no~~ one or more waivers for life safety code deficiencies, ~~no~~ one or more state fire code violations, ~~and no~~ or one or more state building code violations, ~~or~~ and the project identified in the application ~~proposes~~ does not~~

propose to correct all life safety code deficiencies for which a 48974
waiver has been granted, all state fire code violations, and all 48975
state building code violations at the existing health care 48976
facility ~~to~~ in which the beds are being ~~relocated~~ placed; 48977

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~~(ii)~~(2) During the sixty-month period preceding the filing of 48979
the application, ~~no~~ a notice of proposed license revocation ~~of the~~ 48980
~~facility's license~~ was issued under section 3721.03 of the Revised 48981
Code ~~to the operator of~~ for the existing health care facility ~~to~~ 48982
in which the beds are being ~~relocated~~ placed or ~~to any health care~~ 48983
~~facility~~ a nursing home owned or operated by the applicant or any 48984
~~principal participant~~ in the same corporation or other business. 48985

48986

~~(iii)~~ Neither the existing health care facility to which the 48987
beds are being relocated nor any health care facility owned or 48988
operated by the applicant or any principal participant in the same 48989
corporation or other business has had a long-standing pattern of 48990
violations of this chapter or deficiencies that caused one or more 48991
residents physical, emotional, mental, or psychosocial harm that 48992
operates or seeks to operate the health care facility in which the 48993
beds are being placed. 48994

(3) During the period that precedes the filing of the 48995
application and is encompassed by the three most recent standard 48996
surveys of the existing health care facility in which the beds are 48997
being placed, the facility was cited on three or more separate 48998
occasions for final, nonappealable deficiencies that, under 42 48999
C.F.R. 488.404, either constitute a pattern of deficiencies 49000
resulting in actual harm that is not immediate jeopardy or are 49001
widespread deficiencies resulting in actual harm that is not 49002
immediate jeopardy. 49003

(4) During the period that precedes the filing of the 49004
application and is encompassed by the three most recent standard 49005

surveys of the existing health care facility in which the beds are 49006
being placed, the facility was cited on two or more separate 49007
occasions for final, nonappealable deficiencies that, under 42 49008
C.F.R. 488.404, either constitute a pattern of deficiencies 49009
resulting in immediate jeopardy to resident health or safety or 49010
are widespread deficiencies resulting in immediate jeopardy to 49011
resident health or safety. 49012

(5) During the period that precedes the filing of the 49013
application and is encompassed by the three most recent standard 49014
surveys of the existing health care facility in which the beds are 49015
being placed, more than two nursing homes operated in this state 49016
by the applicant or the person who operates the facility in which 49017
the beds are being placed or, if the applicant or person operates 49018
more than twenty nursing homes in this state, more than ten per 49019
cent of those nursing homes, were each cited on three or more 49020
separate occasions for final, nonappealable deficiencies that, 49021
under 42 C.F.R. 488.404, either constitute a pattern of 49022
deficiencies resulting in actual harm that is not immediate 49023
jeopardy or are widespread deficiencies resulting in actual harm 49024
that is not immediate jeopardy. 49025

(6) During the period that precedes the filing of the 49026
application and is encompassed by the three most recent standard 49027
surveys of the existing health care facility in which the beds are 49028
being placed, more than two nursing homes operated in this state 49029
by the applicant or the person who operates the facility in which 49030
the beds are being placed or, if the applicant or person operates 49031
more than twenty nursing homes in this state, more than ten per 49032
cent of those nursing homes, were each cited on two or more 49033
separate occasions for final, nonappealable deficiencies that, 49034
under 42 C.F.R. 488.404, either constitute a pattern of 49035
deficiencies resulting in immediate jeopardy to resident health or 49036
safety or are widespread deficiencies resulting in immediate 49037

jeopardy to resident health or safety. 49038

(7) During the sixty-month period preceding the filing of the application, the applicant has violated this chapter on two or more separate occasions. 49039
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In applying divisions (B)(1) to (6) of this section, the director shall not consider deficiencies cited before the current operator began to operate the health care facility at which the deficiencies were cited. The director may disregard deficiencies cited after the health care facility was acquired by the current operator if the deficiencies were attributable to circumstances that arose under the previous operator and the current operator has implemented measures to alleviate the circumstances. In the case of an application proposing development of a new health care facility by relocation of beds, the director shall not consider deficiencies that were solely attributable to the physical plant of the existing health care facility from which the beds are being relocated. 49042
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~~(b)(C)~~ The director also shall accept for review any application for the conversion of infirmary beds to long-term care beds if the infirmary meets all of the following conditions: 49055
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~~(i)(1)~~ Is operated exclusively by a religious order; 49058

~~(ii)(2)~~ Provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related; 49059
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~~(iii)(3)~~ Was providing care exclusively to members of such a religious order on January 1, 1994. 49062
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~~(D) The director shall issue a decision regarding any case remanded by a court as the result of a decision issued by the director prior to July 1, 1993, to grant, deny, or withdraw a certificate of need for any of the purposes described in divisions (B)(1)(a) to (c) of this section.~~ 49064
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~~(E) The director shall not project the need for beds listed in division (B)(1) of this section for the period beginning July 1, 1993, and ending June 30, 2009. At no time shall individuals other than those described in division (C)(2) of this section be admitted to a facility to use beds for which a certificate of need is approved under this division.~~

Sec. 3702.592. (A) The director of health shall accept, for review under section 3702.52 of the Revised Code, certificate of need applications for any of the following purposes if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds from an existing health care facility within the same county:

(1) Approval of beds in a new health care facility or an increase of beds in an existing health care facility if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;

(2) Approval of beds in a new county home or new county nursing home, or an increase of beds in an existing county home or existing county nursing home if the beds are proposed to be certified as skilled nursing facility beds under the medicare program, Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1395, as amended, or nursing facility beds under the medicaid program, Title XIX of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1396, as amended;

(3) An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long-term care beds;

(4) An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as special skilled nursing beds that were originally authorized by and operate in accordance with section 3702.522 of the Revised Code.

(B) The director shall accept applications described in 49099
division (A) of this section at any time. 49100

Sec. 3702.593. (A) At the times specified in this section, 49101
the director of health shall accept, for review under section 49102
3702.52 of the Revised Code, certificate of need applications for 49103
any of the following purposes if the proposed increase in beds is 49104
attributable solely to relocation of existing beds from an 49105
existing health care facility in a county with excess beds to a 49106
health care facility in a county in which there are fewer 49107
long-term care beds than the county's bed need: 49108

(1) Approval of beds in a new health care facility or an 49109
increase of beds in an existing health care facility if the beds 49110
are proposed to be licensed as nursing home beds under Chapter 49111
3721. of the Revised Code; 49112

(2) Approval of beds in a new county home or new county 49113
nursing home, or an increase of beds in an existing county home or 49114
existing county nursing home if the beds are proposed to be 49115
certified as skilled nursing facility beds under the medicare 49116
program, Title XVIII of the "Social Security Act," 49 Stat. 286 49117
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 49118
the medicaid program, Title XIX of the "Social Security Act," 49 49119
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 49120

(3) An increase of hospital beds registered pursuant to 49121
section 3701.07 of the Revised Code as long-term care beds. 49122

(B) For the purpose of implementing this section, the 49123
director shall do all of the following: 49124

(1) Determine the long-term care bed supply for each county, 49125
which shall consist of all of the following: 49126

(a) Nursing home beds licensed under Chapter 3721. of the 49127
Revised Code; 49128

(b) Beds certified as skilled nursing facility beds under the medicare program or nursing facility beds under the medicaid program; 49129
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(c) Beds in a county home or county nursing home that are certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and are eligible for licensure as nursing home beds; 49132
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(d) Beds held as approved long-term care beds under a certificate of need approved by the director. 49136
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(2) Determine the long-term care bed occupancy rate for the state at the time the determination is made; 49138
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(3) For each county, determine the county's bed need by identifying the number of long-term care beds that would be needed in the county in order for the statewide occupancy rate for a projected population aged sixty-five and older to be ninety per cent. 49140
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In determining each county's bed need, the director shall use the formula developed in rules adopted under section 3702.57 of the Revised Code. The director's first determination after the effective date of this section shall be made not later than April 1, 2010. The second determination shall be made not later than April 1, 2012. Thereafter, a determination shall be made every four years. After each determination is made, the director shall publish the county's bed need on the web site maintained by the department of health. 49145
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(C) The director's consideration of a certificate of need that would increase the number of beds in a county shall be consistent with the county's bed need determined under division (B) of this section except as follows: 49154
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(1) If a county's occupancy rate is less than eighty-five per cent, the county shall be considered to have no need for 49158
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additional beds. 49160

(2) Even if a county is determined not to need any additional long-term care beds, the director may approve an increase in beds equal to up to ten per cent of the county's bed supply if the county's occupancy rate is greater than ninety per cent. 49161
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(D)(1) Applications made under this section shall be subject to comparative review. The review period for the first comparative review process after the effective date of this section shall begin July 1, 2010, and end June 30, 2012. Thereafter, the review period for each comparative review process shall be four years. 49165
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(2) Certificate of need applications shall be accepted and reviewed from the first day of the review period through the thirtieth day of April of the following year. 49170
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(3) Except for the first review period after the effective date of this section, each review period may consist of two phases. The first phase of the review period shall be the period during which the director accepts and reviews certificate of need applications as provided in division (D)(2) of this section. If the director determines that there will be acceptance and review of additional certificate of need applications, the second phase of the review period shall begin on the first day of July of the third year of the review period. The second phase shall be limited to acceptance and review of applications for redistribution of beds made available pursuant to division (G)(2) of this section. During the period between the first and second phases of the review period, the director shall act in accordance with division (H) of this section. 49173
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(E) The director shall consider certificate of need applications in accordance with all of the following: 49187
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(1) The number of beds approved for a county shall include only beds available for relocation from another county and shall 49189
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not exceed the bed need of the receiving county; 49191

(2) The director shall consider the existence of community resources serving persons who are age sixty-five or older or disabled that are demonstrably effective in providing alternatives to long-term care facility placement. 49192
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(3) The director shall approve relocation of beds from a county only if, after the relocation, the number of beds remaining in the county will exceed the county's bed need by at least one hundred beds; 49196
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(4) The director shall approve relocation of beds from a health care facility only if, after the relocation, the number of beds in the facility's service area is at least equal to the state bed need rate. For purposes of this division, a facility's service area shall be either of the following: 49200
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(a) The census tract in which the facility is located, if the facility is located in an area designated by the United States secretary of health and human services as a health professional shortage area under the "Public Health Service Act," 88 Stat. 682 (1944), 42 U.S.C. 254(e), as amended; 49205
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(b) The area that is within a fifteen mile radius of the facility's location, if the facility is not located in a health professional shortage area. 49210
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(F) In determining which applicants should receive preference in the comparative review process, the director shall consider all of the following as weighted priorities: 49213
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(1) Whether the beds will be part of a continuing care retirement community; 49216
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(2) Whether the beds will serve an underserved population, such as low-income individuals, individuals with disabilities, or individuals who are members of racial or ethnic minority groups; 49218
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- (3) Whether the project in which the beds will be included 49221
will provide alternatives to institutional care, such as adult 49222
day-care, home health care, respite or hospice care, mobile meals, 49223
residential care, independent living, or congregate living 49224
services; 49225
- (4) Whether the health care facility's owner or operator will 49226
participate in medicaid waiver programs for alternatives to 49227
institutional care; 49228
- (5) Whether the project in which the beds will be included 49229
will reduce alternatives to institutional care by converting 49230
residential care beds or other alternative care beds to long-term 49231
care beds; 49232
- (6) Whether the facility in which the beds will be placed has 49233
positive resident and family satisfaction surveys; 49234
- (7) Whether the facility in which the beds will be placed has 49235
fewer than fifty long-term care beds; 49236
- (8) Whether the health care facility in which the beds will 49237
be placed is located within the service area of a hospital and is 49238
designed to accept patients for rehabilitation after an in-patient 49239
hospital stay; 49240
- (9) Whether the health care facility in which the beds will 49241
be placed is or proposes to become a nurse aide training and 49242
testing site; 49243
- (10) The rating, under the centers for medicare and medicaid 49244
services' five star nursing home quality rating system, of the 49245
health care facility in which the beds will be placed. 49246
- (G)(1) When a certificate of need application is approved 49247
during the initial phase of a four-year review period, on 49248
completion of the project under which the beds are relocated, that 49249
number of beds shall cease to be operated in the health care 49250

facility from which they were relocated and, if the licensure or 49251
certification of those beds cannot be or is not transferred to the 49252
facility to which the beds are relocated, the licensure or 49253
certification shall be surrendered. 49254

(2) In addition to the actions required by division (G)(1) of 49255
this section, the health care facility from which the beds were 49256
relocated shall reduce the number of beds operated in the facility 49257
by a number of beds equal to at least ten per cent of the number 49258
of beds relocated and shall surrender the licensure or 49259
certification of those beds. This reduction shall be made not 49260
later than the completion date of the project for which the beds 49261
were relocated. 49262

(H)(1) Once approval of certificate of need applications in 49263
the first phase of a four-year review period is complete, the 49264
director shall make a new determination of the bed need for each 49265
county by reducing the county's bed need by the number of beds 49266
approved for relocation to the county. The new bed-need 49267
determination shall be made not later than the first day of April 49268
of the third year of the review period. 49269

(2) The director may publish on the department's web site the 49270
remaining bed need for counties that will be considered for 49271
redistribution of beds that, in accordance with division (G)(2) of 49272
this section, have ceased or will cease to be operated. The 49273
director shall base the determination of whether to include a 49274
county on all of the following: 49275

(a) The statewide number of beds that, in accordance with 49276
division (G)(2) of this section, have ceased or will cease to be 49277
operated; 49278

(b) The county's remaining bed need; 49279

(c) The county's bed occupancy rate. 49280

(I) If the director publishes the remaining bed need for a 49281

county under division (H)(2) of this section, the director may, 49282
beginning on the first day of the second phase of the review 49283
period, accept certificate of need applications for redistribution 49284
to health care facilities in that county of beds that have ceased 49285
or will cease operation in accordance with division (G)(2) of this 49286
section. The total number of beds approved for redistribution in 49287
the second phase of a review period shall not exceed the number 49288
that have ceased or will cease operation in accordance with 49289
division (G)(2) of this section. Beds that are not approved for 49290
redistribution during the second phase of a review period shall 49291
not be available for redistribution at any future time. 49292

49293

Sec. 3702.594. (A) The director of health shall accept, for 49294
review under section 3702.52 of the Revised Code, certificate of 49295
need applications for an increase in beds in an existing nursing 49296
home if all of the following conditions are met: 49297

(1) The proposed increase is attributable solely to a 49298
relocation of licensed nursing home beds from an existing nursing 49299
home to another existing nursing home located in a county that is 49300
contiguous to the county from which the beds are to be relocated; 49301

(2) Not more than thirty nursing home beds are proposed for 49302
relocation; 49303

(3) After the proposed relocation, there will be existing 49304
nursing home beds remaining in the county from which the beds are 49305
relocated; 49306

(4) The beds are proposed to be licensed as nursing home beds 49307
under Chapter 3721. of the Revised Code. 49308

(B) The director shall accept applications described in 49309
division (A) of this section at any time. 49310

Sec. 3702.60. (A) Any affected person may appeal a 49311

reviewability ruling issued on or after April 20, 1995, to the 49312
director of health in accordance with Chapter 119. of the Revised 49313
Code, and the director shall provide an adjudication hearing in 49314
accordance with that chapter. An affected person may appeal the 49315
director's ruling in the adjudication hearing to the tenth 49316
district court of appeals. 49317

(B) The certificate of need applicant or another affected 49318
person may appeal to the director in accordance with Chapter 119. 49319
of the Revised Code a decision issued by the director on or after 49320
April 20, 1995, to grant or deny a certificate of need application 49321
for which an adjudication hearing was not conducted under section 49322
3702.52 of the Revised Code, and the director shall provide an 49323
adjudication hearing in accordance with that chapter. The 49324
certificate of need applicant or an affected person that was a 49325
party to and participated in an adjudication hearing conducted 49326
under this division or section 3702.52 of the Revised Code may 49327
appeal to the tenth district court of appeals the decision issued 49328
by the director following the adjudication hearing. No person may 49329
appeal to the director or a court the director's granting of a 49330
certificate of need prior to June 30, 1995, under the version of 49331
section 3702.52 of the Revised Code in effect immediately prior to 49332
that date due to failure to submit timely written objections, no 49333
person may appeal to the director or a court the director's 49334
granting of a certificate of need under division (C)(1) ~~or (2)~~ of 49335
section 3702.52 of the Revised Code. 49336

(C) The certificate of need holder may appeal to the director 49337
in accordance with Chapter 119. of the Revised Code a decision 49338
issued by the director under section 3702.52 or 3702.526 of the 49339
Revised Code on or after April 20, 1995, to withdraw a certificate 49340
of need, and the director shall provide an adjudication hearing in 49341
accordance with that chapter. The person may appeal the director's 49342
ruling in the adjudication hearing to the tenth district court of 49343

appeals. 49344

(D) Any person determined by the director to have violated 49345
section 3702.53 of the Revised Code may appeal that determination, 49346
or the penalties imposed under section 3702.54, or 3702.541, ~~or~~ 49347
~~3702.542 or former section 3702.543~~ of the Revised Code, to the 49348
director in accordance with Chapter 119. of the Revised Code, and 49349
the director shall provide an adjudication hearing in accordance 49350
with that chapter. The person may appeal the director's ruling in 49351
the adjudication hearing to the tenth district court of appeals. 49352

(E) Each person appealing under this section to the director 49353
shall file with the director, not later than thirty days after the 49354
decision, ruling, or determination of the director was mailed, a 49355
notice of appeal designating the decision, ruling, or 49356
determination appealed from. 49357

(F) Each person appealing under this section to the tenth 49358
district court of appeals shall file with the court, not later 49359
than thirty days after the date the director's adjudication order 49360
was mailed, a notice of appeal designating the order appealed 49361
from. The appellant also shall file notice with the director not 49362
later than thirty days after the date the order was mailed. 49363

(1) Not later than thirty days after receipt of the notice of 49364
appeal, the director shall prepare and certify to the court the 49365
complete record of the proceedings out of which the appeal arises. 49366
The expense of preparing and transcribing the record shall be 49367
taxed as part of the costs of the appeal. In the event that the 49368
record or a part thereof is not certified within the time 49369
prescribed by this division, the appellant may apply to the court 49370
for an order that the record be certified. 49371

(2) In hearing the appeal, the court shall consider only the 49372
evidence contained in the record certified to it by the director. 49373
The court may remand the matter to the director for the admission 49374

of additional evidence on a finding that the additional evidence 49375
is material, newly discovered, and could not with reasonable 49376
diligence have been ascertained before the hearing before the 49377
director. Except as otherwise provided by statute, the court shall 49378
give the hearing on the appeal preference over all other civil 49379
matters, irrespective of the position of the proceedings on the 49380
calendar of the court. 49381

(3) The court shall affirm the director's order if it finds, 49382
upon consideration of the entire record and any additional 49383
evidence admitted under division (F)(2) of this section, that the 49384
order is supported by reliable, probative, and substantial 49385
evidence and is in accordance with law. In the absence of such a 49386
finding, it shall reverse, vacate, or modify the order. 49387

(4) If the court determines that the director committed 49388
material procedural error, the court shall remand the matter to 49389
the director for further consideration or action. 49390

(G) The court may award reasonable attorney's fees against 49391
the appellant if it determines that the appeal was frivolous. 49392
Sections 119.092, 119.093, and 2335.39 of the Revised Code do not 49393
apply to adjudication hearings under this section or section 49394
3702.52 of the Revised Code and judicial appeals under this 49395
section. 49396

(H) No person may intervene in an appeal brought under this 49397
section. 49398

Sec. 3702.61. In addition to the sanctions imposed under 49399
sections 3702.54, 3702.541, ~~3702.542~~, and 3702.55 ~~and former~~ 49400
~~section 3702.543~~ of the Revised Code, if any person violates 49401
section 3702.53 of the Revised Code, the attorney general may 49402
commence necessary legal proceedings in the court of common pleas 49403
of Franklin county to enjoin the person from such violation until 49404
the requirements of sections 3702.51 to 3702.62 of the Revised 49405

Code have been satisfied. At the request of the director of health, the attorney general shall commence any necessary proceedings. The court has jurisdiction to grant and, on a showing of a violation, shall grant appropriate injunctive relief.

Sec. 3702.87. The director of health shall designate, as dental health resource shortage areas, areas in this state that experience special dental health problems and dentist practice patterns that limit access to dental care. The designations shall be made by rule and may apply to a geographic area, one or more facilities within a particular area, or a population group within a particular area. The director shall consider for designation as a dental health resource shortage area, any area in this state that has been designated by the United States secretary of health and human services as a health professional shortage area under Title III of the "Public Health Service Act," 58 Stat. 682 (1944), 42 U.S.C. 201, as amended.

Sec. 3702.89. (A) An individual who ~~is~~ will not ~~receiving~~ have an ~~national health service corps tuition or student~~ outstanding obligation for dental service to the federal government, a state, or other entity at the time of participation in the dentist loan repayment assistance program and meets one of the following requirements may apply for participation in the dentist loan repayment program:

(1) The applicant is a dental student enrolled in the final year of dental college.

(2) The applicant is a dental resident in the final year of residency.

(3) The applicant ~~has been engaged in the~~ holds a valid license to practice of dentistry for not more than three years prior to submitting the application issued under Chapter 4715. of

the Revised Code. 49436

(B) An application for participation in the dentist loan 49437
repayment program shall be submitted to the director of health on 49438
a form the director shall prescribe. The following information 49439
shall be included or supplied: 49440

(1) The applicant's name, permanent address or address at 49441
which the applicant is currently residing if different from the 49442
permanent address, and telephone number; 49443

(2) The dental college the applicant attended or is attending 49444
~~or attended~~, dates of attendance, and verification of attendance; 49445

(3) If the applicant has completed a dental residency program 49446
or is a dental resident, the facility or institution ~~at which~~ 49447
where the dental residency was completed or is being performed, 49448
and, if completed, the date of completion; 49449

(4) A summary and verification of the educational expenses 49450
for which the applicant seeks reimbursement under the program; 49451

(5) If the applicant is a dentist, verification of the 49452
applicant's license issued under Chapter 4715. of the Revised Code 49453
to practice dentistry and proof of good standing; 49454

(6) Verification of the applicant's United States citizenship 49455
or status as a legal alien. 49456

Sec. 3702.90. If funds are available in the dentist loan 49457
repayment fund created under section 3702.95 of the Revised Code 49458
and the general assembly has appropriated the funds for the 49459
program, the director of health shall approve an applicant for 49460
participation in the program on finding in accordance with the 49461
priorities established under section 3702.88 of the Revised Code 49462
that the applicant is eligible for participation and is needed in 49463
a dental health resource shortage area. 49464

On approving an application, the director shall notify and 49465

enter into discussions with the applicant. The object of the 49466
discussions is to facilitate recruitment of the applicant to a 49467
site within a dental health resource shortage area at which, 49468
according to the priorities established under section 3702.88 of 49469
the Revised Code, the applicant is needed. ~~The director may pay~~ 49470
~~the costs incurred by the applicant and the applicant's spouse for~~ 49471
~~travel, meals, and lodging in making one visit to one dental~~ 49472
~~health resource shortage area. The director may also refer an~~ 49473
~~applicant to the Ohio dental association for assistance in being~~ 49474
~~recruited to a site within a dental health resource shortage area~~ 49475
~~at which the applicant will agree to be placed.~~ 49476

If the director and applicant agree on the applicant's 49477
placement at a particular site within a dental health resource 49478
shortage area, the applicant shall sign and deliver to the 49479
director a letter of intent agreeing to that placement. 49480

Sec. 3702.91. (A) An individual who has signed a letter of 49481
intent under section 3702.90 of the Revised Code may enter into a 49482
contract with the director of health for participation in the 49483
dentist loan repayment program. ~~A lending institution~~ The 49484
dentist's employer or other funding source may also be a party to 49485
the contract. 49486

(B) The contract shall include all of the following 49487
obligations: 49488

(1) The individual agrees to provide dental services in the 49489
dental health resource shortage area identified in the letter of 49490
intent for at least ~~one year~~ two years. 49491

(2) When providing dental services in the dental health 49492
resource shortage area, the individual agrees to do all of the 49493
following: 49494

(a) Provide dental services for a minimum of forty hours per 49495

week; 49496

(b) Provide dental services without regard to a patient's 49497
ability to pay; 49498

(c) Meet the conditions prescribed by the "Social Security 49499
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the 49500
department of job and family services for participation in the 49501
medicaid program established under Chapter 5111. of the Revised 49502
Code and enter into a contract with the department to provide 49503
dental services to medicaid recipients. 49504

(3) The department of health agrees, as provided in section 49505
3702.85 of the Revised Code, to repay, so long as the individual 49506
performs the service obligation agreed to under division (B)(1) of 49507
this section, all or part of the principal and interest of a 49508
government or other educational loan taken by the individual for 49509
expenses described in section 3702.85 of the Revised Code ~~up to~~ 49510
~~but not exceeding twenty thousand dollars per year of service.~~ 49511

(4) The individual agrees to pay the department of health ~~the~~ 49512
~~following as damages~~ an amount established by rules adopted under 49513
section 3702.86 of the Revised Code, if the individual fails to 49514
complete the service obligation agreed to under division (B)(1) of 49515
this section; 49516

~~(a) If the failure occurs during the first two years of the 49517
service obligation, three times the total amount the department 49518
has agreed to repay under division (B)(3) of this section;~~ 49519

~~(b) If the failure occurs after the first two years of the 49520
service obligation, three times the amount the department is still 49521
obligated to repay under division (B)(3) of this section.~~ 49522

(C) The contract may include any other terms agreed upon by 49523
the parties, ~~including an assignment to the department of health 49524
of the individual's duty to pay the principal and interest of a 49525
government or other educational loan taken by the individual for 49526~~

~~expenses described in section 3702.85 of the Revised Code. If the~~ 49527
~~department assumes the individual's duty to pay a loan, the~~ 49528
~~contract shall set forth the total amount of principal and~~ 49529
~~interest to be paid, an amortization schedule, and the amount of~~ 49530
~~each payment to be made under the schedule.~~ 49531

(D) Not later than the thirty-first day of January of each 49532
year, the department of health shall mail to each individual to 49533
whom or on whose behalf repayment is made under the dentist loan 49534
repayment program a statement showing the amount of principal and 49535
interest repaid by the department pursuant to the contract in the 49536
preceding year. The statement shall be sent by ordinary mail with 49537
address correction and forwarding requested in the manner 49538
prescribed by the United States postal service. 49539

Sec. 3702.92. There is hereby created the dentist loan 49540
repayment advisory board. The board shall consist of the following 49541
members: 49542

(A) ~~One member~~ Two members of the house of representatives, 49543
one from each political party, appointed by the speaker of the 49544
house of representatives; 49545

(B) ~~One member~~ Two members of the senate, one from each 49546
political party, appointed by the president of the senate; 49547

(C) A representative of the board of regents, appointed by 49548
the chancellor; 49549

(D) The director of health or an employee of the department 49550
of health designated by the director; 49551

(E) ~~Three~~ Four representatives of the dental profession, 49552
appointed by the governor from persons nominated by the Ohio 49553
dental association. 49554

Terms of office of the appointed members shall be two years, 49555
with each term commencing on the twenty-eighth day of January and 49556

ending on the twenty-seventh day of January of the second year 49557
after appointment. The governor shall appoint the dental 49558
profession representatives not later than ninety days after 49559
October 29, 2003. The terms of all members shall commence 49560
ninety one days after October 29, 2003. Of the initial 49561
appointments made by the governor, two shall serve a term of one 49562
year and one shall serve a term of two years. The initial 49563
appointment made by the, speaker of the house of representatives 49564
shall be for a term of one year. The initial appointment made by 49565
the, and president of the senate shall be for a term of two years 49566
make each of their respective appointments not later than the 49567
twenty-seventh day of January of the year in which the term of the 49568
member being appointed is to commence. Each member shall hold 49569
office from the date of appointment until the end of the term for 49570
which the member was appointed, except that a legislative member 49571
ceases to be a member of the board on ceasing to be a member of 49572
the general assembly. No person shall be appointed to the board 49573
for more than two consecutive terms. 49574

Vacancies shall be filled in the manner prescribed for the 49575
original appointment. A member appointed to fill a vacancy 49576
occurring prior to the expiration of the term for which the 49577
member's predecessor was appointed shall hold office for the 49578
remainder of that term. A member shall continue in office 49579
subsequent to the expiration of the member's term until a 49580
successor takes office or until sixty days have elapsed, whichever 49581
occurs first. ~~No person shall be appointed to the board for more~~ 49582
~~than two consecutive terms. Thereafter, terms of office shall be~~ 49583
~~two years. Each member shall hold office from the date of~~ 49584
~~appointment until the end of the term for which the member was~~ 49585
~~appointed, except that a legislative member ceases to be a member~~ 49586
~~of the board on ceasing to be a member of the general assembly.~~ 49587

The governor, speaker, or president may remove a member for 49588

whom the governor, speaker, or president was the appointing 49589
authority, for misfeasance, malfeasance, or willful neglect of 49590
duty. 49591

The board shall designate a member to serve as chairperson of 49592
the board. 49593

The board shall meet at least once annually. The chairperson 49594
shall call special meetings as needed or upon the request of four 49595
members. 49596

~~Four~~ Six members of the board constitute a quorum to transact 49597
and vote on all business coming before the board. 49598

Members of the board shall serve without compensation, ~~but~~ 49599
~~may be reimbursed for reasonable and necessary expenses incurred~~ 49600
~~in the discharge of their duties.~~ 49601

The department of health shall provide the board with staff 49602
assistance as requested by the board. 49603

Sec. 3702.93. The dentist loan repayment advisory board shall 49604
determine the amounts that will be paid as loan repayments on 49605
behalf of participants in the dentist loan repayment program. ~~No~~ 49606
In the first and second years, no repayment shall exceed twenty 49607
twenty-five thousand dollars in any each year, except that if. In 49608
the third and fourth years, no repayment shall exceed thirty-five 49609
thousand dollars in each year. If, however, a repayment results in 49610
an increase in the participant's federal, state, or local income 49611
tax liability, the department of health, at the participant's 49612
request and with the approval of the director of health, may 49613
reimburse the participant for the increased tax liability, 49614
regardless of the amount of the repayment in that year. ~~Total~~ 49615
~~repayment on behalf of a participant shall not exceed eighty~~ 49616
~~thousand dollars over the time of participation in the program.~~ 49617

Sec. 3702.94. The dentist loan repayment advisory board, 49618

annually on or before the first day of March, shall submit a 49619
report to the governor and general assembly describing the 49620
operations of the dentist loan repayment program during the 49621
previous calendar year. The report shall include information about 49622
all of the following: 49623

(A) The number of requests received by the director of health 49624
that a particular area be designated as a dental health resource 49625
shortage area; 49626

(B) The areas that have been designated as dental health 49627
resource shortage areas and the priorities that have been assigned 49628
to them; 49629

(C) The number of applicants for participation in the dentist 49630
loan repayment program; 49631

(D) The number of dentists assigned to dental health resource 49632
shortage areas and the payments made on behalf of those dentists 49633
under the dentist loan repayment program; 49634

(E) The dental health resource shortage areas that have not 49635
been matched with all of the dentists they need; 49636

(F) The number of dentists failing to complete their service 49637
obligations, the amount of damages owed, and the amount of damages 49638
collected. 49639

Sec. 3704.14. ~~(A) The director of environmental protection 49640
shall continue to implement an enhanced motor vehicle inspection 49641
and maintenance program for a period of two years beginning on 49642
January 1, 2006, and ending on December 31, 2007, in counties in 49643
which a motor vehicle inspection and maintenance program is 49644
federally mandated. The program shall be substantially similar to 49645
the enhanced program implemented in those counties under a 49646
contract that is scheduled to expire on December 31, 2005. The (1) 49647
If the governor determines that the implementation of a motor 49648~~

vehicle inspection and maintenance program is necessary for the 49649
state to effectively comply with the requirements of the federal 49650
Clean Air Act after June 30, 2009, the governor, by executive 49651
order, may provide for the implementation of the program in those 49652
counties in this state in which such a program is in operation on 49653
January 1, 2009, pursuant to a federal mandate by ordering the 49654
director of administrative services to extend the terms of the 49655
contract that was entered into under the authority of Section 7 of 49656
Am. Sub. H.B. 24 of the 127th general assembly. Upon receiving the 49657
order, the director of administrative services shall extend the 49658
contract, beginning on July 1, 2009, in accordance with this 49659
section. The contract shall be extended for a period of up to six 49660
months with the contractor who conducted the motor vehicle 49661
inspection and maintenance program under that contract. 49662

(2) Prior to the expiration of the contract extension that is 49663
ordered under division (A)(1) of this section by the governor, the 49664
governor, by executive order, may order the director of 49665
administrative services to enter into a contract with a vendor to 49666
operate a motor vehicle inspection and maintenance program in each 49667
county in this state in which such a program is in operation on 49668
January 1, 2009, pursuant to a federal mandate. The contract shall 49669
provide for the operation of the program through June 30, 2011. 49670
The contract also shall include an option for the state to renew 49671
the contract through June 30, 2012. However, the option to renew 49672
the contract shall require the governor to issue an executive 49673
order authorizing such a renewal. The director of administrative 49674
services shall select a vendor through a competitive selection 49675
process in compliance with Chapter 125. of the Revised Code. 49676

(3)Notwithstanding any law to the contrary, the director of 49677
administrative services shall ensure that a competitive selection 49678
process regarding a contract to operate a motor vehicle inspection 49679
and maintenance program in this state incorporates the following 49680

elements, which shall be included in the contract: 49681

(a) A requirement that the vendor selected to operate the 49682
program provide notification of the program's requirements to each 49683
owner of a motor vehicle that is required to be inspected under 49684
the program. The contract shall require the notification to be 49685
provided not later than sixty days prior to the date by which the 49686
owner of the motor vehicle is required to have the motor vehicle 49687
inspected. The director of environmental protection and the vendor 49688
shall jointly agree on the content of the notice. However, the 49689
notice shall include at a minimum the locations of all inspection 49690
facilities within a specified distance of the address that is 49691
listed on the owner's motor vehicle registration. 49692

(b) A requirement that the vendor selected to operate the 49693
program spend not more than five hundred thousand dollars over the 49694
term of the contract for public education regarding the locations 49695
at which motor vehicle inspections will be conducted; 49696

(c) A requirement that the vendor selected to operate the 49697
program acquire all facilities that were previously utilized for 49698
motor vehicle emissions inspections via arm's-length transactions 49699
at the discretion of the interested parties if the vendor chooses 49700
to utilize those inspection facilities for purposes of the 49701
contract. The competitive selection process shall not include a 49702
requirement that a vendor pay book value for such facilities. 49703

(d) A requirement that the motor vehicle inspection and 49704
maintenance program utilize established local businesses, such as 49705
existing motor vehicle repair facilities, for the purpose of 49706
expanding the number of inspection facilities for consumer 49707
convenience and increased local business participation. 49708

(4) Any competitive selection process that is or has been 49709
initiated for purposes of a new contract to operate a motor 49710
vehicle inspection and maintenance program in this state shall 49711

comply with division (A)(3) of this section. 49712

(5) A motor vehicle inspection and maintenance program 49713
operated under this section shall comply with division (B) of this 49714
section. The director of environmental protection shall administer 49715
the motor vehicle inspection and maintenance program operated 49716
under this section. 49717

(B) The motor vehicle inspection and maintenance program 49718
authorized by this section, at a minimum, shall do all of the 49719
following: 49720

(1) Comply with the federal Clean Air Act; 49721

~~(2) Provide for the extension of a contract for a period of~~ 49722
~~two years, beginning on January 1, 2006, and ending on December~~ 49723
~~31, 2007, with the contractor who conducted the enhanced motor~~ 49724
~~vehicle inspection and maintenance program in those federally~~ 49725
~~mandated counties pursuant to a contract entered into under former~~ 49726
~~section 3704.14 of the Revised Code as that section existed prior~~ 49727
~~to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th~~ 49728
~~General Assembly;~~ 49729

~~(3) Provide for the issuance of inspection certificates;~~ 49730

~~(4)(3) Provide for a new car exemption for motor vehicles~~ 49731
four years old or newer and provide that a new motor vehicle is 49732
exempt for four years regardless of whether legal title to the 49733
motor vehicle is transferred during that period. 49734

~~(B)(C) The director shall not implement a motor vehicle~~ 49735
~~inspection and maintenance program in any county other than a~~ 49736
~~county in which a motor vehicle inspection and maintenance program~~ 49737
~~is federally mandated~~ A motor vehicle inspection and maintenance 49738
program shall not be implemented in any county in which a 49739
program is not authorized under division (A) of this section 49740
without the approval of the general assembly through the enactment 49741
of legislation. Further, a motor vehicle inspection and 49742

maintenance program shall not be implemented in any county beyond 49743
June 30, 2012, without the approval of the general assembly 49744
through the enactment of legislation. 49745

~~(C)~~(D) The director of environmental protection shall adopt 49746
rules in accordance with Chapter 119. of the Revised Code that the 49747
director determines are necessary to implement this section. The 49748
director may continue to implement and enforce rules pertaining to 49749
the ~~enhanced~~ motor vehicle inspection and maintenance program 49750
previously implemented under former section 3704.14 of the Revised 49751
Code as that section existed prior to its repeal and reenactment 49752
by Am. Sub. H.B. 66 of the 126th general assembly, provided that 49753
the rules do not conflict with this section. 49754
49755

~~(D)~~(E) There is hereby created in the state treasury the 49756
~~motor vehicle inspection and maintenance~~ auto emissions test fund, 49757
which shall consist of money received by the director from any 49758
~~fees for inspections that are established in rules adopted~~ cash 49759
transfers, state and local grants, and other contributions that 49760
are received for the purpose of funding the program established 49761
under this section. The director of environmental protection shall 49762
use money in the fund solely for the implementation, supervision, 49763
administration, operation, and enforcement of the ~~enhanced~~ motor 49764
vehicle inspection and maintenance program established under this 49765
section. Money in the fund shall not be used for either of the 49766
following: 49767

(1) To pay for the inspection costs incurred by a motor 49768
vehicle dealer so that the dealer may provide inspection 49769
certificates to an individual purchasing a motor vehicle from the 49770
dealer when that individual resides in a county that is subject to 49771
the motor vehicle inspection and maintenance program; 49772

(2) To provide payment for more than one free passing 49773
emissions inspection or a total of three emissions inspections for 49774

a motor vehicle in any three-hundred-sixty-five day period. The 49775
owner or lessee of a motor vehicle is responsible for inspection 49776
fees that are related to emissions inspections beyond one free 49777
passing emissions inspection or three total emissions inspections 49778
in any three-hundred-sixty-five day period. Inspection fees that 49779
are charged by a contractor conducting emissions inspections under 49780
a motor vehicle inspection and maintenance program shall be 49781
approved by the director of environmental protection. 49782

~~(E)~~(F) The enhanced motor vehicle inspection and maintenance 49783
program established under this section expires on December 31, 49784
2007, upon the termination of all contracts entered into under 49785
this section and shall not be continued implemented beyond that 49786
the final date unless otherwise federally mandated on which 49787
termination occurs. 49788

(G)(1) Notwithstanding the provisions of this section, it is 49789
the intent of the general assembly that the motor vehicle 49790
inspection and maintenance program that was in operation pursuant 49791
to the federal Clean Air Act on January 1, 2009, in certain 49792
counties of this state pursuant to a contract that is scheduled to 49793
expire June 30, 2009, not be extended beyond that date in those 49794
counties. However, if the governor determines that the 49795
continuation of the program in those counties is necessary to 49796
comply with federal law, the governor shall issue executive orders 49797
extending the program in accordance with this section. All 49798
executive orders issued under this section shall include 49799
provisions providing the authority that is necessary for the 49800
director of environmental protection to establish decentralized 49801
approaches that meet federal performance standards. 49802

(2) Upon the issuance of any executive order under this 49803
section, the governor shall notify the general assembly in writing 49804
of the governor's decision to issue the executive order. 49805

(3) It is the intent of the general assembly that a tailpipe 49806

motor vehicle inspection and maintenance program not be 49807
implemented in any county in the state. Moreover, it is the intent 49808
of the general assembly that, if a motor vehicle-based ozone 49809
testing program is mandated by federal law for counties in the 49810
northeastern portion of the state, a tailpipe motor vehicle 49811
inspection and maintenance program not be implemented and that an 49812
onboard diagnostics only inspection and gas-cap testing program be 49813
utilized to satisfy any federal requirements for vehicle emissions 49814
testing. 49815

(H) Not later than thirty days after the effective date of 49816
this amendment and on the first day of January of each subsequent 49817
year, the director of environmental protection shall request the 49818
United States environmental protection agency to provide the 49819
director a list of alternative approaches to meet federal 49820
performance standards and program changes that this state may 49821
employ to comply with the federal Clean Air Act in lieu of the 49822
implementation of a motor vehicle inspection and maintenance 49823
program. Based on the information received from the United States 49824
environmental protection agency, the director shall prepare a 49825
report concerning those alternative approaches. The director shall 49826
issue the report and provide it to the general assembly not later 49827
than thirty days after receiving the list of alternative 49828
approaches from the United States environmental protection agency. 49829

Sec. 3704.144. Gifts, grants, and contributions for the 49830
purpose of adding pollution control equipment to diesel-powered 49831
school buses, including contributions that are made pursuant to 49832
the settlement of an administrative action or civil action that is 49833
brought at the request of the director of environmental protection 49834
pursuant to Chapter 3704., 3714., 3734., 6109., or 6111. of the 49835
Revised Code, shall be credited to the clean diesel school bus 49836
fund, which is hereby created in the state treasury. The director 49837
shall use money credited to the fund to make grants to school 49838

districts in the state and to county boards of mental retardation 49839
and developmental disabilities for the purpose of adding pollution 49840
control equipment to diesel-powered school buses and to pay the 49841
environmental protection agency's costs incurred in administering 49842
this section. In addition, the director may use money credited to 49843
the fund to make grants to school districts and to county boards 49844
of mental retardation and developmental disabilities for the 49845
purpose of maintaining pollution control equipment that is 49846
installed on diesel-powered school buses and to pay the additional 49847
cost incurred by a school district or a county board for using 49848
ultra-low sulfur diesel fuel instead of diesel fuel for the 49849
operation of diesel-powered school buses. 49850

In making grants under this section, the director shall give 49851
priority to school districts and to county boards of mental 49852
retardation and developmental disabilities that are located in a 49853
county that is designated as nonattainment by the United States 49854
environmental protection agency for the fine particulate national 49855
ambient air quality standard under the federal Clean Air Act. In 49856
addition, the director may give a higher priority to a school 49857
district or a county board of mental retardation and developmental 49858
disabilities that employs additional measures that reduce air 49859
pollution from the district's or the county board's school bus 49860
fleet. 49861

The director shall adopt rules establishing procedures and 49862
requirements that are necessary to implement this section, 49863
including procedures and requirements governing applications for 49864
grants. 49865

Sec. 3705.03. (A) The director of health shall designate the 49866
state registrar, who shall head the office of vital statistics and 49867
do all of the following: 49868

(1) Administer and enforce this chapter, the rules issued 49869
under this chapter, and the instructions of the director for the 49870
efficient administration of the system of vital statistics; 49871

(2) Direct and supervise the system of vital statistics and 49872
be custodian of the vital records; 49873

(3) Direct, supervise, and control the activities of all 49874
persons engaged in activities governed by this chapter; 49875

(4) Conduct training programs to promote uniformity of policy 49876
and procedures throughout the state in matters pertaining to the 49877
system of vital statistics; 49878

(5) Comply with the requirements in section 3705.031 of the 49879
Revised Code. 49880

(B) To preserve vital records, the state registrar may 49881
prepare a typewritten, photographic, electronic, or other 49882
reproduction of certificates or reports in the office of vital 49883
statistics. These reproductions, when certified by the director or 49884
state registrar, shall be accepted as the original records. The 49885
documents from which the reproductions have been made and verified 49886
may be disposed of as provided by rules that shall be adopted by 49887
the director. 49888

Sec. 3705.031. (A) Once each calendar month, the state 49889
registrar shall review all death certificates the state registrar 49890
receives, pursuant to section 3705.07 of the Revised Code, from 49891
each local registrar of vital statistics in this state, and from a 49892
vital statistics official in another state, in the preceding 49893
calendar month. The state registrar shall identify those death 49894
certificates that pertain to individuals who were at least 49895
eighteen years of age at the time of death. 49896

(B) From each death certificate identified pursuant to 49897
division (A) of this section, the registrar shall determine the 49898

<u>following information:</u>	49899
<u>(1) The decedent's name;</u>	49900
<u>(2) The decedent's date of birth;</u>	49901
<u>(3) The decedent's date of death;</u>	49902
<u>(4) The decedent's age on the date of death;</u>	49903
<u>(5) The address of the decedent's residence on the date of death;</u>	49904 49905
<u>(6) The county and state in which the decedent's residence on the date of death was located.</u>	49906 49907
<u>(C) Not later than the end of the calendar month in which a review under division (A) of this section occurs, the state registrar shall file with each county auditor and county board of elections in this state a report that summarizes the information in divisions (B)(1) to (6) of this section for each decedent whose residence was located in that county.</u>	49908 49909 49910 49911 49912 49913
Sec. 3706.01. As used in this chapter:	49914
(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.	49915 49916 49917 49918 49919 49920 49921
(B) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.	49922 49923
(C) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or odorous substance, or any combination thereof.	49924 49925 49926
(D) "Air pollution" means the presence in the ambient air of	49927

one or more air contaminants in sufficient quantity and of such 49928
characteristics and duration as to injure human health or welfare, 49929
plant or animal life, or property, or that unreasonably interferes 49930
with the comfortable enjoyment of life or property. 49931

(E) "Ambient air" means that portion of the atmosphere 49932
outside of buildings and other enclosures, stacks, or ducts that 49933
surrounds human, plant, or animal life, or property. 49934

(F) "Emission" means the release into the outdoor atmosphere 49935
of an air contaminant. 49936

(G) "Air quality facility" means any of the following: 49937

(1) Any method, modification or replacement of property, 49938
process, device, structure, or equipment that removes, reduces, 49939
prevents, contains, alters, conveys, stores, disperses, or 49940
disposes of air contaminants or substances containing air 49941
contaminants, or that renders less noxious or reduces the 49942
concentration of air contaminants in the ambient air, including, 49943
without limitation, facilities and expenditures that qualify as 49944
air pollution control facilities under section 103 (C)(4)(F) of 49945
the Internal Revenue Code of 1954, as amended, and regulations 49946
adopted thereunder; 49947

(2) Motor vehicle inspection stations operated in accordance 49948
with, and any equipment used for motor vehicle inspections 49949
conducted under, section 3704.14 of the Revised Code and rules 49950
adopted under it; 49951

(3) Ethanol or other biofuel facilities, including any 49952
equipment used at the ethanol or other biofuel facility for the 49953
production of ethanol or other biofuels; 49954

(4) Any property or portion thereof used for the collection, 49955
storage, treatment, utilization, processing, or final disposal of 49956
a by-product or solid waste resulting from any method, process, 49957
device, structure, or equipment that removes, reduces, prevents, 49958

contains, alters, conveys, stores, disperses, or disposes of air 49959
contaminants, or that renders less noxious or reduces the 49960
concentration of air contaminants in the ambient air; 49961

(5) Any property, device, or equipment that promotes the 49962
reduction of emissions of air contaminants into the ambient air 49963
through improvements in the efficiency of energy utilization or 49964
energy conservation; 49965

(6) Any coal research and development project conducted under 49966
Chapter 1555. of the Revised Code; 49967

(7) As determined by the director of the Ohio coal 49968
development office, any property or portion thereof that is used 49969
for the collection, storage, treatment, utilization, processing, 49970
or final disposal of a by-product resulting from a coal research 49971
and development project as defined in section 1555.01 of the 49972
Revised Code or from the use of clean coal technology, excluding 49973
any property or portion thereof that is used primarily for other 49974
subsequent commercial purposes; 49975

(8) Any property or portion thereof that is part of the 49976
FutureGen project of the United States department of energy or 49977
related to the siting of the FutureGen project. 49978

(9) Any property, device, or equipment that promotes the 49979
reduction of emissions of air contaminants into the ambient air 49980
through the generation of clean, renewable energy with renewable 49981
energy resources or advanced energy resources as defined in 49982
section 3706.25 of the Revised Code. 49983

(10) Any property, device, structure or equipment necessary 49984
for the manufacture and production of equipment described as an 49985
air quality facility under this chapter; 49986

(11) Facilities or projects, in addition to those described 49987
in divisions (G)(3) and (6) of this section, that will assist this 49988
state in achieving energy independence through the utilization of 49989

this state's resources such as facilities or projects for the 49990
development of solar, wind, natural gas, oil, and other energy 49991
resources. 49992

"Air quality facility" further includes any property or 49993
system to be used in whole or in part for any of the purposes in 49994
divisions (G)(1) to ~~(10)~~(11) of this section, whether another 49995
purpose is also served, and any property or system incidental to 49996
or that has to do with, or the end purpose of which is, any of the 49997
foregoing. Air quality facilities that are defined in this 49998
division for industry, commerce, distribution, or research, 49999
including public utility companies, are hereby determined to be 50000
those that qualify as facilities for the control of air pollution 50001
and thermal pollution related to air under Section 13 of Article 50002
VIII, Ohio Constitution. 50003

(H) "Project" or "air quality project" means any air quality 50004
facility, including undivided or other interests therein, acquired 50005
or to be acquired or constructed or to be constructed by the Ohio 50006
air quality development authority under this chapter, or acquired 50007
or to be acquired or constructed or to be constructed by a 50008
governmental agency or person with all or a part of the cost 50009
thereof being paid from a loan or grant from the authority under 50010
this chapter or otherwise paid from the proceeds of air quality 50011
revenue bonds, including all buildings and facilities that the 50012
authority determines necessary for the operation of the project, 50013
together with all property, rights, easements, and interests that 50014
may be required for the operation of the project. 50015

(I) "Cost" as applied to an air quality project means the 50016
cost of acquisition and construction, the cost of acquisition of 50017
all land, rights-of-way, property rights, easements, franchise 50018
rights, and interests required for such acquisition and 50019
construction, the cost of demolishing or removing any buildings or 50020
structures on land so acquired, including the cost of acquiring 50021

any lands to which such buildings or structures may be moved, the 50022
cost of acquiring or constructing and equipping a principal office 50023
and sub-offices of the authority, the cost of diverting highways, 50024
interchange of highways, and access roads to private property, 50025
including the cost of land or easements for such access roads, the 50026
cost of public utility and common carrier relocation or 50027
duplication, the cost of all machinery, furnishings, and 50028
equipment, financing charges, interest prior to and during 50029
construction and for no more than eighteen months after completion 50030
of construction, engineering, expenses of research and development 50031
with respect to air quality facilities, the cost of any commodity 50032
contract, including fees and expenses related thereto, legal 50033
expenses, plans, specifications, surveys, studies, estimates of 50034
cost and revenues, working capital, other expenses necessary or 50035
incident to determining the feasibility or practicability of 50036
acquiring or constructing such project, administrative expense, 50037
and such other expense as may be necessary or incident to the 50038
acquisition or construction of the project, the financing of such 50039
acquisition or construction, including the amount authorized in 50040
the resolution of the authority providing for the issuance of air 50041
quality revenue bonds to be paid into any special funds from the 50042
proceeds of such bonds, and the financing of the placing of such 50043
project in operation. Any obligation, cost, or expense incurred by 50044
any governmental agency or person for surveys, borings, 50045
preparation of plans and specifications, and other engineering 50046
services, or any other cost described above, in connection with 50047
the acquisition or construction of a project may be regarded as a 50048
part of the cost of that project and may be reimbursed out of the 50049
proceeds of air quality revenue bonds as authorized by this 50050
chapter. 50051

(J) "Owner" includes an individual, copartnership, 50052
association, or corporation having any title or interest in any 50053
property, rights, easements, or interests authorized to be 50054

acquired by this chapter. 50055

(K) "Revenues" means all rentals and other charges received 50056
by the authority for the use or services of any air quality 50057
project, any gift or grant received with respect to any air 50058
quality project, any moneys received with respect to the lease, 50059
sublease, sale, including installment sale or conditional sale, or 50060
other disposition of an air quality project, moneys received in 50061
repayment of and for interest on any loans made by the authority 50062
to a person or governmental agency, whether from the United States 50063
or any department, administration, or agency thereof, or 50064
otherwise, proceeds of such bonds to the extent that use thereof 50065
for payment of principal of, premium, if any, or interest on the 50066
bonds is authorized by the authority, amounts received or 50067
otherwise derived from a commodity contract or from the sale of 50068
the related commodity under such a contract, proceeds from any 50069
insurance, condemnation, or guaranty pertaining to a project or 50070
property mortgaged to secure bonds or pertaining to the financing 50071
of the project, and income and profit from the investment of the 50072
proceeds of air quality revenue bonds or of any revenues. 50073

(L) "Public roads" includes all public highways, roads, and 50074
streets in the state, whether maintained by the state, county, 50075
city, township, or other political subdivision. 50076

(M) "Public utility facilities" includes tracks, pipes, 50077
mains, conduits, cables, wires, towers, poles, and other equipment 50078
and appliances of any public utility. 50079

(N) "Construction," unless the context indicates a different 50080
meaning or intent, includes reconstruction, enlargement, 50081
improvement, or providing furnishings or equipment. 50082

(O) "Air quality revenue bonds," unless the context indicates 50083
a different meaning or intent, includes air quality revenue notes, 50084
air quality revenue renewal notes, and air quality revenue 50085

refunding bonds, except that notes issued in anticipation of the 50086
issuance of bonds shall have a maximum maturity of five years as 50087
provided in section 3706.05 of the Revised Code and notes or 50088
renewal notes issued as the definitive obligation may be issued 50089
maturing at such time or times with a maximum maturity of forty 50090
years from the date of issuance of the original note. 50091

(P) "Solid waste" means any garbage; refuse; sludge from a 50092
waste water treatment plant, water supply treatment plant, or air 50093
pollution control facility; and other discarded material, 50094
including solid, liquid, semisolid, or contained gaseous material 50095
resulting from industrial, commercial, mining, and agricultural 50096
operations, and from community activities, but not including solid 50097
or dissolved material in domestic sewage, or solid or dissolved 50098
material in irrigation return flows or industrial discharges that 50099
are point sources subject to permits under section 402 of the 50100
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 50101
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 50102
byproduct material as defined by the "Atomic Energy Act of 1954," 50103
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 50104

(Q) "Sludge" means any solid, semisolid, or liquid waste, 50105
other than a recyclable by-product, generated from a municipal, 50106
commercial, or industrial waste water treatment plant, water 50107
supply plant, or air pollution control facility or any other such 50108
wastes having similar characteristics and effects. 50109

(R) "Ethanol or other biofuel facility" means a plant at 50110
which ethanol or other biofuel is produced. 50111

(S) "Ethanol" means fermentation ethyl alcohol derived from 50112
agricultural products, including potatoes, cereal, grains, cheese 50113
whey, and sugar beets; forest products; or other renewable or 50114
biomass resources, including residue and waste generated from the 50115
production, processing, and marketing of agricultural products, 50116
forest products, and other renewable or biomass resources, that 50117

meets all of the specifications in the American society for 50118
testing and materials (ASTM) specification D 4806-88 and is 50119
denatured as specified in Parts 20 and 21 of Title 27 of the Code 50120
of Federal Regulations. 50121

(T) "Biofuel" means any fuel that is made from cellulosic 50122
biomass resources, including renewable organic matter, crop waste 50123
residue, wood, aquatic plants and other crops, animal waste, solid 50124
waste, or sludge, and that is used for the production of energy 50125
for transportation or other purposes. 50126

(U) "FutureGen project" means the buildings, equipment, and 50127
real property and functionally related buildings, equipment, and 50128
real property, including related research projects that support 50129
the development and operation of the buildings, equipment, and 50130
real property, designated by the United States department of 50131
energy and the FutureGen industrial alliance, inc., as the 50132
coal-fueled, zero-emissions power plant designed to prove the 50133
technical and economic feasibility of producing electricity and 50134
hydrogen from coal and nearly eliminating carbon dioxide emissions 50135
through capture and permanent storage. 50136

(V) "Commodity contract" means a contract or series of 50137
contracts entered into in connection with the acquisition or 50138
construction of air quality facilities for the purchase or sale of 50139
a commodity that is eligible for prepayment with the proceeds of 50140
federally tax exempt bonds under sections 103, 141, and 148 of the 50141
Internal Revenue Code of 1986, as amended, and regulations adopted 50142
under it. 50143

Sec. 3706.25. As used in sections 3706.25 to 3706.30 of the 50144
Revised Code: 50145

(A) "Advanced energy project" means any technologies, 50146
products, activities, or management practices or strategies that 50147
facilitate the generation or use of electricity or energy and that 50148

reduce or support the reduction of energy consumption or support 50149
the production of clean, renewable energy for industrial, 50150
distribution, commercial, institutional, governmental, research, 50151
not-for-profit, or residential energy users including, but not 50152
limited to, advanced energy resources and renewable energy 50153
resources. "Advanced energy project" includes any project 50154
described in division (A), (B), or (C) of section 4928.621 of the 50155
Revised Code. 50156

(B) "Advanced energy resource" means any of the following: 50157

(1) Any method or any modification or replacement of any 50158
property, process, device, structure, or equipment that increases 50159
the generation output of an electric generating facility to the 50160
extent such efficiency is achieved without additional carbon 50161
dioxide emissions by that facility; 50162

(2) Any distributed generation system consisting of customer 50163
cogeneration of electricity and thermal output simultaneously, 50164
primarily to meet the energy needs of the customer's facilities; 50165

(3) Advanced nuclear energy technology consisting of 50166
generation III technology as defined by the nuclear regulatory 50167
commission; other, later technology; or significant improvements 50168
to existing facilities; 50169

(4) Any fuel cell used in the generation of electricity, 50170
including, but not limited to, a proton exchange membrane fuel 50171
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 50172
solid oxide fuel cell; 50173

(5) Advanced solid waste or construction and demolition 50174
debris conversion technology, including, but not limited to, 50175
advanced stoker technology, and advanced fluidized bed 50176
gasification technology, that results in measurable greenhouse gas 50177
emissions reductions as calculated pursuant to the United States 50178
environmental protection agency's waste reduction model (WARM). 50179

50180

(C) "Renewable energy resource" means solar photovoltaic or 50181
solar thermal energy, wind energy, power produced by a 50182
hydroelectric facility, geothermal energy, solid wastes, as 50183
defined in section 3734.01 of the Revised Code, fuel derived from 50184
such solid wastes, ~~as defined in section 3734.01 of the Revised~~ 50185
~~Code,~~ through fractionation, biological decomposition, or other 50186
process that does not principally involve combustion, biomass 50187
energy, biologically derived methane gas, or energy derived from 50188
nontreated by-products of the pulping process or wood 50189
manufacturing process, including bark, wood chips, sawdust, and 50190
lignin in spent pulping liquors. "Renewable energy resource" 50191
includes, but is not limited to, any fuel cell used in the 50192
generation of electricity, including, but not limited to, a proton 50193
exchange membrane fuel cell, phosphoric acid fuel cell, molten 50194
carbonate fuel cell, or solid oxide fuel cell; wind turbine 50195
located in the state's territorial waters of Lake Erie; methane 50196
gas emitted from an abandoned coal mine; storage facility that 50197
will promote the better utilization of a renewable energy resource 50198
that primarily generates off peak; or distributed generation 50199
system used by a customer to generate electricity from any such 50200
energy. As used in this division, "hydroelectric facility" means a 50201
hydroelectric generating facility that is located at a dam on a 50202
river, or on any water discharged to a river, that is within or 50203
bordering this state or within or bordering an adjoining state and 50204
meets all of the following standards: 50205

50206

(1) The facility provides for river flows that are not 50207
detrimental for fish, wildlife, and water quality, including 50208
seasonal flow fluctuations as defined by the applicable licensing 50209
agency for the facility. 50210

(2) The facility demonstrates that it complies with the water 50211

quality standards of this state, which compliance may consist of 50212
certification under Section 401 of the "Clean Water Act of 1977," 50213
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 50214
not contributed to a finding by this state that the river has 50215
impaired water quality under Section 303(d) of the "Clean Water 50216
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 50217

(3) The facility complies with mandatory prescriptions 50219
regarding fish passage as required by the federal energy 50220
regulatory commission license issued for the project, regarding 50221
fish protection for riverine, anadromous, and catadromus fish. 50222

(4) The facility complies with the recommendations of the 50223
Ohio environmental protection agency and with the terms of its 50224
federal energy regulatory commission license regarding watershed 50225
protection, mitigation, or enhancement, to the extent of each 50226
agency's respective jurisdiction over the facility. 50227

(5) The facility complies with provisions of the "Endangered 50228
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 50229
amended. 50230

(6) The facility does not harm cultural resources of the 50231
area. This can be shown through compliance with the terms of its 50232
federal energy regulatory commission license or, if the facility 50233
is not regulated by that commission, through development of a plan 50234
approved by the Ohio historic preservation office, to the extent 50235
it has jurisdiction over the facility. 50236

(7) The facility complies with the terms of its federal 50237
energy regulatory commission license or exemption that are related 50238
to recreational access, accommodation, and facilities or, if the 50239
facility is not regulated by that commission, the facility 50240
complies with similar requirements as are recommended by resource 50241
agencies, to the extent they have jurisdiction over the facility; 50242

and the facility provides access to water to the public without 50243
fee or charge. 50244

(8) The facility is not recommended for removal by any 50245
federal agency or agency of any state, to the extent the 50246
particular agency has jurisdiction over the facility. 50247

Sec. 3707.26. ~~(A) Annually~~ Semiannually, and more often, if 50248
in its judgment necessary, the board of health of a city or 50249
general health district shall inspect the sanitary condition of 50250
all schools and school buildings within its jurisdiction, and may 50251
disinfect any school building. During an epidemic or threatened 50252
epidemic, or when a dangerous communicable disease is unusually 50253
prevalent, ~~or for any other imminent public health threat as~~ 50254
~~determined by the board,~~ the board may close any school and 50255
prohibit public gatherings for such time as is necessary. 50256

~~(B) The director of health shall adopt rules establishing 50257
minimum standards for inspections conducted under this section. 50258
The rules shall be adopted in accordance with Chapter 119. of the 50259
Revised Code and in consultation with the association of Ohio 50260
health commissioners, the Ohio environmental health association, 50261
the Ohio school boards association, and the Ohio education 50262
association. Initial rules shall be adopted not later than 50263
eighteen months after the effective date of this amendment. 50264~~

Sec. 3712.03. (A) In accordance with Chapter 119. of the 50265
Revised Code, the public health council shall adopt, and may amend 50266
and rescind, rules: 50267

(1) Providing for the licensing of persons or public agencies 50268
providing hospice care programs within this state by the 50269
department of health and for the suspension and revocation of 50270
licenses; 50271

(2) Establishing a license fee and license renewal fee ~~not~~ 50272

~~to, neither of which shall, except as provided in division (B) of~~ 50273
~~this section, exceed three six hundred dollars.~~ The fees shall 50274
cover the three-year period during which an existing license is 50275
valid as provided in division (B) of section 3712.04 of the 50276
Revised Code. 50277

(3) Establishing an inspection fee not to exceed, except as 50278
provided in division (B) of this section, one thousand seven 50279
hundred fifty dollars; 50280

(4) Establishing requirements for hospice care program 50281
facilities and services; 50282

(5) Providing for a waiver of the requirement for the 50283
provision of physical, occupational, or speech or language therapy 50284
contained in division (A)(2) of section 3712.01 of the Revised 50285
Code when the requirement would create a hardship because such 50286
therapy is not readily available in the geographic area served by 50287
the provider of a hospice care program; 50288

(6) Providing for the granting of licenses to provide hospice 50289
care programs to persons and public agencies that are accredited 50290
or certified to provide such programs by an entity whose standards 50291
for accreditation or certification equal or exceed those provided 50292
for licensure under this chapter and rules adopted under it; ~~and~~ 50293

(7) Establishing interpretive guidelines for each rule. 50294

(B) Subject to the approval of the controlling board, the 50295
public health council may establish fees in excess of the maximum 50296
amounts ~~provided by sections 3712.01 and 3712.03 to 3712.06 of the~~ 50297
~~Revised Code~~ specified in this section, provided that the fees do 50298
not exceed those amounts by greater than fifty per cent. 50299

(C) The department of health shall: 50300

(1) Grant, suspend, and revoke licenses for hospice care 50301
programs in accordance with this chapter and rules adopted under 50302

it; 50303

(2) Make such inspections as are necessary to determine 50304
whether hospice care program facilities and services meet the 50305
requirements of this chapter and rules adopted under it; and 50306

(3) Implement and enforce this chapter and rules adopted 50307
under it. 50308

Sec. 3714.01. As used in this chapter: 50309

(A) "Board of health" means the board of health of a city or 50310
general health district or the authority having the duties of a 50311
board of health in any city as authorized by section 3709.05 of 50312
the Revised Code. 50313

(B) "Closure" means either the time at which a construction 50314
and demolition debris facility will no longer accept construction 50315
and demolition debris for disposal or the effective date of an 50316
order revoking the license of the facility. "Closure" includes 50317
measures performed to protect public health or safety, to prevent 50318
air or water pollution, or to make the facility suitable for other 50319
uses, if any, including, without limitation, the establishment and 50320
maintenance of suitable cover of soil and vegetation over areas 50321
where construction and demolition debris is buried and the 50322
minimization of erosion, the infiltration of surface water into 50323
such areas, the production of leachate, and the accumulation and 50324
runoff of contaminated surface water. 50325

(C) "Construction and demolition debris" means those 50326
materials resulting from the alteration, construction, 50327
destruction, rehabilitation, or repair of any physical structure 50328
that is built by humans, including, without limitation, houses, 50329
buildings, industrial or commercial facilities, or roadways. 50330
"Construction and demolition debris" includes particles and dust 50331
created during demolition activities. "Construction and demolition 50332

debris" does not include materials identified or listed as solid 50333
wastes or hazardous waste pursuant to Chapter 3734. of the Revised 50334
Code and rules adopted under it; materials from mining operations, 50335
nontoxic fly ash, spent nontoxic foundry sand, and slag; or 50336
reinforced or nonreinforced concrete, asphalt, building or paving 50337
brick, or building or paving stone that is stored for a period of 50338
less than two years for recycling into a usable construction 50339
material. 50340

(D) "Disposal" means the discharge, deposit, injection, 50341
dumping, spilling, leaking, emitting, or placing of any 50342
construction and demolition debris into or on any land or ground 50343
or surface water or into the air, except if the disposition or 50344
placement constitutes storage. 50345

(E) "Facility" means any site, location, tract of land, 50346
installation, or building used for the disposal of construction 50347
and demolition debris. "Facility" does not include any 50348
construction site where construction debris and trees and brush 50349
removed in clearing the construction site are used as fill 50350
material on the site where the materials are generated or removed 50351
and does not include any site where materials composed exclusively 50352
of reinforced or nonreinforced concrete, asphalt, clay tile, 50353
building or paving brick, or building or paving stone are used as 50354
fill material, either alone or in conjunction with clean soil, 50355
sand, gravel, or other clean aggregates, in legitimate fill 50356
operations for construction purposes or to bring the site up to a 50357
consistent grade. 50358

(F) "Health district" means a city or general health district 50359
created by or under the authority of Chapter 3709. of the Revised 50360
Code. 50361

(G) "New construction and demolition debris facility" or "new 50362
facility" means a facility applying for an initial permit to 50363
install after December 22, 2005, and also includes ~~an existing a~~ 50364

facility in existence on December 22, 2005, that is proposing to 50365
horizontally expand the facility beyond the limits of construction 50366
and demolition debris placement approved by a board of health or 50367
the director of environmental protection, as applicable, under 50368
this chapter boundary of the property owned or controlled by the 50369
owner or operator of the facility as of December 22, 2005. "New 50370
construction and demolition debris facility" or "new facility" 50371
also includes a facility for which an initial permit to install 50372
has been issued after December 22, 2005, for which there is a 50373
proposal to horizontally expand the limits of construction and 50374
demolition debris placement beyond the limits approved in the 50375
initial permit to install. "New construction and demolition debris 50376
facility" or "new facility" does not include a facility for which 50377
there is a proposal to vertically expand the limits of 50378
construction and demolition debris placement approved for the 50379
facility under this chapter and rules adopted under it. 50380

(H) "Person" includes the state, any political subdivision of 50381
the state or other state or local body, the United States and any 50382
agency or instrumentality thereof, and any legal entity or 50383
organization defined as a person under section 1.59 of the Revised 50384
Code. 50385

(I) "Pulverized debris" means a load of debris that, ~~after~~ 50386
~~demolition has occurred, but prior to acceptance of the load of~~ 50387
~~debris for disposal,~~ has been uniformly shredded, crushed, ground, 50388
~~or otherwise rendered~~ reduced by mechanical means prior to 50389
acceptance for disposal to such an extent that the majority of the 50390
load of debris ~~is unidentifiable~~ cannot be identified as resulting 50391
from construction and demolition debris activities. 50392

(J) "Qualified ground water scientist" means a scientist or 50393
engineer who has received a baccalaureate or post-graduate degree 50394
in the natural sciences or engineering and has at least five years 50395
of relevant experience in ground water hydrogeology and related 50396

fields that enable that individual to make sound professional 50397
judgments regarding ground water monitoring, contaminant fate and 50398
transport, and corrective measures. 50399

(K) "Storage" means the holding of construction and 50400
demolition debris for a temporary period in such a manner that it 50401
remains retrievable and substantially unchanged and, at the end of 50402
the period, is disposed of or reused or recycled in a beneficial 50403
manner. 50404

(L) "Transfer facility" means a site, location, tract of 50405
land, installation, or building that is primarily used or intended 50406
to be used for the purpose of transferring construction and 50407
demolition debris that was generated off the premises of the 50408
facility from vehicles or containers into other vehicles or 50409
containers for transportation to a construction and demolition 50410
debris facility. 50411

Sec. 3714.011. The director of environmental protection, in 50412
accordance with section 121.13 of the Revised Code, shall appoint 50413
and convene an advisory board to advise the director with respect 50414
to the rules that the director is required to adopt under section 50415
3714.02 of the Revised Code. The board shall include, without 50416
limitation, three representatives of construction and demolition 50417
debris facilities in the state, one of whom shall be the owner or 50418
operator of a licensed construction and demolition debris 50419
facility, and three representatives from health districts that are 50420
on the approved list under section 3714.09 of the Revised Code, 50421
each of whom shall represent a health district in which an 50422
existing licensed construction and demolition debris facility is 50423
located. 50424

Sec. 3714.02. The director of environmental protection, in 50425
accordance with Chapter 119. of the Revised Code and with the 50426

advice of the advisory board appointed under section 3714.011 of 50427
the Revised Code, shall adopt, and may amend and rescind, rules ~~in~~ 50428
~~accordance with Chapter 119. of the Revised Code~~ governing 50429
construction and demolition debris facilities and the inspection 50430
of and issuance of permits to install and licenses for those 50431
facilities. The rules shall ensure that the facilities will not 50432
create a nuisance, fire hazard, or health hazard or cause or 50433
contribute to air or water pollution. The rules shall establish 50434
all of the following: 50435

(A) Standards and procedures for the issuance of permits to 50436
install under section 3714.051 of the Revised Code that shall 50437
include all of the following: 50438

(1) Information that must be included in the designs and 50439
plans required to be submitted with the application for a permit 50440
to install under section 3714.051 of the Revised Code and criteria 50441
for approving, disapproving, or requiring modification of the 50442
designs and plans; 50443

(2) Information that must be included with an application for 50444
a permit to install in addition to the information required under 50445
section 3714.051 of the Revised Code; 50446

(3) Procedures for the issuance, denial, modification, 50447
transfer, suspension, and revocation of permits to install; 50448

(4) Grounds for the denial, modification, suspension, or 50449
revocation of permits to install; 50450

(5) A requirement that a person that is required to obtain 50451
both a permit to install under section 3714.051 of the Revised 50452
Code and a license under section 3714.06 of the Revised Code 50453
obtain both the permit and license prior to operation; 50454

(6) Criteria for establishing time periods after which a 50455
permit to install expires; 50456

(7) Any other requirements that the director determines 50457
necessary in order to establish the program for the issuance of 50458
permits to install under section 3714.051 of the Revised Code. 50459

(B) Standards for the design and construction of facilities. 50460
The standards may include, without limitation, requirements for 50461
diking around the areas where debris is buried to prevent runoff 50462
of surface water onto adjacent property. 50463

(C) Standards for control over access to facilities and for 50464
the operation of facilities, including, without limitation, 50465
standards for the compaction and covering of debris disposed of 50466
and standards regarding equipment used for the operation of 50467
facilities; 50468

(D) Criteria and procedures for granting authorization to the 50469
owner or operator of a facility to dispose of asbestos or 50470
asbestos-containing materials or products at the owner's or 50471
operator's facility; 50472

(E) Requirements for the installation of ground water 50473
monitoring wells and the monitoring of ground water quality at any 50474
facility where the operation of the facility threatens to 50475
contaminate ground water. The rules shall require that ground 50476
water monitoring be capable of determining impacts resulting from 50477
the operation of construction and demolition debris facilities. 50478
The rules also shall include provisions for ground water 50479
assessment and corrective actions for impacts to ground water. 50480
Further, the rules shall require that the owner or operator of a 50481
construction and demolition debris facility submit a monitoring 50482
report to the director or a board of health, as applicable, that 50483
has been prepared by a qualified ground water scientist and that 50484
includes all of the following: 50485

(1) A determination of any impacts to ground water from the 50486
migration of contaminants from the construction and demolition 50487

debris facility; 50488

(2) A list of the contaminants from the facility that may be 50489
causing contamination of ground water; 50490

(3) Recommendations for actions, if any are necessary, that 50491
should be taken to investigate or remediate the source of any 50492
ground water contamination. 50493

(F) Requirements for the monitoring and sampling of leachate. 50494
The rules adopted under division (F) of this section shall include 50495
all of the following: 50496

(1) A requirement that the owner or operator of a 50497
construction and demolition debris facility provide for sampling 50498
of leachate at least annually. However, the rules shall require 50499
that if leachate is recirculated through a facility, the leachate 50500
be sampled at least every calendar quarter. 50501

(2) A requirement that the owner or operator of a facility 50502
sample for at least seventy-seven parameters that the director 50503
shall establish in the rules, which shall include arsenic, copper, 50504
and chromium; 50505

(3) Requirements governing facilities that do not have a 50506
system for sampling leachate. The rules shall require that the 50507
owner or operator of such a facility monitor ground water in 50508
accordance with the rules adopted under division (E) of this 50509
section for the parameters established in the rules adopted under 50510
division (F)(2) of this section. 50511

(4) A requirement that a facility that monitors ground water 50512
and leachate add to the parameters monitored by the ground water 50513
monitoring system any parameter that is detected through the 50514
monitoring of leachate; 50515

(5) Requirements governing the reporting of leachate sampling 50516
data. The rules shall require that reports be submitted to the 50517

director and the applicable board of health. 50518

(G) Requirements respecting written, narrative plans for the 50519
operation of facilities. The rules shall require the owner or 50520
operator of a facility to use best management practices. In 50521
addition, the rules shall require as a part of the plan of 50522
operation of a facility the inclusion of the contingency plans 50523
required in rules adopted under division (H) of this section. 50524

(H) Requirements respecting contingency plans for effective 50525
action in response to fire or explosion at a facility or to 50526
hydrogen sulfide or other gases created by the operation of a 50527
facility that pose a nuisance, cause an offensive odor, or pose a 50528
threat to public health or safety or the environment; 50529

(I) Financial assurance requirements for the closure and 50530
post-closure care of facilities as follows: 50531

(1) The rules establishing the financial assurance 50532
requirements for the closure of facilities shall require that the 50533
owner or operator of a facility, before being issued an initial 50534
license for the facility under section 3714.06 of the Revised 50535
Code, submit a surety bond, a letter of credit, or other 50536
acceptable financial assurance, as specified by the director in 50537
the rules, in an amount determined by the director or the 50538
appropriate board of health, as applicable. The rules shall 50539
include a list of the activities for which financial assurance may 50540
be required. The rules shall allow the director or board of 50541
health, as applicable, to adjust the amount of a surety bond, a 50542
letter of credit, or other acceptable financial assurance in 50543
conjunction with the issuance of an annual license. However, the 50544
rules shall require that the amount of a surety bond, letter of 50545
credit, or other acceptable financial assurance for the closure of 50546
a facility be not less than thirteen thousand dollars per acre of 50547
land that has been or is being used for the disposal of 50548
construction and demolition debris. The rules shall require an 50549

explanation of the rationale for financial assurance amounts 50550
exceeding thirteen thousand dollars per acre. 50551

(2) The rules establishing the financial assurance 50552
requirements for the post-closure care of facilities shall address 50553
the maintenance of the facility, continuation of any required 50554
monitoring systems, and performance and maintenance of any 50555
specific requirements established in rules adopted under division 50556
(K) of this section or through a permit, license, or order of the 50557
director. The rules also shall allow the director or board of 50558
health, as applicable, to determine the amount of a surety bond, a 50559
letter of credit, or other acceptable financial assurance for the 50560
post-closure care of a facility based on a required cost estimate 50561
for the post-closure care of the facility. The rules shall require 50562
that the owner or operator of a facility provide post-closure 50563
financial assurance for a period of five years after the closure 50564
of a facility. However, the rules shall stipulate that 50565
post-closure care financial assurance may be extended beyond the 50566
five-year period if the extension of the post-closure care period 50567
is required under rules adopted under division (K) of this 50568
section. 50569

(J) Requirements for the closure of facilities. The 50570
requirements shall include minimum requirements for the closure of 50571
facilities and such additional requirements as are reasonably 50572
related to the location of the facility and the type and quantity 50573
of materials disposed of in the facility. The rules shall require 50574
that an owner or operator of a facility, upon the closure of the 50575
facility, file in the office of the county recorder of the county 50576
in which the facility is located a notice that the property was 50577
previously used as a construction and demolition debris facility. 50578
The rules shall require that the notice be filed in the same 50579
manner as a deed to the property. The rules shall require that the 50580
notice include an engineering drawing attachment showing the 50581

physical locations of debris placement, an indication of the 50582
volumes of debris, and an indication of the depth of the final 50583
cover material. 50584

(K) Requirements for the post-closure care of facilities for 50585
a period of five years after the closure of a facility. However, 50586
the rules shall require that the post-closure care period may be 50587
extended by order of the applicable board of health, the director, 50588
or a court of competent jurisdiction if conditions at a facility 50589
are impacting public health or safety or the environment or if 50590
ground water assessment and corrective measures are required to be 50591
conducted at the facility under rules adopted under division (E) 50592
of this section. This division does not limit the authority of the 50593
director, a board of health, or a court of competent jurisdiction 50594
to issue an order under any other applicable chapter of the 50595
Revised Code. 50596

The rules adopted under this division shall specify both of 50597
the following: 50598

(1) With respect to a facility that permanently ceases 50599
acceptance of construction and demolition debris in calendar year 50600
2006, the post-closure care and post-closure care financial 50601
assurance requirements do not apply, provided that the owner or 50602
operator of the facility gives written notice of the date of the 50603
cessation to the applicable board of health or the director, the 50604
owner or operator of the facility does not submit a subsequent 50605
application for a license renewal for the facility after that 50606
cessation, and no order was issued by the applicable board of 50607
health, the director, or a court of competent jurisdiction 50608
governing the post-closure care of and post-closure financial 50609
assurance for that facility prior to the date specified in the 50610
written notice. 50611

(2) With respect to a facility that permanently ceases 50612
acceptance of construction and demolition debris in calendar year 50613

2007, the required period of time for post-closure care and 50614
post-closure care financial assurance shall be one year after the 50615
closure of the facility, provided that the owner or operator of 50616
the facility gives written notice of the date of the cessation to 50617
the applicable board of health or the director, the owner or 50618
operator does not submit a subsequent application for a license 50619
renewal for the facility after that cessation, and no order was 50620
issued by the applicable board of health, the director, or a court 50621
of competent jurisdiction governing the post-closure care of and 50622
post-closure financial assurance for that facility prior to the 50623
date specified in the written notice. 50624

(L) Standards and procedures governing the modification of 50625
operation licenses issued under section 3714.06 of the Revised 50626
Code; 50627

(M) Procedures and requirements governing the certification 50628
of construction and demolition debris by transfer facilities as 50629
required under section 3714.082 of the Revised Code; 50630

(N) Requirements governing the provision of notification 50631
under section 3714.083 of the Revised Code by owners and operators 50632
of construction and demolition debris facilities of rejected loads 50633
and by transporters and shippers of the final disposition of 50634
rejected loads; 50635

(O) Requirements governing the certification and training of 50636
operators of construction and demolition debris facilities as 50637
required under section 3714.062 of the Revised Code; 50638

(P) Definitions of "owner" and "operator" for purposes of 50639
this chapter. 50640

The rules adopted under this section shall not prohibit the 50641
open burning of construction debris on a construction site in 50642
compliance with division (C)(1) of section 3704.11 of the Revised 50643
Code. 50644

Rules adopted under divisions (E) and (F) of this section 50645
apply to all new construction and demolition debris facilities for 50646
which a permit to install is required under section 3714.051 of 50647
the Revised Code on and after ~~the effective date of this amendment~~ 50648
December 22, 2005. With respect to a facility that is licensed 50649
under section 3714.06 of the Revised Code and operating on ~~the~~ 50650
~~effective date of this amendment~~ December 22, 2005: if the 50651
facility does not have a ground water monitoring or leachate 50652
monitoring system, the facility is not required to comply with 50653
rules adopted under division (E) or (F) of this section; if the 50654
facility has a ground water monitoring system, but not a leachate 50655
monitoring system, the facility shall comply only with rules 50656
adopted under divisions (E) and (F)(3) of this section; and if the 50657
facility has a leachate monitoring system, but not a ground water 50658
monitoring system, the facility shall comply only with rules 50659
adopted under division (F) of this section. 50660

Sec. 3714.07. (A)(1) For the purpose of assisting boards of 50661
health and the environmental protection agency in administering 50662
and enforcing this chapter and rules adopted under it, there is 50663
hereby levied on the disposal of construction and demolition 50664
debris at a construction and demolition debris facility that is 50665
licensed under this chapter or at a solid waste facility that is 50666
licensed under Chapter 3734. of the Revised Code a fee of thirty 50667
cents per cubic yard or sixty cents per ton, as applicable. 50668

(2) The owner or operator of a construction and demolition 50669
debris facility or a solid waste facility shall determine if cubic 50670
yards or tons will be used as the unit of measurement. In 50671
estimating the fee based on cubic yards, the owner or operator 50672
shall utilize either the maximum cubic yard capacity of the 50673
container, or the hauling volume of the vehicle, that transports 50674
the construction and demolition debris to the facility or the 50675
cubic yards actually logged for disposal by the owner or operator 50676

in accordance with rules adopted under section 3714.02 of the Revised Code. If basing the fee on tonnage, the owner or operator shall use certified scales to determine the tonnage of construction and demolition debris that is transported to the facility for disposal.

(3) The owner or operator of a construction and demolition debris facility or a solid waste facility shall collect the fee levied under division (A) of this section as a trustee for the health district having jurisdiction over the facility, if that district is on the approved list under section 3714.09 of the Revised Code, or for the state. The owner or operator shall prepare and file with the appropriate board of health or the director of environmental protection monthly returns indicating the total volume or weight, as applicable, of construction and demolition debris received for disposal at the facility and the total amount of money required to be collected on the construction and demolition debris disposed of during that month. Not later than thirty days after the last day of the month to which the return applies, the owner or operator shall mail to the board of health or the director the return for that month together with the money required to be collected on the construction and demolition debris disposed of during that month or may submit the return and money electronically in a manner approved by the director. The owner or operator may request, in writing, an extension of not more than thirty days after the last day of the month to which the return applies. A request for extension may be denied. If the owner or operator submits the money late, the owner or operator shall pay a penalty of ten per cent of the amount of the money due for each month that it is late.

(4) Of the money that is collected from a construction and demolition debris facility or a solid waste facility on a per cubic yard or per ton basis under this section, a board of health

shall transmit three cents per cubic yard or six cents per ton, as 50709
applicable, to the director not later than forty-five days after 50710
the receipt of the money. The money retained by a board of health 50711
under this section shall be paid into a special fund, which is 50712
hereby created in each health district, and used solely to 50713
administer and enforce this chapter and rules adopted under it. 50714

The director shall transmit all money received from the 50715
boards of health of health districts under this section and all 50716
money from the disposal fee collected by the director under this 50717
section to the treasurer of state to be credited to the 50718
construction and demolition debris facility oversight fund, which 50719
is hereby created in the state treasury. The fund shall be 50720
administered by the director, and money credited to the fund shall 50721
be used exclusively for the administration and enforcement of this 50722
chapter and rules adopted under it. 50723

(B) The board of health of a health district or the director 50724
may enter into an agreement with the owner or operator of a 50725
construction and demolition debris facility or a solid waste 50726
facility for the quarterly payment of the money collected from the 50727
disposal fee. The board of health shall notify the director of any 50728
such agreement. Not later than forty-five days after receipt of 50729
the quarterly payment, the board of health shall transmit the 50730
amount established in division (A)(4) of this section to the 50731
director. The money retained by the board of health shall be 50732
deposited in the special fund of the district as required under 50733
that division. Upon receipt of the money from a board of health, 50734
the director shall transmit the money to the treasurer of state to 50735
be credited to the construction and demolition debris facility 50736
oversight fund. 50737

(C) If a construction and demolition debris facility or a 50738
solid waste facility is located within the territorial boundaries 50739
of a municipal corporation or the unincorporated area of a 50740

township, the municipal corporation or township may appropriate up to four cents per cubic yard or up to eight cents per ton of the disposal fee required to be paid by the facility under division (A) of this section for the same purposes that a municipal corporation or township may levy a fee under division (C) of section 3734.57 of the Revised Code.

The legislative authority of the municipal corporation or township may appropriate the money from the fee by enacting an ordinance or adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the legislative authority shall mail a certified copy of the ordinance or resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code, to the director. Upon receipt of the copy of the ordinance or resolution and not later than forty-five days after receipt of money collected from the fee, the board or the director, as applicable, shall transmit to the treasurer or other appropriate officer of the municipal corporation or clerk of the township that portion of the money collected from the disposal fee by the owner or operator of the facility that is required by the ordinance or resolution to be paid to that municipal corporation or township.

Money received by the treasurer or other appropriate officer of a municipal corporation under this division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the clerk of the township, as appropriate, shall maintain separate records of the money received under this division.

The legislative authority of a municipal corporation or

township may cease collecting money under this division by 50773
repealing the ordinance or resolution that was enacted or adopted 50774
under this division. 50775

The director shall adopt rules in accordance with Chapter 50776
119. of the Revised Code establishing requirements for prorating 50777
the amount of the fee that may be appropriated under this division 50778
by a municipal corporation or township in which only a portion of 50779
a construction and demolition debris facility is located within 50780
the territorial boundaries of the municipal corporation or 50781
township. 50782

(D) The board of county commissioners of a county in which a 50783
construction and demolition debris facility or a solid waste 50784
facility is located may appropriate up to three cents per cubic 50785
yard or up to six cents per ton of the disposal fee required to be 50786
paid by the facility under division (A) of this section for the 50787
same purposes that a solid waste management district may levy a 50788
fee under division (B) of section 3734.57 of the Revised Code. 50789

The board of county commissioners may appropriate the money 50790
from the fee by adopting a resolution establishing the amount of 50791
the fee to be appropriated. Upon doing so, the board of county 50792
commissioners shall mail a certified copy of the resolution to the 50793
board of health of the health district in which the construction 50794
and demolition debris facility or the solid waste facility is 50795
located or, if the facility is located in a health district that 50796
is not on the approved list under section 3714.09 of the Revised 50797
Code, to the director. Upon receipt of the copy of the resolution 50798
and not later than forty-five days after receipt of money 50799
collected from the fee, the board of health or the director, as 50800
applicable, shall transmit to the treasurer of the county that 50801
portion of the money collected from the disposal fee by the owner 50802
or operator of the facility that is required by the resolution to 50803
be paid to that county. 50804

Money received by a county treasurer under this division 50805
shall be paid into the general fund of the county. The county 50806
treasurer shall maintain separate records of the money received 50807
under this division. 50808

A board of county commissioners may cease collecting money 50809
under this division by repealing the resolution that was adopted 50810
under this division. 50811

(E)(1) This section does not apply to the disposal of 50812
construction and demolition debris at a solid waste facility that 50813
is licensed under Chapter 3734. of the Revised Code if there is no 50814
construction and demolition debris facility licensed under this 50815
chapter within thirty-five miles of the solid waste facility as 50816
determined by a facility's property boundaries. 50817

(2) This section does not apply to the disposal of 50818
construction and demolition debris at a solid waste facility that 50819
is licensed under Chapter 3734. of the Revised Code if the owner 50820
or operator of the facility chooses to collect fees on the 50821
disposal of the construction and demolition debris that are 50822
identical to the fees that are collected under Chapters 343. and 50823
3734. of the Revised Code on the disposal of solid wastes at that 50824
facility. 50825

(3) This section does not apply to the disposal of source 50826
separated materials that are exclusively composed of reinforced or 50827
nonreinforced concrete, asphalt, clay tile, building or paving 50828
brick, or building or paving stone at a construction and 50829
demolition debris facility that is licensed under this chapter 50830
when either of the following applies: 50831

(a) The materials are placed within the limits of 50832
construction and demolition debris placement at the facility as 50833
specified in the license issued to the facility under section 50834
3714.06 of the Revised Code, are not placed within the unloading 50835

zone of the facility, and are used as a fire prevention measure in 50836
accordance with rules adopted by the director under section 50837
3714.02 of the Revised Code. 50838

(b) The materials are not placed within the unloading zone of 50839
the facility or within the limits of construction and demolition 50840
debris placement at the facility as specified in the license 50841
issued to the facility under section 3714.06 of the Revised Code, 50842
but are used as fill material, either alone or in conjunction with 50843
clean soil, sand, gravel, or other clean aggregates, in legitimate 50844
fill operations for construction purposes at the facility or to 50845
bring the facility up to a consistent grade. 50846

(F) Notwithstanding any provision of law to the contrary, the 50847
fee levied under this section applies to the disposal of asbestos 50848
and asbestos-containing materials or products at a construction 50849
and demolition debris facility that is licensed under this 50850
chapter. 50851

Sec. 3714.073. (A) In addition to the fee levied under 50852
division (A)(1) of section 3714.07 of the Revised Code, beginning 50853
July 1, 2005, there is hereby levied on the disposal of 50854
construction and demolition debris at a construction and 50855
demolition debris facility that is licensed under this chapter or 50856
at a solid waste facility that is licensed under Chapter 3734. of 50857
the Revised Code the following fees: 50858

(1) A fee of twelve and one-half cents per cubic yard or 50859
twenty-five cents per ton, as applicable, the proceeds of which 50860
shall be deposited in the state treasury to the credit of the soil 50861
and water conservation district assistance fund created in section 50862
1515.14 of the Revised Code; 50863

(2) A fee of thirty-seven and one-half cents per cubic yard 50864
or seventy-five cents per ton, as applicable, the proceeds of 50865
which shall be deposited in the state treasury to the credit of 50866

the recycling and litter prevention fund created in section 50867
1502.02 of the Revised Code. 50868

(B) The owner or operator of a construction and demolition 50869
debris facility or a solid waste facility, as a trustee of the 50870
state, shall collect the fees levied under this section and remit 50871
the money from the fees in the manner that is established in 50872
divisions (A)(2) and (3) of section 3714.07 of the Revised Code 50873
for the fee that is levied under division (A)(1) of that section 50874
and may enter into an agreement for the quarterly payment of the 50875
fees in the manner established in division (B) of that section for 50876
the quarterly payment of the fee that is levied under division 50877
(A)(1) of that section. 50878

(C) The money that is collected from a construction and 50879
demolition debris facility or a solid waste facility and remitted 50880
to a board of health or the director of environmental protection, 50881
as applicable, pursuant to this section shall be transmitted by 50882
the board or director to the treasurer of state not later than 50883
forty-five days after the receipt of the money to be credited to 50884
the soil and water conservation district assistance fund or the 50885
recycling and litter prevention fund, as applicable. 50886

(D) This section does not apply to the disposal of 50887
construction and demolition debris at a solid waste facility that 50888
is licensed under Chapter 3734. of the Revised Code if the owner 50889
or operator of the facility chooses to collect fees on the 50890
disposal of the construction and demolition debris that are 50891
identical to the fees that are collected under Chapters 343. and 50892
3734. of the Revised Code on the disposal of solid wastes at that 50893
facility. 50894

(E) This section does not apply to the disposal of source 50895
separated materials that are exclusively composed of reinforced or 50896
nonreinforced concrete, asphalt, clay tile, building or paving 50897
brick, or building or paving stone at a construction and 50898

demolition debris facility that is licensed under this chapter 50899
when either of the following applies: 50900

(1) The materials are placed within the limits of 50901
construction and demolition debris placement at the facility as 50902
specified in the license issued to the facility under section 50903
3714.06 of the Revised Code, are not placed within the unloading 50904
zone of the facility, and are used as a fire prevention measure in 50905
accordance with rules adopted by the director under section 50906
3714.02 of the Revised Code. 50907

(2) The materials are not placed within the unloading zone of 50908
the facility or within the limits of construction and demolition 50909
debris placement at the facility as specified in the license 50910
issued to the facility under section 3714.06 of the Revised Code, 50911
but are used as fill material, either alone or in conjunction with 50912
clean soil, sand, gravel, or other clean aggregates, in legitimate 50913
fill operations for construction purposes at the facility or to 50914
bring the facility up to a consistent grade. 50915

(F) Notwithstanding any provision of law to the contrary, the 50916
fees levied under this section apply to the disposal of asbestos 50917
and asbestos-containing materials or products at a construction 50918
and demolition debris facility that is licensed under this 50919
chapter. 50920

Sec. 3714.074. The fees on the disposal of construction and 50921
demolition debris levied under sections 3714.07, 3714.071, and 50922
3714.073 of the Revised Code shall be paid by a customer to the 50923
owner or operator of a construction and demolition debris facility 50924
or solid waste facility, as applicable. The owner or operator is 50925
entitled to and may request a refund or credit of fees levied 50926
under those sections and remitted to a board of health or the 50927
director of environmental protection, as applicable, if a customer 50928
fails to pay the fees to the owner or operator. Further, the owner 50929

or operator shall not be responsible for any penalties regarding 50930
those fees. 50931

As used in this section, "customer" includes any person who 50932
contracts with or utilizes the services of a construction and 50933
demolition debris facility or solid waste facility for the 50934
disposal of construction and demolition debris. 50935

Sec. 3714.081. (A) A construction and demolition debris 50936
facility shall not accept pulverized debris. 50937

(B) The board of health of a health district in which a 50938
construction and demolition debris facility is located, the 50939
director of environmental protection, or an authorized 50940
representative of either may request the removal of pulverized 50941
debris that has been brought to the construction and demolition 50942
debris facility. A board, the director, or an authorized 50943
representative of either shall make such a request when the 50944
pulverized debris is at the unloading zone of the facility 50945
designated under rules adopted under section 3714.02 of the 50946
Revised Code and not after the debris has been disposed of on the 50947
working face of the facility. Upon the receipt of such a request, 50948
the owner or operator of the facility shall comply with section 50949
3714.083 of the Revised Code and shall do one of the following: 50950

(1) Immediately cause the pulverized debris to be removed 50951
from the facility; 50952

(2) Store the pulverized debris at a location at the facility 50953
where construction and demolition debris is not disposed of for 50954
not more than ten days after the receipt of a request to remove 50955
the debris from the facility. Not later than the end of the 50956
ten-day period, the owner or operator shall cause the pulverized 50957
debris to be removed from the facility. 50958

(C) The existence of small particles and dust in a load of 50959

construction and demolition debris does not render the load 50960
unidentifiable as construction and demolition debris. 50961

(D) As used in this section, "working face" has the same 50962
meaning as in section 3714.021 of the Revised Code. 50963

Sec. 3714.083. (A) If the owner or operator of a construction 50964
and demolition debris facility rejects a load of debris ~~that has~~ 50965
~~been accepted at the unloading zone of the facility~~ because the 50966
load is not eligible for disposal at the facility under this 50967
chapter and rules adopted under it, including section 3714.081 of 50968
the Revised Code, the owner or operator shall notify the director 50969
of environmental protection or a board of health, as applicable, 50970
of the rejection of the load. The notification shall be made in 50971
accordance with rules adopted under section 3714.02 of the Revised 50972
Code and shall include the date and time that the load was 50973
rejected, the license plate number of the vehicle transporting the 50974
rejected load as well as an indication of the state of origin of 50975
the vehicle, the name of the transporter or shipper of the load, 50976
if ascertainable, and the reason for rejecting the load. After 50977
rejecting a load, the owner or operator shall give the transporter 50978
or shipper of the load, as applicable, instructions regarding the 50979
requirements of division (B) of this section. The instructions 50980
shall be on a form prescribed by the director. 50981

For purposes of this section, acceptance of a load of 50983
construction and demolition debris is deemed to occur when the 50984
debris is placed on the working face of a construction and 50985
demolition debris facility for final disposal. Rejection of a load 50986
of construction and demolition debris before acceptance of the 50987
load of debris is not a violation of this chapter and rules 50988
adopted under it. 50989

(B) A transporter or shipper of a load that has been rejected 50990

under division (A) of this section shall notify the director or 50991
board, as applicable, of the ultimate disposition of the load 50992
after the load's rejection. The notification shall be made in 50993
accordance with rules adopted under section 3714.02 of the Revised 50994
Code and shall include the date and time that the load was 50995
ultimately disposed of after its rejection, the location of the 50996
disposal, and the name of the owner or operator of the facility 50997
that accepted the load for disposal. 50998

Sec. 3715.87. (A) As used in this section and in sections 50999
3715.871, 3715.872, and 3715.873 of the Revised Code: 51000

(1) "Controlled substance" has the same meaning as in section 51001
3719.01 of the Revised Code. 51002

(2) "Health care facility" has the same meaning as in section 51003
1337.11 of the Revised Code. 51004

~~(2)~~(3) "Hospital" has the same meaning as in section 3727.01 51005
of the Revised Code. 51006

~~(3)~~(4) "Nonprofit clinic" means a charitable nonprofit 51007
corporation organized and operated pursuant to Chapter 1702. of 51008
the Revised Code, or any charitable organization not organized and 51009
not operated for profit, that provides health care services to 51010
indigent and uninsured persons as defined in section 2305.234 of 51011
the Revised Code. "Nonprofit clinic" does not include a hospital 51012
as defined in section 3727.01 of the Revised Code, a facility 51013
licensed under Chapter 3721. of the Revised Code, or a facility 51014
that is operated for profit. 51015

~~(4)~~(5) "Prescription drug" means any drug to which the 51016
following applies: 51017

(a) Under the "Food, Drug, and Cosmetic Act," 52 Stat. 1040 51018
(1938), 21 U.S.C.A. 301, as amended, the drug is required to bear 51019
a label containing the legend, "Caution: Federal law prohibits 51020

dispensing without prescription" or "Caution: Federal law 51021
restricts this drug to use by or on the order of a licensed 51022
veterinarian" or any similar restrictive statement, or the drug 51023
may be dispensed only upon a prescription. 51024

(b) Under Chapter 3715. or 3719. of the Revised Code, the 51025
drug may be dispensed only upon a prescription. 51026

(B) The state board of pharmacy shall establish a drug 51027
repository program to accept and dispense prescription drugs 51028
donated or given for the purpose of being dispensed to individuals 51029
who are residents of this state and meet eligibility standards 51030
established in rules adopted by the board under section 3715.873 51031
of the Revised Code. Only Except as provided in division (C) of 51032
this section, all of the following conditions shall apply to the 51033
program: 51034

(1) Only drugs in their original sealed and tamper-evident 51035
unit dose packaging may be accepted and dispensed. ~~The;~~ 51036

(2) The packaging must be unopened, except that drugs 51037
packaged in single unit doses may be accepted and dispensed when 51038
the outside packaging is opened if the single unit dose packaging 51039
is undisturbed. ~~Drugs;~~ 51040

(3) Drugs donated by individuals bearing an expiration date 51041
that is less than six months from the date the drug is donated 51042
shall not be accepted or dispensed. ~~A;~~ 51043

(4) A drug shall not be accepted or dispensed if there is 51044
reason to believe that it is adulterated as described in section 51045
3715.63 of the Revised Code. ~~Subject~~ 51046

(C) Orally administered cancer drugs that are not controlled 51047
substances and that do not require refrigeration, freezing, or 51048
storage at a special temperature may be accepted and dispensed 51049
even if not in original sealed and tamper-evident unit dose 51050
packaging, subject to rules adopted by the board pursuant to 51051

section 3715.873 of the Revised Code. 51052

(D) Subject to the limitations specified in this division 51053
divisions (B) and (C) of this section, unused drugs dispensed for 51054
purposes of the medicaid program may be accepted and dispensed 51055
under the drug repository program. 51056

Sec. 3715.871. (A) Any person, including a pharmacy, drug 51057
manufacturer, or health care facility, or any government entity 51058
may donate or give prescription drugs to the drug repository 51059
program. The drugs must be donated or given at a pharmacy, 51060
hospital, or nonprofit clinic that elects to participate in the 51061
drug repository program and meets criteria for participation in 51062
the program established in rules adopted by the state board of 51063
pharmacy under section 3715.873 of the Revised Code. Participation 51064
in the program by pharmacies, hospitals, and nonprofit clinics is 51065
voluntary. Nothing in this or any other section of the Revised 51066
Code requires a pharmacy, hospital, or nonprofit clinic to 51067
participate in the program. 51068

(B) A pharmacy, hospital, or nonprofit clinic eligible to 51069
participate in the program shall dispense drugs donated or given 51070
under this section to individuals who are residents of this state 51071
and meet the eligibility standards established in rules adopted by 51072
the board under section 3715.873 of the Revised Code or to other 51073
government entities and nonprofit private entities to be dispensed 51074
to individuals who meet the eligibility standards. A drug may be 51075
dispensed only pursuant to a prescription issued by a licensed 51076
health professional authorized to prescribe drugs, as defined in 51077
section 4729.01 of the Revised Code. A pharmacy, hospital, or 51078
nonprofit clinic that accepts donated or given drugs shall comply 51079
with all applicable federal laws and laws of this state dealing 51080
with storage and distribution of dangerous drugs and shall, in 51081
accordance with rules adopted pursuant to section 3715.873 of the 51082

Revised Code, inspect all drugs prior to dispensing them to 51083
determine that they are not adulterated. The pharmacy, hospital, 51084
or nonprofit clinic may charge individuals receiving donated or 51085
given drugs a handling fee established in accordance with rules 51086
adopted by the board under section 3715.873 of the Revised Code. 51087
Drugs donated or given to the repository may not be resold. 51088

Sec. 3715.873. In consultation with the director of health, 51089
the state board of pharmacy shall adopt rules governing the drug 51090
repository program that establish all of the following: 51091

(A) Eligibility criteria for pharmacies, hospitals, and 51092
nonprofit clinics to receive and dispense drugs donated or given 51093
under the program; 51094

(B) Standards and procedures for accepting, safely storing, 51095
and dispensing drugs donated or given; 51096

(C) ~~Standards~~ With respect to drugs that are donated or 51097
given, other than orally administered cancer drugs described in 51098
division (C) of section 3715.87 of the Revised Code that are not 51099
in original sealed and tamper-evident unit dose packaging, 51100
standards and procedures for inspecting the drugs donated or given 51101
to determine that the original unit dose packaging is sealed and 51102
tamper-evident and that the drugs are unadulterated, safe, and 51103
suitable for dispensing; 51104

(D) With respect to orally administered cancer drugs 51105
described in division (C) of section 3715.87 of the Revised Code 51106
that are not in original sealed and tamper-evident unit dose 51107
packaging, standards and procedures to determine based on a basic 51108
visual inspection that the drugs appear to be unadulterated, safe, 51109
and suitable for dispensing; 51110

(E) Eligibility standards based on economic need for 51111
individuals to receive drugs; 51112

~~(E)~~(F) A means, such as an identification card, by which an individual who is eligible to receive drugs under the program may demonstrate eligibility to the pharmacy, hospital, or nonprofit clinic dispensing the drugs;

~~(F)~~(G) A form that an individual receiving a drug under the program must sign before receiving the drug to confirm that the individual understands the immunity provisions of the program;

~~(G)~~(H) A formula to determine the amount of a handling fee that pharmacies, hospitals, and nonprofit clinics may charge to drug recipients to cover restocking and dispensing costs;

~~(H)~~(I) In addition, for drugs donated or given to the program by individuals:

(1) A list of drugs, arranged either by category or by individual drug, that the program will accept from individuals; The list shall include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code.

(2) A list of drugs, arranged either by category or by individual drug, that the program will not accept from individuals. The list shall not include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code. The list must include a statement as to why the drug is ineligible to be donated or given.

(3) A form each donor must sign stating that the donor is the owner of the drugs and intends to voluntarily donate them to the program.

~~(I)~~(J) In addition, for drugs donated to the program by health care facilities:

(1) A list of drugs, arranged either by category or by individual drug, that the program will accept from health care facilities; The list shall include orally administered cancer

drugs that are described in division (C) of section 3715.87 of the 51143
Revised Code. 51144

(2) A list of drugs, arranged either by category or by 51145
individual drug, that the program will not accept from health care 51146
facilities. The list shall not include orally administered cancer 51147
drugs that are described in division (C) of section 3715.87 of the 51148
Revised Code. The list must include a statement as to why the drug 51149
is ineligible to be donated or given. 51150

~~(J)~~(K) Any other standards and procedures the board considers 51151
appropriate. 51152

The rules shall be adopted in accordance with Chapter 119. of 51153
the Revised Code. 51154

Sec. 3717.01. As used in this chapter: 51155

(A) "Ohio uniform food safety code" means the food safety and 51156
related standards adopted under section 3717.05 of the Revised 51157
Code. 51158

(B) "Food" means any raw, cooked, or processed edible 51159
substance used or intended for use in whole or in part for human 51160
consumption. "Food" includes ice, water or any other beverage, 51161
food ingredients, and chewing gum. 51162

(C) "Retail food establishment" means a premises or part of a 51163
premises where food is stored, processed, prepared, manufactured, 51164
or otherwise held or handled for retail sale. Except when 51165
expressly provided otherwise, "retail food establishment" includes 51166
a mobile retail food establishment, seasonal retail food 51167
establishment, and temporary retail food establishment. 51168

As used in this division: 51169

(1) "Retail" means the sale of food to a person who is the 51170
ultimate consumer. 51171

(2) "Prepared" means any action that affects a food, 51172
including receiving and maintaining it at the temperature at which 51173
it was received. 51174

(D) "Seasonal retail food establishment" means a retail food 51175
establishment, other than a mobile retail food establishment, that 51176
is operated for not more than six months in a licensing period. 51177

(E) "Temporary retail food establishment" means a retail food 51178
establishment that is operated at an event for not more than five 51179
consecutive days, except when operated for more than five 51180
consecutive days pursuant to division (E)(2) of section 3717.23 of 51181
the Revised Code. 51182

(F) "Food service operation" means a place, location, site, 51183
or separate area where food intended to be served in individual 51184
portions is prepared or served for a charge or required donation. 51185
As used in this division, "served" means a response made to an 51186
order for one or more individual portions of food in a form that 51187
is edible without washing, cooking, or additional preparation and 51188
"prepared" means any action that affects a food other than 51189
receiving or maintaining it at the temperature at which it was 51190
received. 51191

Except when expressly provided otherwise, "food service 51192
operation" includes a catering food service operation, food 51193
delivery sales operation, mobile food service operation, seasonal 51194
food service operation, temporary food service operation, and 51195
vending machine location. 51196

(G) "Catering food service operation" means a food service 51197
operation where food is prepared for serving at a function or 51198
event held at an off-premises site, for a charge determined on a 51199
per-function or per-event basis. 51200

(H) "Food delivery sales operation" means a food service 51201
operation from which individual portions of food are ordered by a 51202

customer, prepared at another food service operation or a retail food establishment, and delivered to the customer by a person other than an employee of the food service operation or retail food establishment that prepared the food.

(I) "Mobile food service operation" means a food service operation that is operated from a movable vehicle, portable structure, or watercraft and that routinely changes location, except that if the operation remains at any one location for more than forty consecutive days, the operation is no longer a mobile food service operation. "Mobile food service operation" includes a food service operation that does not remain at any one location for more than forty consecutive days and serves, in a manner consistent with division (F) of this section, only frozen desserts; beverages, nuts, popcorn, candy, or similar confections; bakery products identified in section 911.01 of the Revised Code; or any combination of those items.

(J) "Seasonal food service operation" means a food service operation, other than a mobile food service operation, that is operated for not more than six months in a licensing period.

(K) "Temporary food service operation" means a food service operation that is operated at an event for not more than five consecutive days, except when operated for more than five consecutive days pursuant to division (E)(2) of section 3717.43 of the Revised Code.

(L) "Vending machine location" means an area or room where one or more vending machines are installed and operated, except that if the machines within an area are separated by more than one hundred fifty feet, each area separated by that distance constitutes a separate vending machine location. As used in this division, "vending machine" means a self-service device that automatically dispenses on the insertion of currency, tokens, or similar means a predetermined unit serving of food, either in bulk

or in package, without having to be replenished after each use. 51235

(M) "Board of health" means a board of health of a city or 51236
general health district or the authority having the duties of a 51237
board of health under section 3709.05 of the Revised Code. 51238

(N) "Government entity" means this state, a political 51239
subdivision of this state, another state, or a political 51240
subdivision or other local government body of another state. 51241

(O) "Licensor" means ~~one~~ either of the following: 51242

(1) A board of health approved under section 3717.11 of the 51243
Revised Code; 51244

(2) ~~The director of agriculture acting pursuant to section~~ 51245
~~3717.11 of the Revised Code with respect to the licensing of~~ 51246
~~retail food establishments;~~ 51247

~~(3)~~ The director of health acting pursuant to section 3717.11 51248
of the Revised Code ~~with respect to the licensing of food service~~ 51249
~~operations.~~ 51250

(P) "Licensing period" means the first day of March to the 51251
last day of February of the next succeeding year. 51252

(Q) "Mobile retail food establishment" means a retail food 51253
establishment that is operated from a movable vehicle or other 51254
portable structure, and that routinely changes location, except 51255
that if the establishment operates from any one location for more 51256
than forty consecutive days, the establishment is no longer a 51257
mobile retail food establishment. 51258

(R) "Unprocessed," when used with respect to fruits and 51259
vegetables, means that the fruits and vegetables are not processed 51260
beyond merely rough trimming and rinsing. 51261

(S) "Cottage food production operation" has the same meaning 51262
as in division (A)(20) of section 3715.01 of the Revised Code. 51263

Sec. 3717.02. (A) There is hereby created the retail food 51264
safety advisory council. The council shall consist of the ~~director~~ 51265
~~of agriculture or a person the director designates to serve on the~~ 51266
~~director's behalf, the~~ director of health or a person the director 51267
designates to serve on the director's behalf, and twelve 51268
additional members appointed ~~jointly~~ by the ~~director of~~ 51269
~~agriculture and the director of health~~, as follows: 51270

(1) Three persons representing the interests of retail food 51271
establishments; 51272

(2) Three persons representing the interests of food service 51273
operations; 51274

(3) Four persons representing boards of health or the health 51275
departments operated by boards of health; 51276

(4) One person representing the academic community who is 51277
knowledgeable in food science or food technology; 51278

(5) One person representing the general public who is not 51279
employed by this state or any of its political subdivisions and 51280
has no pecuniary interest in a retail food establishment or food 51281
service operation. 51282

(B) In making appointments to the council, the ~~director of~~ 51283
~~agriculture and~~ director of health shall ~~jointly~~ consult with 51284
statewide trade and professional organizations that represent the 51285
interests of retail food establishments and food service 51286
operations. The organizations may nominate persons to be 51287
considered for appointment as council members. 51288

(C) Of the initial appointments made to the council, five 51289
shall be for terms ending three years after appointment, four 51290
shall be for terms ending two years after appointment, and three 51291
shall be for terms ending one year after appointment. Thereafter, 51292
terms of office shall be three years. Each member shall hold 51293

office from the date of appointment until the end of the term for 51294
which the member was appointed. Members may be reappointed. 51295

Vacancies shall be filled in the manner provided for original 51296
appointments. A member appointed to fill a vacancy occurring 51297
before the expiration date of the term for which the member's 51298
predecessor was appointed shall hold office as a member for the 51299
remainder of that term. A member shall continue in office after 51300
the expiration date of the member's term until the member's 51301
successor takes office or until a period of sixty days has 51302
elapsed, whichever occurs first. 51303

(D) A member may be removed from office for failing to attend 51304
two consecutive council meetings without showing good cause for 51305
the absences. Removal from office requires ~~joint~~ action by the 51306
~~director of agriculture and~~ director of health. 51307

(E) The ~~director of agriculture or the person the director~~ 51308
~~designates to serve on the director's behalf, and the director of~~ 51309
health or the person the director designates to serve on the 51310
director's behalf, shall serve as the council's ~~co-chairpersons~~ 51311
chairperson without voting rights. A two-thirds majority vote of 51312
the council's voting members is necessary for the council to act 51313
on any matter. 51314

(F) Members shall be reimbursed for actual and necessary 51315
expenses incurred in performing duties as members. The expenses 51316
shall be ~~shared equally~~ paid by the ~~department of agriculture and~~ 51317
~~the department of health. Both departments~~ The department shall 51318
provide administrative support to the council. 51319

(G) The retail food safety advisory council is not subject to 51320
sections 101.82 to 101.87 of the Revised Code. 51321

Sec. 3717.03. (A) The retail food safety advisory council 51322
shall meet as necessary to fulfill its duties, which include all 51323

the following: 51324

(1) Making recommendations for the Ohio uniform food safety 51325
code; 51326

(2) Examining specific food safety issues raised by the 51327
~~director of agriculture or~~ director of health and making 51328
recommendations regarding those issues; 51329

(3) ~~Mediating unresolved issues among state agencies about~~ 51330
~~the interpretation of rules adopted under this chapter and making~~ 51331
~~recommendations regarding the issues;~~ 51332

~~(4)~~ Reviewing all comments on and requests for interpretation 51333
of the Ohio uniform food safety code, as submitted by any holder 51334
of a license issued under this chapter or any other person or 51335
government entity; 51336

~~(5)~~(4) Making recommendations to the ~~director of agriculture~~ 51337
~~and~~ director of health for use in issuing ~~joint~~ letters of opinion 51338
pursuant to section 3717.041 of the Revised Code; 51339

~~(6)~~(5) Making recommendations to the ~~director of agriculture~~ 51340
~~and~~ director of health with respect to improving the food safety 51341
awareness of consumers and their confidence in the state's food 51342
supply; 51343

~~(7)~~(6) Making recommendations to the ~~director of agriculture~~ 51344
~~and~~ director of health regarding the licensing categories and 51345
inspection frequencies to be used in regulating retail food 51346
establishments and food service operations; 51347

~~(8)~~(7) Making recommendations to the director of health with 51348
respect to the program for certification of individuals in food 51349
protection and approval of courses in food protection. 51350

(B) The council shall hold a meeting ~~at the request of the~~ 51351
~~director of agriculture,~~ at the request of the director of health, 51352
or on written request of three or more voting members of the 51353

council. 51354

(C) In fulfilling its duties under division (A)~~(4)~~(3) of this 51355
section, the council shall accept comments and requests regardless 51356
of whether they are made publicly or anonymously. For purposes of 51357
accepting comments and requests at times other than council 51358
meetings, the council shall maintain and publicize a mailing 51359
address. 51360

Sec. 3717.04. The ~~director of agriculture,~~ the public health 51361
council, and the director of health have the exclusive power in 51362
this state to adopt rules regarding retail food establishments and 51363
food service operations. The rules adopted under this chapter 51364
shall be applied uniformly throughout this state. 51365

All rules adopted under this chapter shall be adopted in 51366
accordance with Chapter 119. of the Revised Code. Subject to the 51367
approval of the joint committee on agency rule review, portions of 51368
the rules may be adopted by referencing all or any part of any 51369
federal regulations pertaining to food safety. 51370

Sec. 3717.041. To assist in the uniform application of the 51371
rules adopted under this chapter, the ~~director of agriculture and~~ 51372
director of health shall ~~jointly~~ issue a letter of opinion when 51373
issuance of a letter of opinion is recommended by the retail food 51374
safety advisory council under section 3717.03 of the Revised Code. 51375
A letter of opinion shall be issued not later than sixty days 51376
after the date the recommendation is received from the council. 51377

Each letter of opinion shall provide a detailed 51378
interpretation of the rules that are the subject of the retail 51379
food safety advisory council's recommendation. Unless rules are 51380
adopted under this chapter that override the interpretation 51381
expressed in a letter of opinion, the interpretation shall be 51382
binding and applied uniformly throughout this state. 51383

Sec. 3717.05. (A) ~~The director of agriculture and the public health council shall adopt rules establishing standards for safe food handling and sanitation in retail food establishments and food service operations. The rules shall be compiled as the Ohio uniform food safety code, which shall be used by the licensors of retail food establishments and food service operations in ensuring the safe handling of food in this state. All scientific provisions of the Ohio uniform food safety code that are relevant to both retail food establishments and food service operations shall be adopted by the director of agriculture and the public health council with each other's concurrence.~~

The Ohio uniform food safety code shall include the following:

(1) Criteria for sanitation in retail food establishments and food service operations;

(2) Criteria for equipment in retail food establishments and food service operations;

(3) Criteria for reviewing the facility layout and equipment specifications of retail food establishments and food service operations;

(4) A definition of "potentially hazardous" as it pertains to food in retail food establishments and to food in food service operations;

(5) Criteria to be used in evaluating the primary business of a person or government entity for purposes of determining whether the person or entity should be licensed as a retail food establishment or food service operation.

(B)(1) Except as provided in division (B)(2) of this section, if a model food code is established by the United States food and drug administration, the Ohio uniform food safety code shall be

based on the most current version of the food and drug 51414
administration's model food code. If the food and drug 51415
administration adopts, modifies, or rescinds a provision in the 51416
model food code, not later than twelve months after the 51417
administration's action, the ~~director of agriculture and~~ public 51418
health council shall adopt, amend, or rescind provisions in the 51419
Ohio uniform food safety code to ensure that it continues to 51420
conform with the model food code. 51421

(2) The Ohio uniform food safety code may contain or omit 51422
provisions that do not correspond to the food and drug 51423
administration's model food code if ~~the director of agriculture or~~ 51424
~~the public health council, with each other's concurrence,~~ 51425
determines either of the following: 51426

(a) That rules can be adopted under this chapter that provide 51427
protection at least as effective as that which would be provided 51428
by basing the rules on the model food code; 51429

(b) That local conditions warrant the adoption of standards 51430
that are different from the model food code. 51431

Sec. 3717.06. ~~The director of agriculture shall create within~~ 51432
~~the department of agriculture a position to be filled by an~~ 51433
~~individual knowledgeable in food safety and the epidemiology of~~ 51434
~~foodborne illness.~~ The director of health shall create within the 51435
department of health a position to be filled by an individual 51436
knowledgeable in food safety, food safety rules concerning food 51437
service operations, and the epidemiology of foodborne illness. The 51438
~~individuals appointed to these positions shall serve as liaisons~~ 51439
~~between the departments. They~~ individual shall also serve as the 51440
~~departments' liaisons~~ department's liaison with other state 51441
agencies, boards of health, representatives of retail and other 51442
food establishments, representatives of food service operations, 51443
and the federal government. 51444

Sec. 3717.07. (A) For purposes of establishing a licensing fee under sections 3717.25 and 3717.45 of the Revised Code, ~~the director of agriculture and~~ the public health council shall adopt rules establishing uniform methodologies for use in calculating the costs of licensing retail food establishments in the categories specified by the ~~director~~ council and the costs of licensing food service operations in the categories specified by the council. In adopting the rules, ~~the director of agriculture and~~ the public health council shall consider any recommendations received from advisory boards or other entities representing the interests of retail food establishments and food service operations.

(B) The rules shall include provisions that do all of the following:

(1) Provide for calculations to be made according to fiscal years rather than licensing periods;

(2) Limit the direct costs that may be attributed to the use of sanitarians by establishing appropriate statewide averages that may not be exceeded;

(3) Limit the indirect costs that may be included in the calculation of fees to an amount that does not exceed thirty per cent of the cost of the licensing program;

(4) Provide for a proportionate reduction in the fees to be charged if a licensor included anticipated costs in the immediately preceding calculation of licensing fees and the total amount of the anticipated costs was not incurred;

(5) Provide for a proportionate reduction in the fees to be charged if it is discovered through an audit by the auditor of state or through any other means that the licensor has charged or is charging a licensing fee that exceeds the amount that should

have been charged; 51475

(6) Provide for a twenty per cent reduction in the fees to be 51476
charged when the reduction is imposed as a penalty under division 51477
(C) of section 3717.071 of the Revised Code; 51478

(7) With regard to any fees charged for licensing vending 51479
machine locations, ~~the rules shall~~ prohibit a licensor from 51480
increasing fees by a percentage of increase over the previous 51481
year's fee that exceeds the percentage of increase in the consumer 51482
price index for all urban consumers (United States city average, 51483
all items), prepared by the United States department of labor, 51484
bureau of labor statistics, for the immediately preceding calendar 51485
year. 51486

Sec. 3717.071. (A) ~~The director of agriculture and~~ director 51487
of health shall prescribe forms for use in calculating the 51488
licensing fees that may be charged under sections 3717.25 and 51489
3717.45 of the Revised Code. Each licensor that charges licensing 51490
fees shall use the forms in calculating its costs according to the 51491
uniform methodologies established in rules adopted under section 51492
3717.07 of the Revised Code. 51493

(B)(1) If the licensor is a board of health, the board shall 51494
submit the form to ~~the director of agriculture in the case of fees~~ 51495
~~being charged for retail food establishment licenses, and to the~~ 51496
director of health ~~in the case of fees being charged for food~~ 51497
~~service operation licenses.~~ The board shall submit the form to the 51498
~~appropriate~~ director not later than the first day of the fiscal 51499
year in which the fees will apply. A form that is mailed to the 51500
director shall be considered to have been submitted on its 51501
postmark date. 51502

(2) On receipt of a form from a board of health, the ~~director~~ 51503
~~of agriculture or~~ director of health shall review the form to 51504
determine if the board has calculated its fees in accordance with 51505

the uniform methodologies. The director may request that the auditor of state conduct an audit of the board to determine if the fees it established are appropriate. The audit is in addition to the annual or biennial audit conducted pursuant to division (A) of section 117.11 of the Revised Code, and the cost of the audit is the responsibility of the board of health. If at any time the ~~director of agriculture or director of health~~ has reasonable cause to believe that a different audit of a board of health is in the public interest, the director may request that the auditor of state conduct the audit. If the audit is conducted, the cost of the audit is the responsibility of the board of health.

(C)(1) If a board of health fails to submit the forms as required under division (B)(1) of this section and the failure has occurred not more than twice in the immediately preceding five-year period, the board is subject to the following penalties:

(a) If the form is late by one but not more than five working days, a fine of fifty dollars for each working day the form is late;

(b) If the form is late by six working days but not more than ten working days, a fine of one hundred dollars for each working day the form is late;

(c) If the form is late by more than ten working days, the board shall reduce by twenty per cent the fees it charges under section 3717.25 or 3717.45 of the Revised Code during the next succeeding fiscal year.

(2) If a board fails to submit the forms and the failure has occurred more than twice in the immediately preceding five-year period, the board shall reduce by twenty per cent the fees it charges under section 3717.25 or 3717.45 of the Revised Code during the next succeeding fiscal year.

(3) A board of health that is required to pay a fine or

reduce its licensing fees shall not include any part of the cost 51537
of the penalty in the fees it charges under section 3717.25 or 51538
3717.45 of the Revised Code or the fees it charges in operating 51539
any other licensing program. 51540

Sec. 3717.08. (A) ~~The director of agriculture and~~ director of 51541
health shall strive to increase consumer confidence in the state's 51542
food supply by promoting food safety awareness and education. The 51543
efforts of the ~~director of agriculture and~~ director ~~of health~~ 51544
shall be made, when appropriate and available, through 51545
partnerships with representatives of retail food establishments, 51546
representatives of food service operations, and representatives of 51547
the academic community, including the Ohio state university 51548
extension service. 51549

(B) As part of ~~their~~ the promotion of food safety awareness, 51550
~~the director of agriculture and~~ the director ~~of health~~ shall do 51551
both of the following: 51552

(1) Develop training programs regarding the Ohio uniform food 51553
safety code. The ~~directors~~ director may offer the training 51554
programs separately but shall coordinate the content of the 51555
programs to the greatest extent practicable. The training programs 51556
shall be made available to the ~~employees of the department of~~ 51557
~~agriculture,~~ employees of the department of health, 51558
representatives of boards of health and the health officials 51559
employed by the boards, representatives of retail food 51560
establishments, and representatives of food service operations. 51561

(2) Co-sponsor a biennial statewide food safety conference. 51562
Additional statewide food safety conferences may be held as 51563
considered appropriate by the ~~director of agriculture and~~ director 51564
~~of health.~~ 51565

Sec. 3717.11. (A) Each board of health shall be surveyed for 51566

the purpose of determining whether the board is qualified and has 51567
the capacity to administer and enforce this chapter and the rules 51568
adopted under it and to abide by the Ohio uniform food safety 51569
code. ~~If the board licenses or proposes to license retail food~~ 51570
~~establishments, the survey shall be conducted by the director of~~ 51571
~~agriculture. If the board licenses or proposes to license food~~ 51572
~~service operations, the~~ The survey shall be conducted by the 51573
director of health. 51574

Each board shall be surveyed by ~~each~~ the director at least 51575
once every three years. ~~Surveys~~ A survey shall be conducted in 51576
accordance with rules adopted under sections 3717.33 and 3717.52 51577
of the Revised Code, as applicable. The ~~directors~~ director shall 51578
schedule and conduct ~~their surveys~~ the survey in a manner that 51579
minimizes, to the extent practicable, intrusion on and 51580
inconvenience to the board. 51581

If a survey demonstrates that the board is qualified and has 51582
the requisite capacity, the director ~~conducting the survey~~ shall 51583
approve the board as the licenser of retail food establishments or 51584
food service operations, whichever is being considered, for the 51585
district the board serves. If a survey demonstrates that a board 51586
is not qualified or does not have the requisite capacity, the 51587
director ~~conducting the survey~~ shall not approve the board as a 51588
licenser, or shall revoke the director's approval, whichever is 51589
appropriate. The board may appeal the decision to deny or revoke 51590
approval to the director ~~taking the action~~. The appeal shall be 51591
conducted in accordance with rules adopted under section 3717.33 51592
or 3717.52 of the Revised Code, as applicable. 51593

If approval is denied or revoked, the director ~~taking the~~ 51594
~~action~~ shall designate an alternative licenser for the health 51595
district served by the board. The alternative licenser shall be a 51596
board of health that is qualified and has the requisite capacity 51597
to serve as alternative licenser, except that if a qualified and 51598

capable board is not available from a health district within 51599
reasonable proximity, the director ~~that denied or revoked the~~ 51600
~~board's approval~~ shall act as the alternative licensor. 51601

(B) When the approval of a board is revoked, all valid 51602
licenses issued by that board for retail food establishments or 51603
food service operations, whichever have been affected, shall be 51604
treated as though issued by the alternative licensor. The licenses 51605
shall remain valid until scheduled to expire unless earlier 51606
suspended or revoked by the alternative licensor. 51607

(C) All fees charged under section 3717.25 or 3717.45 of the 51608
Revised Code that have not been expended by a board that has had 51609
its approval revoked shall be transferred to the alternative 51610
licensor. A board of health acting as alternative licensor shall 51611
deposit the fees into a special fund it establishes for receipt of 51612
funds pertaining to the district for which it is acting as 51613
licensor. ~~If the director of agriculture is acting as licensor,~~ 51614
~~the director shall deposit the fees in the food safety fund~~ 51615
~~created in section 915.24 of the Revised Code.~~ If the director of 51616
health is acting as licensor, the director shall deposit the fees 51617
in the general operations fund created in section 3701.83 of the 51618
Revised Code. All subsequent fees charged in the district by the 51619
alternative licensor shall be deposited in the same manner. Moneys 51620
deposited under this division shall be used solely for the 51621
administration and enforcement of this chapter and the rules 51622
adopted under it in the district for which the alternative 51623
licensor is acting as licensor. 51624

(D)(1) A board that has had its approval to act as a licensor 51625
revoked may submit a request to the director ~~who revoked the~~ 51626
~~approval~~ to be reinstated as a licensor. The request shall be in 51627
writing and shall specify the corrective measures the board has 51628
taken and a proposed plan of action to remedy any remaining causes 51629
of the revocation. The director may reinstate the board as a 51630

licensor if all of the following occur: 51631

(a) The board pays or arranges to pay the alternative 51632
licensor or director, as applicable, for costs incurred in acting 51633
as licensor for the district and in transferring responsibility 51634
for the district to the board, if those costs exceed the moneys 51635
available under division (C) of this section for the district. 51636

(b) The board corrects all causes of the revocation. 51637

(c) The alternative licensor consents to the reinstatement. 51638

(2) The reinstatement of a board as a licensor shall be 51639
conducted in accordance with procedures established in rules 51640
adopted under this chapter by the director ~~who revoked the~~ 51641
~~approval.~~ 51642

Sec. 3717.111. (A) A board of health acting as a licensor of 51643
retail food establishments or food service operations may withdraw 51644
from serving as licensor of either or both. Before withdrawing as 51645
licensor, the board shall provide written notice of its intent to 51646
withdraw. ~~If the withdrawal applies to the licensing of retail~~ 51647
~~food establishments, the board shall provide the notice to the~~ 51648
~~director of agriculture. If the withdrawal applies to the~~ 51649
~~licensing of food service operations, the board shall provide the~~ 51650
~~notice to the director of health. On receipt of the notice, the~~ 51651
~~responsible~~ director shall designate an alternative licensor for 51652
the health district served by the board. The alternative licensor 51653
shall be a board of health that is qualified and has the requisite 51654
capacity to serve as alternative licensor, except that if a 51655
qualified and capable board is not available from a health 51656
district within reasonable proximity, the ~~director of agriculture~~ 51657
~~or director of health, as appropriate,~~ shall act as the 51658
alternative licensor. 51659

(B) When a board withdraws as licensor, all valid licenses 51660

issued by that board for retail food establishments or food 51661
service operations, whichever have been affected, shall be treated 51662
as though issued by the alternative licensor. The licenses shall 51663
remain valid until scheduled to expire unless earlier suspended or 51664
revoked by the alternative licensor. 51665

(C) All fees charged under section 3717.25 or 3717.45 of the 51666
Revised Code that have not been expended by a board that has 51667
withdrawn as licensor shall be transferred to the alternative 51668
licensor. A board of health acting as alternative licensor shall 51669
deposit the fees into a special fund it establishes for receipt of 51670
funds pertaining to the district for which it is acting as 51671
licensor. ~~If the director of agriculture is acting as licensor,~~ 51672
~~the director shall deposit the fees in the food safety fund~~ 51673
~~created in section 915.24 of the Revised Code.~~ If the director of 51674
~~health~~ is acting as licensor, the director shall deposit the fees 51675
in the general operations fund created in section 3701.83 of the 51676
Revised Code. All subsequent fees charged in the district by the 51677
alternative licensor shall be deposited in the same manner. Moneys 51678
deposited under this division shall be used solely for the 51679
administration and enforcement of this chapter and the rules 51680
adopted under it in the district for which the alternative 51681
licensor is acting as licensor. 51682

Sec. 3717.22. (A) The following are not retail food 51683
establishments: 51684

(1) A food service operation licensed under this chapter, 51685
including a food service operation that provides the services of a 51686
retail food establishment pursuant to an endorsement issued under 51687
section 3717.44 of the Revised Code; 51688

(2) An entity exempt under divisions (B)(1) to (9) or (11) to 51689
(13) of section 3717.42 of the Revised Code from the requirement 51690
to be licensed as a food service operation and an entity exempt 51691

under division (B)(10) of that section if the entity is regulated 51692
by the department of agriculture as a food processing 51693
establishment under section 3715.021 of the Revised Code; 51694

(3) A business or that portion of a business that is 51695
regulated by the federal government or the department of 51696
agriculture as a food manufacturing or food processing business, 51697
including a business or that portion of a business regulated by 51698
the department of agriculture under Chapter 911., 913., 915., 51699
917., 918., or 925. of the Revised Code. 51700

(B) All of the following are exempt from the requirement to 51701
be licensed as a retail food establishment: 51702

(1) An establishment with commercially prepackaged foods that 51703
are not potentially hazardous and contained in displays, the total 51704
space of which equals less than two hundred cubic feet; 51705

(2) A person at a farmers market that is registered with the 51706
director of ~~agriculture~~ health pursuant to section 3717.221 of the 51707
Revised Code that offers for sale only one or more of the 51708
following: 51709

(a) Fresh unprocessed fruits or vegetables; 51710

(b) Products of a cottage food production operation; 51711

(c) Maple syrup, sorghum, or honey that is produced by a 51712
maple syrup or sorghum producer or beekeeper described in division 51713
(A) of section 3715.021 of the Revised Code; 51714

(d) Commercially prepackaged food that is not potentially 51715
hazardous, on the condition that the food is contained in 51716
displays, the total space of which equals less than one hundred 51717
cubic feet on the premises where the person conducts business at 51718
the farmers market. 51719

(3) A person who offers for sale at a roadside stand only 51720
fresh fruits and fresh vegetables that are unprocessed; 51721

(4) A nonprofit organization exempt from federal income 51722
taxation under section 501(c)(3) of the "Internal Revenue Code of 51723
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 51724
funds by selling foods that are not potentially hazardous for not 51725
more than seven consecutive days or more than fifty-two separate 51726
days during a licensing period. This exemption extends to any 51727
individual or group raising all of its funds during the time 51728
periods specified in division (B)(4) of this section for the 51729
benefit of the nonprofit organization by selling foods under the 51730
same conditions. 51731

(5) An establishment that offers food contained in displays 51732
of less than five hundred square feet, and if required to be 51733
licensed would be classified as risk level one pursuant to rules 51734
establishing licensing categories for retail food establishments 51735
adopted under section 3717.33 of the Revised Code, on the 51736
condition that the establishment offers the food for sale at 51737
retail not more than six months in each calendar year; 51738

(6) A cottage food production operation, on the condition 51739
that the operation offers its products directly to the consumer 51740
from the site where the products are produced; 51741

(7) A maple syrup and sorghum processor and beekeeper 51742
described in division (A) of section 3715.021 of the Revised Code, 51743
on the condition that the processor or beekeeper offers only maple 51744
syrup, sorghum, or honey directly to the consumer from the site 51745
where those products are processed; 51746

(8) A person who annually maintains five hundred or fewer 51747
birds, on the condition that the person offers the eggs from those 51748
birds directly to the consumer from the location where the eggs 51749
are produced or at a farm product auction to which division 51750
(B)(11) of this section applies; 51751

(9) A person who annually raises and slaughters one thousand 51752

or fewer chickens, on the condition that the person offers dressed 51753
chickens directly to the consumer from the location where the 51754
chickens are raised and slaughtered or at a farm product auction 51755
to which division (B)(11) of this section applies; 51756

(10) A person who raises, slaughters, and processes the meat 51757
of nonamenable species described in divisions (A) and (B) of 51758
section 918.12 of the Revised Code, on the condition that the 51759
person offers the meat directly to the consumer from the location 51760
where the meat is processed or at a farm product auction to which 51761
division (B)(11) of this section applies; 51762

(11) A farm product auction, on the condition that it is 51763
registered with the director pursuant to section 3717.221 of the 51764
Revised Code that offers for sale at the farm product auction only 51765
one or more of the following: 51766

(a) The products described in divisions (B)(8) to (10) of 51767
this section that are produced, raised, slaughtered, or processed, 51768
as appropriate, by persons described in divisions (B)(8) to (10) 51769
of this section; 51770

(b) Fresh unprocessed fruits or vegetables; 51771

(c) Products of a cottage food production operation; 51772

(d) Maple syrup, sorghum, or honey that is produced by a 51773
maple syrup or sorghum producer or beekeeper described in division 51774
(A) of section 3715.021 of the Revised Code. 51775

(12) An establishment that, with respect to offering food for 51776
sale, offers only alcoholic beverages or prepackaged beverages 51777
that are not potentially hazardous; 51778

(13) An establishment that, with respect to offering food for 51779
sale, offers only alcoholic beverages, prepackaged beverages that 51780
are not potentially hazardous, or commercially prepackaged food 51781
that is not potentially hazardous, on the condition that the 51782

commercially prepackaged food is contained in displays, the total 51783
space of which equals less than two hundred cubic feet on the 51784
premises of the establishment; 51785

(14) An establishment that, with respect to offering food for 51786
sale, offers only fountain beverages that are not potentially 51787
hazardous; 51788

(15) A person who offers for sale only one or more of the 51789
following foods at a festival or celebration, on the condition 51790
that the festival or celebration is organized by a political 51791
subdivision of the state and lasts for a period not longer than 51792
seven consecutive days: 51793

(a) Fresh unprocessed fruits or vegetables; 51794

(b) Products of a cottage food production operation; 51795

(c) Maple syrup, sorghum, or honey if produced by a maple 51796
syrup or sorghum processor or beekeeper as described in division 51797
(A) of section 3715.021 of the Revised Code; 51798

(d) Commercially prepackaged food that is not potentially 51799
hazardous, on the condition that the food is contained in 51800
displays, the total space of which equals less than one hundred 51801
cubic feet; 51802

(e) Fruit butter produced at the festival or celebration and 51803
sold from the production site. 51804

(16) A farm market on the condition that it is registered 51805
with the director pursuant to section 3717.221 of the Revised Code 51806
that offers for sale at the farm market only one or more of the 51807
following: 51808

(a) Fresh unprocessed fruits or vegetables; 51809

(b) Products of a cottage food production operation; 51810

(c) Maple syrup, sorghum, or honey that is produced by a 51811
maple syrup or sorghum producer or beekeeper described in division 51812

(A) of section 3715.021 of the Revised Code; 51813

(d) Commercially prepackaged food that is not potentially 51814
hazardous, on the condition that the food is contained in 51815
displays, the total space of which equals less than one hundred 51816
cubic feet on the premises where the person conducts business at 51817
the farm market; 51818

(e) Cider and other juices manufactured on site at the farm 51819
market; 51820

(f) The products or items described in divisions (B)(8) to 51821
(10) of this section, on the condition that those products or 51822
items were produced by the person offering to sell them, and 51823
further conditioned that, with respect to eggs offered, the person 51824
offering to sell them annually maintains five hundred or fewer 51825
birds, and with respect to dressed chickens offered, the person 51826
annually raises and slaughters one thousand or fewer chickens. 51827

Sec. 3717.221. (A) Any of the following may register with the 51828
director of ~~agriculture~~ health: 51829

(1) A farm market, which is a location where a producer 51830
offers fruits, vegetables, and other items for sale; 51831

(2) A farmers market, which is a location where producers 51832
congregate to offer fruits, vegetables, and other items for sale; 51833

(3) A farm product auction, which is a location where 51834
agricultural products, including food products, are offered for 51835
sale at auction. 51836

(B) The director shall inspect each farm market, farmers 51837
market, and farm product auction that registers under this 51838
section. Inspections shall occur at a frequency considered 51839
appropriate by the director and shall be conducted in accordance 51840
with sanitation standards established in rules adopted under this 51841
section. 51842

(C) The director shall adopt rules in accordance with Chapter 51843
119. of the Revised Code as necessary to administer this section. 51844

Sec. 3717.23. (A) Each person or government entity seeking a 51845
retail food establishment license or the renewal of a license 51846
shall apply to the appropriate licensor on a form provided by the 51847
licensor. A licensor shall use a form prescribed and furnished to 51848
the licensor by the director of ~~agriculture~~ health or a form 51849
prescribed by the licensor that has been approved by the director. 51850
The applicant shall include with the application all information 51851
necessary for the licensor to process the application, as 51852
requested by the licensor. 51853

An application for a retail food establishment license, other 51854
than an application for a mobile retail food establishment 51855
license, shall be submitted to the licensor for the health 51856
district in which the retail food establishment is located. An 51857
application for a mobile retail food establishment license shall 51858
be submitted to the licensor for the health district in which the 51859
applicant's business headquarters are located, or, if the 51860
headquarters are located outside this state, to the licensor for 51861
the district where the applicant will first operate in this state. 51862

(B) The licensor shall review all applications received. The 51863
licensor shall issue a license for a new retail food establishment 51864
when the applicant submits a complete application and the licensor 51865
determines that the applicant meets all other requirements of this 51866
chapter and the rules adopted under it for receiving the license. 51867
The licensor shall issue a renewed license on receipt of a 51868
complete renewal application. 51869

The licensor shall issue licenses for retail food 51870
establishments on forms prescribed and furnished by the director 51871
~~of agriculture~~. If the license is for a mobile retail food 51872
establishment, the licensor shall post the establishment's layout, 51873

equipment, and items to be sold on the back of the license. 51874

A mobile retail food establishment license issued by one 51875
licensor shall be recognized by all other licensors in this state. 51876

(C)(1) A retail food establishment license expires at the end 51877
of the licensing period for which the license is issued, except as 51878
follows: 51879

(a) A license issued to a new retail food establishment after 51880
the first day of December does not expire until the end of the 51881
licensing period next succeeding issuance of the license. 51882

(b) A temporary retail food establishment license expires at 51883
the end of the period for which it is issued. 51884

(2) All retail food establishment licenses remain valid until 51885
scheduled to expire unless earlier suspended or revoked under 51886
section 3717.29 or 3717.30 of the Revised Code. 51887

(D) A retail food establishment license may be renewed, 51888
except that a temporary retail food establishment license is not 51889
renewable. A person or government entity seeking license renewal 51890
shall submit an application for renewal to the licensor not later 51891
than the first day of March, except in the case of a mobile or 51892
seasonal retail food establishment, when the renewal application 51893
shall be submitted before commencing operation in a new licensing 51894
period. A licensor may renew a license prior to the first day of 51895
March or the first day of operation in a new licensing period, but 51896
not before the first day of February immediately preceding the 51897
licensing period for which the license is being renewed. 51898

If a person or government entity does not file a renewal 51899
application with the licensor postmarked on or before the first 51900
day of March or, in the case of a mobile or seasonal retail food 51901
establishment, the first day of operation in a new licensing 51902
period, the licensor shall assess a penalty. The amount of the 51903
penalty shall be the lesser of fifty dollars or twenty-five per 51904

cent of the fee charged for renewing the license, if the licensor 51905
charges renewal fees. If an applicant is subject to a penalty, the 51906
licensor shall not renew the license until the applicant pays the 51907
penalty. 51908

(E)(1) A licensor may issue not more than ten temporary 51909
retail food establishment licenses per licensing period to the 51910
same person or government entity to operate at different events 51911
within the licensor's jurisdiction. For each particular event, a 51912
licensor may issue only one temporary retail food establishment 51913
license to the same person or government entity. 51914

(2) A licensor may issue a temporary retail food 51915
establishment license to operate for more than five consecutive 51916
days if both of the following apply: 51917

(a) The establishment will be operated at an event organized 51918
by a county agricultural society or independent agricultural 51919
society organized under Chapter 1711. of the Revised Code. 51920

(b) The person who will receive the license is a resident of 51921
the county or one of the counties for which the agricultural 51922
society was organized. 51923

(3) A person may be granted only one temporary retail food 51924
establishment license per licensing period pursuant to division 51925
(E)(2) of this section. 51926

(F) The licensor may place restrictions or conditions on a 51927
retail food establishment license, based on the equipment or 51928
facilities of the establishment, limiting the types of food that 51929
may be stored, processed, prepared, manufactured, or otherwise 51930
held or handled for retail sale. Limitations pertaining to a 51931
mobile retail food establishment shall be posted on the back of 51932
the license. 51933

(G) The person or government entity holding a license for a 51934
retail food establishment shall display the license for that 51935

retail food establishment at all times at the licensed location. 51936

(H) With the assistance of the department of agriculture 51937
health, the licensor, to the extent practicable, shall computerize 51938
the process for licensing retail food establishments. 51939

Sec. 3717.25. (A) A licensor may charge fees for issuing and 51940
renewing retail food establishment licenses. Any licensing fee 51941
charged shall be used solely for the administration and 51942
enforcement of the provisions of this chapter and the rules 51943
adopted under it applicable to retail food establishments. 51944

Any licensing fee charged under this section shall be based 51945
on the licensor's costs of regulating retail food establishments, 51946
as determined according to the uniform methodologies established 51947
under section 3717.07 of the Revised Code. If the licensor is a 51948
board of health, a fee may be disapproved by the district advisory 51949
council in the case of a general health district or the 51950
legislative authority of the city in the case of a city health 51951
district. A disapproved fee shall not be charged by the board of 51952
health. 51953

At least thirty days prior to establishing a licensing fee, 51954
the licensor shall hold a public hearing regarding the proposed 51955
fee. At least thirty days prior to the public hearing, the 51956
licensor shall give written notice of the hearing to each person 51957
or government entity holding a retail food establishment license 51958
that may be affected by the proposed fee. The notice shall be 51959
mailed to the last known address of the licensee and shall specify 51960
the date, time, and place of the hearing and the amount of the 51961
proposed fee. On request, the licensor shall provide the completed 51962
uniform methodology used in the calculation of the licensor's 51963
costs and the proposed fee. 51964

(B) In addition to licensing fees, a licensor may charge fees 51965
for any of the following: 51966

(1) Review of facility layout and equipment specifications	51967
pertaining to retail food establishments, other than mobile and	51968
temporary retail food establishments;	51969
(2) Any necessary collection and bacteriological examination	51970
of samples from retail food establishments or similar services	51971
specified in rules adopted under this chapter by the director of	51972
agriculture <u>health</u> ;	51973
(3) Attendance at a course of study offered by the licensor	51974
in food protection as it pertains to retail food establishments,	51975
if the course is approved under section 3717.09 of the Revised	51976
Code.	51977
(C) The director may determine by rule an amount to be	51978
collected from applicants for retail food establishment licenses	51979
for use by the director in administering and enforcing the	51980
provisions of this chapter and the rules adopted under it	51981
applicable to retail food establishments. Licensors shall collect	51982
the amount prior to issuing an applicant's new or renewed license.	51983
If a licensing fee is charged under this section, the licensor	51984
shall collect the amount at the same time the fee is collected.	51985
Licensors are not required to provide notice or hold public	51986
hearings regarding amounts collected under this division.	51987
Not later than sixty days after the last day of the month in	51988
which a license is issued, the licensor shall certify the amount	51989
collected under this division and transmit the amount to the	51990
treasurer of state. All amounts received shall be deposited into <u>a</u>	51991
<u>distinct account of the food safety general operations</u> fund	51992
created in section 915.24 <u>3701.83</u> of the Revised Code. The	51993
director shall use the amounts solely for the <u>those</u> administration	51994
and enforcement of the provisions of this chapter and the rules	51995
adopted under it applicable to retail food establishments.	51996
When adopting rules regarding the amounts collected under	51997

this division, the director shall make available during the rule 51998
making process the current and projected expenses of administering 51999
and enforcing the provisions of this chapter and the rules adopted 52000
under it applicable to retail food establishments and the total of 52001
all amounts that have been deposited in the ~~food safety~~ general 52002
operations fund pursuant to this division. 52003

Sec. 3717.27. (A) All inspections of retail food 52004
establishments conducted by a licensor under this chapter shall be 52005
conducted according to the procedures and schedule of frequency 52006
specified in rules adopted under section 3717.33 of the Revised 52007
Code. An inspection may be ~~performed~~ performed only by an 52008
individual registered as a sanitarian or sanitarian-in-training 52009
under Chapter 4736. of the Revised Code. Each inspection shall be 52010
recorded on a form prescribed and furnished by the director of 52011
~~agriculture~~ health or a form approved by the director that has 52012
been prescribed by a board of health acting as licensor. With the 52013
assistance of the director, a board acting as licensor, to the 52014
extent practicable, shall computerize the inspection process and 52015
standardize the manner in which its inspections are conducted. 52016

(B) A person or government entity holding a retail food 52017
establishment license shall permit the licensor to inspect the 52018
retail food establishment for purposes of determining compliance 52019
with this chapter and the rules adopted under it or investigating 52020
a complaint concerning the establishment. On request of the 52021
licensor, the license holder shall permit the licensor to examine 52022
the records of the retail food establishment to obtain information 52023
about the purchase, receipt, or use of food, supplies, and 52024
equipment. 52025

A licensor may inspect any mobile retail food establishment 52026
being operated within the licensor's district. If an inspection of 52027
a mobile retail food establishment is conducted by a licensor 52028

other than the licensor that issued the license for the 52029
establishment, a report of the inspection shall be sent to the 52030
issuing licensor. The issuing licensor may use the inspection 52031
report to suspend or revoke the license under section 3717.29 or 52032
3717.30 of the Revised Code. 52033

(C) An inspection may include the following: 52034

(1) An investigation to determine the identity and source of 52035
a particular food; 52036

(2) Removal from use of any equipment, utensils, hand tools, 52037
or parts of facilities found to be maintained in a condition that 52038
presents a clear and present danger to the public health. 52039

Sec. 3717.28. Trade secrets and other forms of information 52040
that under this chapter are required to be furnished to or are 52041
procured by a licensor of retail food establishments shall be for 52042
the exclusive use and information of the licensor in the discharge 52043
of the licensor's official duties. The information shall not be 52044
open to the public or used in any action or proceeding in any 52045
court. If the licensor is a board of health, the board may share 52046
the information with the ~~director of agriculture and director of~~ 52047
~~health if the licensor is the director of agriculture, the~~ 52048
~~director may share the information with the~~ director of health. 52049

The licensor shall maintain the confidentiality of the 52050
information, except that the information may be consolidated in 52051
statistical tables and published by the licensor in statistical 52052
form for the use and information of state and local agencies and 52053
the public, if the statistics do not disclose details about a 52054
particular person or government entity that provided information 52055
to the licensor. An individual employed by the licensor or 52056
assisting the licensor in the administration of the retail food 52057
establishment licensing requirements of this chapter shall not 52058
willfully divulge any information that is confidential under this 52059

section to any person or government entity other than the licensor 52060
or the individual's superior. 52061

Sec. 3717.29. (A) This section applies when the licensor of 52062
retail food establishments is a board of health. 52063

(B) A board of health may suspend or revoke a retail food 52064
establishment license on determining that the license holder is in 52065
violation of any requirement of this chapter or the rules adopted 52066
under it applicable to retail food establishments, including a 52067
violation evidenced by documented failure to maintain sanitary 52068
conditions within the establishment. 52069

(C)(1) Except in the case of a violation that presents a 52070
clear and present danger to the public health, before initiating 52071
action to suspend or revoke a retail food establishment license, 52072
the board shall give the license holder written notice specifying 52073
each violation and a reasonable time within which the license 52074
holder must correct each violation to avoid suspension or 52075
revocation of the license. The board may extend the time specified 52076
in the notice for correcting a violation if the license holder is 52077
making a good faith effort to correct it. 52078

If the license holder fails to correct the violation in the 52079
time granted by the board, the board may initiate action to 52080
suspend or revoke the retail food establishment license by giving 52081
the license holder written notice of the proposed suspension or 52082
revocation. The board shall include in the notice a description of 52083
the procedure for appealing the proposed suspension or revocation. 52084
The license holder may appeal the proposed suspension or 52085
revocation by giving written notice to the board. The license 52086
holder shall specify in the notice whether a hearing is requested. 52087
The appeal shall be conducted in accordance with division (C)(3) 52088
of this section. 52089

A health commissioner or other person employed by the board, 52090

if the health commissioner or person is authorized by the board to 52091
take the action, may take any action that the board may take under 52092
division (C)(1) of this section. 52093

(2) If a board initiates actions to revoke or, except in the 52094
case of a violation that presents a clear and present danger to 52095
the public health, to suspend a retail food establishment license, 52096
the board shall determine whether to revoke or suspend the license 52097
by a majority vote of the board members who are present at a 52098
meeting at which there is a quorum. 52099

If the board decides to revoke or suspend the license, the 52100
board shall issue a formal written order revoking or suspending 52101
the license. 52102

(3) An appeal made under division (C)(1) of this section 52103
shall be conducted in accordance with procedures established in 52104
rules adopted by the director of ~~agriculture~~ health under section 52105
3717.33 of the Revised Code. If a license holder requests a 52106
hearing, the board shall hold the hearing before issuing an order 52107
under division (C)(2) of this section but may hold the hearing at 52108
the same meeting at which issuance of the order is considered. 52109

(D)(1) On determining that a license holder is in violation 52110
of any requirement of this chapter or the rules adopted under it 52111
applicable to retail food establishments and that the violation 52112
presents a clear and present danger to the public health, the 52113
board may suspend the retail food establishment license without 52114
giving written notice or affording the license holder the 52115
opportunity to correct the violation. If the license holder is 52116
operating a mobile retail food establishment, either the licensor 52117
that issued the license or the licensor for the health district in 52118
which the establishment is being operated may suspend the license. 52119

A suspension under division (D)(1) of this section takes 52120
effect immediately and remains in effect until the board rescinds 52121

the suspension. When a mobile retail food establishment license is 52122
suspended under this division, the licensor that suspended the 52123
license shall hold the license until the suspension is lifted and 52124
the licensor receives from the license holder written notice of 52125
the next location at which the license holder proposes to operate 52126
the retail food establishment. 52127

After suspending a license under division (D)(1) of this 52128
section, the licensor shall give the license holder written notice 52129
of the procedure for appealing the suspension. The license holder 52130
may appeal the suspension by giving written notice to the board 52131
and specifying in the notice whether a hearing is requested. The 52132
appeal shall be conducted in accordance with division (D)(2) of 52133
this section. 52134

A health commissioner, if authorized by the board to take the 52135
action, may take any action that may be taken by the board under 52136
division (D)(1) of this section. A health commissioner who 52137
suspends a license under this authority, on determining that there 52138
is no longer a clear and present danger to the public health, may 52139
rescind the suspension without consulting the board. 52140

(2) If the license holder appeals a suspension under division 52141
(D)(1) of this section, the board shall determine whether the 52142
clear and present danger to the public health continues to exist 52143
by majority vote of the board members who are present at a meeting 52144
at which there is a quorum. 52145

If the board determines that there is no longer a clear and 52146
present danger to the public health, the board shall rescind the 52147
suspension. If the board determines that the clear and present 52148
danger continues to exist, the board shall issue an order 52149
continuing the suspension. 52150

(3) An appeal requested under division (D)(1) of this section 52151
shall be conducted in accordance with procedures established in 52152

rules adopted by the director of ~~agriculture~~ under section 3717.33 52153
of the Revised Code. If the license holder requests a hearing, the 52154
board shall hold the hearing not later than two business days 52155
after the board receives the request. The board shall hold the 52156
hearing before issuing an order under division (D)(2) of this 52157
section but may conduct the hearing at the same meeting at which 52158
issuance of the order is considered. In the case of a suspension 52159
of a mobile retail food establishment, the appeal shall be made to 52160
the licensor that suspended the license. 52161

(E) A license holder may appeal an order issued under 52162
division (C) or (D) of this section to the common pleas court of 52163
the county in which the licensor is located. 52164

Sec. 3717.30. (A) This section applies when the licensor of 52165
retail food establishments is the director of ~~agriculture~~ health. 52166

(B) The director of ~~agriculture~~ health may suspend or revoke 52167
a retail food establishment license on determining that a license 52168
holder is in violation of the provisions of this chapter or the 52169
rules adopted under it pertaining to retail food establishments, 52170
including a violation evidenced by documented failure to maintain 52171
sanitary conditions within the establishment. Except as provided 52172
in division (C)(9) of this section, the suspension or revocation 52173
of a license is not effective until the license holder is given 52174
written notice of the violation, a reasonable amount of time to 52175
correct the violation, and an opportunity for a hearing. 52176

(C) All actions and proceedings undertaken pursuant to this 52177
section shall comply with Chapter 119. of the Revised Code, except 52178
as follows: 52179

(1) The location of any adjudicatory hearing that the license 52180
holder requests shall be the director's offices in ~~Licking~~ 52181
Franklin county. 52182

(2) The director shall notify a license holder by certified mail or personal delivery that the license holder is conditionally entitled to a hearing. The director shall specify in the notice that, in order to obtain a hearing, the license holder must request the hearing not later than ten days after the date of receipt of the notice.

(3) If the license holder requests a hearing, the date set for the hearing shall be not later than ten days after the date on which the director receives the request, unless the director and the license holder agree otherwise.

(4) The director shall not postpone or continue an adjudication hearing without the consent of the license holder. If the license holder requests a postponement or continuation of an adjudication hearing, the director shall not grant it unless the license holder demonstrates that an extreme hardship will be incurred in holding the adjudication hearing on that hearing date. If the director grants a postponement or continuation on the grounds of extreme hardship, the record shall document the nature and cause of the extreme hardship.

(5) In lieu of having a hearing and upon the license holder's written request to the director, the license holder may submit to the director, not later than the date of the hearing set pursuant to division (C)(3) of this section, documents, papers, and other written evidence to support the license holder's claim.

(6) If the director appoints a referee or examiner to conduct the hearing, the following apply:

(a) A copy of the written adjudication report and recommendations of the referee or examiner shall be served by certified mail upon the director and the license holder not later than three business days following the conclusion of the hearing.

(b) Not later than three business days after receipt of the

report and recommendations, the license holder may file with the 52214
director written objections to the report and recommendations. 52215

(c) The director shall consider the objections submitted by 52216
the license holder before approving, modifying, or disapproving 52217
the report and recommendations. The director shall serve the 52218
director's order upon the license holder by certified mail not 52219
later than six business days after receiving the report and 52220
recommendations. 52221

(7) If the director conducts the hearing, the director shall 52222
serve the director's decision by certified mail upon the license 52223
holder not later than three business days following the close of 52224
the hearing. 52225

(8) If no hearing is held, the director shall issue an order 52226
by certified mail to the license holder not later than three 52227
business days following the last date possible for a hearing, 52228
based on the record that is available. 52229

(9) If the director determines that an emergency exists that 52230
presents a clear and present danger to the public health, the 52231
director may suspend a license, effective without a hearing. 52232
Thereafter, without delay, the director shall afford the license 52233
holder an opportunity for hearing. On determining that there is no 52234
longer a clear and present danger to the public health, the 52235
director may rescind the suspension without a hearing. 52236

Sec. 3717.31. (A) This section applies when the licensor of 52237
retail food establishments is a board of health. 52238

As used in this section, "prosecutor" has the same meaning as 52239
in section 2935.01 of the Revised Code. 52240

(B) At the request of the board of health, the prosecutor 52241
with jurisdiction in the area where a person allegedly has 52242
violated section 3717.21 of the Revised Code shall commence a 52243

criminal prosecution against the person. 52244

At the request of a board of health, the director of 52245
~~agriculture~~ health shall provide enforcement support to assist in 52246
the prosecution of a person who is not in compliance with the 52247
provisions of this chapter and the rules adopted under it 52248
applicable to retail food establishments. Requests shall be made 52249
and assistance shall be provided in accordance with rules adopted 52250
by the director of ~~agriculture~~ under section 3717.33 of the 52251
Revised Code. 52252

(C) At the request of the board of health, the prosecutor 52253
with jurisdiction in the area where a person or government entity 52254
allegedly has failed to comply with a requirement of this chapter 52255
or the rules adopted under it applicable to retail food 52256
establishments shall commence in common pleas court an action 52257
requesting the issuance of a temporary restraining order or a 52258
preliminary or permanent injunction or a mandamus action regarding 52259
the act of noncompliance. The court may grant the appropriate 52260
relief if it is shown that the respondent failed to comply with 52261
the requirement. 52262

Notwithstanding the penalties established in section 2705.05 52263
of the Revised Code, a person or government entity found to be in 52264
contempt of court for failing to comply with a restraining order, 52265
injunction, or writ of mandamus issued pursuant to this division 52266
shall be fined not more than one thousand dollars for each 52267
offense. Each day the noncompliance continues is a separate 52268
offense. 52269

(D) Fifty per cent of all fines collected under this section 52270
shall be deposited in an appropriate fund created for the board's 52271
use in administering the provisions of this chapter and the rules 52272
adopted under it applicable to retail food establishments. The 52273
remaining fifty per cent shall be credited to the general fund of 52274
the political subdivision in which the case is prosecuted. 52275

(E) The remedies available under this section are in addition 52276
to any other remedies available under the law. 52277

Sec. 3717.32. (A) This section applies when the licensor of 52278
retail food establishments is the director of ~~agriculture~~ health. 52279

(B) In addition to other remedies provided by law and 52280
irrespective of whether an adequate remedy at law exists, the 52281
director of ~~agriculture~~ health may apply to the court of common 52282
pleas for a temporary or permanent injunction or other appropriate 52283
relief concerning the violation of a provision of this chapter or 52284
the rules adopted under it pertaining to retail food 52285
establishments. Application shall be made to the court in the 52286
county in which the violation occurs. 52287

Notwithstanding the penalties established in section 2705.05 52288
of the Revised Code, a person or government entity found to be in 52289
contempt of court for failing to comply with an injunction or 52290
other relief issued pursuant to this division shall be fined not 52291
more than one thousand dollars. Each day the noncompliance 52292
continues is a separate offense. 52293

(C) Fifty per cent of all fines collected under this section 52294
shall be deposited into the state treasury to the credit of a 52295
distinct account in the ~~food safety~~ general operations fund 52296
created in section ~~915.24~~ 3701.83 of the Revised Code to be used 52297
for the administration and enforcement of sections 3717.21 to 52298
3717.33 of the Revised Code. The remaining fifty per cent shall be 52299
credited to the general fund of the political subdivision in which 52300
the case is prosecuted. 52301

Sec. 3717.33. Pursuant to section 3717.04 of the Revised 52302
Code, the director of ~~agriculture~~ health shall adopt rules 52303
regarding the following: 52304

(A) Licensing categories for retail food establishments and 52305

licensing requirements for each category, including appropriate	52306
practices for the activities performed by a retail food	52307
establishment;	52308
(B) Standards for collection of food samples from retail food	52309
establishments for purposes of identifying adulteration and	52310
misbranding;	52311
(C) Records to be generated and maintained by licensed retail	52312
food establishments;	52313
(D) Appeals of proposed suspensions and revocations of retail	52314
food establishment licenses and appeals of suspensions of licenses	52315
issued for violations presenting a clear and present danger to the	52316
public health;	52317
(E) Standards and procedures, including a schedule of	52318
frequency, for conducting inspections of retail food	52319
establishments;	52320
(F) Standards and procedures for determining during an	52321
inspection whether articles should be removed from use because of	52322
a clear and present danger to the public health;	52323
(G) Standards and procedures for conducting investigations of	52324
complaints pertaining to retail food establishments;	52325
(H) Surveys conducted by the director to determine whether	52326
boards of health are qualified and have the capacity to administer	52327
and enforce the provisions of this chapter and the rules adopted	52328
under it applicable to retail food establishments and to abide by	52329
the Ohio uniform food safety code;	52330
(I) Reinstatement of a board of health as a licensor after	52331
the director has revoked the approval of the board;	52332
(J) Procedures for resolving disputes between licensors and	52333
the holders of licenses for retail food establishments;	52334
(K) Procedures for providing enforcement support to a board	52335

of health requesting assistance in the prosecution of a person for 52336
a violation of the provisions of this chapter applicable to retail 52337
food establishments; 52338

(L) Any other matter the director considers relevant to the 52339
administration and enforcement of the provisions of this chapter 52340
applicable to retail food establishments. 52341

Sec. 3717.48. Trade secrets and other forms of information 52342
that, under this chapter, are required to be furnished to or are 52343
procured by a licensor of food service operations shall be for the 52344
exclusive use and information of the licensor in the discharge of 52345
the licensor's official duties. The information shall not be open 52346
to the public or used in any action or proceeding in any court. If 52347
the licensor is a board of health, the board may share the 52348
information with the director of health ~~and director of~~ 52349
~~agriculture. If the licensor is the director of health, the~~ 52350
~~director may share the information with the director of~~ 52351
~~agriculture.~~ 52352

The licensor shall maintain the confidentiality of the 52353
information, except that the information may be consolidated in 52354
statistical tables and published by the licensor in statistical 52355
form for the use and information of state and local agencies and 52356
the public, if the statistics do not disclose details about a 52357
particular person or government entity that provided information 52358
to the licensor. An individual employed by the licensor or 52359
assisting the licensor in the administration of the food service 52360
operation licensing requirements of this chapter shall not 52361
willfully divulge any information that is confidential under this 52362
section to any person or government entity other than the licensor 52363
or the individual's superior. 52364

Sec. 3718.03. (A) There is hereby created the sewage 52365

treatment system technical advisory committee consisting of the 52366
director of health or the director's designee and ten members who 52367
are knowledgeable about sewage treatment systems and technologies. 52368
Of the ten members, four shall be appointed by the governor, three 52369
shall be appointed by the president of the senate, and three shall 52370
be appointed by the speaker of the house of representatives. 52371

52372

(1) Of the members appointed by the governor, one shall 52373
represent academia, one shall be a representative of the public 52374
who is not employed by the state or any of its political 52375
subdivisions and who does not have a pecuniary interest in 52376
household sewage treatment systems, one shall be an engineer from 52377
the environmental protection agency, and one shall be selected 52378
from among soil scientists in the division of soil and water 52379
~~conservation~~ resources in the department of natural resources. 52380

(2) Of the members appointed by the president of the senate, 52381
one shall be a health commissioner who is a member of and 52382
recommended by the association of Ohio health commissioners, one 52383
shall represent the interests of manufacturers of household sewage 52384
treatment systems, and one shall represent installers and service 52385
providers. 52386

(3) Of the members appointed by the speaker of the house of 52387
representatives, one shall be a health commissioner who is a 52388
member of and recommended by the association of Ohio health 52389
commissioners, one shall represent the interests of manufacturers 52390
of household sewage treatment systems, and one shall be a 52391
sanitarian who is registered under Chapter 4736. of the Revised 52392
Code and who is a member of the Ohio environmental health 52393
association. 52394

(B) Terms of members appointed to the committee shall be for 52395
three years, with each term ending on the same day of the same 52396
month as did the term that it succeeds. Each member shall serve 52397

from the date of appointment until the end of the term for which 52398
the member was appointed. 52399

Members may be reappointed. Vacancies shall be filled in the 52400
same manner as provided for original appointments. Any member 52401
appointed to fill a vacancy occurring prior to the expiration date 52402
of the term for which the member was appointed shall hold office 52403
for the remainder of that term. A member shall continue to serve 52404
after the expiration date of the member's term until the member's 52405
successor is appointed or until a period of sixty days has 52406
elapsed, whichever occurs first. The applicable appointing 52407
authority may remove a member from the committee for failure to 52408
attend two consecutive meetings without showing good cause for the 52409
absences. 52410

(C) The technical advisory committee annually shall select 52411
from among its members a chairperson and a vice-chairperson and a 52412
secretary to keep a record of its proceedings. A majority vote of 52413
the members of the full committee is necessary to take action on 52414
any matter. The committee may adopt bylaws governing its 52415
operation, including bylaws that establish the frequency of 52416
meetings. 52417

(D) Serving as a member of the sewage treatment system 52418
technical advisory committee does not constitute holding a public 52419
office or position of employment under the laws of this state and 52420
does not constitute grounds for removal of public officers or 52421
employees from their offices or positions of employment. Members 52422
of the committee shall serve without compensation for attending 52423
committee meetings. 52424

(E) A member of the committee shall not have a conflict of 52425
interest with the position. For the purposes of this division, 52426
"conflict of interest" means the taking of any action that 52427
violates any provision of Chapter 102. or 2921. of the Revised 52428
Code. 52429

(F) The sewage treatment system technical advisory committee shall do all of the following:

(1) Develop with the department of health standards and guidelines for approving or disapproving a sewage treatment system or components of a system under section 3718.04 of the Revised Code;

(2) Develop with the department an application form to be submitted to the director by an applicant for approval or disapproval of a sewage treatment system or components of a system and specify the information that must be included with an application form;

(3) Advise the director on the approval or disapproval of an application sent to the director under section 3718.04 of the Revised Code requesting approval of a sewage treatment system or components of a system;

(4) Pursue and recruit in an active manner the research, development, introduction, and timely approval of innovative and cost-effective household sewage treatment systems and components of a system for use in this state, which shall include conducting pilot projects to assess the effectiveness of a system or components of a system;

(5) By January 1, 2008, provide the household sewage and small flow on-site sewage treatment system study commission created by Am. Sub. H.B. 119 of the 127th general assembly with a list of available alternative systems and the estimated cost of each system.

(G) The chairperson of the committee shall prepare and submit an annual report concerning the activities of the committee to the general assembly not later than ninety days after the end of the calendar year. The report shall discuss the number of applications submitted under section 3718.04 of the Revised Code for the

approval of a new sewage treatment system or a component of a 52461
system, the number of such systems and components that were 52462
approved, any information that the committee considers beneficial 52463
to the general assembly, and any other information that the 52464
chairperson determines is beneficial to the general assembly. If 52465
other members of the committee determine that certain information 52466
should be included in the report, they shall submit the 52467
information to the chairperson not later than thirty days after 52468
the end of the calendar year. 52469

(H) The department shall provide meeting space for the 52470
committee. The committee shall be assisted in its duties by the 52471
staff of the department. 52472

(I) Sections 101.82 to 101.87 of the Revised Code do not 52473
apply to the sewage treatment system technical advisory committee. 52474

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 52475
3721.99 of the Revised Code: 52476

(1)(a) "Home" means an institution, residence, or facility 52477
that provides, for a period of more than twenty-four hours, 52478
whether for a consideration or not, accommodations to three or 52479
more unrelated individuals who are dependent upon the services of 52480
others, including a nursing home, residential care facility, home 52481
for the aging, and a veterans' home operated under Chapter 5907. 52482
of the Revised Code. 52483

(b) "Home" also means both of the following: 52484

(i) Any facility that a person, as defined in section 3702.51 52485
of the Revised Code, proposes for certification as a skilled 52486
nursing facility or nursing facility under Title XVIII or XIX of 52487
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 52488
as amended, and for which a certificate of need, other than a 52489
certificate to recategorize hospital beds as described in section 52490

3702.522 of the Revised Code or division (R)(7)(d) of the version 52491
of section 3702.51 of the Revised Code in effect immediately prior 52492
to April 20, 1995, has been granted to the person under sections 52493
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 52494

(ii) A county home or district home that is or has been 52495
licensed as a residential care facility. 52496

(c) "Home" does not mean any of the following: 52497

(i) Except as provided in division (A)(1)(b) of this section, 52498
a public hospital or hospital as defined in section 3701.01 or 52499
5122.01 of the Revised Code; 52500

(ii) A residential facility for mentally ill persons as 52501
defined under section 5119.22 of the Revised Code; 52502

(iii) A residential facility as defined in section 5123.19 of 52503
the Revised Code; 52504

(iv) ~~A community alternative home as defined in section~~ 52505
~~3724.01 of the Revised Code;~~ 52506

~~(v)~~ An adult care facility as defined in section 3722.01 of 52507
the Revised Code; 52508

~~(vi)~~(v) An alcohol or drug addiction program as defined in 52509
section 3793.01 of the Revised Code; 52510

~~(vii)~~(vi) A facility licensed to provide methadone treatment 52511
under section 3793.11 of the Revised Code; 52512

~~(viii)~~(vii) A facility providing services under contract with 52513
the department of mental retardation and developmental 52514
disabilities under section 5123.18 of the Revised Code; 52515

~~(ix)~~(viii) A facility operated by a hospice care program 52516
licensed under section 3712.04 of the Revised Code that is used 52517
exclusively for care of hospice patients; 52518

~~(x)~~(ix) A facility, infirmary, or other entity that is 52519

operated by a religious order, provides care exclusively to 52520
members of religious orders who take vows of celibacy and live by 52521
virtue of their vows within the orders as if related, and does not 52522
participate in the medicare program established under Title XVIII 52523
of the "Social Security Act" or the medical assistance program 52524
established under Chapter 5111. of the Revised Code and Title XIX 52525
of the "Social Security Act," if on January 1, 1994, the facility, 52526
infirmary, or entity was providing care exclusively to members of 52527
the religious order; 52528

~~(xi)~~(x) A county home or district home that has never been 52529
licensed as a residential care facility. 52530

(2) "Unrelated individual" means one who is not related to 52531
the owner or operator of a home or to the spouse of the owner or 52532
operator as a parent, grandparent, child, grandchild, brother, 52533
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 52534
uncle. 52535

(3) "Mental impairment" does not mean mental illness as 52536
defined in section 5122.01 of the Revised Code or mental 52537
retardation as defined in section 5123.01 of the Revised Code. 52538

(4) "Skilled nursing care" means procedures that require 52539
technical skills and knowledge beyond those the untrained person 52540
possesses and that are commonly employed in providing for the 52541
physical, mental, and emotional needs of the ill or otherwise 52542
incapacitated. "Skilled nursing care" includes, but is not limited 52543
to, the following: 52544

(a) Irrigations, catheterizations, application of dressings, 52545
and supervision of special diets; 52546

(b) Objective observation of changes in the patient's 52547
condition as a means of analyzing and determining the nursing care 52548
required and the need for further medical diagnosis and treatment; 52549

(c) Special procedures contributing to rehabilitation; 52550

(d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;

(e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.

(5)(a) "Personal care services" means services including, but not limited to, the following:

(i) Assisting residents with activities of daily living;

(ii) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;

(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.

(b) "Personal care services" does not include "skilled nursing care" as defined in division (A)(4) of this section. A facility need not provide more than one of the services listed in division (A)(5)(a) of this section to be considered to be providing personal care services.

(6) "Nursing home" means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.

(7) "Residential care facility" means a home that provides either of the following:

(a) Accommodations for seventeen or more unrelated

individuals and supervision and personal care services for three 52581
or more of those individuals who are dependent on the services of 52582
others by reason of age or physical or mental impairment; 52583

(b) Accommodations for three or more unrelated individuals, 52584
supervision and personal care services for at least three of those 52585
individuals who are dependent on the services of others by reason 52586
of age or physical or mental impairment, and, to at least one of 52587
those individuals, any of the skilled nursing care authorized by 52588
section 3721.011 of the Revised Code. 52589

(8) "Home for the aging" means a home that provides services 52590
as a residential care facility and a nursing home, except that the 52591
home provides its services only to individuals who are dependent 52592
on the services of others by reason of both age and physical or 52593
mental impairment. 52594

The part or unit of a home for the aging that provides 52595
services only as a residential care facility is licensed as a 52596
residential care facility. The part or unit that may provide 52597
skilled nursing care beyond the extent authorized by section 52598
3721.011 of the Revised Code is licensed as a nursing home. 52599

(9) "County home" and "district home" mean a county home or 52600
district home operated under Chapter 5155. of the Revised Code. 52601

(B) The public health council may further classify homes. For 52602
the purposes of this chapter, any residence, institution, hotel, 52603
congregate housing project, or similar facility that meets the 52604
definition of a home under this section is such a home regardless 52605
of how the facility holds itself out to the public. 52606

(C) For purposes of this chapter, personal care services or 52607
skilled nursing care shall be considered to be provided by a 52608
facility if they are provided by a person employed by or 52609
associated with the facility or by another person pursuant to an 52610
agreement to which neither the resident who receives the services 52611

nor the resident's sponsor is a party. 52612

(D) Nothing in division (A)(4) of this section shall be 52613
construed to permit skilled nursing care to be imposed on an 52614
individual who does not require skilled nursing care. 52615

Nothing in division (A)(5) of this section shall be construed 52616
to permit personal care services to be imposed on an individual 52617
who is capable of performing the activity in question without 52618
assistance. 52619

(E) Division (A)(1)(c)~~(*)~~(ix) of this section does not 52620
prohibit a facility, infirmary, or other entity described in that 52621
division from seeking licensure under sections 3721.01 to 3721.09 52622
of the Revised Code or certification under Title XVIII or XIX of 52623
the "Social Security Act." However, such a facility, infirmary, or 52624
entity that applies for licensure or certification must meet the 52625
requirements of those sections or titles and the rules adopted 52626
under them and obtain a certificate of need from the director of 52627
health under section 3702.52 of the Revised Code. 52628

(F) Nothing in this chapter, or rules adopted pursuant to it, 52629
shall be construed as authorizing the supervision, regulation, or 52630
control of the spiritual care or treatment of residents or 52631
patients in any home who rely upon treatment by prayer or 52632
spiritual means in accordance with the creed or tenets of any 52633
recognized church or religious denomination. 52634

Sec. 3721.02. (A) The director of health shall license homes 52635
and establish procedures to be followed in inspecting and 52636
licensing homes. The director may inspect a home at any time. Each 52637
home shall be inspected by the director at least once prior to the 52638
issuance of a license and at least once every fifteen months 52639
thereafter. The state fire marshal or a township, municipal, or 52640
other legally constituted fire department approved by the marshal 52641
shall also inspect a home prior to issuance of a license, at least 52642

once every fifteen months thereafter, and at any other time 52643
requested by the director. A home does not have to be inspected 52644
prior to issuance of a license by the director, state fire 52645
marshal, or a fire department if ownership of the home is assigned 52646
or transferred to a different person and the home was licensed 52647
under this chapter immediately prior to the assignment or 52648
transfer. The director may enter at any time, for the purposes of 52649
investigation, any institution, residence, facility, or other 52650
structure that has been reported to the director or that the 52651
director has reasonable cause to believe is operating as a nursing 52652
home, residential care facility, or home for the aging without a 52653
valid license required by section 3721.05 of the Revised Code or, 52654
in the case of a county home or district home, is operating 52655
despite the revocation of its residential care facility license. 52656
The director may delegate the director's authority and duties 52657
under this chapter to any division, bureau, agency, or official of 52658
the department of health. 52659

(B) A single facility may be licensed both as a nursing home 52660
pursuant to this chapter and as an adult care facility pursuant to 52661
Chapter 3722. of the Revised Code if the director determines that 52662
the part or unit to be licensed as a nursing home can be 52663
maintained separate and discrete from the part or unit to be 52664
licensed as an adult care facility. 52665

(C) In determining the number of residents in a home for the 52666
purpose of licensing, the director shall consider all the 52667
individuals for whom the home provides accommodations as one group 52668
unless one of the following is the case: 52669

(1) The home is a home for the aging, in which case all the 52670
individuals in the part or unit licensed as a nursing home shall 52671
be considered as one group, and all the individuals in the part or 52672
unit licensed as a rest home shall be considered as another group. 52673

(2) The home is both a nursing home and an adult care 52674

facility. In that case, all the individuals in the part or unit 52675
licensed as a nursing home shall be considered as one group, and 52676
all the individuals in the part or unit licensed as an adult care 52677
facility shall be considered as another group. 52678

(3) The home maintains, in addition to a nursing home or 52679
residential care facility, a separate and discrete part or unit 52680
that provides accommodations to individuals who do not require or 52681
receive skilled nursing care and do not receive personal care 52682
services from the home, in which case the individuals in the 52683
separate and discrete part or unit shall not be considered in 52684
determining the number of residents in the home if the separate 52685
and discrete part or unit is in compliance with the Ohio basic 52686
building code established by the board of building standards under 52687
Chapters 3781. and 3791. of the Revised Code and the home permits 52688
the director, on request, to inspect the separate and discrete 52689
part or unit and speak with the individuals residing there, if 52690
they consent, to determine whether the separate and discrete part 52691
or unit meets the requirements of this division. 52692

(D)(1) The director of health shall charge ~~an~~ the following 52693
application fee and ~~an~~ annual renewal licensing and inspection fee 52694
~~of one hundred seventy dollars~~ for each fifty persons or part 52695
thereof of a home's licensed capacity: 52696

(a) For state fiscal year 2010, two hundred twenty dollars; 52697

(b) For state fiscal year 2011, two hundred seventy dollars; 52698

(c) For each state fiscal year thereafter, three hundred 52699
twenty dollars. All 52700

(2) All fees collected by the director for the issuance or 52701
renewal of licenses shall be deposited into the state treasury to 52702
the credit of the general operations fund created in section 52703
3701.83 of the Revised Code for use only in administering and 52704
enforcing this chapter and rules adopted under it. 52705

(E)(1) Except as otherwise provided in this section, the results of an inspection or investigation of a home that is conducted under this section, including any statement of deficiencies and all findings and deficiencies cited in the statement on the basis of the inspection or investigation, shall be used solely to determine the home's compliance with this chapter or another chapter of the Revised Code in any action or proceeding other than an action commenced under division (I) of section 3721.17 of the Revised Code. Those results of an inspection or investigation, that statement of deficiencies, and the findings and deficiencies cited in that statement shall not be used in any court or in any action or proceeding that is pending in any court and are not admissible in evidence in any action or proceeding unless that action or proceeding is an appeal of an action by the department of health under this chapter or is an action by any department or agency of the state to enforce this chapter or another chapter of the Revised Code.

(2) Nothing in division (E)(1) of this section prohibits the results of an inspection or investigation conducted under this section from being used in a criminal investigation or prosecution.

Sec. 3721.50. As used in sections 3721.50 to 3721.58 of the Revised Code:

(A) "Franchise permit fee rate" means the sum of the following:

(1) Six dollars and twenty-five cents;

(2) The difference between the following:

(a) The fiscal year 2010 medicaid rate calculated under division (C)(2) of Section 309.30.20 of Am. Sub. H.B. 1 of the 128th general assembly for a nursing facility that pays the

<u>franchise permit fee imposed by section 3721.51 of the Revised</u>	52736
<u>Code;</u>	52737
<u>(b) The medicaid rate the provider of the nursing facility is</u>	52738
<u>paid for nursing facility services the nursing facility provides</u>	52739
<u>on June 30, 2009.</u>	52740
<u>(B) "Hospital" has the same meaning as in section 3727.01 of</u>	52741
<u>the Revised Code.</u>	52742
(B) <u>(C) "Inpatient days" means all days during which a</u>	52743
<u>resident of a nursing facility, regardless of payment source,</u>	52744
<u>occupies a bed in the nursing facility that is included in the</u>	52745
<u>facility's certified capacity under Title XIX. Therapeutic or</u>	52746
<u>hospital leave days for which payment is made under section</u>	52747
<u>5111.26 of the Revised Code are considered inpatient days</u>	52748
<u>proportionate to the percentage of the facility's per resident per</u>	52749
<u>day rate paid for those days.</u>	52750
(C) <u>(D) "Medicaid" has the same meaning as in section 5111.01</u>	52751
<u>of the Revised Code.</u>	52752
(D) <u>(E) "Medicaid day" means all days during which a resident</u>	52753
<u>who is a medicaid recipient occupies a bed in a nursing facility</u>	52754
<u>that is included in the facility's certified capacity under Title</u>	52755
<u>XIX. Therapeutic or hospital leave days for which payment is made</u>	52756
<u>under section 5111.26 of the Revised Code are considered medicaid</u>	52757
<u>days proportionate to the percentage of the nursing facility's per</u>	52758
<u>resident per day rate for those days.</u>	52759
(E) <u>(F) "Medicare" means the program established by Title</u>	52760
<u>XVIII.</u>	52761
<u>(G) "Nursing facility" has the same meaning as in section</u>	52762
<u>5111.20 of the Revised Code.</u>	52763
(F) <u>(H)(1) "Nursing home" means all of the following:</u>	52764
<u>(a) A nursing home licensed under section 3721.02 or 3721.09</u>	52765

of the Revised Code, including any part of a home for the aging 52766
licensed as a nursing home; 52767

(b) A facility or part of a facility, other than a hospital, 52768
that is certified as a skilled nursing facility under Title XVIII; 52769

(c) A nursing facility, other than a portion of a hospital 52770
certified as a nursing facility. 52771

(2) "Nursing home" does not include any of the following: 52772

(a) A county home, county nursing home, or district home 52773
operated pursuant to Chapter 5155. of the Revised Code; 52774

(b) A nursing home maintained and operated by the Ohio 52775
veterans' home agency under section 5907.01 of the Revised Code; 52776

(c) A nursing home or part of a nursing home licensed under 52777
section 3721.02 or 3721.09 of the Revised Code that is certified 52778
as an intermediate care facility for the mentally retarded under 52779
Title XIX. 52780

~~(G)~~(I) "Title XIX" means Title XIX of the "Social Security 52781
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 52782

~~(H)~~(J) "Title XVIII" means Title XVIII of the "Social 52783
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 52784

Sec. 3721.51. The department of job and family services shall 52785
do all of the following: 52786

(A) Subject to sections 3721.512 and 3721.513 of the Revised 52787
Code and division (C) of this section and for the purposes 52788
specified in sections 3721.56 and 3721.561 of the Revised Code, 52789
determine an annual franchise permit fee on each nursing home in 52790
an amount equal to ~~six dollars and twenty five cents~~, the 52791
franchise permit fee rate multiplied by the product of the 52792
following: 52793

(1) The number of beds licensed as nursing home beds, plus 52794

any other beds certified as skilled nursing facility beds under 52795
Title XVIII or nursing facility beds under Title XIX on the first 52796
day of May of the calendar year in which the fee is determined 52797
pursuant to division (A) of section 3721.53 of the Revised Code; 52798

(2) The number of days in the fiscal year beginning on the 52799
first day of July of the calendar year in which the fee is 52800
determined pursuant to division (A) of section 3721.53 of the 52801
Revised Code. 52802

(B) Subject to sections 3721.512 and 3721.513 of the Revised 52803
Code and division (C) of this section and for the purposes 52804
specified in sections 3721.56 and 3721.561 of the Revised Code, 52805
determine an annual franchise permit fee on each hospital in an 52806
amount equal to ~~six dollars and twenty five cents~~, the franchise 52807
permit fee rate multiplied by the product of the following: 52808

(1) The number of beds registered pursuant to section 3701.07 52809
of the Revised Code as skilled nursing facility beds or long-term 52810
care beds, plus any other beds licensed as nursing home beds under 52811
section 3721.02 or 3721.09 of the Revised Code, on the first day 52812
of May of the calendar year in which the fee is determined 52813
pursuant to division (A) of section 3721.53 of the Revised Code; 52814

(2) The number of days in the fiscal year beginning on the 52815
first day of July of the calendar year in which the fee is 52816
determined pursuant to division (A) of section 3721.53 of the 52817
Revised Code. 52818

(C) If the United States centers for medicare and medicaid 52819
services determines that the franchise permit fee established by 52820
sections 3721.50 to 3721.58 of the Revised Code is an 52821
impermissible health care related tax under section 1903(w) of the 52822
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 52823
amended, take all necessary actions to cease implementation of 52824
sections 3721.50 to 3721.58 of the Revised Code in accordance with 52825

rules adopted under section 3721.58 of the Revised Code. 52826

Sec. 3721.511. (A) Not later than one month after the 52827
effective date of this section, the department of job and family 52828
services shall apply to the United States secretary of health and 52829
human services for a waiver under 42 U.S.C. 1396b(w)(3)(E) as 52830
necessary to do both of the following regarding the franchise 52831
permit fee imposed by section 3721.51 of the Revised Code: 52832

(1) Reduce the franchise permit fee to zero dollars for each 52833
nursing home licensed under section 3721.02 or 3721.09 of the 52834
Revised Code to which either of the following applies: 52835

(a) The nursing home: 52836

(i) Is exempt from state taxation under section 140.08 of the 52837
Revised Code or is exempt from state taxation as a home for the 52838
aged as defined in section 5701.13 of the Revised Code; 52839

(ii) Is exempt from federal income taxation under section 501 52840
of the Internal Revenue Code of 1986; 52841

(iii) Does not participate in medicaid or medicare; and 52842

(iv) Provides services for the life of each resident without 52843
regard to the resident's ability to secure payment for the 52844
services. 52845

(b) The nursing home: 52846

(i) Has had a written affiliation agreement with a university 52847
in this state for education and research related to Alzheimer's 52848
disease for each of the twenty years preceding the effective date 52849
of this section and has such an agreement on the effective date of 52850
this section; 52851

(ii) Was granted a certificate of need under Section 3 of Am. 52852
Sub. S.B. 256 of the 116th General Assembly; and 52853

(iii) Does not participate in medicaid or medicare. 52854

(2) For each nursing facility with more than two hundred beds certified as nursing facility beds under Title XIX, reduce the franchise permit fee for a number of the nursing facility's beds specified by the department to the amount necessary to obtain approval of the waiver sought under this section. 52855
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(B) The effective date of the waiver sought under this section shall be the first day of the calendar quarter beginning after the United States secretary approves the waiver. 52860
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Sec. 3721.512. If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee under the waiver, reduce the franchise permit fee in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home and hospital qualifying for the reduction notice of the reduction not later than the last day of the first month of the calendar quarter that begins after the United States secretary approves the waiver. For purposes of subsequent fiscal years, the department shall make such determinations and mail such notices in accordance with section 3721.53 of the Revised Code. 52863
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Sec. 3721.513. (A) If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services may do both of the following regarding the franchise permit fee imposed by section 3721.51 of the Revised Code: 52879
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(1) Determine how much money the franchise permit fee would 52884

have raised in a fiscal year if not for the waiver; 52885

(2) For each nursing home and hospital subject to the 52886
franchise permit fee, other than a nursing home or hospital that 52887
has its franchise permit fee reduced under section 3721.512 of the 52888
Revised Code, uniformly increase the amount of the franchise 52889
permit fee for a fiscal year to an amount that will have the 52890
franchise permit fee raise an amount of money that does not exceed 52891
the amount determined under division (A)(1) of this section for 52892
that fiscal year. 52893

(B) If the department increases the franchise permit fee in 52894
accordance with division (A) of this section for the first fiscal 52895
year during which the waiver takes effect, the department shall 52896
determine the amount of the increase not later than the effective 52897
date of the waiver and shall mail to each nursing home and 52898
hospital subject to the increase notice of the increase not later 52899
than the last day of the first month of the calendar quarter that 52900
begins after the United States secretary approves the waiver. If 52901
the department increases the franchise permit fee in accordance 52902
with division (A) of this section for a subsequent fiscal year, 52903
the department shall make such determinations and mail such 52904
notices in accordance with section 3721.53 of the Revised Code. 52905

Sec. 3721.53. (A) Not later than the fifteenth day of August 52906
of each year, the department of job and family services shall 52907
determine the annual franchise permit fee for each nursing home 52908
and hospital in accordance with ~~division (A) of~~ section 3721.51 of 52909
the Revised Code and ~~the annual franchise permit fee for each~~ 52910
hospital any adjustments made in accordance with ~~division (B) of~~ 52911
~~that section~~ sections 3721.512 and 3721.513 of the Revised Code. 52912

(B) Not later than the first day of September of each year, 52913
the department shall mail to each nursing home and hospital notice 52914
of the amount of the franchise permit fee that has been determined 52915

for the nursing home or hospital. 52916

(C) Each nursing home and hospital shall pay its fee under 52917
section 3721.51 of the Revised Code, as adjusted in accordance 52918
with sections 3721.512 and 3721.513 of the Revised Code, to the 52919
department in quarterly installment payments not later than 52920
forty-five days after the last day of each September, December, 52921
March, and June. 52922

(D) No nursing home or hospital shall directly bill its 52923
residents for the fee paid under this section, or otherwise 52924
directly pass the fee through to its residents. 52925

Sec. 3721.55. (A) A nursing home or hospital may appeal the 52926
fee imposed under section 3721.51 of the Revised Code, as adjusted 52927
under section 3721.512 or 3721.513 of the Revised Code, solely on 52928
the grounds that the department of job and family services 52929
committed a material error in determining the amount of the fee. A 52930
request for an appeal must be received by the department not later 52931
than fifteen days after the date the department mails the notice 52932
of the fee and must include written materials setting forth the 52933
basis for the appeal. 52934

(B) If a nursing home or hospital submits a request for an 52935
appeal within the time required under division (A) of this 52936
section, the department of job and family services shall hold a 52937
public hearing in Columbus not later than thirty days after the 52938
date the department receives the request for an appeal. The 52939
department shall, not later than ten days before the date of the 52940
hearing, mail a notice of the date, time, and place of the hearing 52941
to the nursing home or hospital. The department may hear all the 52942
requested appeals in one public hearing. 52943

(C) On the basis of the evidence presented at the hearing or 52944
any other evidence submitted by the nursing home or hospital, the 52945
department may adjust a fee. The department's decision is final. 52946

Sec. 3721.56. There is hereby created in the state treasury 52947
the home- and community-based services for the aged fund. ~~Sixteen~~ 52948
Eight and fifty-five hundredths per cent of all payments and 52949
penalties paid by nursing homes and hospitals under sections 52950
3721.53 and 3721.54 of the Revised Code shall be deposited into 52951
the fund. The departments of job and family services and aging 52952
shall use the moneys in the fund to fund the following in 52953
accordance with rules adopted under section 3721.58 of the Revised 52954
Code: 52955

(A) The medicaid program established under Chapter 5111. of 52956
the Revised Code, including the PASSPORT program established under 52957
section 173.40 of the Revised Code; 52958

(B) The residential state supplement program established 52959
under section 173.35 of the Revised Code. 52960

Sec. 3722.01. (A) As used in this chapter: 52961

(1) "Owner" means the person who owns the business of and who 52962
ultimately controls the operation of an adult care facility and to 52963
whom the manager, if different from the owner, is responsible. 52964

(2) "Manager" means the person responsible for the daily 52965
operation of an adult care facility. The manager and the owner of 52966
a facility may be the same person. 52967

(3) "Adult" means an individual eighteen years of age or 52968
older. 52969

(4) "Unrelated" means that an adult resident is not related 52970
to the owner or manager of an adult care facility or to the 52971
owner's or manager's spouse as a parent, grandparent, child, 52972
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 52973
uncle, or as the child of an aunt or uncle. 52974

(5) "Skilled nursing care" means skilled nursing care as 52975

defined in section 3721.01 of the Revised Code. 52976

(6)(a) "Personal care services" means services including, but 52977
not limited to, the following: 52978

(i) ~~Assisting residents~~ Assistance with activities of daily 52979
living; 52980

(ii) ~~Assisting residents~~ Assistance with self-administration 52981
of medication, in accordance with rules adopted by the public 52982
health council pursuant to this chapter; 52983

(iii) ~~Preparing~~ Preparation of special diets, other than 52984
complex therapeutic diets, for residents pursuant to the 52985
instructions of a physician or a licensed dietitian, in accordance 52986
with rules adopted by the public health council pursuant to this 52987
chapter. 52988

(b) "Personal care services" does not include "skilled 52989
nursing care" as defined in section 3721.01 of the Revised Code. A 52990
facility need not provide more than one of the services listed in 52991
division (A)(6)(a) of this section for the facility to be 52992
considered to be providing personal care services. 52993

(7) "Adult family home" means a residence or facility that 52994
provides accommodations and supervision to three to five unrelated 52995
adults ~~and supervision and personal care services to,~~ at least 52996
three of ~~those adults~~ whom require personal care services. 52997

(8) "Adult group home" means a residence or facility that 52998
provides accommodations and supervision to six to sixteen 52999
unrelated adults ~~and provides supervision and personal care~~ 53000
~~services to,~~ at least three of ~~the unrelated adults~~ whom require 53001
personal care services. 53002

(9) "Adult care facility" means an adult family home or an 53003
adult group home. For the purposes of this chapter, any residence, 53004
facility, institution, hotel, congregate housing project, or 53005

similar facility that provides accommodations and supervision to 53006
three to sixteen unrelated adults, at least three of whom ~~are~~ 53007
~~provided~~ require personal care services, is an adult care facility 53008
regardless of how the facility holds itself out to the public. 53009
"Adult care facility" does not include: 53010

(a) A facility operated by a hospice care program licensed 53011
under section 3712.04 of the Revised Code that is used exclusively 53012
for care of hospice patients; 53013

(b) A nursing home, residential care facility, or home for 53014
the aging as defined in section 3721.01 of the Revised Code; 53015

~~(c) A community alternative home as defined in section~~ 53016
~~3724.01 of the Revised Code;~~ 53017

~~(d)~~ An alcohol and drug addiction program as defined in 53018
section 3793.01 of the Revised Code; 53019

~~(e)~~(d) A residential facility for the mentally ill licensed 53020
by the department of mental health under section 5119.22 of the 53021
Revised Code; 53022

~~(f)~~(e) A facility licensed to provide methadone treatment 53023
under section 3793.11 of the Revised Code; 53024

~~(g)~~(f) A residential facility licensed under section 5123.19 53025
of the Revised Code or otherwise regulated by the department of 53026
mental retardation and developmental disabilities; 53027

~~(h)~~(g) Any residence, institution, hotel, congregate housing 53028
project, or similar facility that provides personal care services 53029
to fewer than three residents or that provides, for any number of 53030
residents, only housing, housekeeping, laundry, meal preparation, 53031
social or recreational activities, maintenance, security, 53032
transportation, and similar services that are not personal care 53033
services or skilled nursing care; 53034

~~(i)~~(h) Any facility that receives funding for operating costs 53035

from the department of development under any program established 53036
to provide emergency shelter housing or transitional housing for 53037
the homeless; 53038

~~(j)~~(i) A terminal care facility for the homeless that has 53039
entered into an agreement with a hospice care program under 53040
section 3712.07 of the Revised Code; 53041

~~(k)~~(j) A facility approved by the veterans administration 53042
under section 104(a) of the "Veterans Health Care Amendments of 53043
1983," 97 Stat. 993, 38 U.S.C.A. 630, as amended, and used 53044
exclusively for the placement and care of veterans; 53045

~~(l) Until January 1, 1994, the portion of a facility in which 53046
care is provided exclusively to members of a religious order if 53047
the facility is owned by or part of a nonprofit institution of 53048
higher education authorized to award degrees by the Ohio board of 53049
regents under Chapter 1713. of the Revised Code. 53050~~

(10) "Residents' rights advocate" means: 53051

(a) An employee or representative of any state or local 53052
government entity that has a responsibility for residents of adult 53053
care facilities and has registered with the department of health 53054
under section 3701.07 of the Revised Code; 53055

(b) An employee or representative, other than a manager or 53056
employee of an adult care facility or nursing home, of any private 53057
nonprofit corporation or association that qualifies for tax-exempt 53058
status under section 501(a) of the "Internal Revenue Code of 53059
1986," 100 Stat. 2085, 26 U.S.C.A. 501(a), as amended, that has 53060
registered with the department of health under section 3701.07 of 53061
the Revised Code, and whose purposes include educating and 53062
counseling residents, assisting residents in resolving problems 53063
and complaints concerning their care and treatment, and assisting 53064
them in securing adequate services. 53065

(11) "Sponsor" means an adult relative, friend, or guardian 53066

of a resident of an adult care facility who has an interest in or 53067
responsibility for the resident's welfare. 53068

(12) "Ombudsperson" means a "representative of the office of 53069
the state long-term care ombudsperson program" as defined in 53070
section 173.14 of the Revised Code. 53071

(13) "Mental health agency" means a community mental health 53072
agency, as defined in section 5119.22 of the Revised Code, under 53073
contract with a an ADAMHS board of alcohol, drug addiction, and 53074
mental health services pursuant to division (A)(8)(a) of section 53075
340.03 of the Revised Code. 53076

(14) "ADAMHS board" means a board of alcohol, drug addiction, 53077
and mental health services; 53078

(15) "Mental health resident program participation agreement" 53079
means a written agreement between an adult care facility and the 53080
ADAMHS board serving the alcohol, drug addiction, and mental 53081
health service district in which the facility is located, under 53082
which the facility is authorized to admit residents who are 53083
receiving or are eligible for publicly funded mental health 53084
services. 53085

(16) "PASSPORT administrative agency" means an entity under 53086
contract with the department of aging to provide administrative 53087
services regarding the PASSPORT program created under section 53088
173.40 of the Revised Code. 53089

(B) For purposes of this chapter, personal care services or 53090
skilled nursing care shall be considered to be provided by a 53091
facility if they are provided by a person employed by or 53092
associated with the facility or by another person pursuant to an 53093
agreement to which neither the resident who receives the services 53094
nor the resident's sponsor is a party. 53095

(C) Nothing in division (A)(6) of this section shall be 53096
construed to permit personal care services to be imposed upon a 53097

resident who is capable of performing the activity in question 53098
without assistance. 53099

Sec. 3722.011. (A) All medication taken by residents of an 53100
adult care facility shall be self-administered, except that 53101
medication may be administered to a resident ~~by a home health~~ 53102
~~agency, hospice care program, nursing home staff, mental health~~ 53103
~~agency, or board of alcohol, drug addiction, and mental health~~ 53104
~~services under~~ as part of the skilled nursing care provided in 53105
accordance with division (B) of section 3722.16 of the Revised 53106
Code. ~~Members of the staff of an adult care facility shall not~~ 53107
~~administer medication to residents.~~ No person shall be admitted to 53108
or retained by an adult care facility unless the person is capable 53109
of ~~taking~~ self-administering the person's ~~own~~ medication and 53110
~~biologicals~~, as determined in writing by ~~the person's personal a~~ 53111
physician, except that a person may be admitted to or retained by 53112
such a facility if the person's medication is administered ~~by a~~ 53113
~~home health agency, hospice care program, nursing home staff,~~ 53114
~~mental health agency, or board of alcohol, drug addiction, and~~ 53115
~~mental health services under~~ as part of the skilled nursing care 53116
provided in accordance with division (B) of section 3722.16 of the 53117
Revised Code. ~~Members~~ 53118

(B) Members of the staff of an adult care facility shall not 53119
administer medication to residents but may do any of the 53120
following: 53121

~~(A)~~ Remind a resident when to take medication and watch to 53122
ensure that the resident follows the directions on the container; 53123

~~(B)~~ Assist a resident in the self-administration of 53124
medication by taking the medication from the locked area where it 53125
is stored, in accordance with rules adopted by the public health 53126
council pursuant to this chapter, and handing it to the resident. 53127
If the resident is physically unable to open the container, a 53128

staff member may open the container for the resident. 53129

~~(C)~~ Assist a physically impaired but mentally alert resident, 53130
such as a resident with arthritis, cerebral palsy, or Parkinson's 53131
disease, in removing oral or topical medication from containers 53132
and in consuming or applying the medication, upon request by or 53133
with the consent of the resident. If a resident is physically 53134
unable to place a dose of medicine to the resident's mouth without 53135
spilling it, a staff member may place the dose in a container and 53136
place the container to the mouth of the resident. 53137

Sec. 3722.02. A person seeking a license to operate an adult 53138
care facility shall submit to the director of health an 53139
application on a form prescribed by the director and the 53140
following: 53141

(A) In the case of an adult group home seeking licensure as 53142
an adult care facility, evidence that the home has been inspected 53143
and approved by a local certified building department or by the 53144
division of industrial compliance in the department of commerce as 53145
meeting the applicable requirements of sections 3781.06 to 3781.18 53146
and 3791.04 of the Revised Code and any rules adopted under those 53147
sections and evidence that the home has been inspected by the 53148
state fire marshal or fire prevention officer of a municipal, 53149
township, or other legally constituted fire department approved by 53150
the state fire marshal and found to be in compliance with rules 53151
adopted under section 3737.83 of the Revised Code regarding fire 53152
prevention and safety in adult group homes; 53153

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(B) Valid approvals of the facility's water and sewage 53155
systems issued by the responsible governmental entity, if 53156
applicable; 53157

(C) A statement of ownership containing the following 53158
information: 53159

(1) If the owner is an individual, the owner's name, address, telephone number, business address, business telephone number, and occupation. If the owner is an association, corporation, or partnership, the business activity, address, and telephone number of the entity and the name of every person who has an ownership interest of five per cent or more in the entity.

(2) If the owner does not own the building or if the owner owns only part of the building in which the facility is housed, the name of each person who has an ownership interest of five per cent or more in the building;

(3) The address of any adult care facility and any facility described in divisions (A)(9)(a) to ~~(h)~~(j) of section 3722.01 of the Revised Code in which the owner has an ownership interest of five per cent or more;

(4) The identity of the manager of the adult care facility, if different from the owner;

(5) The name and address of any adult care facility and any facility described in divisions (A)(9)(a) to ~~(h)~~(j) of section 3722.01 of the Revised Code with which either the owner or manager has been affiliated through ownership or employment in the five years prior to the date of the application;

(6) The names and addresses of three persons not employed by or associated in business with the owner who will provide information about the character, reputation, and competence of the owner and the manager and the financial responsibility of the owner;

(7) Information about any arrest of the owner or manager for, or adjudication or conviction of, a criminal offense related to the provision of care in an adult care facility or any facility described in divisions (A)(9)(a) to ~~(h)~~(j) of section 3722.01 of the Revised Code or the ability to operate a facility;

(8) Any other information the director may require regarding the owner's ability to operate the facility. 53191
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(D) If the facility is an adult group home, a balance sheet showing the assets and liabilities of the owner and a statement projecting revenues and expenses for the first twelve months of the facility's operation; 53193
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(E) ~~Proof of insurance in an amount and type determined in rules adopted by the public health council pursuant to this chapter to be adequate;~~ A statement containing the following information regarding admissions to the facility: 53197
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(1) The intended bed capacity of the facility; 53201

(2) If the facility will admit persons referred by or receiving services from an ADAMHS board or a mental health agency, the total number of beds anticipated to be occupied as a result of those admissions. 53202
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(F) A nonrefundable license application fee in an amount established in rules adopted by the public health council pursuant to this chapter. 53206
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Sec. 3722.021. In determining the number of residents in a facility for the purpose of licensure under this chapter, the director of health shall consider all the individuals for whom the facility provides accommodations as one group unless either of the following is the case: 53209
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(A) ~~The~~ In addition to being an adult care facility, the facility is both a nursing home licensed under Chapter 3721. of the Revised Code and an adult care facility, a residential facility licensed under that chapter, or both. In that case, all the individuals in the part or unit licensed as a nursing home, residential care facility, or both, shall be considered as one group and all the individuals in the part or unit licensed as an 53214
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adult care facility shall be considered as another group. 53221

(B) The facility maintains, in addition to an adult care 53222
facility, a separate and discrete part or unit that provides 53223
accommodations to individuals who do not receive supervision or 53224
personal care services from the adult care facility, in which case 53225
the individuals in the separate and discrete part or unit shall 53226
not be considered in determining the number of residents in the 53227
adult care facility if the separate and discrete part or unit is 53228
in compliance with the Ohio basic building code established by the 53229
board of building standards under Chapters 3781. and 3791. of the 53230
Revised Code and the adult care facility, to the extent of its 53231
authority, permits the director, on request, to inspect the 53232
separate and discrete part or unit and speak with the individuals 53233
residing there, if they consent, to determine whether the separate 53234
and discrete part or unit meets the requirements of this division. 53235

Sec. 3722.022. A person may not apply for a license to 53236
operate an adult care facility if the person is or has been the 53237
owner or manager of an adult care facility for which a license to 53238
operate was revoked or for which renewal of a license was refused 53239
for any reason other than nonpayment of the license renewal fee, 53240
unless both of the following conditions are met: 53241

(A) A period of not less than two years has elapsed since the 53242
date the director of health issued the order revoking or refusing 53243
to renew the facility's license. 53244

(B) The director's revocation or refusal to renew the license 53245
was not based on an act or omission at the facility that violated 53246
a resident's right to be free from abuse, neglect, or 53247
exploitation. 53248

Sec. 3722.04. (A)~~(1)~~ The director of health shall inspect, 53249
license, and regulate adult care facilities. Except as otherwise 53250

provided in division (D) of this section, the director shall issue 53251
a license to an adult care facility that meets the requirements of 53252
section 3722.02 of the Revised Code and that the director 53253
determines to be in substantial compliance with the rules adopted 53254
by the public health council pursuant to this chapter. The 53255
director shall consider the past record of the owner and manager 53256
and any individuals who are principal participants in an entity 53257
that is the owner or manager in operating facilities providing 53258
care to adults. The director may, in accordance with Chapter 119. 53259
of the Revised Code, deny a license if the past record indicates 53260
that the owner or manager is not suitable to own or manage an 53261
adult care facility. 53262

The license shall contain the name and address of the 53263
facility for which it was issued, the date of expiration of the 53264
license, and the maximum number of residents that may be 53265
accommodated by the facility. A license for an adult care facility 53266
shall be valid for a period of two years after the date of 53267
issuance. No single facility may be licensed to operate as more 53268
than one adult care facility. 53269

~~(2) Notwithstanding division (A)(1) of this section and 53270
sections 3722.02 and 3722.041 of the Revised Code, the director 53271
may issue a temporary license if the requirements of divisions 53272
(C), (D), and (F) of section 3722.02 of the Revised Code have been 53273
met. A temporary license shall be valid for a period of ninety 53274
days and, except as otherwise provided in division (A)(3) of 53275
section 3722.05 of the Revised Code, may be renewed, without 53276
payment of an additional application fee, for an additional ninety 53277
days.~~ 53278

(B) The director shall renew a license for a two-year period 53279
if the facility continues to be in compliance with the 53280
requirements of this chapter and in substantial compliance with 53281
the rules adopted under this chapter. The owner shall submit a 53282

nonrefundable license renewal application fee in an amount 53283
established in rules adopted by the public health council pursuant 53284
to this chapter. Before the license of an adult group home is 53285
renewed, if any alterations have been made to the buildings, a 53286
certificate of occupancy for the facility shall have been issued 53287
by the division of industrial compliance in the department of 53288
commerce or a local certified building department. The facility 53289
shall have water and sewage system approvals, if required by law, 53290
and, in the case of an adult group home, documentation of 53291
continued compliance with the rules adopted by the state fire 53292
marshal under division (F) of section 3737.83 of the Revised Code. 53293

(C) ~~The~~ (1) During each licensure period, the director shall 53294
make at least one unannounced inspection of an adult care facility 53295
~~during each licensure period~~ in addition to inspecting the 53296
facility to determine whether a license should be issued or 53297
renewed, and may make additional unannounced inspections as the 53298
director considers necessary. Other inspections may be made at any 53299
time that the director considers appropriate. ~~The~~ 53300

The director shall take all reasonable actions to avoid 53301
giving notice of an inspection by the manner in which the 53302
inspection is scheduled or performed. ~~Not~~ 53303

If an inspection is conducted to investigate an alleged 53304
violation of the requirements of this chapter in a facility with 53305
residents referred by or receiving services from a mental health 53306
agency or ADAMHS board or a facility with residents receiving 53307
assistance under the residential state supplement program 53308
administered by the department of aging pursuant to section 173.35 53309
of the Revised Code, the director shall coordinate the inspection 53310
with the appropriate mental health agency, ADAMHS board, or 53311
PASSPORT administrative agency. As the director considers 53312
appropriate, the director shall conduct the inspection jointly 53313
with the mental health agency, ADAMHS board, or PASSPORT 53314

administrative agency. 53315

Not later than sixty days after the date of an inspection of 53316
a facility, the director shall send a report of the inspection to 53317
the ombudsperson in whose region the facility is located. ~~The~~ 53318

(2) ~~The~~ state fire marshal or fire prevention officer of a 53319
municipal, township, or other legally constituted fire department 53320
approved by the state fire marshal shall inspect an adult group 53321
home seeking a license or renewal under this chapter as an adult 53322
care facility prior to issuance of a license or renewal, at least 53323
once annually thereafter, and at any other time at the request of 53324
the director, to determine compliance with the rules adopted under 53325
division (F) of section 3737.83 of the Revised Code. 53326

(D) The director may waive any of the licensing requirements 53327
~~having to do with fire and safety requirements or building~~ 53328
~~standards~~ established by rule adopted by the public health council 53329
pursuant to this chapter upon written request of the facility. The 53330
director may grant a waiver if the director determines that the 53331
strict application of the licensing requirement would cause undue 53332
hardship to the facility and that granting the waiver would not 53333
jeopardize the health or safety of any resident. The director may 53334
provide a facility with an informal hearing concerning the denial 53335
of a waiver request, but the facility shall not be entitled to a 53336
hearing under Chapter 119. of the Revised Code unless the director 53337
takes an action that requires a hearing to be held under section 53338
3722.05 of the Revised Code. 53339

(E)(1) Not later than thirty days after each of the 53340
following, the owner of an adult care facility shall submit an 53341
inspection fee of twenty dollars for each bed for which the 53342
facility is licensed: 53343

(a) Issuance or renewal of a license, ~~other than a temporary~~ 53344
license; 53345

(b) The unannounced inspection required by division (C)(1) of 53346
this section that is in addition to the inspection conducted to 53347
determine whether a license should be issued or renewed; 53348

(c) If, during an inspection conducted in addition to the two 53349
inspections required by division (C)(1) of this section, the 53350
facility was found to be in violation of this chapter or the rules 53351
adopted under it, receipt by the facility of the report of that 53352
investigation. 53353

(2) The director may revoke the license of any adult care 53354
facility that fails to submit the fee within the thirty-day 53355
period. 53356

(3) All inspection fees received by the director, all civil 53357
penalties assessed under section 3722.08 of the Revised Code, all 53358
fines imposed under section 3722.99 of the Revised Code, and all 53359
license application and renewal application fees received under 53360
division (F) of section 3722.02 of the Revised Code or under 53361
division (B) of this section shall be deposited into the general 53362
operations fund created in section 3701.83 of the Revised Code and 53363
shall be used only to pay the costs of administering and enforcing 53364
the requirements of this chapter and rules adopted under it. 53365

(F)(1) An owner shall inform the director in writing of any 53366
changes in the information contained in the statement of ownership 53367
made pursuant to division (C) of section 3722.02 of the Revised 53368
Code or in the identity of the manager, not later than ten days 53369
after the change occurs. 53370

(2) An owner who sells or transfers an adult care facility 53371
shall be responsible and liable for the following: 53372

(a) Any civil penalties imposed against the facility under 53373
section 3722.08 of the Revised Code for violations that occur 53374
before the date of transfer of ownership or during any period in 53375
which the seller or the seller's agent operates the facility; 53376

(b) Any outstanding liability to the state, unless the buyer or transferee has agreed, as a condition of the sale or transfer, to accept the outstanding liabilities and to guarantee their payment, except that if the buyer or transferee fails to meet these obligations the seller or transferor shall remain responsible for the outstanding liability.

(G) The director shall annually publish a list of licensed adult care facilities, facilities ~~whose~~ for which licenses have been revoked ~~or not renewed~~, facilities for which license renewal has been refused, any facilities under an order suspending admissions pursuant to section 3722.07 of the Revised Code, and any facilities that have been assessed a civil penalty pursuant to section 3722.08 of the Revised Code. The director shall furnish information concerning the status of licensure of any facility to any person upon request. The director shall annually send a copy of the list to the department of job and family services, to the department of mental health, and to the department of aging.

Sec. 3722.05. ~~(A)(1)~~ If an adult care facility fails to comply with any requirement of this chapter or with any rule adopted pursuant to this chapter, the director of health may do any one or all of the following:

~~(a)~~(A) In accordance with Chapter 119. of the Revised Code, deny, revoke, or refuse to renew the license of the facility;

~~(b)~~(B) Give the facility an opportunity to correct the violation, in accordance with section 3722.06 of the Revised Code;

~~(c)~~(C) Issue an order suspending the admission of residents to the facility, in accordance with section 3722.07 of the Revised Code;

~~(d)~~(D) Impose a civil penalty in accordance with section 3722.08 of the Revised Code;

~~(e)(E)~~ Petition the court of common pleas for injunctive relief in accordance with section 3722.09 of the Revised Code. 53407
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~~(2) The director may refuse to renew the temporary license of any adult care facility for failure to make reasonable progress toward compliance with the requirements for licensure under section 3722.02 of the Revised Code and rules adopted by the public health council pursuant to this chapter. The director may revoke a temporary license upon a finding that the facility jeopardizes the health or safety of any of its residents. Proceedings initiated to deny, revoke, or refuse to renew a temporary license are not subject to Chapter 119. of the Revised Code.~~ 53409
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~~(3) The director may renew a temporary license for the duration of proceedings under Chapter 119. of the Revised Code regarding the denial of a permanent license if he determines that the continued operation of the facility will not jeopardize the health or safety of the residents.~~ 53419
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Sec. 3722.06. Except as otherwise provided in sections 3722.07 to 3722.09 of the Revised Code and except in cases of violations that jeopardize the health and safety of any of the residents, if the director determines that a licensed adult care facility is in violation of this chapter or of rules adopted pursuant to this chapter, ~~he~~ the director shall give the facility an opportunity to correct the violation. The director shall notify the facility of the violation, ~~prescribe the steps necessary to correct the condition,~~ and specify a reasonable time for making the corrections. Notice of the violation ~~and the prescribed corrections~~ shall be in writing and shall include a citation to the statute or rule violated. The director shall state the action that ~~he~~ the director will take if the corrections are not made within the specified period of time. 53424
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The facility shall submit to the director a plan of 53438
correction stating the actions that will be taken to correct the 53439
violation. The director shall conduct an inspection to determine 53440
whether the facility has corrected the violation in accordance 53441
with the plan of correction. 53442

If the director determines that the facility has failed to 53443
correct the violation in accordance with the plan of correction, 53444
the director may impose a penalty under section 3722.08 of the 53445
Revised Code. If the director ~~subsequently~~ determines that the 53446
license of the facility should be revoked or should not be renewed 53447
because the facility has failed to correct the violation within 53448
the time specified or because the violation jeopardizes the health 53449
or safety of any of the residents, the director shall revoke or 53450
refuse to renew the license in accordance with Chapter 119. of the 53451
Revised Code. 53452

Sec. 3722.08. (A) If the director of health determines that 53453
an adult care facility is in violation of this chapter or rules 53454
adopted under it, the director may impose a civil penalty on the 53455
owner of the facility, pursuant to rules adopted by the public 53456
health council under this chapter, ~~on the owner of the facility.~~ 53457
The director shall determine the classification and amount of the 53458
penalty by considering the following factors: 53459

(1) The gravity of the violation, the severity of the actual 53460
or potential harm, and the extent to which the provisions of this 53461
chapter or rules adopted under it were violated; 53462

(2) Actions taken by the owner or manager to correct the 53463
violation; 53464

(3) The number, if any, of previous violations by the adult 53465
care facility. 53466

(B) The director shall give written notice of the order 53467

imposing a civil penalty to the adult care facility by certified 53468
mail, return receipt requested, or shall provide for delivery of 53469
the notice in person. The notice shall specify the classification 53470
of the violation as determined by rules adopted by the public 53471
health council pursuant to this chapter, the amount of the penalty 53472
and the rate of interest, the action that is required to be taken 53473
to correct the violation, the time within which it is to be 53474
corrected as specified in division (C) of this section, and the 53475
procedures for the facility to follow to request a conference on 53476
the order imposing a civil penalty. If the facility requests a 53477
conference in a letter mailed or delivered not later than two 53478
working days after it has received the notice, the director shall 53479
hold a conference with representatives of the facility concerning 53480
the civil penalty. The conference shall be held not later than 53481
seven days after the director receives the request. The conference 53482
shall be conducted as prescribed in division (C) of section 53483
3722.07 of the Revised Code. If the director issues an order 53484
upholding the civil penalty, the facility may request an 53485
adjudication hearing pursuant to Chapter 119. of the Revised Code, 53486
but the order of the director shall be in effect during 53487
proceedings instituted pursuant to that chapter until a final 53488
adjudication is made. 53489

(C) The director shall order that the condition or practice 53490
constituting a class I violation be abated or eliminated within 53491
twenty-four hours or any longer period that the director considers 53492
reasonable. The notice for a class II or a class III violation 53493
shall specify a time within which the violation is required to be 53494
corrected. 53495

(D) If the facility does not request a conference or if, 53496
after a conference, it fails to take action to correct a violation 53497
in the time prescribed by the director, the director shall issue 53498
an order upholding the penalty, plus interest at the rate 53499

specified in section 1343.03 of the Revised Code for each day 53500
beyond the date set for payment of the penalty. The director may 53501
waive the interest payment for the period prior to the conference 53502
if the director concludes that the conference was necessitated by 53503
a legitimate dispute. 53504

(E) The director may cancel or reduce the penalty for a class 53505
I violation if the facility corrects the violation within the time 53506
specified in the notice ~~unless, except that the director shall~~ 53507
~~impose the penalty even though the facility has corrected the~~ 53508
~~violation if~~ a resident suffers physical harm because of the 53509
violation or ~~unless~~ the facility has been cited previously for the 53510
same violation, ~~in which case the director shall impose the~~ 53511
~~penalty even though the facility has corrected the violation.~~ The 53512
director ~~shall~~ may cancel the penalty for a class II or class III 53513
violation if the facility corrects the violation within the time 53514
specified in the notice ~~unless~~ and the facility has not been cited 53515
previously for the same violation. Each day of a violation of any 53516
class, after the date the director sets for abatement or 53517
elimination, constitutes a separate and additional violation. 53518

(F) If an adult care facility fails to pay a penalty imposed 53519
under this section, the director may commence a civil action to 53520
collect the penalty. The license of an adult care facility that 53521
has failed to pay a penalty imposed under this section shall not 53522
be renewed until the penalty has been paid. 53523

(G) If a penalty is imposed under this section, a fine shall 53524
not be imposed under section 3722.99 of the Revised Code for the 53525
same violation. 53526

~~(H) Notwithstanding any other division of this section, the~~ 53527
~~director shall not impose a penalty for a class I violation if all~~ 53528
~~of the following apply:~~ 53529

~~(1) A resident has not suffered physical harm because of the~~ 53530

violation; 53531

~~(2) The violation has been corrected and is no longer
occurring;~~ 53532
53533

~~(3) The violation is discovered by an inspector authorized to
inspect an adult care facility pursuant to this chapter by an
examination of the records of the facility.~~ 53534
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53536

Sec. 3722.09. (A) If the director of health determines that 53537
the operation of an adult care facility jeopardizes the health or 53538
safety of any of the residents of the facility or if the director 53539
determines that an adult care facility is operating without a 53540
license, the director may petition the court of common pleas in 53541
the county in which the facility is located for appropriate 53542
injunctive relief against the facility. The If injunctive relief 53543
is granted against a facility for operating without a license and 53544
the facility continues to operate without a license, the director 53545
shall refer the case to the attorney general for further action. 53546

(B) The court petitioned under division (A) of this section 53547
shall grant injunctive relief upon a showing that the operation of 53548
the facility jeopardizes the health or safety of any of the 53549
residents of the facility or that the facility is operating 53550
without a license. When the court grants injunctive relief in the 53551
case of a facility operating without a license, the court shall 53552
issue, at a minimum, an order enjoining the facility from 53553
admitting new residents to the facility and an order requiring the 53554
facility to assist resident rights advocates with the safe and 53555
orderly relocation of the facility's residents. 53556

Sec. 3722.10. (A) The public health council shall have the 53557
exclusive authority to adopt, and the council shall adopt, rules 53558
~~in accordance with Chapter 119. of the Revised Code~~ governing the 53559
licensing and operation of adult care facilities. The rules shall 53560

be adopted in accordance with Chapter 119. of the Revised Code and 53561
shall specify all of the following: 53562

(1) Procedures for the issuance, renewal, and revocation of 53563
licenses ~~and temporary licenses~~, for the granting and denial of 53564
waivers, and for the issuance and termination of orders of 53565
suspension of admission pursuant to section 3722.07 of the Revised 53566
Code; 53567

(2) The qualifications required for owners, managers, and 53568
employees of adult care facilities, including character, training, 53569
education, experience, and financial resources and the number of 53570
staff members required in a facility; 53571

(3) Adequate space, equipment, safety, and sanitation 53572
standards for the premises of adult care facilities, and fire 53573
protection standards for adult family homes as required by section 53574
3722.041 of the Revised Code; 53575

(4) The personal, social, dietary, and recreational services 53576
to be provided to each resident of adult care facilities; 53577

(5) Rights of residents of adult care facilities, in addition 53578
to the rights enumerated under section 3722.12 of the Revised 53579
Code, and procedures to protect and enforce the rights of these 53580
residents; 53581

(6) Provisions for keeping records of residents and for 53582
maintaining the confidentiality of the records as required by 53583
division (B) of section 3722.12 of the Revised Code. The 53584
provisions for maintaining the confidentiality of records shall, 53585
at the minimum, meet the requirements for maintaining the 53586
confidentiality of records under Title XIX of the "Social Security 53587
Act," 49 Stat. 620, 42 U.S.C. 301, as amended, and regulations 53588
promulgated thereunder. 53589

(7) Measures to be taken by adult care facilities relative to 53590
residents' medication, including policies and procedures 53591

concerning medication, storage of medication in a locked area, and 53592
disposal of medication and assistance with self-administration of 53593
medication, if the facility provides assistance; 53594

(8) Requirements for initial and periodic health assessments 53595
of prospective and current adult care facility residents by 53596
physicians or other health professionals to ensure that they do 53597
not require a level of care beyond that which is provided by the 53598
adult care facility, including assessment of their capacity to 53599
self-administer the medications prescribed for them; 53600

(9) Requirements relating to preparation of special diets; 53601

(10) The amount of the fees for new and renewal license 53602
applications made pursuant to sections 3722.02 and 3722.04 of the 53603
Revised Code; 53604

(11) Measures to be taken by any employee of the state or any 53605
political subdivision of the state authorized by this chapter to 53606
enter an adult care facility to inspect the facility or for any 53607
other purpose, to ensure that the employee respects the privacy 53608
and dignity of residents of the facility, cooperates with 53609
residents of the facility and behaves in a congenial manner toward 53610
them, and protects the rights of residents; 53611

(12) How an owner or manager of an adult care facility is to 53612
comply with section 3722.18 of the Revised Code. ~~The~~ At a minimum, 53613
the rules shall ~~do at least both of the following:~~ 53614

~~(a) Establish~~ establish the procedures an owner or manager is 53615
to follow under division (A)~~(2)~~ of section 3722.18 of the Revised 53616
Code regarding referrals to the facility of prospective residents 53617
with mental illness or severe mental disability and effective 53618
arrangements for ongoing mental health services for such 53619
prospective residents. The procedures may provide for any of the 53620
following: 53621

~~(i)~~(a) That the owner or manager ~~sign written agreements with~~ 53622

~~the mental health agencies and boards of alcohol, drug addiction, and mental health services that refer such prospective residents to the facility. Each agreement shall cover all such prospective residents referred by the agency or board with which the owner or manager enters into the agreement.~~ 53623
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(ii) and the ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located sign a mental health resident program participation agreement, as developed by the director of mental health under section 5119.613 of the Revised Code; 53628
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(b) That the owner or manager comply with the requirements of its mental health resident program participation agreement; 53633
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(c) That the owner or manager and the mental health agencies and ADAMHS boards of alcohol, drug addiction, and mental health services that refer such prospective residents to the facility develop and sign a mental health plan for ongoing mental health services for each such prospective resident; 53635
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(iii)(d) Any other process established by the public health council in consultation with the director of health and director of mental health regarding referrals and effective arrangements for ongoing mental health services for prospective residents with mental illness. 53640
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~~(b) Specify the date an owner or manager must begin to follow the procedures established by division (A)(12)(a) of this section.~~ 53645
53646

(13) Any other rules necessary for the administration and enforcement of this chapter. 53647
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(B) After consulting with relevant constituencies, the director of mental health shall prepare and submit to the director of health recommendations for the content of rules to be adopted under division (A)(12) of this section. ~~The public health council shall adopt the rules required by division (A)(12) of this section~~ 53649
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~~no later than July 1, 2000.~~ 53654

(C) The director of health shall advise adult care facilities 53655
regarding compliance with the requirements of this chapter and 53656
with the rules adopted pursuant to this chapter. 53657

(D) Any duty or responsibility imposed upon the director of 53658
health by this chapter may be carried out by an employee of the 53659
department of health. 53660

(E) Employees of the department of health may enter, for the 53661
purposes of investigation, any institution, residence, facility, 53662
or other structure which has been reported to the department as, 53663
or that the department has reasonable cause to believe is, 53664
operating as an adult care facility without a valid license. 53665

Sec. 3722.13. (A) Each adult care facility shall establish a 53666
written residents' rights policy containing the text of sections 53667
3722.12 and 3722.14 of the Revised Code and rules adopted by the 53668
public health council pursuant to this chapter, a discussion of 53669
the rights and responsibilities of residents under that section, 53670
and the text of any additional rule for residents promulgated by 53671
the facility. At the time of admission the manager shall give a 53672
copy of the residents' rights policy to the resident and ~~his~~ the 53673
resident's sponsor, if any, and explain the contents of the policy 53674
to them. The facility shall establish procedures for facilitating 53675
the residents' exercise of their rights. 53676

(B) Each adult care facility shall post prominently within 53677
the facility a copy of the residents' rights listed in division 53678
(B) of section 3722.12 of the Revised Code and any additional 53679
residents' rights established by rules adopted by the public 53680
health council pursuant to this chapter, ~~and~~ the addresses and 53681
telephone numbers of the state long-term care ~~facilities ombudsman~~ 53682
ombudsperson and the regional ~~ombudsman~~ long-term care 53683
ombudsperson program for the area in which the facility is 53684

located, ~~and of the central and district offices of the telephone~~ 53685
~~number maintained by the department of health for accepting~~ 53686
~~complaints.~~ 53687

Sec. 3722.14. (A)(1) Except as provided in division (A)(2) of 53688
this section, an adult care facility may transfer or discharge a 53689
resident, in the absence of a request from the resident, only for 53690
the following reasons: 53691

(a) Charges for the resident's accommodations and services 53692
have not been paid within thirty days after the date on which they 53693
became due; 53694

(b) The mental, emotional, or physical condition of the 53695
resident requires a level of care that the facility is unable to 53696
provide; 53697

(c) The health, safety, or welfare of the resident or of 53698
another resident requires a transfer or discharge; 53699

(d) The facility's license has been revoked or renewal has 53700
been denied pursuant to this chapter; 53701

(e) The owner closes the facility; 53702

(f) The resident is relocated as the result of a court's 53703
order issued under section 3722.09 of the Revised Code as part of 53704
the injunctive relief granted against a facility that is operating 53705
without a license; 53706

(g) The resident is receiving publicly funded mental health 53707
services and the facility's mental health resident program 53708
participation agreement is terminated by the facility or ADAMHS 53709
board. 53710

(2) An adult family home may transfer or discharge a resident 53711
if transfer or discharge is required for the health, safety, or 53712
welfare of an individual who resides in the home but is not a 53713
resident for whom supervision or personal services are provided. 53714

(B)(1) The facility shall give a resident thirty days advance notice, in writing, of a proposed transfer or discharge, except that if the transfer or discharge is for a reason given in divisions (A)(1)(b) to (g) or (A)(2) to (5) of this section and an emergency exists, the notice need not be given thirty days in advance. ~~The resident may request and the director of health shall conduct a hearing if the transfer or discharge is based upon division (A)(1), (2), or (3) of this section. The public health council shall adopt rules governing the procedure for conducting such a hearing.~~ The facility shall state in the written notice the reasons for the proposed transfer or discharge. If the resident is entitled to a hearing as specified in division (B)(2) of this section, the written notice shall outline the procedure for the resident to follow in requesting a hearing.

(2) A resident may request a hearing if a proposed transfer or discharge is based on reason given in division (A)(1)(a) to (c) or (A)(2) of this section. If the resident seeks a hearing, ~~he~~ the resident shall submit a request to the director not later than ten days after receiving the written notice. The director shall hold the hearing not later than ten days after receiving the request. A representative of the director shall preside over the hearing and shall issue a written recommendation of action to be taken by the director not later than three days after the hearing. The director shall issue an order regarding the transfer or discharge not later than two days after receipt of the recommendation. The order may prohibit or place conditions on the discharge or transfer. In the case of a transfer, the order may require that the transfer be to an institution or facility specified by the director. The hearing is not subject to section 121.22 of the Revised Code. The public health council shall adopt rules governing any additional procedures necessary for conducting the hearing.

(C)(1) The owner of an adult care facility who is closing the

facility shall inform the director of health in writing at least 53747
thirty days prior to the proposed date of closing. At the same 53748
time, the owner or manager shall inform each resident, ~~his~~ the 53749
resident's guardian, ~~his~~ the resident's sponsor, or any 53750
organization or agency acting on behalf of the resident, of the 53751
closing of the facility and the date of the closing. 53752

(2) Immediately upon receiving notice that a facility is to 53753
be closed, the director shall monitor the transfer of residents to 53754
other facilities and ensure that residents' rights are protected. 53755
The director shall notify the ~~ombudsman~~ ombudsperson in the region 53756
in which the facility is located of the closing. 53757

(3) All charges shall be prorated as of the date on which the 53758
facility closes. If payments have been made in advance, the 53759
payments for services not rendered shall be refunded to the 53760
resident or the resident's guardian not later than seven days 53761
after the closing of the facility. 53762

(4) Immediately upon the closing of a facility, the owner 53763
shall surrender the license to the director, and the license shall 53764
be canceled. 53765

Sec. 3722.15. (A) The following may enter an adult care 53766
facility at any time: 53767

(1) Employees designated by the director of health; 53768

(2) Employees designated by the director of aging; 53769

(3) Employees designated by the attorney general; 53770

(4) Employees designated by a county department of job and 53771
family services to implement sections 5101.60 to 5101.71 of the 53772
Revised Code; 53773

(5) Persons employed pursuant to division (M) of section 53774
173.01 of the Revised Code in the long-term care ~~facilities~~ 53775
ombudsperson program; 53776

(6) Employees of the department of mental health designated by the director of mental health; 53777
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(7) Employees of a mental health agency, ~~if under any of the following circumstances:~~ 53779
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(a) When the agency has a client residing in the facility; 53781

(b) When the agency is acting as an agent of an ADAMHS board other than the board with which it is under contract; 53782
53783

(c) When there is a mental health resident program participation agreement between the facility and the ADAMHS board with which the agency is under contract. 53784
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(8) Employees of ~~a an ADAMHS board of alcohol, drug addiction, and mental health services, when~~ under any of the following circumstances: 53787
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53789

(a) When authorized by section 340.05 of the Revised Code ~~or if an individual;~~ 53790
53791

(b) When a resident of the facility is receiving mental health services provided by the that ADAMHS board or another ADAMHS board pursuant to division (A)(8)(b) of section 340.03 of the Revised Code ~~or;~~ 53792
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53795

(c) When a resident of the facility is receiving services from a mental health agency under contract with ~~the that ADAMHS board resides in the facility~~ or another ADAMHS board; 53796
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53798

(d) When there is a mental health resident program participation agreement between the facility and that ADAMHS board. 53799
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~~These~~ The employees specified in divisions (A)(1) to (8) of this section shall be afforded access to all records of the facility, including records pertaining to residents, and may copy the records. Neither these employees nor the director of health shall release, without consent, any information obtained from the 53802
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records of an adult care facility that reasonably would tend to 53807
identify a specific resident of the facility, except as ordered by 53808
a court of competent jurisdiction. 53809

(B) The following persons may enter any adult care facility 53810
during reasonable hours: 53811

(1) A resident's sponsor; 53812

(2) Residents' rights advocates; 53813

(3) A resident's attorney; 53814

(4) A minister, priest, rabbi, or other person ministering to 53815
a resident's religious needs; 53816

(5) A physician or other person providing health care 53817
services to a resident; 53818

(6) Employees authorized by county departments of job and 53819
family services and local boards of health or health departments 53820
to enter adult care facilities; 53821

(7) A prospective resident and prospective resident's 53822
sponsor. 53823

(C) The manager of an adult care facility may require a 53824
person seeking to enter the facility to present identification 53825
sufficient to identify the person as an authorized person under 53826
this section. 53827

Sec. 3722.16. (A) No person shall: 53828

(1) Operate an adult care facility unless the facility is 53829
validly licensed by the director of health under section 3722.04 53830
of the Revised Code; 53831

(2) Admit to an adult care facility more residents than the 53832
number authorized in the facility's license; 53833

(3) Admit a resident to an adult care facility after the 53834

director has issued an order pursuant to section 3722.07 of the Revised Code suspending admissions to the facility. Violation of division (A)(3) of this section is cause for revocation of the facility's license.

(4) Interfere with any authorized inspection of an adult care facility conducted pursuant to section 3722.02 or 3722.04 of the Revised Code;

(5) Admit to an adult care facility a resident requiring publicly funded mental health services, unless both of the following conditions are met:

(a) The ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located is notified;

(b) The facility and ADAMHS board have entered into a mental health resident program participation agreement by using the standardized form approved by the director of mental health under section 5119.613 of the Revised Code.

(6) Violate any of the provisions of this chapter or any of the rules adopted pursuant to it.

(B) No adult care facility shall provide, or admit or retain any resident in need of, skilled nursing care unless all of the following conditions are ~~the case~~ met:

(1) The care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period.

(2) The care will be provided by one or more of the following:

(a) A home health agency certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended+;

(b) A hospice care program licensed under Chapter 3712. of 53865
the Revised Code; 53866

(c) A nursing home licensed under Chapter 3721. of the 53867
Revised Code and owned and operated by the same person and located 53868
on the same site as the adult care facility; 53869

(d) A mental health agency or, pursuant to division (A)(8)(b) 53870
of section 340.03 of the Revised Code, a an ADAMHS board of 53871
~~alcohol, drug addiction, and mental health services.~~ 53872

~~(2)(3) Each individual employed by, under contract with, or~~ 53873
~~otherwise used by any of the entities specified in division (B)(2)~~ 53874
~~of this section to perform the skilled nursing care is authorized~~ 53875
~~under the laws of this state to perform the care by being~~ 53876
~~appropriately licensed, as specified in rules adopted under~~ 53877
~~division (G) of this section.~~ 53878

(4) The staff of the ~~home health agency, hospice care~~ 53879
~~program, nursing home, mental health agency, or board of alcohol,~~ 53880
~~drug addiction, and mental health services~~ one or more entities 53881
providing the skilled nursing care does not train the adult care 53882
facility staff to provide the skilled nursing care; 53883

~~(3)(5)~~ The individual to whom the skilled nursing care is 53884
provided is suffering from a short-term illness; 53885

~~(4)(6)~~ If the skilled nursing care is to be provided by the 53886
nursing staff of a nursing home, all of the following are the 53887
case: 53888

(a) The adult care facility evaluates the individual 53889
receiving the skilled nursing care at least once every seven days 53890
to determine whether the individual should be transferred to a 53891
nursing home; 53892

(b) The adult care facility meets at all times staffing 53893
requirements established by rules adopted under section 3722.10 of 53894

the Revised Code; 53895

(c) The nursing home does not include the cost of providing 53896
skilled nursing care to the adult care facility residents in a 53897
cost report filed under section 5111.26 of the Revised Code; 53898

(d) The nursing home meets at all times the nursing home 53899
licensure staffing ratios established by rules adopted under 53900
section 3721.04 of the Revised Code; 53901

(e) The nursing home staff providing skilled nursing care to 53902
adult care facility residents are registered nurses or licensed 53903
practical nurses licensed under Chapter 4723. of the Revised Code 53904
and meet the personnel qualifications for nursing home staff 53905
established by rules adopted under section 3721.04 of the Revised 53906
Code; 53907

(f) The skilled nursing care is provided in accordance with 53908
rules established for nursing homes under section 3721.04 of the 53909
Revised Code; 53910

(g) The nursing home meets the skilled nursing care needs of 53911
the adult care facility residents; 53912

(h) Using the nursing home's nursing staff does not prevent 53913
the nursing home or adult care facility from meeting the needs of 53914
the nursing home and adult care facility residents in a quality 53915
and timely manner. 53916

(7) No adult care facility staff shall provide skilled 53917
nursing care. 53918

Notwithstanding section 3721.01 of the Revised Code, an adult 53919
care facility in which residents receive skilled nursing care as 53920
described in division (B) of this section is not a nursing home. 53921
~~No adult care facility shall provide skilled nursing care.~~ 53922

(C) A home health agency or hospice care program that 53923
provides skilled nursing care pursuant to division (B) of this 53924

section may not be associated with the adult care facility unless 53925
the facility is part of a home for the aged as defined in section 53926
5701.13 of the Revised Code or the adult care facility is owned 53927
and operated by the same person and located on the same site as a 53928
nursing home licensed under Chapter 3721. of the Revised Code that 53929
is associated with the home health agency or hospice care program. 53930
In addition, the following requirements shall be met: 53931

(1) The adult care facility shall evaluate the individual 53932
receiving the skilled nursing care not less than once every seven 53933
days to determine whether the individual should be transferred to 53934
a nursing home; 53935

(2) If the costs of providing the skilled nursing care are 53936
included in a cost report filed pursuant to section 5111.26 of the 53937
Revised Code by the nursing home that is part of the same home for 53938
the aged, the home health agency or hospice care program shall not 53939
seek reimbursement for the care under the medical assistance 53940
program established under Chapter 5111. of the Revised Code. 53941

(D)~~(1)~~ No person knowingly shall place or recommend placement 53942
of any person in an adult care facility that is operating without 53943
a license. 53944

~~(2)~~(E) No employee of a unit of local or state government, 53945
ADAMHS board of alcohol, drug addiction, and mental health 53946
~~services~~, mental health agency, or PASSPORT administrative agency 53947
shall place or recommend placement of any person in an adult care 53948
facility if the employee knows ~~that~~ any of the following: 53949

(1) That the facility cannot meet the needs of the potential 53950
resident; 53951

(2) That placement of the resident would cause the facility 53952
to exceed its licensed capacity; 53953

(3) That an enforcement action initiated by the director of 53954
health is pending and may result in the revocation of or refusal 53955

to renew the facility's license; 53956

(4) That the potential resident is receiving or is eligible 53957
for publicly funded mental health services and the facility has 53958
not entered into a mental health resident program participation 53959
agreement. 53960

~~(3)~~(F) No person who has reason to believe that an adult care 53961
facility is operating without a license shall fail to report this 53962
information to the director of health. 53963

~~(E)~~(G) In accordance with Chapter 119. of the Revised Code, 53964
the public health council shall adopt rules ~~that define for~~ 53965
purposes of division (B) of this section that do all of the 53966
following: 53967

(1) Define a short-term illness for purposes of division 53968
(B)~~(3)~~(5) of this section ~~and specify;~~ 53969

(2) Specify, consistent with rules pertaining to home health 53970
care adopted by the director of job and family services under the 53971
medical assistance program established under Chapter 5111. of the 53972
Revised Code and Title XIX of the "Social Security Act," 49 Stat. 53973
620 (1935), 42 U.S.C. 301, as amended, what constitutes a 53974
part-time, intermittent basis for purposes of division (B)(1) of 53975
this section; 53976

(3) Specify what constitutes being appropriately licensed for 53977
purposes of division (B)(3) of this section. 53978

Sec. 3722.17. (A) Any person who believes that an adult care 53979
facility is in violation of this chapter or of any of the rules 53980
promulgated pursuant to it may report the information to the 53981
director of health. The director shall investigate each report 53982
made under this section or section 3722.16 of the Revised Code and 53983
shall inform the facility of the results of the investigation. 53984
When investigating a report made pursuant to section 340.05 of the 53985

Revised Code, the director shall consult with the ADAMHS board of 53986
~~alcohol, drug addiction, and mental health services~~ that made the 53987
report. The director shall keep a record of the investigation and 53988
the action taken as a result of the investigation. 53989

The director shall not reveal, without consent, the identity 53990
of a person who makes a report under this section or division 53991
~~(D)(3)(G)~~ of section 3722.16 of the Revised Code, the identity of 53992
a specific resident or residents referred to in such a report, or 53993
any other information that could reasonably be expected to reveal 53994
the identity of the person making the report or the resident or 53995
residents referred to in the report, except that the director may 53996
provide this information to a government agency responsible for 53997
enforcing laws applying to adult care facilities. 53998

(B) Any person who believes that a resident's rights under 53999
sections 3722.12 to 3722.15 of the Revised Code have been violated 54000
may report the information to the state ~~or regional~~ long-term care 54001
~~facilities~~ ombudsperson, the regional long-term care ombudsperson 54002
program for the area in which the facility is located, or ~~to~~ the 54003
director of health. If the person believes that the resident has 54004
mental illness or severe mental disability and is suffering abuse 54005
or neglect, the person may report the information to the ADAMHS 54006
~~board of alcohol, drug addiction, and mental health services~~ 54007
serving the alcohol, drug addiction, and mental health service 54008
district in which the adult care facility is located or a mental 54009
health agency under contract with the board in addition to or 54010
instead of the ombudsperson, regional program, or director. 54011

(C) Any person who makes a report pursuant to division (A) or 54012
(B) of this section or division ~~(D)(3)(G)~~ of section 3722.16 of 54013
the Revised Code or any person who participates in an 54014
administrative or judicial proceeding resulting from such a report 54015
is immune from any civil liability or criminal liability, other 54016
than perjury, that might otherwise be incurred or imposed as a 54017

result of these actions, unless the person has acted in bad faith 54018
or with malicious purpose. 54019

Sec. 3722.18. Before an adult care facility admits a 54020
prospective resident who the owner or manager of the facility 54021
knows has been assessed as having a mental illness or severe 54022
mental disability, the owner or manager ~~shall do~~ is subject to 54023
both of the following in accordance with rules adopted under 54024
division (A)(12) of section 3722.10 of the Revised Code: 54025

(A) If the prospective resident is referred to the facility 54026
by a mental health agency or ADAMHS board ~~of alcohol, drug~~ 54027
~~addiction, and mental health services, do the following:~~ 54028

~~(1) Except in an emergency and only until the date an owner~~ 54029
~~or manager of an adult care facility must begin to follow~~ 54030
~~procedures under division (A)(2) of this section, enter into an~~ 54031
~~affiliation agreement with the agency or board. An affiliation~~ 54032
~~agreement with the agency is subject to the board's approval. An~~ 54033
~~affiliation agreement must be consistent with the residential~~ 54034
~~portion of the board's community mental health plan submitted to~~ 54035
~~the department of mental health under section 340.03 of the~~ 54036
~~Revised Code.~~ 54037

~~(2) Beginning on the date specified in rules adopted under~~ 54038
~~division (A)(12) of section 3722.10 of the Revised Code, the owner~~ 54039
~~or manager shall follow procedures established in those rules~~ 54040
~~adopted under division (A)(12) of section 3722.10 of the Revised~~ 54041
Code regarding referrals and effective arrangements for ongoing 54042
mental health services. 54043

(B) If the prospective resident is not referred to the 54044
facility by a mental health agency or ADAMHS board ~~of alcohol,~~ 54045
~~drug addiction, and mental health services, document that the~~ 54046
owner or manager ~~has offered~~ shall offer to assist the prospective 54047
resident in obtaining appropriate mental health services and 54048

document the offer of assistance in accordance with rules adopted 54049
under division (A)(12) of section 3722.10 of the Revised Code. 54050

54051

Sec. 3722.99. Whoever violates division (A) ~~or (B)(1)~~ of 54052
section 3722.16 of the Revised Code shall be fined ~~five hundred~~ 54053
two thousand dollars for a first offense; for each subsequent 54054
offense, such person shall be fined ~~one~~ five thousand dollars. 54055

Whoever violates division (C) of section 3722.12 or division 54056
(A)(2), (3), (4), (5) or (6), (B), (C), (D), (E), or (F) of 54057
section 3722.16 of the Revised Code shall be fined ~~one~~ five 54058
hundred dollars for a first offense; for each subsequent offense, 54059
such person shall be fined ~~five hundred~~ one thousand dollars. 54060

Sec. 3727.02. (A) No person and no political subdivision, 54061
agency, or instrumentality of this state shall operate a hospital 54062
unless it is certified under Title XVIII of the "Social Security 54063
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or is 54064
accredited by ~~the joint commission or the American osteopathic~~ 54065
~~association~~ a national accrediting organization approved by the 54066
centers for medicare and medicaid services. 54067

(B) No person and no political subdivision, agency, or 54068
instrumentality of this state shall hold out as a hospital any 54069
health facility that is not certified or accredited as required in 54070
division (A) of this section. 54071

Sec. 3733.02. (A)(1) The public health council, subject to 54072
Chapter 119. of the Revised Code, shall adopt, and has the 54073
exclusive power to adopt, rules of uniform application throughout 54074
the state governing the review of plans, issuance of flood plain 54075
management permits, and issuance of licenses for manufactured home 54076
parks; the location, layout, density, construction, drainage, 54077
sanitation, safety, and operation of those parks; and notices of 54078

flood events concerning, and flood protection at, those parks. The 54079
rules pertaining to flood plain management shall be consistent 54080
with and not less stringent than the flood plain management 54081
criteria of the national flood insurance program adopted under the 54082
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 54083
4001, as amended. The rules shall not apply to the construction, 54084
erection, or manufacture of any building to which section 3781.06 54085
of the Revised Code is applicable. 54086

(2) The rules pertaining to manufactured home parks 54087
constructed after June 30, 1971, shall specify that each home must 54088
be placed on its lot to provide not less than fifteen feet between 54089
the side of one home and the side of another home, ten feet 54090
between the end of one home and the side of another home, and five 54091
feet between the ends of two homes placed end to end. 54092

(3) The ~~department of health~~ manufactured homes commission 54093
shall determine compliance with the installation, blocking, 54094
tiedown, foundation, and base support system standards for 54095
manufactured housing located in manufactured home parks adopted by 54096
the ~~manufactured homes~~ commission pursuant to section 4781.04 of 54097
the Revised Code. All inspections of the installation, blocking, 54098
tiedown, foundation, and base support systems of manufactured 54099
housing in a manufactured home park that the department of health 54100
or a licensor conducts shall be conducted by a person who has 54101
completed an installation training course approved by the 54102
manufactured homes commission pursuant to division (B)(12) of 54103
section 4781.04 of the Revised Code. 54104

As used in division (A)(3) of this section, "manufactured 54105
housing" has the same meaning as in section 4781.01 of the Revised 54106
Code. 54107

(B) The public health council, in accordance with Chapter 54108
119. of the Revised Code, shall adopt rules of uniform application 54109
throughout the state establishing requirements and procedures in 54110

accordance with which the director of health may authorize 54111
licensors for the purposes of sections 3733.022 and 3733.025 of 54112
the Revised Code. The rules shall include at least provisions 54113
under which a licensor may enter into contracts for the purpose of 54114
fulfilling the licensor's responsibilities under either or both of 54115
those sections. 54116

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), 54117
(8), and (9) of this section, no person shall operate or maintain 54118
a solid waste facility without a license issued under this 54119
division by the board of health of the health district in which 54120
the facility is located or by the director of environmental 54121
protection when the health district in which the facility is 54122
located is not on the approved list under section 3734.08 of the 54123
Revised Code. 54124

During the month of December, but before the first day of 54125
January of the next year, every person proposing to continue to 54126
operate an existing solid waste facility shall procure a license 54127
under this division to operate the facility for that year from the 54128
board of health of the health district in which the facility is 54129
located or, if the health district is not on the approved list 54130
under section 3734.08 of the Revised Code, from the director. The 54131
application for such a license shall be submitted to the board of 54132
health or to the director, as appropriate, on or before the last 54133
day of September of the year preceding that for which the license 54134
is sought. In addition to the application fee prescribed in 54135
division (A)(2) of this section, a person who submits an 54136
application after that date shall pay an additional ten per cent 54137
of the amount of the application fee for each week that the 54138
application is late. Late payment fees accompanying an application 54139
submitted to the board of health shall be credited to the special 54140
fund of the health district created in division (B) of section 54141
3734.06 of the Revised Code, and late payment fees accompanying an 54142

application submitted to the director shall be credited to the 54143
general revenue fund. A person who has received a license, upon 54144
sale or disposition of a solid waste facility, and upon consent of 54145
the board of health and the director, may have the license 54146
transferred to another person. The board of health or the director 54147
may include such terms and conditions in a license or revision to 54148
a license as are appropriate to ensure compliance with this 54149
chapter and rules adopted under it. The terms and conditions may 54150
establish the authorized maximum daily waste receipts for the 54151
facility. Limitations on maximum daily waste receipts shall be 54152
specified in cubic yards of volume for the purpose of regulating 54153
the design, construction, and operation of solidwaste facilities. 54154
Terms and conditions included in a license or revision to a 54155
license by a board of health shall be consistent with, and pertain 54156
only to the subjects addressed in, the rules adopted under 54157
division (A) of section 3734.02 and division (D) of section 54158
3734.12 of the Revised Code. 54159

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 54160
(9) of this section, each person proposing to open a new solid 54161
waste facility or to modify an existing solid waste facility shall 54162
submit an application for a permit with accompanying detail plans 54163
and specifications to the environmental protection agency for 54164
required approval under the rules adopted by the director pursuant 54165
to division (A) of section 3734.02 of the Revised Code and 54166
applicable rules adopted under division (D) of section 3734.12 of 54167
the Revised Code at least two hundred seventy days before proposed 54168
operation of the facility and shall concurrently make application 54169
for the issuance of a license under division (A)(1) of this 54170
section with the board of health of the health district in which 54171
the proposed facility is to be located. 54172

(b) On and after the effective date of the rules adopted 54173
under division (A) of section 3734.02 of the Revised Code and 54174

division (D) of section 3734.12 of the Revised Code governing 54175
solid waste transfer facilities, each person proposing to open a 54176
new solid waste transfer facility or to modify an existing solid 54177
waste transfer facility shall submit an application for a permit 54178
with accompanying engineering detail plans, specifications, and 54179
information regarding the facility and its method of operation to 54180
the environmental protection agency for required approval under 54181
those rules at least two hundred seventy days before commencing 54182
proposed operation of the facility and concurrently shall make 54183
application for the issuance of a license under division (A)(1) of 54184
this section with the board of health of the health district in 54185
which the facility is located or proposed. 54186

(c) Each application for a permit under division (A)(2)(a) or 54187
(b) of this section shall be accompanied by a nonrefundable 54188
application fee of four hundred dollars that shall be credited to 54189
the general revenue fund. Each application for an annual license 54190
under division (A)(1) or (2) of this section shall be accompanied 54191
by a nonrefundable application fee of one hundred dollars. If the 54192
application for an annual license is submitted to a board of 54193
health on the approved list under section 3734.08 of the Revised 54194
Code, the application fee shall be credited to the special fund of 54195
the health district created in division (B) of section 3734.06 of 54196
the Revised Code. If the application for an annual license is 54197
submitted to the director, the application fee shall be credited 54198
to the general revenue fund. If a permit or license is issued, the 54199
amount of the application fee paid shall be deducted from the 54200
amount of the permit fee due under division (Q) of section 3745.11 54201
of the Revised Code or the amount of the license fee due under 54202
division (A)(1), (2), (3), or (4) of section 3734.06 of the 54203
Revised Code. 54204

(d) As used in divisions (A)(2)(d), (e), and (f) of this 54205
section, "modify" means any of the following: 54206

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;	54207 54208
(ii) Any expansion of the limits of solid waste placement at a solid waste facility;	54209 54210
(iii) Any increase in the depth of excavation at a solid waste facility;	54211 54212
(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.	54213 54214 54215 54216
Not later than thirty-five days after submitting an application under division (A)(2)(a) or (b) of this section for a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public meeting on the application, the applicant shall publish notice of the meeting in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the applicant shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public meeting and a general description of the proposed new or modified facility. Not later than five days after publishing the notice, the applicant shall send by certified mail a copy of the notice and the date the notice was published to the director and the legislative authority of each municipal corporation, township, and county, and to the chief executive officer of each municipal corporation, in which the facility is or is proposed to be located. At the public	54217 54218 54219 54220 54221 54222 54223 54224 54225 54226 54227 54228 54229 54230 54231 54232 54233 54234 54235 54236 54237 54238

meeting, the applicant shall provide information and describe the 54239
application and respond to comments or questions concerning the 54240
application, and the officer or employee of the agency shall 54241
describe the permit application process. At the public meeting, 54242
any person may submit written or oral comments on or objections to 54243
the application. Not more than thirty days after the public 54244
meeting, the applicant shall provide the director with a copy of a 54245
transcript of the full meeting, copies of any exhibits, displays, 54246
or other materials presented by the applicant at the meeting, and 54247
the original copy of any written comments submitted at the 54248
meeting. 54249

(e) Except as provided in division (A)(2)(f) of this section, 54250
prior to taking an action, other than a proposed or final denial, 54251
upon an application submitted under division (A)(2)(a) of this 54252
section for a permit to open a new or modify an existing solid 54253
waste facility, the director shall hold a public information 54254
session and a public hearing on the application within the county 54255
in which the new or modified solid waste facility is or is 54256
proposed to be located or within a contiguous county. If the 54257
application is for a permit to open a new solid waste facility, 54258
the director shall hold the hearing not less than fourteen days 54259
after the information session. If the application is for a permit 54260
to modify an existing solid waste facility, the director may hold 54261
both the information session and the hearing on the same day 54262
unless any individual affected by the application requests in 54263
writing that the information session and the hearing not be held 54264
on the same day, in which case the director shall hold the hearing 54265
not less than fourteen days after the information session. The 54266
director shall publish notice of the public information session or 54267
public hearing not less than thirty days before holding the 54268
information session or hearing, as applicable. The notice shall be 54269
published in each newspaper of general circulation that is 54270
published in the county in which the facility is or is proposed to 54271

be located. If no newspaper of general circulation is published in 54272
the county, the director shall publish the notice in a newspaper 54273
of general circulation in the county. The notice shall contain the 54274
date, time, and location of the information session or hearing, as 54275
applicable, and a general description of the proposed new or 54276
modified facility. At the public information session, an officer 54277
or employee of the environmental protection agency shall describe 54278
the status of the permit application and be available to respond 54279
to comments or questions concerning the application. At the public 54280
hearing, any person may submit written or oral comments on or 54281
objections to the approval of the application. The applicant, or a 54282
representative of the applicant who has knowledge of the location, 54283
construction, and operation of the facility, shall attend the 54284
information session and public hearing to respond to comments or 54285
questions concerning the facility directed to the applicant or 54286
representative by the officer or employee of the environmental 54287
protection agency presiding at the information session and 54288
hearing. 54289

(f) The solid waste management policy committee of a county 54290
or joint solid waste management district may adopt a resolution 54291
requesting expeditious consideration of a specific application 54292
submitted under division (A)(2)(a) of this section for a permit to 54293
modify an existing solid waste facility within the district. The 54294
resolution shall make the finding that expedited consideration of 54295
the application without the public information session and public 54296
hearing under division (A)(2)(e) of this section is in the public 54297
interest and will not endanger human health, as determined by the 54298
director by rules adopted in accordance with Chapter 119. of the 54299
Revised Code. Upon receiving such a resolution, the director, at 54300
the director's discretion, may issue a final action upon the 54301
application without holding a public information session or public 54302
hearing pursuant to division (A)(2)(e) of this section. 54303

(3) Except as provided in division (A)(10) of this section, 54304
and unless the owner or operator of any solid waste facility, 54305
other than a solid waste transfer facility or a compost facility 54306
that accepts exclusively source separated yard wastes, that 54307
commenced operation on or before July 1, 1968, has obtained an 54308
exemption from the requirements of division (A)(3) of this section 54309
in accordance with division (G) of section 3734.02 of the Revised 54310
Code, the owner or operator shall submit to the director an 54311
application for a permit with accompanying engineering detail 54312
plans, specifications, and information regarding the facility and 54313
its method of operation for approval under rules adopted under 54314
division (A) of section 3734.02 of the Revised Code and applicable 54315
rules adopted under division (D) of section 3734.12 of the Revised 54316
Code in accordance with the following schedule: 54317

(a) Not later than September 24, 1988, if the facility is 54318
located in the city of Garfield Heights or Parma in Cuyahoga 54319
county; 54320

(b) Not later than December 24, 1988, if the facility is 54321
located in Delaware, Greene, Guernsey, Hamilton, Madison, 54322
Mahoning, Ottawa, or Vinton county; 54323

(c) Not later than March 24, 1989, if the facility is located 54324
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 54325
Washington county, or is located in the city of Brooklyn or 54326
Cuyahoga Heights in Cuyahoga county; 54327

(d) Not later than June 24, 1989, if the facility is located 54328
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 54329
Summit county or is located in Cuyahoga county outside the cities 54330
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 54331

(e) Not later than September 24, 1989, if the facility is 54332
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 54333
county; 54334

(f) Not later than December 24, 1989, if the facility is 54335
located in a county not listed in divisions (A)(3)(a) to (e) of 54336
this section; 54337

(g) Notwithstanding divisions (A)(3)(a) to (f) of this 54338
section, not later than December 31, 1990, if the facility is a 54339
solid waste facility owned by a generator of solid wastes when the 54340
solid waste facility exclusively disposes of solid wastes 54341
generated at one or more premises owned by the generator 54342
regardless of whether the facility is located on a premises where 54343
the wastes are generated and if the facility disposes of more than 54344
one hundred thousand tons of solid wastes per year, provided that 54345
any such facility shall be subject to division (A)(5) of this 54346
section. 54347

(4) Except as provided in divisions (A)(8), (9), and (10) of 54348
this section, unless the owner or operator of any solid waste 54349
facility for which a permit was issued after July 1, 1968, but 54350
before January 1, 1980, has obtained an exemption from the 54351
requirements of division (A)(4) of this section under division (G) 54352
of section 3734.02 of the Revised Code, the owner or operator 54353
shall submit to the director an application for a permit with 54354
accompanying engineering detail plans, specifications, and 54355
information regarding the facility and its method of operation for 54356
approval under those rules. 54357

(5) The director may issue an order in accordance with 54358
Chapter 3745. of the Revised Code to the owner or operator of a 54359
solid waste facility requiring the person to submit to the 54360
director updated engineering detail plans, specifications, and 54361
information regarding the facility and its method of operation for 54362
approval under rules adopted under division (A) of section 3734.02 54363
of the Revised Code and applicable rules adopted under division 54364
(D) of section 3734.12 of the Revised Code if, in the director's 54365
judgment, conditions at the facility constitute a substantial 54366

threat to public health or safety or are causing or contributing 54367
to or threatening to cause or contribute to air or water pollution 54368
or soil contamination. Any person who receives such an order shall 54369
submit the updated engineering detail plans, specifications, and 54370
information to the director within one hundred eighty days after 54371
the effective date of the order. 54372

(6) The director shall act upon an application submitted 54373
under division (A)(3) or (4) of this section and any updated 54374
engineering plans, specifications, and information submitted under 54375
division (A)(5) of this section within one hundred eighty days 54376
after receiving them. If the director denies any such permit 54377
application, the order denying the application or disapproving the 54378
plans shall include the requirements that the owner or operator 54379
submit a plan for closure and post-closure care of the facility to 54380
the director for approval within six months after issuance of the 54381
order, cease accepting solid wastes for disposal or transfer at 54382
the facility, and commence closure of the facility not later than 54383
one year after issuance of the order. If the director determines 54384
that closure of the facility within that one-year period would 54385
result in the unavailability of sufficient solid waste management 54386
facility capacity within the county or joint solid waste 54387
management district in which the facility is located to dispose of 54388
or transfer the solid waste generated within the district, the 54389
director in the order of denial or disapproval may postpone 54390
commencement of closure of the facility for such period of time as 54391
the director finds necessary for the board of county commissioners 54392
or directors of the district to secure access to or for there to 54393
be constructed within the district sufficient solid waste 54394
management facility capacity to meet the needs of the district, 54395
provided that the director shall certify in the director's order 54396
that postponing the date for commencement of closure will not 54397
endanger ground water or any property surrounding the facility, 54398
allow methane gas migration to occur, or cause or contribute to 54399

any other type of environmental damage. 54400

If an emergency need for disposal capacity that may affect 54401
public health and safety exists as a result of closure of a 54402
facility under division (A)(6) of this section, the director may 54403
issue an order designating another solid waste facility to accept 54404
the wastes that would have been disposed of at the facility to be 54405
closed. 54406

(7) If the director determines that standards more stringent 54407
than those applicable in rules adopted under division (A) of 54408
section 3734.02 of the Revised Code and division (D) of section 54409
3734.12 of the Revised Code, or standards pertaining to subjects 54410
not specifically addressed by those rules, are necessary to ensure 54411
that a solid waste facility constructed at the proposed location 54412
will not cause a nuisance, cause or contribute to water pollution, 54413
or endanger public health or safety, the director may issue a 54414
permit for the facility with such terms and conditions as the 54415
director finds necessary to protect public health and safety and 54416
the environment. If a permit is issued, the director shall state 54417
in the order issuing it the specific findings supporting each such 54418
term or condition. 54419

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 54420
not apply to a solid waste compost facility that accepts 54421
exclusively source separated yard wastes and that is registered 54422
under division (C) of section 3734.02 of the Revised Code or, 54423
unless otherwise provided in rules adopted under division (N)(3) 54424
of section 3734.02 of the Revised Code, to a solid waste compost 54425
facility if the director has adopted rules establishing an 54426
alternative system for authorizing the establishment, operation, 54427
or modification of a solid waste compost facility under that 54428
division. 54429

(9) Divisions (A)(1) to (7) of this section do not apply to 54430
scrap tire collection, storage, monocell, monofill, and recovery 54431

facilities. The approval of plans and specifications, as 54432
applicable, and the issuance of registration certificates, 54433
permits, and licenses for those facilities are subject to sections 54434
3734.75 to 3734.78 of the Revised Code, as applicable, and section 54435
3734.81 of the Revised Code. 54436

(10) Divisions (A)(3) and (4) of this section do not apply to 54437
a solid waste incinerator that was placed into operation on or 54438
before October 12, 1994, and that is not authorized to accept and 54439
treat infectious wastes pursuant to division (B) of this section. 54440

(B)(1) Each person who is engaged in the business of treating 54441
infectious wastes for profit at a treatment facility located off 54442
the premises where the wastes are generated that is in operation 54443
on August 10, 1988, and who proposes to continue operating the 54444
facility shall submit to the board of health of the health 54445
district in which the facility is located an application for a 54446
license to operate the facility. 54447

Thereafter, no person shall operate or maintain an infectious 54448
waste treatment facility without a license issued by the board of 54449
health of the health district in which the facility is located or 54450
by the director when the health district in which the facility is 54451
located is not on the approved list under section 3734.08 of the 54452
Revised Code. 54453

(2)(a) During the month of December, but before the first day 54454
of January of the next year, every person proposing to continue to 54455
operate an existing infectious waste treatment facility shall 54456
procure a license to operate the facility for that year from the 54457
board of health of the health district in which the facility is 54458
located or, if the health district is not on the approved list 54459
under section 3734.08 of the Revised Code, from the director. The 54460
application for such a license shall be submitted to the board of 54461
health or to the director, as appropriate, on or before the last 54462
day of September of the year preceding that for which the license 54463

is sought. In addition to the application fee prescribed in 54464
division (B)(2)(c) of this section, a person who submits an 54465
application after that date shall pay an additional ten per cent 54466
of the amount of the application fee for each week that the 54467
application is late. Late payment fees accompanying an application 54468
submitted to the board of health shall be credited to the special 54469
infectious waste fund of the health district created in division 54470
(C) of section 3734.06 of the Revised Code, and late payment fees 54471
accompanying an application submitted to the director shall be 54472
credited to the general revenue fund. A person who has received a 54473
license, upon sale or disposition of an infectious waste treatment 54474
facility and upon consent of the board of health and the director, 54475
may have the license transferred to another person. The board of 54476
health or the director may include such terms and conditions in a 54477
license or revision to a license as are appropriate to ensure 54478
compliance with the infectious waste provisions of this chapter 54479
and rules adopted under them. 54480

(b) Each person proposing to open a new infectious waste 54481
treatment facility or to modify an existing infectious waste 54482
treatment facility shall submit an application for a permit with 54483
accompanying detail plans and specifications to the environmental 54484
protection agency for required approval under the rules adopted by 54485
the director pursuant to section 3734.021 of the Revised Code two 54486
hundred seventy days before proposed operation of the facility and 54487
concurrently shall make application for a license with the board 54488
of health of the health district in which the facility is or is 54489
proposed to be located. Not later than ninety days after receiving 54490
a completed application under division (B)(2)(b) of this section 54491
for a permit to open a new infectious waste treatment facility or 54492
modify an existing infectious waste treatment facility to expand 54493
its treatment capacity, or receiving a completed application under 54494
division (A)(2)(a) of this section for a permit to open a new 54495
solid waste incineration facility, or modify an existing solid 54496

waste incineration facility to also treat infectious wastes or to 54497
increase its infectious waste treatment capacity, that pertains to 54498
a facility for which a notation authorizing infectious waste 54499
treatment is included or proposed to be included in the solid 54500
waste incineration facility's license pursuant to division (B)(3) 54501
of this section, the director shall hold a public hearing on the 54502
application within the county in which the new or modified 54503
infectious waste or solid waste facility is or is proposed to be 54504
located or within a contiguous county. Not less than thirty days 54505
before holding the public hearing on the application, the director 54506
shall publish notice of the hearing in each newspaper that has 54507
general circulation and that is published in the county in which 54508
the facility is or is proposed to be located. If there is no 54509
newspaper that has general circulation and that is published in 54510
the county, the director shall publish the notice in a newspaper 54511
of general circulation in the county. The notice shall contain the 54512
date, time, and location of the public hearing and a general 54513
description of the proposed new or modified facility. At the 54514
public hearing, any person may submit written or oral comments on 54515
or objections to the approval or disapproval of the application. 54516
The applicant, or a representative of the applicant who has 54517
knowledge of the location, construction, and operation of the 54518
facility, shall attend the public hearing to respond to comments 54519
or questions concerning the facility directed to the applicant or 54520
representative by the officer or employee of the environmental 54521
protection agency presiding at the hearing. 54522

(c) Each application for a permit under division (B)(2)(b) of 54523
this section shall be accompanied by a nonrefundable application 54524
fee of four hundred dollars that shall be credited to the general 54525
revenue fund. Each application for an annual license under 54526
division (B)(2)(a) of this section shall be accompanied by a 54527
nonrefundable application fee of one hundred dollars. If the 54528
application for an annual license is submitted to a board of 54529

health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (C) of section 3734.06 of the Revised Code.

(d) The owner or operator of any infectious waste treatment facility that commenced operation on or before July 1, 1968, shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code in accordance with the following schedule:

(i) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;

(ii) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn, Cuyahoga Heights, or Parma in Cuyahoga county;

(iii) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Brooklyn, Cuyahoga Heights, and Parma;

(iv) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross

county; 54561

(v) Not later than December 24, 1989, if the facility is 54562
located in a county not listed in divisions (B)(2)(d)(i) to (iv) 54563
of this section. 54564

The owner or operator of an infectious waste treatment 54565
facility required to submit a permit application under division 54566
(B)(2)(d) of this section is not required to pay any permit 54567
application fee under division (B)(2)(c) of this section, or 54568
permit fee under division (Q) of section 3745.11 of the Revised 54569
Code, with respect thereto unless the owner or operator also 54570
proposes to modify the facility. 54571

(e) The director may issue an order in accordance with 54572
Chapter 3745. of the Revised Code to the owner or operator of an 54573
infectious waste treatment facility requiring the person to submit 54574
to the director updated engineering detail plans, specifications, 54575
and information regarding the facility and its method of operation 54576
for approval under rules adopted under section 3734.021 of the 54577
Revised Code if, in the director's judgment, conditions at the 54578
facility constitute a substantial threat to public health or 54579
safety or are causing or contributing to or threatening to cause 54580
or contribute to air or water pollution or soil contamination. Any 54581
person who receives such an order shall submit the updated 54582
engineering detail plans, specifications, and information to the 54583
director within one hundred eighty days after the effective date 54584
of the order. 54585

(f) The director shall act upon an application submitted 54586
under division (B)(2)(d) of this section and any updated 54587
engineering plans, specifications, and information submitted under 54588
division (B)(2)(e) of this section within one hundred eighty days 54589
after receiving them. If the director denies any such permit 54590
application or disapproves any such updated engineering plans, 54591
specifications, and information, the director shall include in the 54592

order denying the application or disapproving the plans the 54593
requirement that the owner or operator cease accepting infectious 54594
wastes for treatment at the facility. 54595

(3) Division (B) of this section does not apply to an 54596
infectious waste treatment facility that meets any of the 54597
following conditions: 54598

(a) Is owned or operated by the generator of the wastes and 54599
exclusively treats, by methods, techniques, and practices 54600
established by rules adopted under division (C)(1) or (3) of 54601
section 3734.021 of the Revised Code, wastes that are generated at 54602
any premises owned or operated by that generator regardless of 54603
whether the wastes are generated on the same premises where the 54604
generator's treatment facility is located or, if the generator is 54605
a hospital as defined in section 3727.01 of the Revised Code, 54606
infectious wastes that are described in division (A)(1)(g), (h), 54607
or (i) of section 3734.021 of the Revised Code; 54608

(b) Holds a license or renewal of a license to operate a 54609
crematory facility issued under Chapter 4717. and a permit issued 54610
under Chapter 3704. of the Revised Code; 54611

(c) Treats or disposes of dead animals or parts thereof, or 54612
the blood of animals, and is subject to any of the following: 54613

(i) Inspection under the "Federal Meat Inspection Act," 81 54614
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 54615

(ii) Chapter 918. of the Revised Code; 54616

(iii) Chapter 953. of the Revised Code. 54617

Nothing in division (B) of this section requires a facility 54618
that holds a license issued under division (A) of this section as 54619
a solid waste facility and that also treats infectious wastes by 54620
the same method, technique, or process to obtain a license under 54621
division (B) of this section as an infectious waste treatment 54622

facility. However, the solid waste facility license for the 54623
facility shall include the notation that the facility also treats 54624
infectious wastes. 54625

On and after the effective date of the amendments to the 54626
rules adopted under division (C)(2) of section 3734.021 of the 54627
Revised Code that are required by Section 6 of Substitute House 54628
Bill No. 98 of the 120th General Assembly, the director shall not 54629
issue a permit to open a new solid waste incineration facility 54630
unless the proposed facility complies with the requirements for 54631
the location of new infectious waste incineration facilities 54632
established in the required amendments to those rules. 54633

(C) Except for a facility or activity described in division 54634
(E)(3) of section 3734.02 of the Revised Code, a person who 54635
proposes to establish or operate a hazardous waste facility shall 54636
submit a complete application for a hazardous waste facility 54637
installation and operation permit and accompanying detail plans, 54638
specifications, and such information as the director may require 54639
to the environmental protection agency at least one hundred eighty 54640
days before the proposed beginning of operation of the facility. 54641
The applicant shall notify by certified mail the legislative 54642
authority of each municipal corporation, township, and county in 54643
which the facility is proposed to be located of the submission of 54644
the application within ten days after the submission or at such 54645
earlier time as the director may establish by rule. If the 54646
application is for a proposed new hazardous waste disposal or 54647
thermal treatment facility, the applicant also shall give actual 54648
notice of the general design and purpose of the facility to the 54649
legislative authority of each municipal corporation, township, and 54650
county in which the facility is proposed to be located at least 54651
ninety days before the permit application is submitted to the 54652
environmental protection agency. 54653

In accordance with rules adopted under section 3734.12 of the 54654

Revised Code, prior to the submission of a complete application 54655
for a hazardous waste facility installation and operation permit, 54656
the applicant shall hold at least one meeting in the township or 54657
municipal corporation in which the facility is proposed to be 54658
located, whichever is geographically closer to the proposed 54659
location of the facility. The meeting shall be open to the public 54660
and shall be held to inform the community of the proposed 54661
hazardous waste management activities and to solicit questions 54662
from the community concerning the activities. 54663

(D)(1) Except as provided in section 3734.123 of the Revised 54664
Code, upon receipt of a complete application for a hazardous waste 54665
facility installation and operation permit under division (C) of 54666
this section, the director shall consider the application and 54667
accompanying information to determine whether the application 54668
complies with agency rules and the requirements of division (D)(2) 54669
of this section. After making a determination, the director shall 54670
issue either a draft permit or a notice of intent to deny the 54671
permit. The director, in accordance with rules adopted under 54672
section 3734.12 of the Revised Code or with rules adopted to 54673
implement Chapter 3745. of the Revised Code, shall provide public 54674
notice of the application and the draft permit or the notice of 54675
intent to deny the permit, provide an opportunity for public 54676
comments, and, if significant interest is shown, schedule a public 54677
meeting in the county in which the facility is proposed to be 54678
located and give public notice of the date, time, and location of 54679
the public meeting in a newspaper of general circulation in that 54680
county. 54681

(2) The director shall not approve an application for a 54682
hazardous waste facility installation and operation permit or an 54683
application for a modification under division (I)(3) of this 54684
section unless the director finds and determines as follows: 54685

(a) The nature and volume of the waste to be treated, stored, 54686

or disposed of at the facility; 54687

(b) That the facility complies with the director's hazardous 54688
waste standards adopted pursuant to section 3734.12 of the Revised 54689
Code; 54690

(c) That the facility represents the minimum adverse 54691
environmental impact, considering the state of available 54692
technology and the nature and economics of various alternatives, 54693
and other pertinent considerations; 54694

(d) That the facility represents the minimum risk of all of 54695
the following: 54696

(i) Fires or explosions from treatment, storage, or disposal 54697
methods; 54698

(ii) Release of hazardous waste during transportation of 54699
hazardous waste to or from the facility; 54700

(iii) Adverse impact on the public health and safety. 54701

(e) That the facility will comply with this chapter and 54702
Chapters 3704. and 6111. of the Revised Code and all rules and 54703
standards adopted under them; 54704

(f) That if the owner of the facility, the operator of the 54705
facility, or any other person in a position with the facility from 54706
which the person may influence the installation and operation of 54707
the facility has been involved in any prior activity involving 54708
transportation, treatment, storage, or disposal of hazardous 54709
waste, that person has a history of compliance with this chapter 54710
and Chapters 3704. and 6111. of the Revised Code and all rules and 54711
standards adopted under them, the "Resource Conservation and 54712
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 54713
amended, and all regulations adopted under it, and similar laws 54714
and rules of other states if any such prior operation was located 54715
in another state that demonstrates sufficient reliability, 54716

expertise, and competency to operate a hazardous waste facility 54717
under the applicable provisions of this chapter and Chapters 3704. 54718
and 6111. of the Revised Code, the applicable rules and standards 54719
adopted under them, and terms and conditions of a hazardous waste 54720
facility installation and operation permit, given the potential 54721
for harm to the public health and safety and the environment that 54722
could result from the irresponsible operation of the facility. For 54723
off-site facilities, as defined in section 3734.41 of the Revised 54724
Code, the director may use the investigative reports of the 54725
attorney general prepared pursuant to section 3734.42 of the 54726
Revised Code as a basis for making a finding and determination 54727
under division (D)(2)(f) of this section. 54728

(g) That the active areas within a new hazardous waste 54729
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 54730
(e), as amended, or organic waste that is toxic and is listed 54731
under 40 C.F.R. 261, as amended, is being stored, treated, or 54732
disposed of and where the aggregate of the storage design capacity 54733
and the disposal design capacity of all hazardous waste in those 54734
areas is greater than two hundred fifty thousand gallons, are not 54735
located or operated within any of the following: 54736

(i) Two thousand feet of any residence, school, hospital, 54737
jail, or prison; 54738

(ii) Any naturally occurring wetland; 54739

(iii) Any flood hazard area if the applicant cannot show that 54740
the facility will be designed, constructed, operated, and 54741
maintained to prevent washout by a one-hundred-year flood. 54742

Division (D)(2)(g) of this section does not apply to the 54743
facility of any applicant who demonstrates to the director that 54744
the limitations specified in that division are not necessary 54745
because of the nature or volume of the waste and the manner of 54746
management applied, the facility will impose no substantial danger 54747

to the health and safety of persons occupying the structures 54748
listed in division (D)(2)(g)(i) of this section, and the facility 54749
is to be located or operated in an area where the proposed 54750
hazardous waste activities will not be incompatible with existing 54751
land uses in the area. 54752

(h) That the facility will not be located within the 54753
boundaries of a state park established or dedicated under Chapter 54754
1541. of the Revised Code, a state park purchase area established 54755
under section 1541.02 of the Revised Code, any unit of the 54756
national park system, or any property that lies within the 54757
boundaries of a national park or recreation area, but that has not 54758
been acquired or is not administered by the secretary of the 54759
United States department of the interior, located in this state, 54760
or any candidate area located in this state identified for 54761
potential inclusion in the national park system in the edition of 54762
the "national park system plan" submitted under paragraph (b) of 54763
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 54764
U.S.C.A. 1a-5, as amended, current at the time of filing of the 54765
application for the permit, unless the facility will be used 54766
exclusively for the storage of hazardous waste generated within 54767
the park or recreation area in conjunction with the operation of 54768
the park or recreation area. Division (D)(2)(h) of this section 54769
does not apply to the facility of any applicant for modification 54770
of a permit unless the modification application proposes to 54771
increase the land area included in the facility or to increase the 54772
quantity of hazardous waste that will be treated, stored, or 54773
disposed of at the facility. 54774

(3) Not later than one hundred eighty days after the end of 54775
the public comment period, the director, without prior hearing, 54776
shall issue or deny the permit in accordance with Chapter 3745. of 54777
the Revised Code. If the director approves an application for a 54778
hazardous waste facility installation and operation permit, the 54779

director shall issue the permit, upon such terms and conditions as 54780
the director finds are necessary to ensure the construction and 54781
operation of the hazardous waste facility in accordance with the 54782
standards of this section. 54783

(E)÷ No political subdivision of this state shall require any 54784
additional zoning or other approval, consent, permit, certificate, 54785
or condition for the construction or operation of a hazardous 54786
waste facility authorized by a hazardous waste facility 54787
installation and operation permit issued pursuant to this chapter, 54788
nor shall any political subdivision adopt or enforce any law, 54789
ordinance, or rule that in any way alters, impairs, or limits the 54790
authority granted in the permit. 54791

(F) The director may issue a single hazardous waste facility 54792
installation and operation permit to a person who operates two or 54793
more adjoining facilities where hazardous waste is stored, 54794
treated, or disposed of if the application includes detail plans, 54795
specifications, and information on all facilities. For the 54796
purposes of this section, "adjoining" means sharing a common 54797
boundary, separated only by a public road, or in such proximity 54798
that the director determines that the issuance of a single permit 54799
will not create a hazard to the public health or safety or the 54800
environment. 54801

(G) No person shall falsify or fail to keep or submit any 54802
plans, specifications, data, reports, records, manifests, or other 54803
information required to be kept or submitted to the director by 54804
this chapter or the rules adopted under it. 54805

(H)(1) Each person who holds an installation and operation 54806
permit issued under this section and who wishes to obtain a permit 54807
renewal shall submit a completed application for an installation 54808
and operation permit renewal and any necessary accompanying 54809
general plans, detail plans, specifications, and such information 54810
as the director may require to the director no later than one 54811

hundred eighty days prior to the expiration date of the existing 54812
permit or upon a later date prior to the expiration of the 54813
existing permit if the permittee can demonstrate good cause for 54814
the late submittal. The director shall consider the application 54815
and accompanying information, inspection reports of the facility, 54816
results of performance tests, a report regarding the facility's 54817
compliance or noncompliance with the terms and conditions of its 54818
permit and rules adopted by the director under this chapter, and 54819
such other information as is relevant to the operation of the 54820
facility and shall issue a draft renewal permit or a notice of 54821
intent to deny the renewal permit. The director, in accordance 54822
with rules adopted under this section or with rules adopted to 54823
implement Chapter 3745. of the Revised Code, shall give public 54824
notice of the application and draft renewal permit or notice of 54825
intent to deny the renewal permit, provide for the opportunity for 54826
public comments within a specified time period, schedule a public 54827
meeting in the county in which the facility is located if 54828
significant interest is shown, and give public notice of the 54829
public meeting. 54830

(2) Within sixty days after the public meeting or close of 54831
the public comment period, the director, without prior hearing, 54832
shall issue or deny the renewal permit in accordance with Chapter 54833
3745. of the Revised Code. The director shall not issue a renewal 54834
permit unless the director determines that the facility under the 54835
existing permit has a history of compliance with this chapter, 54836
rules adopted under it, the existing permit, or orders entered to 54837
enforce such requirements that demonstrates sufficient 54838
reliability, expertise, and competency to operate the facility 54839
henceforth under this chapter, rules adopted under it, and the 54840
renewal permit. If the director approves an application for a 54841
renewal permit, the director shall issue the permit subject to the 54842
payment of the annual permit fee required under division (E) of 54843
section 3734.02 of the Revised Code and upon such terms and 54844

conditions as the director finds are reasonable to ensure that 54845
continued operation, maintenance, closure, and post-closure care 54846
of the hazardous waste facility are in accordance with the rules 54847
adopted under section 3734.12 of the Revised Code. 54848

(3) An installation and operation permit renewal application 54849
submitted to the director that also contains or would constitute 54850
an application for a modification shall be acted upon by the 54851
director in accordance with division (I) of this section in the 54852
same manner as an application for a modification. In approving or 54853
disapproving the renewal portion of a permit renewal application 54854
containing an application for a modification, the director shall 54855
apply the criteria established under division (H)(2) of this 54856
section. 54857

(4) An application for renewal or modification of a permit 54858
that does not contain an application for a modification as 54859
described in divisions (I)(3)(a) to (d) of this section shall not 54860
be subject to division (D)(2) of this section. 54861

(I)(1) As used in this section, "modification" means a change 54862
or alteration to a hazardous waste facility or its operations that 54863
is inconsistent with or not authorized by its existing permit or 54864
authorization to operate. Modifications shall be classified as 54865
Class 1, 2, or 3 modifications in accordance with rules adopted 54866
under division (K) of this section. Modifications classified as 54867
Class 3 modifications, in accordance with rules adopted under that 54868
division, shall be further classified by the director as either 54869
Class 3 modifications that are to be approved or disapproved by 54870
the director under divisions (I)(3)(a) to (d) of this section or 54871
as Class 3 modifications that are to be approved or disapproved by 54872
the director under division (I)(5) of this section. Not later than 54873
thirty days after receiving a request for a modification under 54874
division (I)(4) of this section that is not listed in Appendix I 54875
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 54876

section, the director shall classify the modification and shall 54877
notify the owner or operator of the facility requesting the 54878
modification of the classification. Notwithstanding any other law 54879
to the contrary, any modification that involves the transfer of a 54880
hazardous waste facility installation and operation permit to a 54881
new owner or operator for an off-site facility as defined in 54882
section 3734.41 of the Revised Code shall be classified as a Class 54883
3 modification. The transfer of a hazardous waste facility 54884
installation and operation permit to a new owner or operator for a 54885
facility that is not an off-site facility shall be classified as a 54886
Class 1 modification requiring prior approval of the director. 54887

(2) Except as provided in section 3734.123 of the Revised 54888
Code, a hazardous waste facility installation and operation permit 54889
may be modified at the request of the director or upon the written 54890
request of the permittee only if any of the following applies: 54891

(a) The permittee desires to accomplish alterations, 54892
additions, or deletions to the permitted facility or to undertake 54893
alterations, additions, deletions, or activities that are 54894
inconsistent with or not authorized by the existing permit; 54895

(b) New information or data justify permit conditions in 54896
addition to or different from those in the existing permit; 54897

(c) The standards, criteria, or rules upon which the existing 54898
permit is based have been changed by new, amended, or rescinded 54899
standards, criteria, or rules, or by judicial decision after the 54900
existing permit was issued, and the change justifies permit 54901
conditions in addition to or different from those in the existing 54902
permit; 54903

(d) The permittee proposes to transfer the permit to another 54904
person. 54905

(3) The director shall approve or disapprove an application 54906
for a modification in accordance with division (D)(2) of this 54907

section and rules adopted under division (K) of this section for 54908
all of the following categories of Class 3 modifications: 54909

(a) Authority to conduct treatment, storage, or disposal at a 54910
site, location, or tract of land that has not been authorized for 54911
the proposed category of treatment, storage, or disposal activity 54912
by the facility's permit; 54913

(b) Modification or addition of a hazardous waste management 54914
unit, as defined in rules adopted under section 3734.12 of the 54915
Revised Code, that results in an increase in a facility's storage 54916
capacity of more than twenty-five per cent over the capacity 54917
authorized by the facility's permit, an increase in a facility's 54918
treatment rate of more than twenty-five per cent over the rate so 54919
authorized, or an increase in a facility's disposal capacity over 54920
the capacity so authorized. The authorized disposal capacity for a 54921
facility shall be calculated from the approved design plans for 54922
the disposal units at that facility. In no case during a five-year 54923
period shall a facility's storage capacity or treatment rate be 54924
modified to increase by more than twenty-five per cent in the 54925
aggregate without the director's approval in accordance with 54926
division (D)(2) of this section. Notwithstanding any provision of 54927
division (I) of this section to the contrary, a request for 54928
modification of a facility's annual total waste receipt limit 54929
shall be classified and approved or disapproved by the director 54930
under division (I)(5) of this section. 54931

(c) Authority to add any of the following categories of 54932
regulated activities not previously authorized at a facility by 54933
the facility's permit: storage at a facility not previously 54934
authorized to store hazardous waste, treatment at a facility not 54935
previously authorized to treat hazardous waste, or disposal at a 54936
facility not previously authorized to dispose of hazardous waste; 54937
or authority to add a category of hazardous waste management unit 54938
not previously authorized at the facility by the facility's 54939

permit. Notwithstanding any provision of division (I) of this 54940
section to the contrary, a request for authority to add or to 54941
modify an activity or a hazardous waste management unit for the 54942
purposes of performing a corrective action shall be classified and 54943
approved or disapproved by the director under division (I)(5) of 54944
this section. 54945

(d) Authority to treat, store, or dispose of waste types 54946
listed or characterized as reactive or explosive, in rules adopted 54947
under section 3734.12 of the Revised Code, or any acute hazardous 54948
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 54949
previously authorized to treat, store, or dispose of those types 54950
of wastes by the facility's permit unless the requested authority 54951
is limited to wastes that no longer exhibit characteristics 54952
meeting the criteria for listing or characterization as reactive 54953
or explosive wastes, or for listing as acute hazardous waste, but 54954
still are required to carry those waste codes as established in 54955
rules adopted under section 3734.12 of the Revised Code because of 54956
the requirements established in 40 C.F.R. 261(a) and (e), as 54957
amended, that is, the "mixture," "derived-from," or "contained-in" 54958
regulations. 54959

(4) A written request for a modification from the permittee 54960
shall be submitted to the director and shall contain such 54961
information as is necessary to support the request. Requests for 54962
modifications shall be acted upon by the director in accordance 54963
with this section and rules adopted under it. 54964

(5) Class 1 modification applications that require prior 54965
approval of the director, as provided in division (I)(1) of this 54966
section or as determined in accordance with rules adopted under 54967
division (K) of this section, Class 2 modification applications, 54968
and Class 3 modification applications that are not described in 54969
divisions (I)(3)(a) to (d) of this section shall be approved or 54970
disapproved by the director in accordance with rules adopted under 54971

division (K) of this section. The board of county commissioners of 54972
the county, the board of township trustees of the township, and 54973
the city manager or mayor of the municipal corporation in which a 54974
hazardous waste facility is located shall receive notification of 54975
any application for a modification for that facility and shall be 54976
considered as interested persons with respect to the director's 54977
consideration of the application. 54978

~~For those modification applications for a transfer of a 54979
permit to a new owner or operator of a facility, the director also 54980
shall determine that, if the transferee owner or operator has been 54981
involved in any prior activity involving the transportation, 54982
treatment, storage, or disposal of hazardous waste, the transferee 54983
owner or operator has a history of compliance with this chapter 54984
and Chapters 3704. and 6111. of the Revised Code and all rules and 54985
standards adopted under them, the "Resource Conservation and 54986
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 54987
amended, and all regulations adopted under it, and similar laws 54988
and rules of another state if the transferee owner or operator 54989
owns or operates a facility in that state, that demonstrates 54990
sufficient reliability, expertise, and competency to operate a 54991
hazardous waste facility under this chapter and Chapters 3704. and 54992
6111. of the Revised Code, all rules and standards adopted under 54993
them, and terms and conditions of a hazardous waste facility 54994
installation and operation permit, given the potential for harm to 54995
the public health and safety and the environment that could result 54996
from the irresponsible operation of the facility. A permit may be 54997
transferred to a new owner or operator only pursuant to a Class 3 54998
permit modification. 54999~~

~~As used in division (I)(5) of this section: 55000~~

~~(a) "Owner" means the person who owns a majority or 55001
controlling interest in a facility. 55002~~

~~(b) "Operator" means the person who is responsible for the 55003~~

~~overall operation of a facility.~~ 55004

The director shall approve or disapprove an application for a 55005
Class 1 modification that requires the director's approval within 55006
sixty days after receiving the request for modification. The 55007
director shall approve or disapprove an application for a Class 2 55008
modification within three hundred days after receiving the request 55009
for modification. The director shall approve or disapprove an 55010
application for a Class 3 modification within three hundred 55011
sixty-five days after receiving the request for modification. 55012

(6) The approval or disapproval by the director of a Class 1 55013
modification application is not a final action that is appealable 55014
under Chapter 3745. of the Revised Code. The approval or 55015
disapproval by the director of a Class 2 modification or a Class 3 55016
modification is a final action that is appealable under that 55017
chapter. In approving or disapproving a request for a 55018
modification, the director shall consider all comments pertaining 55019
to the request that are received during the public comment period 55020
and the public meetings. The administrative record for appeal of a 55021
final action by the director in approving or disapproving a 55022
request for a modification shall include all comments received 55023
during the public comment period relating to the request for 55024
modification, written materials submitted at the public meetings 55025
relating to the request, and any other documents related to the 55026
director's action. 55027

(7) Notwithstanding any other provision of law to the 55028
contrary, a change or alteration to a hazardous waste facility 55029
described in division (E)(3)(a) or (b) of section 3734.02 of the 55030
Revised Code, or its operations, is a modification for the 55031
purposes of this section. An application for a modification at 55032
such a facility shall be submitted, classified, and approved or 55033
disapproved in accordance with divisions (I)(1) to (6) of this 55034
section in the same manner as a modification to a hazardous waste 55035

facility installation and operation permit. 55036

(J)(1) Except as provided in division (J)(2) of this section, 55037
an owner or operator of a hazardous waste facility that is 55038
operating in accordance with a permit by rule under rules adopted 55039
by the director under division (E)(3)(b) of section 3734.02 of the 55040
Revised Code shall submit either a hazardous waste facility 55041
installation and operation permit application for the facility or 55042
a modification application, whichever is required under division 55043
(J)(1)(a) or (b) of this section, within one hundred eighty days 55044
after the director has requested the application or upon a later 55045
date if the owner or operator demonstrates to the director good 55046
cause for the late submittal. 55047

(a) If the owner or operator does not have a hazardous waste 55048
facility installation and operation permit for any hazardous waste 55049
treatment, storage, or disposal activities at the facility, the 55050
owner or operator shall submit an application for such a permit to 55051
the director for the activities authorized by the permit by rule. 55052
Notwithstanding any other provision of law to the contrary, the 55053
director shall approve or disapprove the application for the 55054
permit in accordance with the procedures governing the approval or 55055
disapproval of permit renewals under division (H) of this section. 55056

(b) If the owner or operator has a hazardous waste facility 55057
installation and operation permit for hazardous waste treatment, 55058
storage, or disposal activities at the facility other than those 55059
authorized by the permit by rule, the owner or operator shall 55060
submit to the director a request for modification in accordance 55061
with division (I) of this section. Notwithstanding any other 55062
provision of law to the contrary, the director shall approve or 55063
disapprove the modification application in accordance with 55064
division (I)(5) of this section. 55065

(2) The owner or operator of a boiler or industrial furnace 55066
that is conducting thermal treatment activities in accordance with 55067

a permit by rule under rules adopted by the director under 55068
division (E)(3)(b) of section 3734.02 of the Revised Code shall 55069
submit a hazardous waste facility installation and operation 55070
permit application if the owner or operator does not have such a 55071
permit for any hazardous waste treatment, storage, or disposal 55072
activities at the facility or, if the owner or operator has such a 55073
permit for hazardous waste treatment, storage, or disposal 55074
activities at the facility other than thermal treatment activities 55075
authorized by the permit by rule, a modification application to 55076
add those activities authorized by the permit by rule, whichever 55077
is applicable, within one hundred eighty days after the director 55078
has requested the submission of the application or upon a later 55079
date if the owner or operator demonstrates to the director good 55080
cause for the late submittal. The application shall be accompanied 55081
by information necessary to support the request. The director 55082
shall approve or disapprove an application for a hazardous waste 55083
facility installation and operation permit in accordance with 55084
division (D) of this section and approve or disapprove an 55085
application for a modification in accordance with division (I)(3) 55086
of this section, except that the director shall not disapprove an 55087
application for the thermal treatment activities on the basis of 55088
the criteria set forth in division (D)(2)(g) or (h) of this 55089
section. 55090

(3) As used in division (J) of this section: 55091

(a) "Modification application" means a request for a 55092
modification submitted in accordance with division (I) of this 55093
section. 55094

(b) "Thermal treatment," "boiler," and "industrial furnace" 55095
have the same meanings as in rules adopted under section 3734.12 55096
of the Revised Code. 55097

(K) The director shall adopt, and may amend, suspend, or 55098
rescind, rules in accordance with Chapter 119. of the Revised Code 55099

in order to implement divisions (H) and (I) of this section. 55100
Except when in actual conflict with this section, rules governing 55101
the classification of and procedures for the modification of 55102
hazardous waste facility installation and operation permits shall 55103
be substantively and procedurally identical to the regulations 55104
governing hazardous waste facility permitting and permit 55105
modifications adopted under the "Resource Conservation and 55106
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 55107
amended. 55108

Sec. 3734.28. ~~All~~ Except as otherwise provided in section 55109
3734.282 of the Revised Code, moneys collected under sections 55110
3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the 55111
Revised Code and ~~natural resource damages collected by the state~~ 55112
under the "Comprehensive Environmental Response, Compensation, and 55113
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 55114
amended, shall be paid into the state treasury to the credit of 55115
the hazardous waste clean-up fund, which is hereby created. In 55116
addition, any moneys recovered for costs paid from the fund for 55117
activities described in ~~division~~ divisions (A)(1) and (2) of 55118
section 3745.12 of the Revised Code shall be credited to the fund. 55119
The environmental protection agency shall use the moneys in the 55120
fund for the purposes set forth in division (D) of section 55121
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 55122
3734.26, and 3734.27, ~~and, through October 15, 2005,~~ divisions 55123
(A)(1) and (2) of section 3745.12, and Chapter 3746. of the 55124
Revised Code, including any related enforcement expenses. In 55125
addition, the agency shall use the moneys in the fund to pay the 55126
state's long-term operation and maintenance costs or matching 55127
share for actions taken under the "Comprehensive Environmental 55128
Response, Compensation, and Liability Act of 1980," as amended. If 55129
those moneys are reimbursed by grants or other moneys from the 55130
United States or any other person, the moneys shall be placed in 55131

the fund and not in the general revenue fund. 55132

The director of environmental protection may enter into 55133
contracts and grant agreements with federal, state, or local 55134
government agencies, nonprofit organizations, and colleges and 55135
universities for the purpose of carrying out the responsibilities 55136
of the environmental protection agency for which money may be 55137
expended from the fund. 55138

Sec. 3734.281. ~~Notwithstanding any provision of law to the~~ 55139
~~contrary, any moneys set aside by the state for the cleanup and~~ 55140
~~remediation of the Ashtabula river; any~~ Except as otherwise 55141
provided in section 3734.282 of the Revised Code, moneys collected 55142
from judgements for the state or settlements ~~made by~~ with the 55143
director of environmental protection, including those associated 55144
with bankruptcies, related to actions brought under Chapter 3714. 55145
and section 3734.13, 3734.20, 3734.22, 6111.03, or 6111.04 of the 55146
Revised Code; and ~~any~~ moneys received under the "Comprehensive 55147
Environmental Response, Compensation, and Liability Act of 1980," 55148
94 Stat. 2767, 42 U.S.C. ~~9602~~ 9601 et seq., as amended, may be 55149
paid into the state treasury to the credit of the environmental 55150
protection remediation fund, which is hereby created. The 55151
environmental protection agency shall use the moneys in the fund 55152
only for the purpose of remediating conditions at a hazardous 55153
waste facility, a solid waste facility, a construction and 55154
demolition debris facility licensed under Chapter 3714. of the 55155
Revised Code, or another location at which the director has reason 55156
to believe there is a substantial threat to public health or 55157
safety or the environment. Remediation may include the direct and 55158
indirect costs associated with the overseeing, supervising, 55159
performing, verifying, or reviewing of remediation activities by 55160
agency employees. All investment earnings of the fund shall be 55161
credited to the fund. 55162

The director of environmental protection may enter into contracts and grant agreements with federal, state, or local government agencies, nonprofit organizations, and colleges and universities for the purpose of carrying out the responsibilities of the environmental protection agency for which money may be expended from the fund.

Sec. 3734.282. All money collected by the state for natural resources damages under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601 et seq., as amended, the "Oil Pollution Act of 1990," 104 Stat. 484, 33 U.S.C. 2701 et seq., as amended, the "Clean Water Act," 86 Stat. 862, 33 U.S.C. 1321, as amended, or any other applicable federal or state law shall be paid into the state treasury to the credit of the natural resource damages fund, which is hereby created. The director of environmental protection shall use money in the fund only in accordance with the purposes of and the limitations on natural resources damages set forth in the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," as amended, the "Oil Pollution Act of 1990," as amended, the "Clean Water Act," as amended, or another applicable federal or state law. All investment earnings of the fund shall be credited to the fund.

The director of environmental protection may enter into contracts and grant agreements with federal, state, or local government agencies, nonprofit organizations, and colleges and universities for the purpose of carrying out the director's responsibilities for which money may be expended from the fund.

Sec. 3734.57. (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state:

(1) One dollar per ton on and after July 1, 2003, through

June 30, ~~2010~~ 2012, one-half of the proceeds of which shall be 55193
deposited in the state treasury to the credit of the hazardous 55194
waste facility management fund created in section 3734.18 of the 55195
Revised Code and one-half of the proceeds of which shall be 55196
deposited in the state treasury to the credit of the hazardous 55197
waste clean-up fund created in section 3734.28 of the Revised 55198
Code; 55199

(2) An additional one dollar per ton on and after July 1, 55200
2003, through June 30, ~~2010~~ 2012, the proceeds of which shall be 55201
deposited in the state treasury to the credit of the solid waste 55202
fund, which is hereby created. The environmental protection agency 55203
shall use money in the solid waste fund to pay the costs of 55204
administering and enforcing the laws pertaining to solid wastes, 55205
infectious wastes, and construction and demolition debris, 55206
including, without limitation, ground water evaluations related to 55207
solid wastes, infectious wastes, and construction and demolition 55208
debris, under this chapter and Chapter 3714. of the Revised Code 55209
and any rules adopted under them, providing compliance assistance 55210
to small businesses, and paying a share of the administrative 55211
costs of the environmental protection agency pursuant to section 55212
3745.014 of the Revised Code. 55213

(3) An additional one dollar and fifty cents per ton on and 55214
after July 1, 2005, through June 30, ~~2010~~ 2012, the proceeds of 55215
which shall be deposited in the state treasury to the credit of 55216
the environmental protection fund created in section 3745.015 of 55217
the Revised Code . 55218

In the case of solid wastes that are taken to a solid waste 55219
transfer facility located in this state prior to being transported 55220
for disposal at a solid waste disposal facility located in this 55221
state or outside of this state, the fees levied under this 55222
division shall be collected by the owner or operator of the 55223
transfer facility as a trustee for the state. The amount of fees 55224

required to be collected under this division at such a transfer 55225
facility shall equal the total tonnage of solid wastes received at 55226
the facility multiplied by the fees levied under this division. In 55227
the case of solid wastes that are not taken to a solid waste 55228
transfer facility located in this state prior to being transported 55229
to a solid waste disposal facility, the fees shall be collected by 55230
the owner or operator of the solid waste disposal facility as a 55231
trustee for the state. The amount of fees required to be collected 55232
under this division at such a disposal facility shall equal the 55233
total tonnage of solid wastes received at the facility that was 55234
not previously taken to a solid waste transfer facility located in 55235
this state multiplied by the fees levied under this division. Fees 55236
levied under this division do not apply to materials separated 55237
from a mixed waste stream for recycling by a generator or 55238
materials removed from the solid waste stream through recycling, 55239
as "recycling" is defined in rules adopted under section 3734.02 55240
of the Revised Code. 55241

The owner or operator of a solid waste transfer facility or 55242
disposal facility, as applicable, shall prepare and file with the 55243
director of environmental protection each month a return 55244
indicating the total tonnage of solid wastes received at the 55245
facility during that month and the total amount of the fees 55246
required to be collected under this division during that month. In 55247
addition, the owner or operator of a solid waste disposal facility 55248
shall indicate on the return the total tonnage of solid wastes 55249
received from transfer facilities located in this state during 55250
that month for which the fees were required to be collected by the 55251
transfer facilities. The monthly returns shall be filed on a form 55252
prescribed by the director. Not later than thirty days after the 55253
last day of the month to which a return applies, the owner or 55254
operator shall mail to the director the return for that month 55255
together with the fees required to be collected under this 55256
division during that month as indicated on the return or may 55257

submit the return and fees electronically in a manner approved by 55258
the director. If the return is filed and the amount of the fees 55259
due is paid in a timely manner as required in this division, the 55260
owner or operator may retain a discount of three-fourths of one 55261
per cent of the total amount of the fees that are required to be 55262
paid as indicated on the return. 55263

The owner or operator may request an extension of not more 55264
than thirty days for filing the return and remitting the fees, 55265
provided that the owner or operator has submitted such a request 55266
in writing to the director together with a detailed description of 55267
why the extension is requested, the director has received the 55268
request not later than the day on which the return is required to 55269
be filed, and the director has approved the request. If the fees 55270
are not remitted within thirty days after the last day of the 55271
month to which the return applies or are not remitted by the last 55272
day of an extension approved by the director, the owner or 55273
operator shall not retain the three-fourths of one per cent 55274
discount and shall pay an additional ten per cent of the amount of 55275
the fees for each month that they are late. For purposes of 55276
calculating the late fee, the first month in which fees are late 55277
begins on the first day after the deadline has passed for timely 55278
submitting the return and fees, and one additional month shall be 55279
counted every thirty days thereafter. 55280

The owner or operator of a solid waste facility may request a 55281
refund or credit of fees levied under this division and remitted 55282
to the director that have not been paid to the owner or operator. 55283
Such a request shall be made only if the fees have not been 55284
collected by the owner or operator, have become a debt that has 55285
become worthless or uncollectable for a period of six months or 55286
more, and may be claimed as a deduction, including a deduction 55287
claimed if the owner or operator keeps accounts on an accrual 55288
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 55289

U.S.C. 166, as amended, and regulations adopted under it. Prior to 55290
making a request for a refund or credit, an owner or operator 55291
shall make reasonable efforts to collect the applicable fees. A 55292
request for a refund or credit shall not include any costs 55293
resulting from those efforts to collect unpaid fees. 55294

A request for a refund or credit of fees shall be made in 55295
writing, on a form prescribed by the director, and shall be 55296
supported by evidence that may be required in rules adopted by the 55297
director under this chapter. After reviewing the request, and if 55298
the request and evidence submitted with the request indicate that 55299
a refund or credit is warranted, the director shall grant a refund 55300
to the owner or operator or shall permit a credit to be taken by 55301
the owner or operator on a subsequent monthly return submitted by 55302
the owner or operator. The amount of a refund or credit shall not 55303
exceed an amount that is equal to ninety days' worth of fees owed 55304
to an owner or operator by a particular debtor of the owner or 55305
operator. A refund or credit shall not be granted by the director 55306
to an owner or operator more than once in any twelve-month period 55307
for fees owed to the owner or operator by a particular debtor. 55308

If, after receiving a refund or credit from the director, an 55309
owner or operator receives payment of all or part of the fees, the 55310
owner or operator shall remit the fees with the next monthly 55311
return submitted to the director together with a written 55312
explanation of the reason for the submittal. 55313

For purposes of computing the fees levied under this division 55314
or division (B) of this section, any solid waste transfer or 55315
disposal facility that does not use scales as a means of 55316
determining gate receipts shall use a conversion factor of three 55317
cubic yards per ton of solid waste or one cubic yard per ton for 55318
baled waste, as applicable. 55319

The fees levied under this division and divisions (B) and (C) 55320
of this section are in addition to all other applicable fees and 55321

taxes and shall be paid by the customer or a political subdivision 55322
to the owner or operator of a solid waste transfer or disposal 55323
facility. In the alternative, the fees shall be paid by a customer 55324
or political subdivision to a transporter of waste who 55325
subsequently transfers the fees to the owner or operator of such a 55326
facility. The fees shall be paid notwithstanding the existence of 55327
any provision in a contract that the customer or a political 55328
subdivision may have with the owner or operator or with a 55329
transporter of waste to the facility that would not require or 55330
allow such payment regardless of whether the contract was entered 55331
prior to or after the effective date of this amendment. For those 55332
purposes, "customer" means a person who contracts with, or 55333
utilizes the solid waste services of, the owner or operator of a 55334
solid waste transfer or disposal facility or a transporter of 55335
solid waste to such a facility. 55336

(B) For the purposes specified in division (G) of this 55337
section, the solid waste management policy committee of a county 55338
or joint solid waste management district may levy fees upon the 55339
following activities: 55340

(1) The disposal at a solid waste disposal facility located 55341
in the district of solid wastes generated within the district; 55342

(2) The disposal at a solid waste disposal facility within 55343
the district of solid wastes generated outside the boundaries of 55344
the district, but inside this state; 55345

(3) The disposal at a solid waste disposal facility within 55346
the district of solid wastes generated outside the boundaries of 55347
this state. 55348

The solid waste management plan of the county or joint 55349
district approved under section 3734.521 or 3734.55 of the Revised 55350
Code and any amendments to it, or the resolution adopted under 55351
this division, as appropriate, shall establish the rates of the 55352

fees levied under divisions (B)(1), (2), and (3) of this section, 55353
if any, and shall specify whether the fees are levied on the basis 55354
of tons or cubic yards as the unit of measurement. A solid waste 55355
management district that levies fees under this division on the 55356
basis of cubic yards shall do so in accordance with division (A) 55357
of this section. 55358

The fee levied under division (B)(1) of this section shall be 55359
not less than one dollar per ton nor more than two dollars per 55360
ton, the fee levied under division (B)(2) of this section shall be 55361
not less than two dollars per ton nor more than four dollars per 55362
ton, and the fee levied under division (B)(3) of this section 55363
shall be not more than the fee levied under division (B)(1) of 55364
this section. 55365

Prior to the approval of the solid waste management plan of a 55366
district under section 3734.55 of the Revised Code, the solid 55367
waste management policy committee of a district may levy fees 55368
under this division by adopting a resolution establishing the 55369
proposed amount of the fees. Upon adopting the resolution, the 55370
committee shall deliver a copy of the resolution to the board of 55371
county commissioners of each county forming the district and to 55372
the legislative authority of each municipal corporation and 55373
township under the jurisdiction of the district and shall prepare 55374
and publish the resolution and a notice of the time and location 55375
where a public hearing on the fees will be held. Upon adopting the 55376
resolution, the committee shall deliver written notice of the 55377
adoption of the resolution; of the amount of the proposed fees; 55378
and of the date, time, and location of the public hearing to the 55379
director and to the fifty industrial, commercial, or institutional 55380
generators of solid wastes within the district that generate the 55381
largest quantities of solid wastes, as determined by the 55382
committee, and to their local trade associations. The committee 55383
shall make good faith efforts to identify those generators within 55384

the district and their local trade associations, but the 55385
nonprovision of notice under this division to a particular 55386
generator or local trade association does not invalidate the 55387
proceedings under this division. The publication shall occur at 55388
least thirty days before the hearing. After the hearing, the 55389
committee may make such revisions to the proposed fees as it 55390
considers appropriate and thereafter, by resolution, shall adopt 55391
the revised fee schedule. Upon adopting the revised fee schedule, 55392
the committee shall deliver a copy of the resolution doing so to 55393
the board of county commissioners of each county forming the 55394
district and to the legislative authority of each municipal 55395
corporation and township under the jurisdiction of the district. 55396
Within sixty days after the delivery of a copy of the resolution 55397
adopting the proposed revised fees by the policy committee, each 55398
such board and legislative authority, by ordinance or resolution, 55399
shall approve or disapprove the revised fees and deliver a copy of 55400
the ordinance or resolution to the committee. If any such board or 55401
legislative authority fails to adopt and deliver to the policy 55402
committee an ordinance or resolution approving or disapproving the 55403
revised fees within sixty days after the policy committee 55404
delivered its resolution adopting the proposed revised fees, it 55405
shall be conclusively presumed that the board or legislative 55406
authority has approved the proposed revised fees. The committee 55407
shall determine if the resolution has been ratified in the same 55408
manner in which it determines if a draft solid waste management 55409
plan has been ratified under division (B) of section 3734.55 of 55410
the Revised Code. 55411

The committee may amend the schedule of fees levied pursuant 55412
to a resolution adopted and ratified under this division by 55413
adopting a resolution establishing the proposed amount of the 55414
amended fees. The committee may repeal the fees levied pursuant to 55415
such a resolution by adopting a resolution proposing to repeal 55416
them. Upon adopting such a resolution, the committee shall proceed 55417

to obtain ratification of the resolution in accordance with this 55418
division. 55419

Not later than fourteen days after declaring the new fees to 55420
be ratified or the fees to be repealed under this division, the 55421
committee shall notify by certified mail the owner or operator of 55422
each solid waste disposal facility that is required to collect the 55423
fees of the ratification and the amount of the fees or of the 55424
repeal of the fees. Collection of any fees shall commence or 55425
collection of repealed fees shall cease on the first day of the 55426
second month following the month in which notification is sent to 55427
the owner or operator. 55428

Fees levied under this division also may be established, 55429
amended, or repealed by a solid waste management policy committee 55430
through the adoption of a new district solid waste management 55431
plan, the adoption of an amended plan, or the amendment of the 55432
plan or amended plan in accordance with sections 3734.55 and 55433
3734.56 of the Revised Code or the adoption or amendment of a 55434
district plan in connection with a change in district composition 55435
under section 3734.521 of the Revised Code. 55436

Not later than fourteen days after the director issues an 55437
order approving a district's solid waste management plan, amended 55438
plan, or amendment to a plan or amended plan that establishes, 55439
amends, or repeals a schedule of fees levied by the district, the 55440
committee shall notify by certified mail the owner or operator of 55441
each solid waste disposal facility that is required to collect the 55442
fees of the approval of the plan or amended plan, or the amendment 55443
to the plan, as appropriate, and the amount of the fees, if any. 55444
In the case of an initial or amended plan approved under section 55445
3734.521 of the Revised Code in connection with a change in 55446
district composition, other than one involving the withdrawal of a 55447
county from a joint district, the committee, within fourteen days 55448
after the change takes effect pursuant to division (G) of that 55449

section, shall notify by certified mail the owner or operator of 55450
each solid waste disposal facility that is required to collect the 55451
fees that the change has taken effect and of the amount of the 55452
fees, if any. Collection of any fees shall commence or collection 55453
of repealed fees shall cease on the first day of the second month 55454
following the month in which notification is sent to the owner or 55455
operator. 55456

If, in the case of a change in district composition involving 55457
the withdrawal of a county from a joint district, the director 55458
completes the actions required under division (G)(1) or (3) of 55459
section 3734.521 of the Revised Code, as appropriate, forty-five 55460
days or more before the beginning of a calendar year, the policy 55461
committee of each of the districts resulting from the change that 55462
obtained the director's approval of an initial or amended plan in 55463
connection with the change, within fourteen days after the 55464
director's completion of the required actions, shall notify by 55465
certified mail the owner or operator of each solid waste disposal 55466
facility that is required to collect the district's fees that the 55467
change is to take effect on the first day of January immediately 55468
following the issuance of the notice and of the amount of the fees 55469
or amended fees levied under divisions (B)(1) to (3) of this 55470
section pursuant to the district's initial or amended plan as so 55471
approved or, if appropriate, the repeal of the district's fees by 55472
that initial or amended plan. Collection of any fees set forth in 55473
such a plan or amended plan shall commence on the first day of 55474
January immediately following the issuance of the notice. If such 55475
an initial or amended plan repeals a schedule of fees, collection 55476
of the fees shall cease on that first day of January. 55477

If, in the case of a change in district composition involving 55478
the withdrawal of a county from a joint district, the director 55479
completes the actions required under division (G)(1) or (3) of 55480
section 3734.521 of the Revised Code, as appropriate, less than 55481

forty-five days before the beginning of a calendar year, the 55482
director, on behalf of each of the districts resulting from the 55483
change that obtained the director's approval of an initial or 55484
amended plan in connection with the change proceedings, shall 55485
notify by certified mail the owner or operator of each solid waste 55486
disposal facility that is required to collect the district's fees 55487
that the change is to take effect on the first day of January 55488
immediately following the mailing of the notice and of the amount 55489
of the fees or amended fees levied under divisions (B)(1) to (3) 55490
of this section pursuant to the district's initial or amended plan 55491
as so approved or, if appropriate, the repeal of the district's 55492
fees by that initial or amended plan. Collection of any fees set 55493
forth in such a plan or amended plan shall commence on the first 55494
day of the second month following the month in which notification 55495
is sent to the owner or operator. If such an initial or amended 55496
plan repeals a schedule of fees, collection of the fees shall 55497
cease on the first day of the second month following the month in 55498
which notification is sent to the owner or operator. 55499

If the schedule of fees that a solid waste management 55500
district is levying under divisions (B)(1) to (3) of this section 55501
is amended or repealed, the fees in effect immediately prior to 55502
the amendment or repeal shall continue to be collected until 55503
collection of the amended fees commences or collection of the 55504
repealed fees ceases, as applicable, as specified in this 55505
division. In the case of a change in district composition, money 55506
so received from the collection of the fees of the former 55507
districts shall be divided among the resulting districts in 55508
accordance with division (B) of section 343.012 of the Revised 55509
Code and the agreements entered into under division (B) of section 55510
343.01 of the Revised Code to establish the former and resulting 55511
districts and any amendments to those agreements. 55512

For the purposes of the provisions of division (B) of this 55513

section establishing the times when newly established or amended 55514
fees levied by a district are required to commence and the 55515
collection of fees that have been amended or repealed is required 55516
to cease, "fees" or "schedule of fees" includes, in addition to 55517
fees levied under divisions (B)(1) to (3) of this section, those 55518
levied under section 3734.573 or 3734.574 of the Revised Code. 55519

(C) For the purposes of defraying the added costs to a 55520
municipal corporation or township of maintaining roads and other 55521
public facilities and of providing emergency and other public 55522
services, and compensating a municipal corporation or township for 55523
reductions in real property tax revenues due to reductions in real 55524
property valuations resulting from the location and operation of a 55525
solid waste disposal facility within the municipal corporation or 55526
township, a municipal corporation or township in which such a 55527
solid waste disposal facility is located may levy a fee of not 55528
more than twenty-five cents per ton on the disposal of solid 55529
wastes at a solid waste disposal facility located within the 55530
boundaries of the municipal corporation or township regardless of 55531
where the wastes were generated. 55532

The legislative authority of a municipal corporation or 55533
township may levy fees under this division by enacting an 55534
ordinance or adopting a resolution establishing the amount of the 55535
fees. Upon so doing the legislative authority shall mail a 55536
certified copy of the ordinance or resolution to the board of 55537
county commissioners or directors of the county or joint solid 55538
waste management district in which the municipal corporation or 55539
township is located or, if a regional solid waste management 55540
authority has been formed under section 343.011 of the Revised 55541
Code, to the board of trustees of that regional authority, the 55542
owner or operator of each solid waste disposal facility in the 55543
municipal corporation or township that is required to collect the 55544
fee by the ordinance or resolution, and the director of 55545

environmental protection. Although the fees levied under this 55546
division are levied on the basis of tons as the unit of 55547
measurement, the legislative authority, in its ordinance or 55548
resolution levying the fees under this division, may direct that 55549
the fees be levied on the basis of cubic yards as the unit of 55550
measurement based upon a conversion factor of three cubic yards 55551
per ton generally or one cubic yard per ton for baled wastes. 55552

Not later than five days after enacting an ordinance or 55553
adopting a resolution under this division, the legislative 55554
authority shall so notify by certified mail the owner or operator 55555
of each solid waste disposal facility that is required to collect 55556
the fee. Collection of any fee levied on or after March 24, 1992, 55557
shall commence on the first day of the second month following the 55558
month in which notification is sent to the owner or operator. 55559

(D)(1) The fees levied under divisions (A), (B), and (C) of 55560
this section do not apply to the disposal of solid wastes that: 55561

(a) Are disposed of at a facility owned by the generator of 55562
the wastes when the solid waste facility exclusively disposes of 55563
solid wastes generated at one or more premises owned by the 55564
generator regardless of whether the facility is located on a 55565
premises where the wastes are generated; 55566

(b) Are disposed of at facilities that exclusively dispose of 55567
wastes that are generated from the combustion of coal, or from the 55568
combustion of primarily coal in combination with scrap tires, that 55569
is not combined in any way with garbage at one or more premises 55570
owned by the generator. 55571

(2) Except as provided in section 3734.571 of the Revised 55572
Code, any fees levied under division (B)(1) of this section apply 55573
to solid wastes originating outside the boundaries of a county or 55574
joint district that are covered by an agreement for the joint use 55575
of solid waste facilities entered into under section 343.02 of the 55576

Revised Code by the board of county commissioners or board of 55577
directors of the county or joint district where the wastes are 55578
generated and disposed of. 55579

(3) When solid wastes, other than solid wastes that consist 55580
of scrap tires, are burned in a disposal facility that is an 55581
incinerator or energy recovery facility, the fees levied under 55582
divisions (A), (B), and (C) of this section shall be levied upon 55583
the disposal of the fly ash and bottom ash remaining after burning 55584
of the solid wastes and shall be collected by the owner or 55585
operator of the sanitary landfill where the ash is disposed of. 55586

(4) When solid wastes are delivered to a solid waste transfer 55587
facility, the fees levied under divisions (B) and (C) of this 55588
section shall be levied upon the disposal of solid wastes 55589
transported off the premises of the transfer facility for disposal 55590
and shall be collected by the owner or operator of the solid waste 55591
disposal facility where the wastes are disposed of. 55592

(5) The fees levied under divisions (A), (B), and (C) of this 55593
section do not apply to sewage sludge that is generated by a waste 55594
water treatment facility holding a national pollutant discharge 55595
elimination system permit and that is disposed of through 55596
incineration, land application, or composting or at another 55597
resource recovery or disposal facility that is not a landfill. 55598

(6) The fees levied under divisions (A), (B), and (C) of this 55599
section do not apply to solid wastes delivered to a solid waste 55600
composting facility for processing. When any unprocessed solid 55601
waste or compost product is transported off the premises of a 55602
composting facility and disposed of at a landfill, the fees levied 55603
under divisions (A), (B), and (C) of this section shall be 55604
collected by the owner or operator of the landfill where the 55605
unprocessed waste or compost product is disposed of. 55606

(7) When solid wastes that consist of scrap tires are 55607

processed at a scrap tire recovery facility, the fees levied under 55608
divisions (A), (B), and (C) of this section shall be levied upon 55609
the disposal of the fly ash and bottom ash or other solid wastes 55610
remaining after the processing of the scrap tires and shall be 55611
collected by the owner or operator of the solid waste disposal 55612
facility where the ash or other solid wastes are disposed of. 55613

(8) The director of environmental protection may issue an 55614
order exempting from the fees levied under this section solid 55615
wastes, including, but not limited to, scrap tires, that are 55616
generated, transferred, or disposed of as a result of a contract 55617
providing for the expenditure of public funds entered into by the 55618
administrator or regional administrator of the United States 55619
environmental protection agency, the director of environmental 55620
protection, or the director of administrative services on behalf 55621
of the director of environmental protection for the purpose of 55622
remediating conditions at a hazardous waste facility, solid waste 55623
facility, or other location at which the administrator or regional 55624
administrator or the director of environmental protection has 55625
reason to believe that there is a substantial threat to public 55626
health or safety or the environment or that the conditions are 55627
causing or contributing to air or water pollution or soil 55628
contamination. An order issued by the director of environmental 55629
protection under division (D)(8) of this section shall include a 55630
determination that the amount of the fees not received by a solid 55631
waste management district as a result of the order will not 55632
adversely impact the implementation and financing of the 55633
district's approved solid waste management plan and any approved 55634
amendments to the plan. Such an order is a final action of the 55635
director of environmental protection. 55636

(E) The fees levied under divisions (B) and (C) of this 55637
section shall be collected by the owner or operator of the solid 55638
waste disposal facility where the wastes are disposed of as a 55639

trustee for the county or joint district and municipal corporation 55640
or township where the wastes are disposed of. Moneys from the fees 55641
levied under division (B) of this section shall be forwarded to 55642
the board of county commissioners or board of directors of the 55643
district in accordance with rules adopted under division (H) of 55644
this section. Moneys from the fees levied under division (C) of 55645
this section shall be forwarded to the treasurer or such other 55646
officer of the municipal corporation as, by virtue of the charter, 55647
has the duties of the treasurer or to the fiscal officer of the 55648
township, as appropriate, in accordance with those rules. 55649

(F) Moneys received by the treasurer or other officer of the 55650
municipal corporation under division (E) of this section shall be 55651
paid into the general fund of the municipal corporation. Moneys 55652
received by the fiscal officer of the township under that division 55653
shall be paid into the general fund of the township. The treasurer 55654
or other officer of the municipal corporation or the township 55655
fiscal officer, as appropriate, shall maintain separate records of 55656
the moneys received from the fees levied under division (C) of 55657
this section. 55658

(G) Moneys received by the board of county commissioners or 55659
board of directors under division (E) of this section or section 55660
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 55661
shall be paid to the county treasurer, or other official acting in 55662
a similar capacity under a county charter, in a county district or 55663
to the county treasurer or other official designated by the board 55664
of directors in a joint district and kept in a separate and 55665
distinct fund to the credit of the district. If a regional solid 55666
waste management authority has been formed under section 343.011 55667
of the Revised Code, moneys received by the board of trustees of 55668
that regional authority under division (E) of this section shall 55669
be kept by the board in a separate and distinct fund to the credit 55670
of the district. Moneys in the special fund of the county or joint 55671

district arising from the fees levied under division (B) of this 55672
section and the fee levied under division (A) of section 3734.573 55673
of the Revised Code shall be expended by the board of county 55674
commissioners or directors of the district in accordance with the 55675
district's solid waste management plan or amended plan approved 55676
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 55677
exclusively for the following purposes: 55678

(1) Preparation of the solid waste management plan of the 55679
district under section 3734.54 of the Revised Code, monitoring 55680
implementation of the plan, and conducting the periodic review and 55681
amendment of the plan required by section 3734.56 of the Revised 55682
Code by the solid waste management policy committee; 55683

(2) Implementation of the approved solid waste management 55684
plan or amended plan of the district, including, without 55685
limitation, the development and implementation of solid waste 55686
recycling or reduction programs; 55687

(3) Providing financial assistance to boards of health within 55688
the district, if solid waste facilities are located within the 55689
district, for enforcement of this chapter and rules, orders, and 55690
terms and conditions of permits, licenses, and variances adopted 55691
or issued under it, other than the hazardous waste provisions of 55692
this chapter and rules adopted and orders and terms and conditions 55693
of permits issued under those provisions; 55694

(4) Providing financial assistance to each county within the 55695
district to defray the added costs of maintaining roads and other 55696
public facilities and of providing emergency and other public 55697
services resulting from the location and operation of a solid 55698
waste facility within the county under the district's approved 55699
solid waste management plan or amended plan; 55700

(5) Pursuant to contracts entered into with boards of health 55701
within the district, if solid waste facilities contained in the 55702

district's approved plan or amended plan are located within the 55703
district, for paying the costs incurred by those boards of health 55704
for collecting and analyzing samples from public or private water 55705
wells on lands adjacent to those facilities; 55706

(6) Developing and implementing a program for the inspection 55707
of solid wastes generated outside the boundaries of this state 55708
that are disposed of at solid waste facilities included in the 55709
district's approved solid waste management plan or amended plan; 55710

(7) Providing financial assistance to boards of health within 55711
the district for the enforcement of section 3734.03 of the Revised 55712
Code or to local law enforcement agencies having jurisdiction 55713
within the district for enforcing anti-littering laws and 55714
ordinances; 55715

(8) Providing financial assistance to boards of health of 55716
health districts within the district that are on the approved list 55717
under section 3734.08 of the Revised Code to defray the costs to 55718
the health districts for the participation of their employees 55719
responsible for enforcement of the solid waste provisions of this 55720
chapter and rules adopted and orders and terms and conditions of 55721
permits, licenses, and variances issued under those provisions in 55722
the training and certification program as required by rules 55723
adopted under division (L) of section 3734.02 of the Revised Code; 55724

(9) Providing financial assistance to individual municipal 55725
corporations and townships within the district to defray their 55726
added costs of maintaining roads and other public facilities and 55727
of providing emergency and other public services resulting from 55728
the location and operation within their boundaries of a 55729
composting, energy or resource recovery, incineration, or 55730
recycling facility that either is owned by the district or is 55731
furnishing solid waste management facility or recycling services 55732
to the district pursuant to a contract or agreement with the board 55733
of county commissioners or directors of the district; 55734

(10) Payment of any expenses that are agreed to, awarded, or 55735
ordered to be paid under section 3734.35 of the Revised Code and 55736
of any administrative costs incurred pursuant to that section. In 55737
the case of a joint solid waste management district, if the board 55738
of county commissioners of one of the counties in the district is 55739
negotiating on behalf of affected communities, as defined in that 55740
section, in that county, the board shall obtain the approval of 55741
the board of directors of the district in order to expend moneys 55742
for administrative costs incurred. 55743

Prior to the approval of the district's solid waste 55744
management plan under section 3734.55 of the Revised Code, moneys 55745
in the special fund of the district arising from the fees shall be 55746
expended for those purposes in the manner prescribed by the solid 55747
waste management policy committee by resolution. 55748

Notwithstanding division (G)(6) of this section as it existed 55749
prior to October 29, 1993, or any provision in a district's solid 55750
waste management plan prepared in accordance with division 55751
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 55752
prior to that date, any moneys arising from the fees levied under 55753
division (B)(3) of this section prior to January 1, 1994, may be 55754
expended for any of the purposes authorized in divisions (G)(1) to 55755
(10) of this section. 55756

(H) The director shall adopt rules in accordance with Chapter 55757
119. of the Revised Code prescribing procedures for collecting and 55758
forwarding the fees levied under divisions (B) and (C) of this 55759
section to the boards of county commissioners or directors of 55760
county or joint solid waste management districts and to the 55761
treasurers or other officers of municipal corporations and the 55762
fiscal officers of townships. The rules also shall prescribe the 55763
dates for forwarding the fees to the boards and officials and may 55764
prescribe any other requirements the director considers necessary 55765
or appropriate to implement and administer divisions (A), (B), and 55766

(C) of this section. 55767

Sec. 3734.573. (A) For the purposes specified in division (G) 55768
of section 3734.57 of the Revised Code, the solid waste management 55769
policy committee of a county or joint solid waste management 55770
district may levy a fee on the generation of solid wastes within 55771
the district. 55772

The initial or amended solid waste management plan of the 55773
county or joint district approved under section 3734.521, 3734.55, 55774
or 3734.56 of the Revised Code, an amendment to the district's 55775
plan adopted under division (E) of section 3734.56 of the Revised 55776
Code, or the resolution adopted and ratified under division (B) of 55777
this section shall establish the rate of the fee levied under this 55778
division and shall specify whether the fee is levied on the basis 55779
of tons or cubic yards as the unit of measurement. 55780

(B) Prior to the approval under division (A) of section 55781
3734.56 of the Revised Code of the first amended plan that the 55782
district is required to submit for approval under that section, 55783
the approval of an initial plan under section 3734.521 of the 55784
Revised Code, the approval of an amended plan under section 55785
3734.521 or division (D) of section 3734.56 of the Revised Code, 55786
or the amendment of the district's plan under division (E) of 55787
section 3734.56 of the Revised Code, the solid waste management 55788
policy committee of a county or joint district that is operating 55789
under an initial plan approved under section 3734.55 of the 55790
Revised Code, or one for which approval of its initial plan is 55791
pending before the director of environmental protection on October 55792
29, 1993, under section 3734.55 of the Revised Code, may levy a 55793
fee under division (A) of this section by adopting and obtaining 55794
ratification of a resolution establishing the amount of the fee. A 55795
policy committee that, after December 1, 1993, concurrently 55796
proposes to levy a fee under division (A) of this section and to 55797

amend the fees levied by the district under divisions (B)(1) to 55798
(3) of section 3734.57 of the Revised Code may adopt and obtain 55799
ratification of one resolution proposing to do both. The 55800
requirements and procedures set forth in division (B) of section 55801
3734.57 of the Revised Code governing the adoption, amendment, and 55802
repeal of resolutions levying fees under divisions (B)(1) to (3) 55803
of that section, the ratification of those resolutions, and the 55804
notification of owners and operators of solid waste facilities 55805
required to collect fees levied under those divisions govern the 55806
adoption of the resolutions authorized to be adopted under this 55807
division, the ratification thereof, and the notification of owners 55808
and operators required to collect the fees, except as otherwise 55809
specifically provided in division (C) of this section. 55810

55811

(C) Any initial or amended plan of a district adopted under 55812
section 3734.521 or 3734.56 of the Revised Code, or resolution 55813
adopted under division (B) of this section, that proposes to levy 55814
a fee under division (A) of this section that exceeds five dollars 55815
per ton shall be ratified in accordance with the provisions of 55816
section 3734.55 or division (B) of section 3734.57 of the Revised 55817
Code, as applicable, except that such an initial or amended plan 55818
or resolution shall be approved by a combination of municipal 55819
corporations and townships with a combined population within the 55820
boundaries of the district comprising at least seventy-five per 55821
cent, rather than at least sixty per cent, of the total population 55822
of the district. 55823

(D) The policy committee of a county or joint district may 55824
amend the fee levied by the district under division (A) of this 55825
section by adopting and obtaining ratification of a resolution 55826
establishing the amount of the amended fee. The policy committee 55827
may abolish the fee or an amended fee established under this 55828
division by adopting and obtaining ratification of a resolution 55829

proposing to repeal it. The requirements and procedures under 55830
division (B) and, if applicable, division (C) of this section 55831
govern the adoption and ratification of a resolution authorized to 55832
be adopted under this division and the notification of owners and 55833
operators of solid waste facilities required to collect the fees. 55834

(E) Collection of a fee or amended fee levied under division 55835
(A) or (D) of this section shall commence or cease in accordance 55836
with division (B) of section 3734.57 of the Revised Code. If a 55837
district is levying a fee under section 3734.572 of the Revised 55838
Code, collection of that fee shall cease on the date on which 55839
collection of the fee levied under division (A) of this section 55840
commences in accordance with division (B) of section 3734.57 of 55841
the Revised Code. 55842

(F) In the case of solid wastes that are taken to a solid 55843
waste transfer facility prior to being transported to a solid 55844
waste disposal facility for disposal, the fee levied under 55845
division (A) of this section shall be collected by the owner or 55846
operator of the transfer facility as a trustee for the district. 55847
In the case of solid wastes that are not taken to a solid waste 55848
transfer facility prior to being transported to a solid waste 55849
disposal facility, the fee shall be collected by the owner or 55850
operator of the solid waste disposal facility where the wastes are 55851
disposed of. An owner or operator of a solid waste transfer or 55852
disposal facility who is required to collect the fee shall collect 55853
and forward the fee to the district in accordance with section 55854
3734.57 of the Revised Code and rules adopted under division (H) 55855
of that section. 55856

If the owner or operator of a solid waste transfer or 55857
disposal facility who did not receive notice pursuant to division 55858
(B) of this section to collect the fee levied by a district under 55859
division (A) of this section receives solid wastes generated in 55860
the district, the owner or operator, within thirty days after 55861

receiving the wastes, shall send written notice of that fact to 55862
the board of county commissioners or directors of the district. 55863
Within thirty days after receiving such a notice, the board of 55864
county commissioners or directors shall send written notice to the 55865
owner or operator indicating whether the district is levying a fee 55866
under division (A) of this section and, if so, the amount of the 55867
fee. 55868

(G) Moneys received by a district levying a fee under 55869
division (A) of this section shall be credited to the special fund 55870
of the district created in division (G) of section 3734.57 of the 55871
Revised Code and shall be used exclusively for the purposes 55872
specified in that division. Prior to the approval under division 55873
(A) of section 3734.56 of the Revised Code of the first amended 55874
plan that the district is required to submit for approval under 55875
that section, the approval of an initial plan under section 55876
3734.521 of the Revised Code, the approval of an amended plan 55877
under that section or division (D) of section 3734.56 of the 55878
Revised Code, or the amendment of the district's plan under 55879
division (E) of section 3734.56 of the Revised Code, moneys 55880
credited to the special fund arising from the fee levied pursuant 55881
to a resolution adopted and ratified under division (B) of this 55882
section shall be expended for those purposes in the manner 55883
prescribed by the solid waste management policy committee by 55884
resolution. 55885

(H) The fee levied under division (A) of this section does 55886
not apply to the management of solid wastes that: 55887

(1) Are disposed of at a facility owned by the generator of 55888
the wastes when the solid waste facility exclusively disposes of 55889
solid wastes generated at one or more premises owned by the 55890
generator regardless of whether the facility is located on a 55891
premises where the wastes were generated; 55892

(2) Are disposed of at facilities that exclusively dispose of 55893

wastes that are generated from the combustion of coal, or from the 55894
combustion of primarily coal in combination with scrap tires, that 55895
is not combined in any way with garbage at one or more premises 55896
owned by the generator. 55897

(I) When solid wastes that are burned in a disposal facility 55898
that is an incinerator or energy recovery facility are delivered 55899
to a solid waste transfer facility prior to being transported to 55900
the incinerator or energy recovery facility where they are burned, 55901
the fee levied under division (A) of this section shall be levied 55902
on the wastes delivered to the transfer facility. 55903

(J) When solid wastes that are burned in a disposal facility 55904
that is an incinerator or energy recovery facility are not 55905
delivered to a solid waste transfer facility prior to being 55906
transported to the incinerator or energy recovery facility where 55907
they are burned, the fee levied under division (A) of this section 55908
shall be levied on the wastes delivered to the incinerator or 55909
energy recovery facility. 55910

(K) The fee levied under division (A) of this section does 55911
not apply to sewage sludge that is generated by a waste water 55912
treatment facility holding a national pollutant discharge 55913
elimination system permit and that is disposed of through 55914
incineration, land application, or composting or at another 55915
resource recovery or disposal facility that is not a landfill. 55916

(L) The fee levied under division (A) of this section does 55917
not apply to ~~yard waste~~ solid waste delivered to a solid waste 55918
composting facility for processing ~~or to a solid waste transfer~~ 55919
~~facility. If any unprocessed solid waste or compost product is~~ 55920
transported off the premises of a composting facility for disposal 55921
at a landfill, the fee levied under division (A) of this section 55922
applies and shall be collected by the owner or operator of the 55923
landfill. 55924

(M) The fee levied under division (A) of this section does 55925
not apply to materials separated from a mixed waste stream for 55926
recycling by the generator or materials removed from the solid 55927
waste stream as a result of recycling, as "recycling" is defined 55928
in rules adopted under section 3734.02 of the Revised Code. 55929

(N) The director of environmental protection may issue an 55930
order exempting from the fees levied under this section solid 55931
wastes, including, but not limited to, scrap tires, that are 55932
generated, transferred, or disposed of as a result of a contract 55933
providing for the expenditure of public funds entered into by the 55934
administrator or regional administrator of the United States 55935
environmental protection agency, the director of environmental 55936
protection, or the director of administrative services on behalf 55937
of the director of environmental protection for the purpose of 55938
remediating conditions at a hazardous waste facility, solid waste 55939
facility, or other location at which the administrator or regional 55940
administrator or the director of environmental protection has 55941
reason to believe that there is a substantial threat to public 55942
health or safety or the environment or that the conditions are 55943
causing or contributing to air or water pollution or soil 55944
contamination. An order issued by the director of environmental 55945
protection under this division shall include a determination that 55946
the amount of fees not received by a solid waste management 55947
district as a result of the order will not adversely impact the 55948
implementation and financing of the district's approved solid 55949
waste ~~management~~ management plan and any approved amendments to the 55950
plan. Such an order is a final action of the director of 55951
environmental protection. 55952

Sec. 3734.82. (A) The annual fee for a scrap tire recovery 55953
facility license issued under section 3734.81 of the Revised Code 55954
shall be in accordance with the following schedule: 55955

Daily Design	Annual	55956
Input Capacity	License	55957
(Tons)	Fee	55958
1 or less	\$ 100	55959
2 to 25	500	55960
26 to 50	1,000	55961
51 to 100	1,500	55962
101 to 200	2,500	55963
201 to 500	3,500	55964
501 or more	5,500	55965

For the purpose of determining the applicable license fee 55966
under this division, the daily design input capacity shall be the 55967
quantity of scrap tires the facility is designed to process daily 55968
as set forth in the registration certificate or permit for the 55969
facility, and any modifications to the permit, if applicable, 55970
issued under section 3734.78 of the Revised Code. 55971

(B) The annual fee for a scrap tire monocell or monofill 55972
facility license shall be in accordance with the following 55973
schedule: 55974

Authorized Maximum	Annual	55975
Daily Waste Receipt	License	55976
(Tons)	Fee	55977
100 or less	\$ 5,000	55978
101 to 200	12,500	55979
201 to 500	30,000	55980
501 or more	60,000	55981

For the purpose of determining the applicable license fee 55982
under this division, the authorized maximum daily waste receipt 55983
shall be the maximum amount of scrap tires the facility is 55984
authorized to receive daily that is established in the permit for 55985
the facility, and any modification to that permit, issued under 55986
section 3734.77 of the Revised Code. 55987

(C)(1) Except as otherwise provided in division (C)(2) of 55988
this section, the annual fee for a scrap tire storage facility 55989
license shall equal one thousand dollars times the number of acres 55990
on which scrap tires are to be stored at the facility during the 55991
license year, as set forth on the application for the annual 55992
license, except that the total annual license fee for any such 55993
facility shall not exceed three thousand dollars. 55994

(2) The annual fee for a scrap tire storage facility license 55995
for a storage facility that is owned or operated by a motor 55996
vehicle salvage dealer licensed under Chapter 4738. of the Revised 55997
Code is one hundred dollars. 55998

(D)(1) Except as otherwise provided in division (D)(2) of 55999
this section, the annual fee for a scrap tire collection facility 56000
license is two hundred dollars. 56001

(2) The annual fee for a scrap tire collection facility 56002
license for a collection facility that is owned or operated by a 56003
motor vehicle salvage dealer licensed under Chapter 4738. of the 56004
Revised Code is fifty dollars. 56005

(E) Except as otherwise provided in divisions (C)(2) and 56006
(D)(2) of this section, the same fees apply to private operators 56007
and to the state and its political subdivisions and shall be paid 56008
within thirty days after the issuance of a license. The fees 56009
include the cost of licensing, all inspections, and other costs 56010
associated with the administration of the scrap tire provisions of 56011
this chapter and rules adopted under them. Each license shall 56012
specify that it is conditioned upon payment of the applicable fee 56013
to the board of health or the director of environmental 56014
protection, as appropriate, within thirty days after the issuance 56015
of the license. 56016

(F) The board of health shall retain fifteen thousand dollars 56017
of each license fee collected by the board under division (B) of 56018

this section, or the entire amount of any such fee that is less 56019
than fifteen thousand dollars, and the entire amount of each 56020
license fee collected by the board under divisions (A), (C), and 56021
(D) of this section. The moneys retained shall be paid into a 56022
special fund, which is hereby created in each health district, and 56023
used solely to administer and enforce the scrap tire provisions of 56024
this chapter and rules adopted under them. The remainder, if any, 56025
of each license fee collected by the board under division (B) of 56026
this section shall be transmitted to the director within 56027
forty-five days after receipt of the fee. 56028

(G) The director shall transmit the moneys received by the 56029
director from license fees collected under division (B) of this 56030
section to the treasurer of state to be credited to the scrap tire 56031
management fund, which is hereby created in the state treasury. 56032
The fund shall consist of all federal moneys received by the 56033
environmental protection agency for the scrap tire management 56034
program; all grants, gifts, and contributions made to the director 56035
for that program; and all other moneys that may be provided by law 56036
for that program. The director shall use moneys in the fund as 56037
follows: 56038

(1) Expend not more than seven hundred fifty thousand dollars 56039
during each fiscal year to implement, administer, and enforce the 56040
scrap tire provisions of this chapter and rules adopted under 56041
them; 56042

(2) During each fiscal year, request the director of budget 56043
and management to, and the director of budget and management 56044
shall, transfer one million dollars to the scrap tire grant fund 56045
created in section 1502.12 of the Revised Code for ~~the purposes~~ 56046
~~specified in that section;~~ supporting market development 56047
activities for scrap tires and synthetic rubber from tire 56048
manufacturing processes and tire recycling processes. In addition, 56049
during a fiscal year, the director of environmental protection may 56050

request the director of budget and management to, and the director 56051
of budget and management shall, transfer up to an additional five 56052
hundred thousand dollars to the scrap tire grant fund for scrap 56053
tire amnesty events and scrap tire cleanup events. 56054

~~(3) Expend not more than three million dollars per year~~ 56055
~~during fiscal years 2002 and 2003 to conduct removal actions under~~ 56056
~~section 3734.85 of the Revised Code and to make grants to boards~~ 56057
~~of health under section 3734.042 of the Revised Code. However,~~ 56058
~~more than three million dollars may be expended in fiscal years~~ 56059
~~2002 and 2003 for the purposes of division (C)(3) of this section~~ 56060
~~if more moneys are collected from the fee levied under division~~ 56061
~~(A)(2) of section 3734.901 of the Revised Code. During each~~ 56062
~~subsequent fiscal year the director shall expend not more than~~ 56063
~~four million five hundred thousand dollars to conduct removal~~ 56064
~~actions under section 3734.85 of the Revised Code and to make~~ 56065
~~grants to boards of health under section 3734.042 of the Revised~~ 56066
~~Code. However, more than four million five hundred thousand~~ 56067
~~dollars may be expended in a fiscal year for the purposes of~~ 56068
~~division (C)(3) of this section if more moneys are collected from~~ 56069
~~the fee levied under division (A)(2) of section 3734.901 of the~~ 56070
~~Revised Code. The director shall request the approval of the~~ 56071
~~controlling board prior to the use of the moneys to conduct~~ 56072
~~removal actions under section 3734.85 of the Revised Code. The~~ 56073
~~request shall be accompanied by a plan describing the removal~~ 56074
~~actions to be conducted during the fiscal year and an estimate of~~ 56075
~~the costs of conducting them. The controlling board shall approve~~ 56076
~~the plan only if it finds that the proposed removal actions are in~~ 56077
~~accordance with the priorities set forth in division (B) of~~ 56078
~~section 3734.85 of the Revised Code and that the costs of~~ 56079
~~conducting them are reasonable. Controlling board approval is not~~ 56080
~~required for grants made to boards of health under section~~ 56081
~~3734.042 of the Revised Code.~~ 56082

~~(H) If, during a fiscal year, more than seven million dollars are credited to the scrap tire management fund, the director, at the conclusion of the fiscal year, shall request the director of budget and management to, and the director of budget and management shall, transfer one half of those excess moneys to the scrap tire grant fund. The director shall expend the remaining excess moneys in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code in accordance with the procedures established under division (I) of this section.~~ 56083
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~~(I) After the actions in divisions (G)(1) to (3) and (H) of this section are completed during each prior fiscal year, the director may expend up to the balance remaining from prior fiscal years in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code. Prior to using any moneys in the fund for that purpose in a fiscal year, the director shall request the approval of the controlling board for that use of the moneys. The request shall be accompanied by a plan describing the removal actions to be conducted during the fiscal year and an estimate of the costs of conducting them. The controlling board shall approve the plan only if the board finds that the proposed removal actions are in accordance with the priorities set forth in division (B) of section 3734.85 of the Revised Code and that the costs of conducting them are reasonable.~~ 56093
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After the expenditures and transfers are made under divisions (G)(1) and (2) of this section, expend the balance of the money in the scrap tire management fund remaining in each fiscal year to conduct removal actions under section 3734.85 of the Revised Code and to provide grants to boards of health under section 3734.042 of the Revised Code. 56107
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Sec. 3734.901. (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire 56113
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provisions of this chapter, rules adopted under those provisions, 56115
and terms and conditions of orders, variances, and licenses issued 56116
under those provisions; to abate accumulations of scrap tires; to 56117
make grants ~~to promote research regarding alternative methods of~~ 56118
~~recycling scrap tires and supporting market development activities~~ 56119
for scrap tires and synthetic rubber from tire manufacturing 56120
processes and tire recycling processes and to support scrap tire 56121
amnesty and cleanup events; to make loans to promote the recycling 56122
or recovery of energy from scrap tires; and to defray the costs of 56123
administering and enforcing sections 3734.90 to 3734.9014 of the 56124
Revised Code, a fee of fifty cents per tire is hereby levied on 56125
the sale of tires. The proceeds of the fee shall be deposited in 56126
the state treasury to the credit of the scrap tire management fund 56127
created in section 3734.82 of the Revised Code. The fee is levied 56128
from the first day of the calendar month that begins next after 56129
thirty days from October 29, 1993, through June 30, 2011. 56130

(2) Beginning on September 5, 2001, and ending on June 30, 56131
2011, there is hereby levied an additional fee of fifty cents per 56132
tire on the sale of tires the proceeds of which shall be deposited 56133
in the state treasury to the credit of the scrap tire management 56134
fund ~~created in section 3734.82 of the Revised Code~~ and be used 56135
exclusively for the purposes specified in division (G)(3) of that 56136
section. 56137

(B) Only one sale of the same article shall be used in 56138
computing the amount of the fee due. 56139

Sec. 3734.9010. Two per cent of all amounts paid to the 56140
treasurer of state pursuant to sections 3734.90 to 3734.9014 of 56141
the Revised Code shall be certified directly to the credit of the 56142
tire fee administrative fund, which is hereby created in the state 56143
treasury, for appropriation to the department of taxation for use 56144
in administering those sections. The remainder of the amounts paid 56145

to the treasurer of state shall be deposited ~~to the credit of the~~ 56146
~~scrap tire management fund created and credited~~ in accordance with 56147
section ~~3734.82~~ 3734.901 of the Revised Code. 56148

Sec. 3737.71. Each insurance company doing business in this 56149
state shall pay to the state in installments, at the time of 56150
making the payments required by section 5729.05 of the Revised 56151
Code, in addition to the taxes required to be paid by it, 56152
three-fourths of one per cent on the gross premium receipts 56153
derived from fire insurance and that portion of the premium 56154
reasonably allocable to insurance against the hazard of fire 56155
included in other coverages except life and sickness and accident 56156
insurance, after deducting return premiums paid and considerations 56157
received for reinsurances as shown by the annual statement of such 56158
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 56159
the Revised Code. The money received shall be paid into the state 56160
treasury to the credit of the state fire marshal's fund, which is 56161
hereby created. The fund shall be used for the maintenance and 56162
administration of the office of the fire marshal and the Ohio fire 56163
academy established by section 3737.33 of the Revised Code. If the 56164
director of commerce certifies to the director of budget and 56165
management that the cash balance in the state fire marshal's fund 56166
is in excess of the amount needed to pay ongoing operating 56167
expenses, the director of commerce, with the approval of the 56168
director of budget and management, may use the excess amount to 56169
acquire by purchase, lease, or otherwise, real property or 56170
interests in real property to be used for the benefit of the 56171
office of the state fire marshal, or to construct, acquire, 56172
enlarge, equip, furnish, or improve the fire marshal's office 56173
facilities or the facilities of the Ohio fire academy. The state 56174
fire marshal's fund shall be assessed a proportionate share of the 56175
administrative costs of the department of commerce in accordance 56176
with procedures prescribed by the director of commerce and 56177

approved by the director of budget and management. Such assessment 56178
shall be paid from the state fire marshal's fund to the division 56179
of administration fund. 56180

Notwithstanding any other provision in this section, if the 56181
director of budget and management determines at any time that the 56182
money in the state fire marshal's fund exceeds the amount 56183
necessary to defray ongoing operating expenses in a fiscal year, 56184
the director may transfer the excess to the general revenue fund. 56185

Sec. 3745.11. (A) Applicants for and holders of permits, 56186
licenses, variances, plan approvals, and certifications issued by 56187
the director of environmental protection pursuant to Chapters 56188
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 56189
to the environmental protection agency for each such issuance and 56190
each application for an issuance as provided by this section. No 56191
fee shall be charged for any issuance for which no application has 56192
been submitted to the director. 56193

(B) Each person who is issued a permit to install prior to 56194
July 1, 2003, pursuant to rules adopted under division (F) of 56195
section 3704.03 of the Revised Code shall pay the fees specified 56196
in the following schedules: 56197

(1) Fuel-burning equipment (boilers) 56198
Input capacity (maximum) 56199
(million British thermal units per hour) Permit to install 56200
Greater than 0, but less than 10 \$ 200 56201
10 or more, but less than 100 400 56202
100 or more, but less than 300 800 56203
300 or more, but less than 500 1500 56204
500 or more, but less than 1000 2500 56205
1000 or more, but less than 5000 4000 56206
5000 or more 6000 56207

Units burning exclusively natural gas, number two fuel oil, 56208

or both shall be assessed a fee that is one-half of the applicable amount established in division (F)(1) of this section.

(2) Incinerators		56211
Input capacity (pounds per hour)	Permit to install	56212
0 to 100	\$ 100	56213
101 to 500	400	56214
501 to 2000	750	56215
2001 to 20,000	1000	56216
more than 20,000	2500	56217

(3)(a) Process		56218
Process weight rate (pounds per hour)	Permit to install	56219
0 to 1000	\$ 200	56220
1001 to 5000	400	56221
5001 to 10,000	600	56222
10,001 to 50,000	800	56223
more than 50,000	1000	56224

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

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

- 1211 Bituminous coal and lignite mining; 56236
- 1213 Bituminous coal and lignite mining services; 56237
- 1411 Dimension stone; 56238

1422 Crushed and broken limestone;		56239
1427 Crushed and broken stone, not elsewhere classified;		56240
1442 Construction sand and gravel;		56241
1446 Industrial sand;		56242
3281 Cut stone and stone products;		56243
3295 Minerals and earth, ground or otherwise treated.		56244
(c) The fees established in the following schedule apply to		56245
the issuance of a permit to install pursuant to rules adopted		56246
under division (F) of section 3704.03 of the Revised Code for a		56247
process listed in division (B)(3)(b) of this section:		56248
Process weight rate (pounds per hour)	Permit to install	56249
0 to 1000	\$ 200	56250
10,001 to 50,000	300	56251
50,001 to 100,000	400	56252
100,001 to 200,000	500	56253
200,001 to 400,000	600	56254
400,001 or more	700	56255
(4) Storage tanks		56256
Gallons (maximum useful capacity)	Permit to install	56257
0 to 20,000	\$ 100	56258
20,001 to 40,000	150	56259
40,001 to 100,000	200	56260
100,001 to 250,000	250	56261
250,001 to 500,000	350	56262
500,001 to 1,000,000	500	56263
1,000,001 or greater	750	56264
(5) Gasoline/fuel dispensing facilities		56265
For each gasoline/fuel dispensing	Permit to install	56266
facility	\$ 100	56267
(6) Dry cleaning facilities		56268

For each dry cleaning facility	Permit to install	56269
(includes all units at the facility)	\$ 100	56270
(7) Registration status		56271
For each source covered	Permit to install	56272
by registration status	\$ 75	56273
(C)(1) Except as otherwise provided in division (C)(2) of		56274
this section, beginning July 1, 1994, each person who owns or		56275
operates an air contaminant source and who is required to apply		56276
for and obtain a Title V permit under section 3704.036 of the		56277
Revised Code shall pay the fees set forth in division (C)(1) of		56278
this section. For the purposes of that division, total emissions		56279
of air contaminants may be calculated using engineering		56280
calculations, emissions factors, material balance calculations, or		56281
performance testing procedures, as authorized by the director.		56282
The following fees shall be assessed on the total actual		56283
emissions from a source in tons per year of the regulated		56284
pollutants particulate matter, sulfur dioxide, nitrogen oxides,		56285
organic compounds, and lead:		56286
(a) Fifteen dollars per ton on the total actual emissions of		56287
each such regulated pollutant during the period July through		56288
December 1993, to be collected no sooner than July 1, 1994;		56289
(b) Twenty dollars per ton on the total actual emissions of		56290
each such regulated pollutant during calendar year 1994, to be		56291
collected no sooner than April 15, 1995;		56292
(c) Twenty-five dollars per ton on the total actual emissions		56293
of each such regulated pollutant in calendar year 1995, and each		56294
subsequent calendar year, to be collected no sooner than the		56295
fifteenth day of April of the year next succeeding the calendar		56296
year in which the emissions occurred.		56297
The fees levied under division (C)(1) of this section do not		56298
apply to that portion of the emissions of a regulated pollutant at		56299

a facility that exceed four thousand tons during a calendar year. 56300

(2) The fees assessed under division (C)(1) of this section 56301
are for the purpose of providing funding for the Title V permit 56302
program. 56303

(3) The fees assessed under division (C)(1) of this section 56304
do not apply to emissions from any electric generating unit 56305
designated as a Phase I unit under Title IV of the federal Clean 56306
Air Act prior to calendar year 2000. Those fees shall be assessed 56307
on the emissions from such a generating unit commencing in 56308
calendar year 2001 based upon the total actual emissions from the 56309
generating unit during calendar year 2000 and shall continue to be 56310
assessed each subsequent calendar year based on the total actual 56311
emissions from the generating unit during the preceding calendar 56312
year. 56313

(4) The director shall issue invoices to owners or operators 56314
of air contaminant sources who are required to pay a fee assessed 56315
under division (C) or (D) of this section. Any such invoice shall 56316
be issued no sooner than the applicable date when the fee first 56317
may be collected in a year under the applicable division, shall 56318
identify the nature and amount of the fee assessed, and shall 56319
indicate that the fee is required to be paid within thirty days 56320
after the issuance of the invoice. 56321

(D)(1) Except as provided in division (D)(3) of this section, 56322
from January 1, 1994, through December 31, 2003, each person who 56323
owns or operates an air contaminant source; who is required to 56324
apply for a permit to operate pursuant to rules adopted under 56325
division (G), or a variance pursuant to division (H), of section 56326
3704.03 of the Revised Code; and who is not required to apply for 56327
and obtain a Title V permit under section 3704.036 of the Revised 56328
Code shall pay a single fee based upon the sum of the actual 56329
annual emissions from the facility of the regulated pollutants 56330
particulate matter, sulfur dioxide, nitrogen oxides, organic 56331

compounds, and lead in accordance with the following schedule:		56332
Total tons per year		56333
of regulated pollutants	Annual fee	56334
emitted	per facility	56335
More than 0, but less than 50	\$ 75	56336
50 or more, but less than 100	300	56337
100 or more	700	56338

(2) Except as provided in division (D)(3) of this section, 56339
beginning January 1, 2004, each person who owns or operates an air 56340
contaminant source; who is required to apply for a permit to 56341
operate pursuant to rules adopted under division (G), or a 56342
variance pursuant to division (H), of section 3704.03 of the 56343
Revised Code; and who is not required to apply for and obtain a 56344
Title V permit under section 3704.03 of the Revised Code shall pay 56345
a single fee based upon the sum of the actual annual emissions 56346
from the facility of the regulated pollutants particulate matter, 56347
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 56348
accordance with the following schedule: 56349

Total tons per year		56350
of regulated pollutants	Annual fee	56351
emitted	per facility	56352
More than 0, but less than 10	\$ 100	56353
10 or more, but less than 50	200	56354
50 or more, but less than 100	300	56355
100 or more	700	56356

(3)(a) As used in division (D) of this section, "synthetic 56357
minor facility" means a facility for which one or more permits to 56358
install or permits to operate have been issued for the air 56359
contaminant sources at the facility that include terms and 56360
conditions that lower the facility's potential to emit air 56361
contaminants below the major source thresholds established in 56362
rules adopted under section 3704.036 of the Revised Code. 56363

(b) Beginning January 1, 2000, through June 30, ~~2010~~ 2012,
each person who owns or operates a synthetic minor facility shall
pay an annual fee based on the sum of the actual annual emissions
from the facility of particulate matter, sulfur dioxide, nitrogen
dioxide, organic compounds, and lead in accordance with the
following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670
30 or more, but less than 40	1,010
40 or more, but less than 50	1,340
50 or more, but less than 60	1,680
60 or more, but less than 70	2,010
70 or more, but less than 80	2,350
80 or more, but less than 90	2,680
90 or more, but less than 100	3,020
100 or more	3,350

(4) The fees assessed under division (D)(1) of this section
shall be collected annually no sooner than the fifteenth day of
April, commencing in 1995. The fees assessed under division (D)(2)
of this section shall be collected annually no sooner than the
fifteenth day of April, commencing in 2005. The fees assessed
under division (D)(3) of this section shall be collected no sooner
than the fifteenth day of April, commencing in 2000. The fees
assessed under division (D) of this section in a calendar year
shall be based upon the sum of the actual emissions of those
regulated pollutants during the preceding calendar year. For the
purpose of division (D) of this section, emissions of air
contaminants may be calculated using engineering calculations,
emission factors, material balance calculations, or performance

testing procedures, as authorized by the director. The director, 56397
by rule, may require persons who are required to pay the fees 56398
assessed under division (D) of this section to pay those fees 56399
biennially rather than annually. 56400

(E)(1) Consistent with the need to cover the reasonable costs 56401
of the Title V permit program, the director annually shall 56402
increase the fees prescribed in division (C)(1) of this section by 56403
the percentage, if any, by which the consumer price index for the 56404
most recent calendar year ending before the beginning of a year 56405
exceeds the consumer price index for calendar year 1989. Upon 56406
calculating an increase in fees authorized by division (E)(1) of 56407
this section, the director shall compile revised fee schedules for 56408
the purposes of division (C)(1) of this section and shall make the 56409
revised schedules available to persons required to pay the fees 56410
assessed under that division and to the public. 56411

(2) For the purposes of division (E)(1) of this section: 56412

(a) The consumer price index for any year is the average of 56413
the consumer price index for all urban consumers published by the 56414
United States department of labor as of the close of the 56415
twelve-month period ending on the thirty-first day of August of 56416
that year. 56417

(b) If the 1989 consumer price index is revised, the director 56418
shall use the revision of the consumer price index that is most 56419
consistent with that for calendar year 1989. 56420

(F) Each person who is issued a permit to install pursuant to 56421
rules adopted under division (F) of section 3704.03 of the Revised 56422
Code on or after July 1, 2003, shall pay the fees specified in the 56423
following schedules: 56424

(1) Fuel-burning equipment (boilers, furnaces, or process 56425
heaters used in the process of burning fuel for the primary 56426
purpose of producing heat or power by indirect heat transfer) 56427

Input capacity (maximum)		56428
(million British thermal units per hour)	Permit to install	56429
Greater than 0, but less than 10	\$ 200	56430
10 or more, but less than 100	400	56431
100 or more, but less than 300	1000	56432
300 or more, but less than 500	2250	56433
500 or more, but less than 1000	3750	56434
1000 or more, but less than 5000	6000	56435
5000 or more	9000	56436
Units burning exclusively natural gas, number two fuel oil,		56437
or both shall be assessed a fee that is one-half the applicable		56438
amount shown in division (F)(1) of this section.		56439
(2) Combustion turbines and stationary internal combustion		56440
engines designed to generate electricity		56441
Generating capacity (mega watts)	Permit to install	56442
0 or more, but less than 10	\$ 25	56443
10 or more, but less than 25	150	56444
25 or more, but less than 50	300	56445
50 or more, but less than 100	500	56446
100 or more, but less than 250	1000	56447
250 or more	2000	56448
(3) Incinerators		56449
Input capacity (pounds per hour)	Permit to install	56450
0 to 100	\$ 100	56451
101 to 500	500	56452
501 to 2000	1000	56453
2001 to 20,000	1500	56454
more than 20,000	3750	56455
(4)(a) Process		56456
Process weight rate (pounds per hour)	Permit to install	56457
0 to 1000	\$ 200	56458
1001 to 5000	500	56459

5001 to 10,000	750	56460
10,001 to 50,000	1000	56461
more than 50,000	1250	56462

In any process where process weight rate cannot be 56463
ascertained, the minimum fee shall be assessed. A boiler, furnace, 56464
combustion turbine, stationary internal combustion engine, or 56465
process heater designed to provide direct heat or power to a 56466
process not designed to generate electricity shall be assessed a 56467
fee established in division (F)(4)(a) of this section. A 56468
combustion turbine or stationary internal combustion engine 56469
designed to generate electricity shall be assessed a fee 56470
established in division (F)(2) of this section. 56471

(b) Notwithstanding division (F)(4)(a) of this section, any 56472
person issued a permit to install pursuant to rules adopted under 56473
division (F) of section 3704.03 of the Revised Code shall pay the 56474
fees set forth in division (F)(4)(c) of this section for a process 56475
used in any of the following industries, as identified by the 56476
applicable two-digit, three-digit, or four-digit standard 56477
industrial classification code according to the Standard 56478
Industrial Classification Manual published by the United States 56479
office of management and budget in the executive office of the 56480
president, 1987, as revised: 56481

Major group 10, metal mining; 56482

Major group 12, coal mining; 56483

Major group 14, mining and quarrying of nonmetallic minerals; 56484

Industry group 204, grain mill products; 56485

2873 Nitrogen fertilizers; 56486

2874 Phosphatic fertilizers; 56487

3281 Cut stone and stone products; 56488

3295 Minerals and earth, ground or otherwise treated; 56489

4221 Grain elevators (storage only);		56490
5159 Farm related raw materials;		56491
5261 Retail nurseries and lawn and garden supply stores.		56492
(c) The fees set forth in the following schedule apply to the		56493
issuance of a permit to install pursuant to rules adopted under		56494
division (F) of section 3704.03 of the Revised Code for a process		56495
identified in division (F)(4)(b) of this section:		56496
Process weight rate (pounds per	Permit to install	56497
hour)		
0 to 10,000	\$ 200	56498
10,001 to 50,000	400	56499
50,001 to 100,000	500	56500
100,001 to 200,000	600	56501
200,001 to 400,000	750	56502
400,001 or more	900	56503
(5) Storage tanks		56504
Gallons (maximum useful capacity)	Permit to install	56505
0 to 20,000	\$ 100	56506
20,001 to 40,000	150	56507
40,001 to 100,000	250	56508
100,001 to 500,000	400	56509
500,001 or greater	750	56510
(6) Gasoline/fuel dispensing facilities		56511
For each gasoline/fuel		56512
dispensing facility (includes all	Permit to install	56513
units at the facility)	\$ 100	56514
(7) Dry cleaning facilities		56515
For each dry cleaning		56516
facility (includes all units	Permit to install	56517
at the facility)	\$ 100	56518
(8) Registration status		56519

For each source covered Permit to install 56520
by registration status \$ 75 56521

(G) An owner or operator who is responsible for an asbestos 56522
demolition or renovation project pursuant to rules adopted under 56523
section 3704.03 of the Revised Code shall pay the fees set forth 56524
in the following schedule: 56525

Action	Fee	
Each notification	\$75	56527
Asbestos removal	\$3/unit	56528
Asbestos cleanup	\$4/cubic yard	56529

For purposes of this division, "unit" means any combination of 56530
linear feet or square feet equal to fifty. 56531

(H) A person who is issued an extension of time for a permit 56532
to install an air contaminant source pursuant to rules adopted 56533
under division (F) of section 3704.03 of the Revised Code shall 56534
pay a fee equal to one-half the fee originally assessed for the 56535
permit to install under this section, except that the fee for such 56536
an extension shall not exceed two hundred dollars. 56537

(I) A person who is issued a modification to a permit to 56538
install an air contaminant source pursuant to rules adopted under 56539
section 3704.03 of the Revised Code shall pay a fee equal to 56540
one-half of the fee that would be assessed under this section to 56541
obtain a permit to install the source. The fee assessed by this 56542
division only applies to modifications that are initiated by the 56543
owner or operator of the source and shall not exceed two thousand 56544
dollars. 56545

(J) Notwithstanding division (B) or (F) of this section, a 56546
person who applies for or obtains a permit to install pursuant to 56547
rules adopted under division (F) of section 3704.03 of the Revised 56548
Code after the date actual construction of the source began shall 56549
pay a fee for the permit to install that is equal to twice the fee 56550
that otherwise would be assessed under the applicable division 56551

unless the applicant received authorization to begin construction 56552
under division (W) of section 3704.03 of the Revised Code. This 56553
division only applies to sources for which actual construction of 56554
the source begins on or after July 1, 1993. The imposition or 56555
payment of the fee established in this division does not preclude 56556
the director from taking any administrative or judicial 56557
enforcement action under this chapter, Chapter 3704., 3714., 56558
3734., or 6111. of the Revised Code, or a rule adopted under any 56559
of them, in connection with a violation of rules adopted under 56560
division (F) of section 3704.03 of the Revised Code. 56561

As used in this division, "actual construction of the source" 56562
means the initiation of physical on-site construction activities 56563
in connection with improvements to the source that are permanent 56564
in nature, including, without limitation, the installation of 56565
building supports and foundations and the laying of underground 56566
pipework. 56567

(K) Fifty cents per ton of each fee assessed under division 56568
(C) of this section on actual emissions from a source and received 56569
by the environmental protection agency pursuant to that division 56570
shall be deposited into the state treasury to the credit of the 56571
small business assistance fund created in section 3706.19 of the 56572
Revised Code. The remainder of the moneys received by the division 56573
pursuant to that division and moneys received by the agency 56574
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 56575
section shall be deposited in the state treasury to the credit of 56576
the clean air fund created in section 3704.035 of the Revised 56577
Code. 56578

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 56579
or (c) of this section, a person issued a water discharge permit 56580
or renewal of a water discharge permit pursuant to Chapter 6111. 56581
of the Revised Code shall pay a fee based on each point source to 56582
which the issuance is applicable in accordance with the following 56583

schedule:		56584
Design flow discharge (gallons per day)	Fee	56585
0 to 1000	\$ 0	56586
1,001 to 5000	100	56587
5,001 to 50,000	200	56588
50,001 to 100,000	300	56589
100,001 to 300,000	525	56590
over 300,000	750	56591
(b) Notwithstanding the fee schedule specified in division		56592
(L)(1)(a) of this section, the fee for a water discharge permit		56593
that is applicable to coal mining operations regulated under		56594
Chapter 1513. of the Revised Code shall be two hundred fifty		56595
dollars per mine.		56596
(c) Notwithstanding the fee schedule specified in division		56597
(L)(1)(a) of this section, the fee for a water discharge permit		56598
for a public discharger identified by I in the third character of		56599
the permittee's NPDES permit number shall not exceed seven hundred		56600
fifty dollars.		56601
(2) A person applying for a plan approval for a wastewater		56602
treatment works pursuant to section 6111.44, 6111.45, or 6111.46		56603
of the Revised Code shall pay a fee of one hundred dollars plus		56604
sixty-five one-hundredths of one per cent of the estimated project		56605
cost through June 30, 2010 <u>2012</u> , and one hundred dollars plus		56606
two-tenths of one per cent of the estimated project cost on and		56607
after July 1, 2010 <u>2012</u> , except that the total fee shall not		56608
exceed fifteen thousand dollars through June 30, 2010 <u>2012</u> , and		56609
five thousand dollars on and after July 1, 2010 <u>2012</u> . The fee		56610
shall be paid at the time the application is submitted.		56611
(3) A person issued a modification of a water discharge		56612
permit shall pay a fee equal to one-half the fee that otherwise		56613
would be charged for a water discharge permit, except that the fee		56614
for the modification shall not exceed four hundred dollars.		56615

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

(5)(a)(i) Not later than January 30, ~~2008~~ 2010, and January 30, ~~2009~~ 2011, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)(5)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of the year preceding the date when the annual discharge fee is due. In the case of an existing source that permanently ceases to discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(5)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October of the billing year, of the circumstances causing the cessation of discharge.

(iii) The annual discharge fee established in division (L)(5)(a)(i) of this section, except for the surcharge applicable

to certain industrial facilities pursuant to division (L)(5)(c) of 56648
 this section, shall be based upon the average daily discharge flow 56649
 in gallons per day calculated using first day of May through 56650
 thirty-first day of October flow data for the period two years 56651
 prior to the date on which the fee is due. In the case of NPDES 56652
 discharge permits for new sources, the fee shall be calculated 56653
 using the average daily design flow of the facility until actual 56654
 average daily discharge flow values are available for the time 56655
 period specified in division (L)(5)(a)(iii) of this section. The 56656
 annual discharge fee may be prorated for a new source as described 56657
 in division (L)(5)(a)(ii) of this section. 56658

(b) An NPDES permit holder that is a public discharger shall 56659
 pay the fee specified in the following schedule: 56660

Average daily	Fee due by	
discharge flow	January 30,	
	2008 <u>2010</u> , and	
	January 30, 2009	
	<u>2011</u>	
5,000 to 49,999	\$ 200	56665
50,000 to 100,000	500	56666
100,001 to 250,000	1,050	56667
250,001 to 1,000,000	2,600	56668
1,000,001 to 5,000,000	5,200	56669
5,000,001 to 10,000,000	10,350	56670
10,000,001 to 20,000,000	15,550	56671
20,000,001 to 50,000,000	25,900	56672
50,000,001 to 100,000,000	41,400	56673
100,000,001 or more	62,100	56674

Public dischargers owning or operating two or more publicly 56675
 owned treatment works serving the same political subdivision, as 56676
 "treatment works" is defined in section 6111.01 of the Revised 56677
 Code, and that serve exclusively political subdivisions having a 56678

population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

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

Average daily discharge flow	Fee due by January 30, 2008 <u>2010</u> , and January 30, 2009 <u>2011</u>	
5,000 to 49,999	\$ 250	56691
50,000 to 250,000	1,200	56692
250,001 to 1,000,000	2,950	56693
1,000,001 to 5,000,000	5,850	56694
5,000,001 to 10,000,000	8,800	56695
10,000,001 to 20,000,000	11,700	56696
20,000,001 to 100,000,000	14,050	56697
100,000,001 to 250,000,000	16,400	56698
250,000,001 or more	18,700	56699

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2008~~ 2010, and not later than January 30, ~~2009~~ 2011. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this

section, a public discharger identified by I in the third 56710
character of the permittee's NPDES permit number and an industrial 56711
discharger identified by I, J, L, V, W, X, Y, or Z in the third 56712
character of the permittee's NPDES permit number shall pay a 56713
nonrefundable annual discharge fee of one hundred eighty dollars 56714
not later than January 30, ~~2008~~ 2010, and not later than January 56715
30, ~~2009~~ 2011. Any person who fails to pay the fee at that time 56716
shall pay an additional amount that equals ten per cent of the 56717
required fee. 56718

(6) Each person obtaining a national pollutant discharge 56719
elimination system general or individual permit for municipal 56720
storm water discharge shall pay a nonrefundable storm water 56721
discharge fee of one hundred dollars per square mile of area 56722
permitted. The fee shall not exceed ten thousand dollars and shall 56723
be payable on or before January 30, 2004, and the thirtieth day of 56724
January of each year thereafter. Any person who fails to pay the 56725
fee on the date specified in division (L)(6) of this section shall 56726
pay an additional amount per year equal to ten per cent of the 56727
annual fee that is unpaid. 56728

(7) The director shall transmit all moneys collected under 56729
division (L) of this section to the treasurer of state for deposit 56730
into the state treasury to the credit of the surface water 56731
protection fund created in section 6111.038 of the Revised Code. 56732

(8) As used in division (L) of this section: 56733

(a) "NPDES" means the federally approved national pollutant 56734
discharge elimination system program for issuing, modifying, 56735
revoking, reissuing, terminating, monitoring, and enforcing 56736
permits and imposing and enforcing pretreatment requirements under 56737
Chapter 6111. of the Revised Code and rules adopted under it. 56738

(b) "Public discharger" means any holder of an NPDES permit 56739
identified by P in the second character of the NPDES permit number 56740

assigned by the director. 56741

(c) "Industrial discharger" means any holder of an NPDES 56742
permit identified by I in the second character of the NPDES permit 56743
number assigned by the director. 56744

(d) "Major discharger" means any holder of an NPDES permit 56745
classified as major by the regional administrator of the United 56746
States environmental protection agency in conjunction with the 56747
director. 56748

(M) Through June 30, ~~2010~~ 2012, a person applying for a 56749
license or license renewal to operate a public water system under 56750
section 6109.21 of the Revised Code shall pay the appropriate fee 56751
established under this division at the time of application to the 56752
director. Any person who fails to pay the fee at that time shall 56753
pay an additional amount that equals ten per cent of the required 56754
fee. The director shall transmit all moneys collected under this 56755
division to the treasurer of state for deposit into the drinking 56756
water protection fund created in section 6109.30 of the Revised 56757
Code. 56758

Except as provided in division (M)(4) of this section, fees 56759
required under this division shall be calculated and paid in 56760
accordance with the following schedule: 56761

(1) For the initial license required under division (A)(1) of 56762
section 6109.21 of the Revised Code for any public water system 56763
that is a community water system as defined in section 6109.01 of 56764
the Revised Code, and for each license renewal required for such a 56765
system prior to January 31, ~~2010~~ 2012, the fee is: 56766

Number of service connections	Fee amount	
Not more than 49	\$ 112	56768
50 to 99	176	56769
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	56771

2,500 to 4,999	1.48	56772
5,000 to 7,499	1.42	56773
7,500 to 9,999	1.34	56774
10,000 to 14,999	1.16	56775
15,000 to 24,999	1.10	56776
25,000 to 49,999	1.04	56777
50,000 to 99,999	.92	56778
100,000 to 149,999	.86	56779
150,000 to 199,999	.80	56780
200,000 or more	.76	56781

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2010~~ 2012, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	56796
150 to 299	176	56797
300 to 749	384	56798
750 to 1,499	628	56799
1,500 to 2,999	1,268	56800
3,000 to 7,499	2,816	56801
7,500 to 14,999	5,510	56802
15,000 to 22,499	9,048	56803

22,500 to 29,999	12,430	56804
30,000 or more	16,820	56805

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

(3) For the initial license required under division (A)(3) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2010~~ 2012, the fee is:

Number of wells supplying system	Fee amount	
1	\$112	56818
2	112	56819
3	176	56820
4	278	56821
5	568	56822
System designated as using a surface water source	792	56824

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

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except

that the total fee shall not exceed twenty thousand dollars 56836
through June 30, ~~2010~~ 2012, and fifteen thousand dollars on and 56837
after July 1, ~~2010~~ 2012. The fee shall be paid at the time the 56838
application is submitted. 56839

(2) A person who has entered into an agreement with the 56840
director under division (A)(2) of section 6109.07 of the Revised 56841
Code shall pay an administrative service fee for each plan 56842
submitted under that section for approval that shall not exceed 56843
the minimum amount necessary to pay administrative costs directly 56844
attributable to processing plan approvals. The director annually 56845
shall calculate the fee and shall notify all persons that have 56846
entered into agreements under that division, or who have applied 56847
for agreements, of the amount of the fee. 56848

(3) Through June 30, ~~2010~~ 2012, the following fee, on a per 56849
survey basis, shall be charged any person for services rendered by 56850
the state in the evaluation of laboratories and laboratory 56851
personnel for compliance with accepted analytical techniques and 56852
procedures established pursuant to Chapter 6109. of the Revised 56853
Code for determining the qualitative characteristics of water: 56854

microbiological		56855
MMO-MUG	\$2,000	56856
MF	2,100	56857
MMO-MUG and MF	2,550	56858
organic chemical	5,400	56859
trace metals	5,400	56860
standard chemistry	2,800	56861
limited chemistry	1,550	56862

On and after July 1, ~~2010~~ 2012, the following fee, on a per 56863
survey basis, shall be charged any such person: 56864

microbiological	\$ 1,650	56865
organic chemicals	3,500	56866
trace metals	3,500	56867

standard chemistry	1,800	56868
limited chemistry	1,000	56869

The fee for those services shall be paid at the time the request 56870
for the survey is made. Through June 30, ~~2010~~ 2012, an individual 56871
laboratory shall not be assessed a fee under this division more 56872
than once in any three-year period unless the person requests the 56873
addition of analytical methods or analysts, in which case the 56874
person shall pay eighteen hundred dollars for each additional 56875
survey requested. 56876

As used in division (N)(3) of this section: 56877

(a) "MF" means microfiltration. 56878

(b) "MMO" means minimal medium ONPG. 56879

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 56880

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 56881

The director shall transmit all moneys collected under this 56882
division to the treasurer of state for deposit into the drinking 56883
water protection fund created in section 6109.30 of the Revised 56884
Code. 56885

(O) Any person applying to the director for examination for 56886
certification as an operator of a water supply system or 56887
wastewater system under Chapter 6109. or 6111. of the Revised 56888
Code, at the time the application is submitted, shall pay an 56889
application fee of forty-five dollars through November 30, ~~2010~~ 56890
2012, and twenty-five dollars on and after December 1, ~~2010~~ 2012. 56891
Upon approval from the director that the applicant is eligible to 56892
take the examination therefor, the applicant shall pay a fee in 56893
accordance with the following schedule through November 30, ~~2010~~ 56894
2012: 56895

Class A operator	\$35	56896
Class I operator	60	56897

Class II operator	75	56898
Class III operator	85	56899
Class IV operator	100	56900

On and after December 1, ~~2010~~ 2012, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$25	56903
Class I operator	\$45	56904
Class II operator	55	56905
Class III operator	65	56906
Class IV operator	75	56907

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	56911
Class I operator	35	56912
Class II operator	45	56913
Class III operator	55	56914
Class IV operator	65	56915

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	56921
Class I operator	55	56922
Class II operator	65	56923
Class III operator	75	56924
Class IV operator	85	56925

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking

water protection fund created in section 6109.30 of the Revised Code. 56930
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(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code. 56932
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(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste 56946
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transfer facility under that chapter shall pay a fee of two 56962
thousand five hundred dollars. A person issued a permit to install 56963
a new or to modify an existing solid waste incineration or 56964
composting facility, or an existing infectious waste treatment 56965
facility using incineration as its principal method of treatment, 56966
under that chapter shall pay a fee of one thousand dollars. The 56967
increases in the permit fees under this division resulting from 56968
the amendments made by Amended Substitute House Bill 592 of the 56969
117th general assembly do not apply to any person who submitted an 56970
application for a permit to install a new, or modify an existing, 56971
solid waste disposal facility under that chapter prior to 56972
September 1, 1987; any such person shall pay the permit fee 56973
established in this division as it existed prior to June 24, 1988. 56974
In addition to the applicable permit fee under this division, a 56975
person issued a permit to install or modify a solid waste facility 56976
or an infectious waste treatment facility under that chapter who 56977
fails to pay the permit fee to the director in compliance with 56978
division (V) of this section shall pay an additional ten per cent 56979
of the amount of the fee for each week that the permit fee is 56980
late. 56981

Permit and late payment fees paid to the director under this 56982
division shall be credited to the general revenue fund. 56983

(R)(1) A person issued a registration certificate for a scrap 56984
tire collection facility under section 3734.75 of the Revised Code 56985
shall pay a fee of two hundred dollars, except that if the 56986
facility is owned or operated by a motor vehicle salvage dealer 56987
licensed under Chapter 4738. of the Revised Code, the person shall 56988
pay a fee of twenty-five dollars. 56989

(2) A person issued a registration certificate for a new 56990
scrap tire storage facility under section 3734.76 of the Revised 56991
Code shall pay a fee of three hundred dollars, except that if the 56992
facility is owned or operated by a motor vehicle salvage dealer 56993

licensed under Chapter 4738. of the Revised Code, the person shall 56994
pay a fee of twenty-five dollars. 56995

(3) A person issued a permit for a scrap tire storage 56996
facility under section 3734.76 of the Revised Code shall pay a fee 56997
of one thousand dollars, except that if the facility is owned or 56998
operated by a motor vehicle salvage dealer licensed under Chapter 56999
4738. of the Revised Code, the person shall pay a fee of fifty 57000
dollars. 57001

(4) A person issued a permit for a scrap tire monocell or 57002
monofill facility under section 3734.77 of the Revised Code shall 57003
pay a fee of ten dollars per thousand cubic yards of disposal 57004
capacity or one thousand dollars, whichever is greater, except 57005
that the total fee for any such permit shall not exceed eighty 57006
thousand dollars. 57007

(5) A person issued a registration certificate for a scrap 57008
tire recovery facility under section 3734.78 of the Revised Code 57009
shall pay a fee of one hundred dollars. 57010

(6) A person issued a permit for a scrap tire recovery 57011
facility under section 3734.78 of the Revised Code shall pay a fee 57012
of one thousand dollars. 57013

(7) In addition to the applicable registration certificate or 57014
permit fee under divisions (R)(1) to (6) of this section, a person 57015
issued a registration certificate or permit for any such scrap 57016
tire facility who fails to pay the registration certificate or 57017
permit fee to the director in compliance with division (V) of this 57018
section shall pay an additional ten per cent of the amount of the 57019
fee for each week that the fee is late. 57020

(8) The registration certificate, permit, and late payment 57021
fees paid to the director under divisions (R)(1) to (7) of this 57022
section shall be credited to the scrap tire management fund 57023
created in section 3734.82 of the Revised Code. 57024

(S)(1) Except as provided by divisions (L), (M), (N), (O), 57025
(P), and (S)(2) of this section, division (A)(2) of section 57026
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 57027
and rules adopted under division (T)(1) of this section, any 57028
person applying for a registration certificate under section 57029
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 57030
variance, or plan approval under Chapter 3734. of the Revised Code 57031
shall pay a nonrefundable fee of fifteen dollars at the time the 57032
application is submitted. 57033

Except as otherwise provided, any person applying for a 57034
permit, variance, or plan approval under Chapter 6109. or 6111. of 57035
the Revised Code shall pay a nonrefundable fee of one hundred 57036
dollars at the time the application is submitted through June 30, 57037
~~2010~~ 2012, and a nonrefundable fee of fifteen dollars at the time 57038
the application is submitted on and after July 1, ~~2010~~ 2012. 57039
Through June 30, ~~2010~~ 2012, any person applying for a national 57040
pollutant discharge elimination system permit under Chapter 6111. 57041
of the Revised Code shall pay a nonrefundable fee of two hundred 57042
dollars at the time of application for the permit. On and after 57043
July 1, ~~2010~~ 2012, such a person shall pay a nonrefundable fee of 57044
fifteen dollars at the time of application. 57045

In addition to the application fee established under division 57046
(S)(1) of this section, any person applying for a national 57047
pollutant discharge elimination system general storm water 57048
construction permit shall pay a nonrefundable fee of twenty 57049
dollars per acre for each acre that is permitted above five acres 57050
at the time the application is submitted. However, the per acreage 57051
fee shall not exceed three hundred dollars. In addition, any 57052
person applying for a national pollutant discharge elimination 57053
system general storm water industrial permit shall pay a 57054
nonrefundable fee of one hundred fifty dollars at the time the 57055
application is submitted. 57056

The director shall transmit all moneys collected under 57057
division (S)(1) of this section pursuant to Chapter 6109. of the 57058
Revised Code to the treasurer of state for deposit into the 57059
drinking water protection fund created in section 6109.30 of the 57060
Revised Code. 57061

The director shall transmit all moneys collected under 57062
division (S)(1) of this section pursuant to Chapter 6111. of the 57063
Revised Code to the treasurer of state for deposit into the 57064
surface water protection fund created in section 6111.038 of the 57065
Revised Code. 57066

If a registration certificate is issued under section 57067
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 57068
the application fee paid shall be deducted from the amount of the 57069
registration certificate fee due under division (R)(1), (2), or 57070
(5) of this section, as applicable. 57071

If a person submits an electronic application for a 57072
registration certificate, permit, variance, or plan approval for 57073
which an application fee is established under division (S)(1) of 57074
this section, the person shall pay the applicable application fee 57075
as expeditiously as possible after the submission of the 57076
electronic application. An application for a registration 57077
certificate, permit, variance, or plan approval for which an 57078
application fee is established under division (S)(1) of this 57079
section shall not be reviewed or processed until the applicable 57080
application fee, and any other fees established under this 57081
division, are paid. 57082

(2) Division (S)(1) of this section does not apply to an 57083
application for a registration certificate for a scrap tire 57084
collection or storage facility submitted under section 3734.75 or 57085
3734.76 of the Revised Code, as applicable, if the owner or 57086
operator of the facility or proposed facility is a motor vehicle 57087
salvage dealer licensed under Chapter 4738. of the Revised Code. 57088

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

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

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

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

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

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

(4) Prescribe measures that the director considers necessary 57120
to carry out this section. 57121

(U) When the director reasonably demonstrates that the direct 57122
cost to the state associated with the issuance of a permit to 57123
install, license, variance, plan approval, or certification 57124
exceeds the fee for the issuance or review specified by this 57125
section, the director may condition the issuance or review on the 57126
payment by the person receiving the issuance or review of, in 57127
addition to the fee specified by this section, the amount, or any 57128
portion thereof, in excess of the fee specified under this 57129
section. The director shall not so condition issuances for which 57130
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 57131
section. 57132

(V) Except as provided in divisions (L), (M), and (P) of this 57133
section or unless otherwise prescribed by a rule of the director 57134
adopted pursuant to Chapter 119. of the Revised Code, all fees 57135
required by this section are payable within thirty days after the 57136
issuance of an invoice for the fee by the director or the 57137
effective date of the issuance of the license, permit, variance, 57138
plan approval, or certification. If payment is late, the person 57139
responsible for payment of the fee shall pay an additional ten per 57140
cent of the amount due for each month that it is late. 57141

(W) As used in this section, "fuel-burning equipment," 57142
"fuel-burning equipment input capacity," "incinerator," 57143
"incinerator input capacity," "process," "process weight rate," 57144
"storage tank," "gasoline dispensing facility," "dry cleaning 57145
facility," "design flow discharge," and "new source treatment 57146
works" have the meanings ascribed to those terms by applicable 57147
rules or standards adopted by the director under Chapter 3704. or 57148
6111. of the Revised Code. 57149

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 57150
and (J) of this section, and in any other provision of this 57151

section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code: (57152-57153)

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. (57154-57156)

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least: (57157-57159)

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement; (57160-57162)

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; (57163-57166)

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; (57167-57169)

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions; (57170-57172)

(e) Emission and ambient monitoring; (57173)

(f) Modeling, analyses, or demonstrations; (57174)

(g) Preparing inventories and tracking emissions; (57175)

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the (57176-57181)

Revised Code. 57182

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 57183
of this section, each sewage sludge facility shall pay a 57184
nonrefundable annual sludge fee equal to three dollars and fifty 57185
cents per dry ton of sewage sludge, including the dry tons of 57186
sewage sludge in materials derived from sewage sludge, that the 57187
sewage sludge facility treats or disposes of in this state. The 57188
annual volume of sewage sludge treated or disposed of by a sewage 57189
sludge facility shall be calculated using the first day of January 57190
through the thirty-first day of December of the calendar year 57191
preceding the date on which payment of the fee is due. 57192

(2)(a) Except as provided in division (Y)(2)(d) of this 57193
section, each sewage sludge facility shall pay a minimum annual 57194
sewage sludge fee of one hundred dollars. 57195

(b) The annual sludge fee required to be paid by a sewage 57196
sludge facility that treats or disposes of exceptional quality 57197
sludge in this state shall be thirty-five per cent less per dry 57198
ton of exceptional quality sludge than the fee assessed under 57199
division (Y)(1) of this section, subject to the following 57200
exceptions: 57201

(i) Except as provided in division (Y)(2)(d) of this section, 57202
a sewage sludge facility that treats or disposes of exceptional 57203
quality sludge shall pay a minimum annual sewage sludge fee of one 57204
hundred dollars. 57205

(ii) A sewage sludge facility that treats or disposes of 57206
exceptional quality sludge shall not be required to pay the annual 57207
sludge fee for treatment or disposal in this state of exceptional 57208
quality sludge generated outside of this state and contained in 57209
bags or other containers not greater than one hundred pounds in 57210
capacity. 57211

A thirty-five per cent reduction for exceptional quality 57212

sludge applies to the maximum annual fees established under 57213
division (Y)(3) of this section. 57214

(c) A sewage sludge facility that transfers sewage sludge to 57215
another sewage sludge facility in this state for further treatment 57216
prior to disposal in this state shall not be required to pay the 57217
annual sludge fee for the tons of sewage sludge that have been 57218
transferred. In such a case, the sewage sludge facility that 57219
disposes of the sewage sludge shall pay the annual sludge fee. 57220
However, the facility transferring the sewage sludge shall pay the 57221
one-hundred-dollar minimum fee required under division (Y)(2)(a) 57222
of this section. 57223

In the case of a sewage sludge facility that treats sewage 57224
sludge in this state and transfers it out of this state to another 57225
entity for disposal, the sewage sludge facility in this state 57226
shall be required to pay the annual sludge fee for the tons of 57227
sewage sludge that have been transferred. 57228

(d) A sewage sludge facility that generates sewage sludge 57229
resulting from an average daily discharge flow of less than five 57230
thousand gallons per day is not subject to the fees assessed under 57231
division (Y) of this section. 57232

(3) No sewage sludge facility required to pay the annual 57233
sludge fee shall be required to pay more than the maximum annual 57234
fee for each disposal method that the sewage sludge facility uses. 57235
The maximum annual fee does not include the additional amount that 57236
may be charged under division (Y)(5) of this section for late 57237
payment of the annual sludge fee. The maximum annual fee for the 57238
following methods of disposal of sewage sludge is as follows: 57239

(a) Incineration: five thousand dollars; 57240

(b) Preexisting land reclamation project or disposal in a 57241
landfill: five thousand dollars; 57242

(c) Land application, land reclamation, surface disposal, or 57243

any other disposal method not specified in division (Y)(3)(a) or 57244
(b) of this section: twenty thousand dollars. 57245

(4)(a) In the case of an entity that generates sewage sludge 57246
or a sewage sludge facility that treats sewage sludge and 57247
transfers the sewage sludge to an incineration facility for 57248
disposal, the incineration facility, and not the entity generating 57249
the sewage sludge or the sewage sludge facility treating the 57250
sewage sludge, shall pay the annual sludge fee for the tons of 57251
sewage sludge that are transferred. However, the entity or 57252
facility generating or treating the sewage sludge shall pay the 57253
one-hundred-dollar minimum fee required under division (Y)(2)(a) 57254
of this section. 57255

(b) In the case of an entity that generates sewage sludge and 57256
transfers the sewage sludge to a landfill for disposal or to a 57257
sewage sludge facility for land reclamation or surface disposal, 57258
the entity generating the sewage sludge, and not the landfill or 57259
sewage sludge facility, shall pay the annual sludge fee for the 57260
tons of sewage sludge that are transferred. 57261

(5) Not later than the first day of April of the calendar 57262
year following March 17, 2000, and each first day of April 57263
thereafter, the director shall issue invoices to persons who are 57264
required to pay the annual sludge fee. The invoice shall identify 57265
the nature and amount of the annual sludge fee assessed and state 57266
the first day of May as the deadline for receipt by the director 57267
of objections regarding the amount of the fee and the first day of 57268
July as the deadline for payment of the fee. 57269

Not later than the first day of May following receipt of an 57270
invoice, a person required to pay the annual sludge fee may submit 57271
objections to the director concerning the accuracy of information 57272
regarding the number of dry tons of sewage sludge used to 57273
calculate the amount of the annual sludge fee or regarding whether 57274
the sewage sludge qualifies for the exceptional quality sludge 57275

discount established in division (Y)(2)(b) of this section. The 57276
director may consider the objections and adjust the amount of the 57277
fee to ensure that it is accurate. 57278

If the director does not adjust the amount of the annual 57279
sludge fee in response to a person's objections, the person may 57280
appeal the director's determination in accordance with Chapter 57281
119. of the Revised Code. 57282

Not later than the first day of June, the director shall 57283
notify the objecting person regarding whether the director has 57284
found the objections to be valid and the reasons for the finding. 57285
If the director finds the objections to be valid and adjusts the 57286
amount of the annual sludge fee accordingly, the director shall 57287
issue with the notification a new invoice to the person 57288
identifying the amount of the annual sludge fee assessed and 57289
stating the first day of July as the deadline for payment. 57290

Not later than the first day of July, any person who is 57291
required to do so shall pay the annual sludge fee. Any person who 57292
is required to pay the fee, but who fails to do so on or before 57293
that date shall pay an additional amount that equals ten per cent 57294
of the required annual sludge fee. 57295

(6) The director shall transmit all moneys collected under 57296
division (Y) of this section to the treasurer of state for deposit 57297
into the surface water protection fund created in section 6111.038 57298
of the Revised Code. The moneys shall be used to defray the costs 57299
of administering and enforcing provisions in Chapter 6111. of the 57300
Revised Code and rules adopted under it that govern the use, 57301
storage, treatment, or disposal of sewage sludge. 57302

(7) Beginning in fiscal year 2001, and every two years 57303
thereafter, the director shall review the total amount of moneys 57304
generated by the annual sludge fees to determine if that amount 57305
exceeded six hundred thousand dollars in either of the two 57306

preceding fiscal years. If the total amount of moneys in the fund 57307
exceeded six hundred thousand dollars in either fiscal year, the 57308
director, after review of the fee structure and consultation with 57309
affected persons, shall issue an order reducing the amount of the 57310
fees levied under division (Y) of this section so that the 57311
estimated amount of moneys resulting from the fees will not exceed 57312
six hundred thousand dollars in any fiscal year. 57313

If, upon review of the fees under division (Y)(7) of this 57314
section and after the fees have been reduced, the director 57315
determines that the total amount of moneys collected and 57316
accumulated is less than six hundred thousand dollars, the 57317
director, after review of the fee structure and consultation with 57318
affected persons, may issue an order increasing the amount of the 57319
fees levied under division (Y) of this section so that the 57320
estimated amount of moneys resulting from the fees will be 57321
approximately six hundred thousand dollars. Fees shall never be 57322
increased to an amount exceeding the amount specified in division 57323
(Y)(7) of this section. 57324

Notwithstanding section 119.06 of the Revised Code, the 57325
director may issue an order under division (Y)(7) of this section 57326
without the necessity to hold an adjudicatory hearing in 57327
connection with the order. The issuance of an order under this 57328
division is not an act or action for purposes of section 3745.04 57329
of the Revised Code. 57330

(8) As used in division (Y) of this section: 57331

(a) "Sewage sludge facility" means an entity that performs 57332
treatment on or is responsible for the disposal of sewage sludge. 57333

(b) "Sewage sludge" means a solid, semi-solid, or liquid 57334
residue generated during the treatment of domestic sewage in a 57335
treatment works as defined in section 6111.01 of the Revised Code. 57336
"Sewage sludge" includes, but is not limited to, scum or solids 57337

removed in primary, secondary, or advanced wastewater treatment 57338
processes. "Sewage sludge" does not include ash generated during 57339
the firing of sewage sludge in a sewage sludge incinerator, grit 57340
and screenings generated during preliminary treatment of domestic 57341
sewage in a treatment works, animal manure, residue generated 57342
during treatment of animal manure, or domestic septage. 57343

(c) "Exceptional quality sludge" means sewage sludge that 57344
meets all of the following qualifications: 57345

(i) Satisfies the class A pathogen standards in 40 C.F.R. 57346
503.32(a); 57347

(ii) Satisfies one of the vector attraction reduction 57348
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 57349

(iii) Does not exceed the ceiling concentration limitations 57350
for metals listed in table one of 40 C.F.R. 503.13; 57351

(iv) Does not exceed the concentration limitations for metals 57352
listed in table three of 40 C.F.R. 503.13. 57353

(d) "Treatment" means the preparation of sewage sludge for 57354
final use or disposal and includes, but is not limited to, 57355
thickening, stabilization, and dewatering of sewage sludge. 57356

(e) "Disposal" means the final use of sewage sludge, 57357
including, but not limited to, land application, land reclamation, 57358
surface disposal, or disposal in a landfill or an incinerator. 57359

(f) "Land application" means the spraying or spreading of 57360
sewage sludge onto the land surface, the injection of sewage 57361
sludge below the land surface, or the incorporation of sewage 57362
sludge into the soil for the purposes of conditioning the soil or 57363
fertilizing crops or vegetation grown in the soil. 57364

(g) "Land reclamation" means the returning of disturbed land 57365
to productive use. 57366

(h) "Surface disposal" means the placement of sludge on an 57367

area of land for disposal, including, but not limited to, 57368
monofills, surface impoundments, lagoons, waste piles, or 57369
dedicated disposal sites. 57370

(i) "Incinerator" means an entity that disposes of sewage 57371
sludge through the combustion of organic matter and inorganic 57372
matter in sewage sludge by high temperatures in an enclosed 57373
device. 57374

(j) "Incineration facility" includes all incinerators owned 57375
or operated by the same entity and located on a contiguous tract 57376
of land. Areas of land are considered to be contiguous even if 57377
they are separated by a public road or highway. 57378

(k) "Annual sludge fee" means the fee assessed under division 57379
(Y)(1) of this section. 57380

(l) "Landfill" means a sanitary landfill facility, as defined 57381
in rules adopted under section 3734.02 of the Revised Code, that 57382
is licensed under section 3734.05 of the Revised Code. 57383

(m) "Preexisting land reclamation project" means a 57384
property-specific land reclamation project that has been in 57385
continuous operation for not less than five years pursuant to 57386
approval of the activity by the director and includes the 57387
implementation of a community outreach program concerning the 57388
activity. 57389

Sec. 3745.31. (A) As used in this section, "environmental 57390
law" means sections 903.08, 903.17, and 3737.87 to 3737.882 and 57391
Chapters 3704., 3714., 3734., 3745., 3750., 3751., 3752., 3753., 57392
6109., and 6111. of the Revised Code; any rule adopted under those 57393
sections or chapters or adopted for the purpose of implementing 57394
those sections or chapters; and any applicable provisions of 57395
Chapter 3767. of the Revised Code when an environmentally related 57396
nuisance action is brought. 57397

(B)(1) Except as provided in ~~division~~ divisions (B)(2) and 57398
(3) of this section, any action under any environmental law for 57399
civil or administrative penalties of any kind brought by any 57400
agency or department of the state or by any other governmental 57401
authority charged with enforcing environmental laws shall be 57402
commenced within five years of the time when the agency, 57403
department, or governmental authority actually knew or was 57404
informed of the occurrence, omission, or facts on which the cause 57405
of action is based. 57406

(2) ~~If~~ Except as provided in division (B)(3) of this section, 57407
if an agency, department, or governmental authority actually knew 57408
or was informed of an occurrence, omission, or facts on which a 57409
cause of action is based prior to ~~the effective date of this~~ 57410
~~section~~ July 23, 2002, the cause of action for civil or 57411
administrative penalties of any kind for the alleged violation 57412
shall be commenced not later than five years after ~~the effective~~ 57413
~~date of this section~~ July 23, 2002. 57414

(3) With regard to Chapter 3714. of the Revised Code and 57415
rules adopted under it, if an agency, department, or governmental 57416
authority actually knew or was informed of an occurrence, 57417
omission, or facts on which a cause of action is based prior to 57418
the effective date of this amendment, the cause of action for 57419
civil or administrative penalties of any kind for the alleged 57420
violation shall be commenced not later than five years after the 57421
effective date of this amendment. 57422

(C) Division (B) of this section applies only if, during the 57423
time periods established in that division, proper service of 57424
process can be given in accordance with the Rules of Civil 57425
Procedure and jurisdiction of a court in this state can be 57426
obtained. 57427

(D) The time periods established in division (B) of this 57428
section may be tolled by mutual agreement between the enforcing 57429

agency, department, or authority and the person who is subject to 57430
a civil or administrative penalty of any kind under an 57431
environmental law. 57432

(E) When an action seeks injunctive relief or another remedy 57433
in addition to a remedy of civil or administrative penalties of 57434
any kind under an environmental law, division (B) of this section 57435
applies only to the remedy of civil or administrative penalties of 57436
any kind. 57437

(F) Beginning on the first anniversary of ~~the effective date~~ 57438
~~of this section~~ July 23, 2002, and for four years thereafter, the 57439
director of environmental protection and the fire marshal shall 57440
each annually submit a report concerning the aggregate number of 57441
enforcement cases that are based on occurrences, omissions, or 57442
facts about which the director or the fire marshal actually knew 57443
or was informed prior to ~~the effective date of this section~~ July 57444
23, 2002 for which a cause of action has not been brought pursuant 57445
to division (B)(2) of this section as of the date of the report. 57446
The respective reports submitted by the director and the fire 57447
marshal shall only address the aggregate number of occurrences, 57448
omissions, or facts under environmental laws concerning which the 57449
director or fire marshal has regulatory authority. The respective 57450
reports submitted by the director and the fire marshal shall not 57451
include any names, addresses, or other identifying information. 57452
The report shall be submitted to the speaker of the house of 57453
representatives, the president of the senate, and the chairpersons 57454
of the standing committees of the house of representatives and the 57455
senate that are primarily responsible for considering 57456
environmental issues. 57457

Sec. 3745.50. For the purpose of promoting the expansion of 57458
oil and gas production in this state, the development and 57459
production of other energy resources in this state, and the 57460

protection of the environment, the director of environmental 57461
protection, the director of natural resources, and the director of 57462
development jointly shall establish procedures and policies for 57463
the purpose of streamlining the permitting process for permits 57464
issued by the environmental protection agency and any other state 57465
agency that are related to the siting or expansion of oil and gas 57466
refineries, coal gasification facilities, and other energy 57467
resource related facilities. 57468

Sec. 3767.41. (A) As used in this section: 57469

(1) "Building" means, except as otherwise provided in this 57470
division, any building or structure that is used or intended to be 57471
used for residential purposes. "Building" includes, but is not 57472
limited to, a building or structure in which any floor is used for 57473
retail stores, shops, salesrooms, markets, or similar commercial 57474
uses, or for offices, banks, civic administration activities, 57475
professional services, or similar business or civic uses, and in 57476
which the other floors are used, or designed and intended to be 57477
used, for residential purposes. "Building" does not include any 57478
building or structure that is occupied by its owner and that 57479
contains three or fewer residential units. 57480

(2)(a) "Public nuisance" means a building that is a menace to 57481
the public health, welfare, or safety; that is structurally 57482
unsafe, unsanitary, or not provided with adequate safe egress; 57483
that constitutes a fire hazard, is otherwise dangerous to human 57484
life, or is otherwise no longer fit and habitable; or that, in 57485
relation to its existing use, constitutes a hazard to the public 57486
health, welfare, or safety by reason of inadequate maintenance, 57487
dilapidation, obsolescence, or abandonment. 57488

(b) "Public nuisance" as it applies to subsidized housing 57489
means subsidized housing that fails to meet the following 57490

standards as specified in the federal rules governing each 57491
standard: 57492

(i) Each building on the site is structurally sound, secure, 57493
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 57494

(ii) Each building's domestic water, electrical system, 57495
elevators, emergency power, fire protection, HVAC, and sanitary 57496
system is free of health and safety hazards, functionally 57497
adequate, operable, and in good repair, as defined in 24 C.F.R. 57498
5.703(c); 57499

(iii) Each dwelling unit within the building is structurally 57500
sound, habitable, and in good repair, and all areas and aspects of 57501
the dwelling unit are free of health and safety hazards, 57502
functionally adequate, operable, and in good repair, as defined in 57503
24 C.F.R. 5.703(d)(1); 57504

(iv) Where applicable, the dwelling unit has hot and cold 57505
running water, including an adequate source of potable water, as 57506
defined in 24 C.F.R. 5.703(d)(2); 57507

(v) If the dwelling unit includes its own sanitary facility, 57508
it is in proper operating condition, usable in privacy, and 57509
adequate for personal hygiene, and the disposal of human waste, as 57510
defined in 24 C.F.R. 5.703(d)(3); 57511

(vi) The common areas are structurally sound, secure, and 57512
functionally adequate for the purposes intended. The basement, 57513
garage, carport, restrooms, closets, utility, mechanical, 57514
community rooms, daycare, halls, corridors, stairs, kitchens, 57515
laundry rooms, office, porch, patio, balcony, and trash collection 57516
areas are free of health and safety hazards, operable, and in good 57517
repair. All common area ceilings, doors, floors, HVAC, lighting, 57518
smoke detectors, stairs, walls, and windows, to the extent 57519
applicable, are free of health and safety hazards, operable, and 57520
in good repair, as defined in 24 C.F.R. 5.703(e); 57521

(vii) All areas and components of the housing are free of health and safety hazards. These areas include, but are not limited to, air quality, electrical hazards, elevators, emergency/fire exits, flammable materials, garbage and debris, handrail hazards, infestation, and lead-based paint, as defined in 24 C.F.R. 5.703(f).

(3) "Abate" or "abatement" in connection with any building means the removal or correction of any conditions that constitute a public nuisance and the making of any other improvements that are needed to effect a rehabilitation of the building that is consistent with maintaining safe and habitable conditions over its remaining useful life. "Abatement" does not include the closing or boarding up of any building that is found to be a public nuisance.

(4) "Interested party" means any owner, mortgagee, lienholder, tenant, or person that possesses an interest of record in any property that becomes subject to the jurisdiction of a court pursuant to this section, and any applicant for the appointment of a receiver pursuant to this section.

(5) "Neighbor" means any owner of property, including, but not limited to, any person who is purchasing property by land installment contract or under a duly executed purchase contract, that is located within five hundred feet of any property that becomes subject to the jurisdiction of a court pursuant to this section, and any occupant of a building that is so located.

(6) "Tenant" has the same meaning as in section 5321.01 of the Revised Code.

(7) "Subsidized housing" means a property consisting of more than four dwelling units that, in whole or in part, receives project-based assistance pursuant to a contract under any of the following federal housing programs:

(a) The new construction or substantial rehabilitation

program under section 8(b)(2) of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as that program was in effect immediately before the first day of October, 1983;

(b) The moderate rehabilitation program under section 8(e)(2) of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(e)(2);

(c) The loan management assistance program under section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f;

(d) The rent supplement program under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s;

(e) Section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following conversion from assistance under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s;

(f) The program of supportive housing for the elderly under section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 Stat. 654, 12 U.S.C. 1701q;

(g) The program of supportive housing for persons with disabilities under section 811 of the "National Affordable Housing Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013;

(h) The rental assistance program under section 521 of the "United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 1490a.

(8) "Project-based assistance" means the assistance is attached to the property and provides rental assistance only on

behalf of tenants who reside in that property. 57583

(9) "Landlord" has the same meaning as in section 5321.01 of 57584
the Revised Code. 57585

(B)(1)(a) In any civil action to enforce any local building, 57586
housing, air pollution, sanitation, health, fire, zoning, or 57587
safety code, ordinance, resolution, or regulation applicable to 57588
buildings, that is commenced in a court of common pleas, municipal 57589
court, housing or environmental division of a municipal court, or 57590
county court, or in any civil action for abatement commenced in a 57591
court of common pleas, municipal court, housing or environmental 57592
division of a municipal court, or county court, by a municipal 57593
corporation or township in which the building involved is located, 57594
by any neighbor, tenant, or by a nonprofit corporation that is 57595
duly organized and has as one of its goals the improvement of 57596
housing conditions in the county or municipal corporation in which 57597
the building involved is located, if a building is alleged to be a 57598
public nuisance, the municipal corporation, township, neighbor, 57599
tenant, or nonprofit corporation may apply in its complaint for an 57600
injunction or other order as described in division (C)(1) of this 57601
section, or for the relief described in division (C)(2) of this 57602
section, including, if necessary, the appointment of a receiver as 57603
described in divisions (C)(2) and (3) of this section, or for both 57604
such an injunction or other order and such relief. The municipal 57605
corporation, township, neighbor, tenant, or nonprofit corporation 57606
commencing the action is not liable for the costs, expenses, and 57607
fees of any receiver appointed pursuant to divisions (C)(2) and 57608
(3) of this section. 57609

(b) Prior to commencing a civil action for abatement when the 57610
property alleged to be a public nuisance is subsidized housing, 57611
the municipal corporation, township, neighbor, tenant, or 57612
nonprofit corporation commencing the action shall provide the 57613
landlord of that property with written notice that specifies one 57614

or more defective conditions that constitute a public nuisance as 57615
that term applies to subsidized housing and states that if the 57616
landlord fails to remedy the condition within sixty days of the 57617
service of the notice, a claim pursuant to this section may be 57618
brought on the basis that the property constitutes a public 57619
nuisance in subsidized housing. Any party authorized to bring an 57620
action against the landlord shall make reasonable attempts to 57621
serve the notice in the manner prescribed in the Rules of Civil 57622
Procedure to the landlord or the landlord's agent for the property 57623
at the property's management office, or at the place where the 57624
tenants normally pay or send rent. If the landlord is not the 57625
owner of record, the party bringing the action shall make a 57626
reasonable attempt to serve the owner. If the owner does not 57627
receive service the person bringing the action shall certify the 57628
attempts to serve the owner. 57629

(2)(a) In a civil action described in division (B)(1) of this 57630
section, a copy of the complaint and a notice of the date and time 57631
of a hearing on the complaint shall be served upon the owner of 57632
the building and all other interested parties in accordance with 57633
the Rules of Civil Procedure. If certified mail service, personal 57634
service, or residence service of the complaint and notice is 57635
refused or certified mail service of the complaint and notice is 57636
not claimed, and if the municipal corporation, township, neighbor, 57637
tenant, or nonprofit corporation commencing the action makes a 57638
written request for ordinary mail service of the complaint and 57639
notice, or uses publication service, in accordance with the Rules 57640
of Civil Procedure, then a copy of the complaint and notice shall 57641
be posted in a conspicuous place on the building. 57642

(b) The judge in a civil action described in division (B)(1) 57643
of this section shall conduct a hearing at least twenty-eight days 57644
after the owner of the building and the other interested parties 57645
have been served with a copy of the complaint and the notice of 57646

the date and time of the hearing in accordance with division 57647
(B)(2)(a) of this section. 57648

(c) In considering whether subsidized housing is a public 57649
nuisance, the judge shall construe the standards set forth in 57650
division (A)(2)(b) of this section in a manner consistent with 57651
department of housing and urban development and judicial 57652
interpretations of those standards. The judge shall deem that the 57653
property is not a public nuisance if during the twelve months 57654
prior to the service of the notice that division (B)(1)(b) of this 57655
section requires, the department of housing and urban 57656
development's real estate assessment center issued a score of 57657
seventy-five or higher out of a possible one hundred points 57658
pursuant to its regulations governing the physical condition of 57659
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 57660
and since the most recent inspection, there has been no 57661
significant change in the property's conditions that would create 57662
a serious threat to the health, safety, or welfare of the 57663
property's tenants. 57664

(C)(1) If the judge in a civil action described in division 57665
(B)(1) of this section finds at the hearing required by division 57666
(B)(2) of this section that the building involved is a public 57667
nuisance, if the judge additionally determines that the owner of 57668
the building previously has not been afforded a reasonable 57669
opportunity to abate the public nuisance or has been afforded such 57670
an opportunity and has not refused or failed to abate the public 57671
nuisance, and if the complaint of the municipal corporation, 57672
township, neighbor, tenant, or nonprofit corporation commencing 57673
the action requested the issuance of an injunction as described in 57674
this division, then the judge may issue an injunction requiring 57675
the owner of the building to abate the public nuisance or issue 57676
any other order that the judge considers necessary or appropriate 57677
to cause the abatement of the public nuisance. If an injunction is 57678

issued pursuant to this division, the owner of the building 57679
involved shall be given no more than thirty days from the date of 57680
the entry of the judge's order to comply with the injunction, 57681
unless the judge, for good cause shown, extends the time for 57682
compliance. 57683

(2) If the judge in a civil action described in division 57684
(B)(1) of this section finds at the hearing required by division 57685
(B)(2) of this section that the building involved is a public 57686
nuisance, if the judge additionally determines that the owner of 57687
the building previously has been afforded a reasonable opportunity 57688
to abate the public nuisance and has refused or failed to do so, 57689
and if the complaint of the municipal corporation, township, 57690
neighbor, tenant, or nonprofit corporation commencing the action 57691
requested relief as described in this division, then the judge 57692
shall offer any mortgagee, lienholder, or other interested party 57693
associated with the property on which the building is located, in 57694
the order of the priority of interest in title, the opportunity to 57695
undertake the work and to furnish the materials necessary to abate 57696
the public nuisance. Prior to selecting any interested party, the 57697
judge shall require the interested party to demonstrate the 57698
ability to promptly undertake the work and furnish the materials 57699
required, to provide the judge with a viable financial and 57700
construction plan for the rehabilitation of the building as 57701
described in division (D) of this section, and to post security 57702
for the performance of the work and the furnishing of the 57703
materials. 57704

If the judge determines, at the hearing, that no interested 57705
party is willing or able to undertake the work and to furnish the 57706
materials necessary to abate the public nuisance, or if the judge 57707
determines, at any time after the hearing, that any party who is 57708
undertaking corrective work pursuant to this division cannot or 57709
will not proceed, or has not proceeded with due diligence, the 57710

judge may appoint a receiver pursuant to division (C)(3) of this 57711
section to take possession and control of the building. 57712

(3)(a) The judge in a civil action described in division 57713
(B)(1) of this section shall not appoint any person as a receiver 57714
unless the person first has provided the judge with a viable 57715
financial and construction plan for the rehabilitation of the 57716
building involved as described in division (D) of this section and 57717
has demonstrated the capacity and expertise to perform the 57718
required work and to furnish the required materials in a 57719
satisfactory manner. An appointed receiver may be a financial 57720
institution that possesses an interest of record in the building 57721
or the property on which it is located, a nonprofit corporation as 57722
described in divisions (B)(1) and (C)(3)(b) of this section, 57723
including, but not limited to, a nonprofit corporation that 57724
commenced the action described in division (B)(1) of this section, 57725
or any other qualified property manager. 57726

(b) To be eligible for appointment as a receiver, no part of 57727
the net earnings of a nonprofit corporation shall inure to the 57728
benefit of any private shareholder or individual. Membership on 57729
the board of trustees of a nonprofit corporation appointed as a 57730
receiver does not constitute the holding of a public office or 57731
employment within the meaning of sections 731.02 and 731.12 or any 57732
other section of the Revised Code and does not constitute a direct 57733
or indirect interest in a contract or expenditure of money by any 57734
municipal corporation. A member of a board of trustees of a 57735
nonprofit corporation appointed as a receiver shall not be 57736
disqualified from holding any public office or employment, and 57737
shall not forfeit any public office or employment, by reason of 57738
membership on the board of trustees, notwithstanding any law to 57739
the contrary. 57740

(D) Prior to ordering any work to be undertaken, or the 57741
furnishing of any materials, to abate a public nuisance under this 57742

section, the judge in a civil action described in division (B)(1) 57743
of this section shall review the submitted financial and 57744
construction plan for the rehabilitation of the building involved 57745
and, if it specifies all of the following, shall approve that 57746
plan: 57747

(1) The estimated cost of the labor, materials, and any other 57748
development costs that are required to abate the public nuisance; 57749

(2) The estimated income and expenses of the building and the 57750
property on which it is located after the furnishing of the 57751
materials and the completion of the repairs and improvements; 57752

(3) The terms, conditions, and availability of any financing 57753
that is necessary to perform the work and to furnish the 57754
materials; 57755

(4) If repair and rehabilitation of the building are found 57756
not to be feasible, the cost of demolition of the building or of 57757
the portions of the building that constitute the public nuisance. 57758

(E) Upon the written request of any of the interested parties 57759
to have a building, or portions of a building, that constitute a 57760
public nuisance demolished because repair and rehabilitation of 57761
the building are found not to be feasible, the judge may order the 57762
demolition. However, the demolition shall not be ordered unless 57763
the requesting interested parties have paid the costs of 57764
demolition and, if any, of the receivership, and, if any, all 57765
notes, certificates, mortgages, and fees of the receivership. 57766

(F) Before proceeding with the duties of receiver, any 57767
receiver appointed by the judge in a civil action described in 57768
division (B)(1) of this section may be required by the judge to 57769
post a bond in an amount fixed by the judge, but not exceeding the 57770
value of the building involved as determined by the judge. 57771

The judge may empower the receiver to do any or all of the 57772
following: 57773

- (1) Take possession and control of the building and the property on which it is located, operate and manage the building and the property, establish and collect rents and income, lease and rent the building and the property, and evict tenants; 57774
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- (2) Pay all expenses of operating and conserving the building and the property, including, but not limited to, the cost of electricity, gas, water, sewerage, heating fuel, repairs and supplies, custodian services, taxes and assessments, and insurance premiums, and hire and pay reasonable compensation to a managing agent; 57778
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- (3) Pay pre-receivership mortgages or installments of them and other liens; 57784
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- (4) Perform or enter into contracts for the performance of all work and the furnishing of materials necessary to abate, and obtain financing for the abatement of, the public nuisance; 57786
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- (5) Pursuant to court order, remove and dispose of any personal property abandoned, stored, or otherwise located in or on the building and the property that creates a dangerous or unsafe condition or that constitutes a violation of any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation; 57789
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- (6) Obtain mortgage insurance for any receiver's mortgage from any agency of the federal government; 57795
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- (7) Enter into any agreement and do those things necessary to maintain and preserve the building and the property and comply with all local building, housing, air pollution, sanitation, health, fire, zoning, or safety codes, ordinances, resolutions, and regulations; 57797
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- (8) Give the custody of the building and the property, and the opportunity to abate the nuisance and operate the property, to its owner or any mortgagee or lienholder of record; 57802
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(9) Issue notes and secure them by a mortgage bearing 57805
interest, and upon terms and conditions, that the judge approves. 57806
When sold or transferred by the receiver in return for valuable 57807
consideration in money, material, labor, or services, the notes or 57808
certificates shall be freely transferable. Any mortgages granted 57809
by the receiver shall be superior to any claims of the receiver. 57810
Priority among the receiver's mortgages shall be determined by the 57811
order in which they are recorded. 57812

(G) A receiver appointed pursuant to this section is not 57813
personally liable except for misfeasance, malfeasance, or 57814
nonfeasance in the performance of the functions of the office of 57815
receiver. 57816

(H)(1) The judge in a civil action described in division 57817
(B)(1) of this section may assess as court costs, the expenses 57818
described in division (F)(2) of this section, and may approve 57819
receiver's fees to the extent that they are not covered by the 57820
income from the property. Subject to that limitation, a receiver 57821
appointed pursuant to divisions (C)(2) and (3) of this section is 57822
entitled to receive fees in the same manner and to the same extent 57823
as receivers appointed in actions to foreclose mortgages. 57824

(2)(a) Pursuant to the police powers vested in the state, all 57825
expenditures of a mortgagee, lienholder, or other interested party 57826
that has been selected pursuant to division (C)(2) of this section 57827
to undertake the work and to furnish the materials necessary to 57828
abate a public nuisance, and any expenditures in connection with 57829
the foreclosure of the lien created by this division, is a first 57830
lien upon the building involved and the property on which it is 57831
located and is superior to all prior and subsequent liens or other 57832
encumbrances associated with the building or the property, 57833
including, but not limited to, those for taxes and assessments, 57834
upon the occurrence of both of the following: 57835

(i) The prior approval of the expenditures by, and the entry 57836

of a judgment to that effect by, the judge in the civil action 57837
described in division (B)(1) of this section; 57838

(ii) The recordation of a certified copy of the judgment 57839
entry and a sufficient description of the property on which the 57840
building is located with the county recorder in the county in 57841
which the property is located within sixty days after the date of 57842
the entry of the judgment. 57843

(b) Pursuant to the police powers vested in the state, all 57844
expenses and other amounts paid in accordance with division (F) of 57845
this section by a receiver appointed pursuant to divisions (C)(2) 57846
and (3) of this section, the amounts of any notes issued by the 57847
receiver in accordance with division (F) of this section, all 57848
mortgages granted by the receiver in accordance with that 57849
division, the fees of the receiver approved pursuant to division 57850
(H)(1) of this section, and any amounts expended in connection 57851
with the foreclosure of a mortgage granted by the receiver in 57852
accordance with division (F) of this section or with the 57853
foreclosure of the lien created by this division, are a first lien 57854
upon the building involved and the property on which it is located 57855
and are superior to all prior and subsequent liens or other 57856
encumbrances associated with the building or the property, 57857
including, but not limited to, those for taxes and assessments, 57858
upon the occurrence of both of the following: 57859

(i) The approval of the expenses, amounts, or fees by, and 57860
the entry of a judgment to that effect by, the judge in the civil 57861
action described in division (B)(1) of this section; or the 57862
approval of the mortgages in accordance with division (F)(9) of 57863
this section by, and the entry of a judgment to that effect by, 57864
that judge; 57865

(ii) The recordation of a certified copy of the judgment 57866
entry and a sufficient description of the property on which the 57867
building is located, or, in the case of a mortgage, the 57868

recording of the mortgage, a certified copy of the judgment 57869
entry, and such a description, with the county recorder of the 57870
county in which the property is located within sixty days after 57871
the date of the entry of the judgment. 57872

(c) Priority among the liens described in divisions (H)(2)(a) 57873
and (b) of this section shall be determined as described in 57874
division (I) of this section. Additionally, the creation pursuant 57875
to this section of a mortgage lien that is prior to or superior to 57876
any mortgage of record at the time the mortgage lien is so 57877
created, does not disqualify the mortgage of record as a legal 57878
investment under Chapter 1107. or 1151. or any other chapter of 57879
the Revised Code. 57880

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 57881
and (3) of this section files with the judge in the civil action 57882
described in division (B)(1) of this section a report indicating 57883
that the public nuisance has been abated, if the judge confirms 57884
that the receiver has abated the public nuisance, and if the 57885
receiver or any interested party requests the judge to enter an 57886
order directing the receiver to sell the building and the property 57887
on which it is located, the judge may enter that order after 57888
holding a hearing as described in division (I)(2) of this section 57889
and otherwise complying with that division. 57890

(2)(a) The receiver or interested party requesting an order 57891
as described in division (I)(1) of this section shall cause a 57892
notice of the date and time of a hearing on the request to be 57893
served on the owner of the building involved and all other 57894
interested parties in accordance with division (B)(2)(a) of this 57895
section. The judge in the civil action described in division 57896
(B)(1) of this section shall conduct the scheduled hearing. At the 57897
hearing, if the owner or any interested party objects to the sale 57898
of the building and the property, the burden of proof shall be 57899
upon the objecting person to establish, by a preponderance of the 57900

evidence, that the benefits of not selling the building and the property outweigh the benefits of selling them. If the judge determines that there is no objecting person, or if the judge determines that there is one or more objecting persons but no objecting person has sustained the burden of proof specified in this division, the judge may enter an order directing the receiver to offer the building and the property for sale upon terms and conditions that the judge shall specify.

(b) In any sale of subsidized housing that is ordered pursuant to this section, the judge shall specify that the subsidized housing not be conveyed unless that conveyance complies with applicable federal law and applicable program contracts for that housing. Any such conveyance shall be subject to the condition that the purchaser enter into a contract with the department of housing and urban development or the rural housing service of the federal department of agriculture under which the property continues to be subsidized housing and the owner continues to operate that property as subsidized housing unless the secretary of housing and urban development or the administrator of the rural housing service terminates that property's contract prior to or upon the conveyance of the property.

(3) If a sale of a building and the property on which it is located is ordered pursuant to divisions (I)(1) and (2) of this section and if the sale occurs in accordance with the terms and conditions specified by the judge in the judge's order of sale, then the receiver shall distribute the proceeds of the sale and the balance of any funds that the receiver may possess, after the payment of the costs of the sale, in the following order of priority and in the described manner:

(a) First, in satisfaction of any notes issued by the receiver pursuant to division (F) of this section, in their order

of priority; 57933

(b) Second, any unreimbursed expenses and other amounts paid 57934
in accordance with division (F) of this section by the receiver, 57935
and the fees of the receiver approved pursuant to division (H)(1) 57936
of this section; 57937

(c) Third, all expenditures of a mortgagee, lienholder, or 57938
other interested party that has been selected pursuant to division 57939
(C)(2) of this section to undertake the work and to furnish the 57940
materials necessary to abate a public nuisance, provided that the 57941
expenditures were approved as described in division (H)(2)(a) of 57942
this section and provided that, if any such interested party 57943
subsequently became the receiver, its expenditures shall be paid 57944
prior to the expenditures of any of the other interested parties 57945
so selected; 57946

(d) Fourth, the amount due for delinquent taxes, assessments, 57947
charges, penalties, and interest owed to this state or a political 57948
subdivision of this state, provided that, if the amount available 57949
for distribution pursuant to division (I)(3)(d) of this section is 57950
insufficient to pay the entire amount of those taxes, assessments, 57951
charges, penalties, and interest, the proceeds and remaining funds 57952
shall be paid to each claimant in proportion to the amount of 57953
those taxes, assessments, charges, penalties, and interest that 57954
each is due. 57955

(e) The amount of any pre-receivership mortgages, liens, or 57956
other encumbrances, in their order of priority. 57957

(4) Following a distribution in accordance with division 57958
(I)(3) of this section, the receiver shall request the judge in 57959
the civil action described in division (B)(1) of this section to 57960
enter an order terminating the receivership. If the judge 57961
determines that the sale of the building and the property on which 57962
it is located occurred in accordance with the terms and conditions 57963

specified by the judge in the judge's order of sale under division 57964
(I)(2) of this section and that the receiver distributed the 57965
proceeds of the sale and the balance of any funds that the 57966
receiver possessed, after the payment of the costs of the sale, in 57967
accordance with division (I)(3) of this section, and if the judge 57968
approves any final accounting required of the receiver, the judge 57969
may terminate the receivership. 57970

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 57971
(3) of this section may be discharged at any time in the 57972
discretion of the judge in the civil action described in division 57973
(B)(1) of this section. The receiver shall be discharged by the 57974
judge as provided in division (I)(4) of this section, or when all 57975
of the following have occurred: 57976

(a) The public nuisance has been abated; 57977

(b) All costs, expenses, and approved fees of the 57978
receivership have been paid; 57979

(c) Either all receiver's notes issued and mortgages granted 57980
pursuant to this section have been paid, or all the holders of the 57981
notes and mortgages request that the receiver be discharged. 57982

(2) If a judge in a civil action described in division (B)(1) 57983
of this section determines that, and enters of record a 57984
declaration that, a public nuisance has been abated by a receiver, 57985
and if, within three days after the entry of the declaration, all 57986
costs, expenses, and approved fees of the receivership have not 57987
been paid in full, then, in addition to the circumstances 57988
specified in division (I) of this section for the entry of such an 57989
order, the judge may enter an order directing the receiver to sell 57990
the building involved and the property on which it is located. Any 57991
such order shall be entered, and the sale shall occur, only in 57992
compliance with division (I) of this section. 57993

(K) The title in any building, and in the property on which 57994

it is located, that is sold at a sale ordered under division (I) 57995
or (J)(2) of this section shall be incontestable in the purchaser 57996
and shall be free and clear of all liens for delinquent taxes, 57997
assessments, charges, penalties, and interest owed to this state 57998
or any political subdivision of this state, that could not be 57999
satisfied from the proceeds of the sale and the remaining funds in 58000
the receiver's possession pursuant to the distribution under 58001
division (I)(3) of this section. All other liens and encumbrances 58002
with respect to the building and the property shall survive the 58003
sale, including, but not limited to, a federal tax lien notice 58004
properly filed in accordance with section 317.09 of the Revised 58005
Code prior to the time of the sale, and the easements and 58006
covenants of record running with the property that were created 58007
prior to the time of the sale. 58008

(L)(1) Nothing in this section shall be construed as a 58009
limitation upon the powers granted to a court of common pleas, a 58010
municipal court or a housing or environmental division of a 58011
municipal court under Chapter 1901. of the Revised Code, or a 58012
county court under Chapter 1907. of the Revised Code. 58013

(2) The monetary and other limitations specified in Chapters 58014
1901. and 1907. of the Revised Code upon the jurisdiction of 58015
municipal and county courts, and of housing or environmental 58016
divisions of municipal courts, in civil actions do not operate as 58017
limitations upon any of the following: 58018

(a) Expenditures of a mortgagee, lienholder, or other 58019
interested party that has been selected pursuant to division 58020
(C)(2) of this section to undertake the work and to furnish the 58021
materials necessary to abate a public nuisance; 58022

(b) Any notes issued by a receiver pursuant to division (F) 58023
of this section; 58024

(c) Any mortgage granted by a receiver in accordance with 58025

division (F) of this section;	58026
(d) Expenditures in connection with the foreclosure of a mortgage granted by a receiver in accordance with division (F) of this section;	58027 58028 58029
(e) The enforcement of an order of a judge entered pursuant to this section;	58030 58031
(f) The actions that may be taken pursuant to this section by a receiver or a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance.	58032 58033 58034 58035 58036
(3) A judge in a civil action described in division (B)(1) of this section, or the judge's successor in office, has continuing jurisdiction to review the condition of any building that was determined to be a public nuisance pursuant to this section.	58037 58038 58039 58040
<u>(4) Nothing in this section shall be construed to limit or prohibit a municipal corporation or township that has filed with the superintendent of insurance a certified copy of an adopted resolution, ordinance, or regulation authorizing the procedures described in divisions (C) and (D) of section 3929.86 of the Revised Code from receiving insurance proceeds under section 3929.86 of the Revised Code.</u>	58041 58042 58043 58044 58045 58046 58047
Sec. 3770.05. (A) As used in this section, "person" means any person, association, corporation, partnership, club, trust, estate, society, receiver, trustee, person acting in a fiduciary or representative capacity, instrumentality of the state or any of its political subdivisions, or any other combination of individuals meeting the requirements set forth in this section or established by rule or order of the state lottery commission.	58048 58049 58050 58051 58052 58053 58054
(B) The director of the state lottery commission may license	58055

any person as a lottery sales agent. No license shall be issued to 58056
any person or group of persons to engage in the sale of lottery 58057
tickets as the person's or group's sole occupation or business. 58058

Before issuing any license to a lottery sales agent, the 58059
director shall consider all of the following: 58060

(1) The financial responsibility and security of the 58061
applicant and the applicant's business or activity; 58062

(2) The accessibility of the applicant's place of business or 58063
activity to the public; 58064

(3) The sufficiency of existing licensed agents to serve the 58065
public interest; 58066

(4) The volume of expected sales by the applicant; 58067

(5) Any other factors pertaining to the public interest, 58068
convenience, or trust. 58069

(C) Except as otherwise provided in division (F) of this 58070
section, the director of the state lottery commission shall refuse 58071
to grant, or shall suspend or revoke, a license if the applicant 58072
or licensee: 58073

(1) Has been convicted of a felony or has been convicted of a 58074
crime involving moral turpitude; 58075

(2) Has been convicted of an offense that involves illegal 58076
gambling; 58077

(3) Has been found guilty of fraud or misrepresentation in 58078
any connection; 58079

(4) Has been found to have violated any rule or order of the 58080
commission; or 58081

(5) Has been convicted of illegal trafficking in ~~food stamps~~ 58082
supplemental nutrition assistance program benefits. 58083

(D) Except as otherwise provided in division (F) of this 58084

section, the director of the state lottery commission shall refuse 58085
to grant, or shall suspend or revoke, a license if the applicant 58086
or licensee is a corporation and any of the following applies: 58087

(1) Any of the corporation's directors, officers, or 58088
controlling shareholders has been found guilty of any of the 58089
activities specified in divisions (C)(1) to (5) of this section; 58090

(2) It appears to the director of the state lottery 58091
commission that, due to the experience, character, or general 58092
fitness of any director, officer, or controlling shareholder of 58093
the corporation, the granting of a license as a lottery sales 58094
agent would be inconsistent with the public interest, convenience, 58095
or trust; 58096

(3) The corporation is not the owner or lessee of the 58097
business at which it would conduct a lottery sales agency pursuant 58098
to the license applied for; 58099

(4) Any person, firm, association, or corporation other than 58100
the applicant or licensee shares or will share in the profits of 58101
the applicant or licensee, other than receiving dividends or 58102
distributions as a shareholder, or participates or will 58103
participate in the management of the affairs of the applicant or 58104
licensee. 58105

(E)(1) The director of the state lottery commission shall 58106
refuse to grant a license to an applicant for a lottery sales 58107
agent license and shall revoke a lottery sales agent license if 58108
the applicant or licensee is or has been convicted of a violation 58109
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 58110

(2) The director shall refuse to grant a license to an 58111
applicant for a lottery sales agent license that is a corporation 58112
and shall revoke the lottery sales agent license of a corporation 58113
if the corporation is or has been convicted of a violation of 58114
division (A) or (C)(1) of section 2913.46 of the Revised Code. 58115

(F) The director of the state lottery commission shall 58116
request the bureau of criminal identification and investigation, 58117
the department of public safety, or any other state, local, or 58118
federal agency to supply the director with the criminal records of 58119
any applicant for a lottery sales agent license, and may 58120
periodically request the criminal records of any person to whom a 58121
lottery sales agent license has been issued. At or prior to the 58122
time of making such a request, the director shall require an 58123
applicant or licensee to obtain fingerprint impressions on 58124
fingerprint cards prescribed by the superintendent of the bureau 58125
of criminal identification and investigation at a qualified law 58126
enforcement agency, and the director shall cause those fingerprint 58127
cards to be forwarded to the bureau of criminal identification and 58128
investigation, to the federal bureau of investigation, or to both 58129
bureaus. The commission shall assume the cost of obtaining the 58130
fingerprint cards. 58131

The director shall pay to each agency supplying criminal 58132
records for each investigation a reasonable fee, as determined by 58133
the agency. 58134

The commission may adopt uniform rules specifying time 58135
periods after which the persons described in divisions (C)(1) to 58136
(5) and (D)(1) to (4) of this section may be issued a license and 58137
establishing requirements for those persons to seek a court order 58138
to have records sealed in accordance with law. 58139

(G)(1) Each applicant for a lottery sales agent license shall 58140
do both of the following: 58141

(a) Pay to the state lottery commission, at the time the 58142
application is submitted, a fee in an amount that the director of 58143
the state lottery commission determines by rule adopted under 58144
Chapter 119. of the Revised Code and that the controlling board 58145
approves; 58146

(b) Prior to approval of the application, obtain a surety bond in an amount the director determines by rule adopted under Chapter 119. of the Revised Code or, alternatively, with the director's approval, deposit the same amount into a dedicated account for the benefit of the state lottery. The director also may approve the obtaining of a surety bond to cover part of the amount required, together with a dedicated account deposit to cover the remainder of the amount required.

A surety bond may be with any company that complies with the bonding and surety laws of this state and the requirements established by rules of the commission pursuant to this chapter. A dedicated account deposit shall be conducted in accordance with policies and procedures the director establishes.

A surety bond, dedicated account, or both, as applicable, may be used to pay for the lottery sales agent's failure to make prompt and accurate payments for lottery ticket sales, for missing or stolen lottery tickets, or for damage to equipment or materials issued to the lottery sales agent, or to pay for expenses the commission incurs in connection with the lottery sales agent's license.

(2) A lottery sales agent license is effective for one year.

A licensed lottery sales agent, on or before the date established by the director, shall renew the agent's license and provide at that time evidence to the director that the surety bond, dedicated account deposit, or both, required under division (G)(1)(b) of this section has been renewed or is active, whichever applies.

Before the commission renews a lottery sales agent license, the lottery sales agent shall submit a renewal fee to the commission in an amount that the director determines by rule adopted under Chapter 119. of the Revised Code and that the

controlling board approves. The renewal fee shall not exceed the 58178
actual cost of administering the license renewal and processing 58179
changes reflected in the renewal application. The renewal of the 58180
license is effective for up to one year. 58181

(3) A lottery sales agent license shall be complete, 58182
accurate, and current at all times during the term of the license. 58183
Any changes to an original license application or a renewal 58184
application may subject the applicant or lottery sales agent, as 58185
applicable, to paying an administrative fee that shall be in an 58186
amount that the director determines by rule adopted under Chapter 58187
119. of the Revised Code, that the controlling board approves, and 58188
that shall not exceed the actual cost of administering and 58189
processing the changes to an application. 58190

(4) The relationship between the commission and a lottery 58191
sales agent is one of trust. A lottery sales agent collects funds 58192
on behalf of the commission through the sale of lottery tickets 58193
for which the agent receives a compensation. 58194

(H) Pending a final resolution of any question arising under 58195
this section, the director of the state lottery commission may 58196
issue a temporary lottery sales agent license, subject to the 58197
terms and conditions the director considers appropriate. 58198

(I) If a lottery sales agent's rental payments for the 58199
lottery sales agent's premises are determined, in whole or in 58200
part, by the amount of retail sales the lottery sales agent makes, 58201
and if the rental agreement does not expressly provide that the 58202
amount of those retail sales includes the amounts the lottery 58203
sales agent receives from lottery ticket sales, only the amounts 58204
the lottery sales agent receives as compensation from the state 58205
lottery commission for selling lottery tickets shall be considered 58206
to be amounts the lottery sales agent receives from the retail 58207
sales the lottery sales agent makes, for the purpose of computing 58208
the lottery sales agent's rental payments. 58209

Sec. 3773.35. Any person who wishes to conduct a public or 58210
private competition that involves boxing ~~or~~, wrestling ~~match or~~ 58211
~~exhibition, mixed martial arts, kick boxing, tough man contests,~~ 58212
tough guy contests, or any other form of boxing or martial arts 58213
shall apply to the Ohio athletic commission for a promoter's 58214
license. Each application shall be filed with the commission on 58215
forms provided by the commission, and shall be accompanied by an 58216
application fee as prescribed in section 3773.43 of the Revised 58217
Code and, with the exception of wrestling events, by a ~~cash bond,~~ 58218
~~certified check, bank draft, or~~ surety bond of not less than five 58219
twenty thousand dollars conditioned for compliance with sections 58220
3773.31 to 3773.57 of the Revised Code and the rules of the 58221
commission. ~~The applicant shall verify the application under oath.~~ 58222

The commission shall prescribe the form of the application 58223
for the promoter's license. The application shall include the name 58224
of the applicant, the post office address of the applicant, and 58225
any other information the commission requires. 58226
58227

Sec. 3773.36. Upon the proper filing of an application to 58228
conduct any public or private competition that involves boxing ~~or~~ 58229
~~wrestling matches or exhibitions, mixed martial arts, kick boxing,~~ 58230
tough man contests, tough guy contests, or any other form of 58231
boxing or martial arts, accompanied by the ~~cash bond, certified~~ 58232
~~check, bank draft, or~~ surety bond ~~required by section 3773.35,~~ and 58233
the application fee ~~required by section 3773.43 of the Revised~~ 58234
~~Code,~~ or upon the proper filing of an application to conduct any 58235
public or private competition that involves wrestling accompanied 58236
by the application fee, the Ohio athletic commission shall issue a 58237
promoter's license to the applicant if it finds that the applicant 58238
is not in default on any payment, obligation, or debt payable to 58239
the state under sections 3773.31 to 3773.57 of the Revised Code, 58240

is financially responsible, and is knowledgeable in the proper 58241
conduct of such matches or exhibitions. 58242

Each license issued pursuant to this section shall bear the 58243
name of the licensee, the post office address of the licensee, the 58244
date of ~~issue~~ expiration, ~~a serial~~ an identification number 58245
designated by the commission, and the seal of the commission, ~~and~~ 58246
~~the signature of the commission chairperson.~~ 58247

A promoter's license shall expire twelve months after its 58248
date of issuance and shall become invalid on that date unless 58249
renewed. A promoter's license may be renewed upon application to 58250
the commission and upon payment of the renewal fee prescribed in 58251
section 3773.43 of the Revised Code. The commission shall renew 58252
the license unless it denies the application for renewal for one 58253
or more reasons stated in section 3123.47 or 3773.53 of the 58254
Revised Code. 58255

Sec. 3773.43. The Ohio athletic commission shall charge the 58256
following fees: 58257

(A) For an application for or renewal of a promoter's license 58258
for a public or private competition that involves boxing matches 58259
or exhibitions, mixed martial arts, kick boxing, tough man 58260
contests, tough guy contests, or any other form of boxing or 58261
martial arts, one hundred dollars. 58262

(B) For an application for or renewal of a license to 58263
participate in a public boxing match or exhibition as a 58264
contestant, or as a referee, judge, matchmaker, manager, 58265
timekeeper, trainer, or second of a contestant, twenty dollars. 58266

(C) For a permit to conduct a public boxing match or 58267
exhibition, fifty dollars. 58268

(D) For an application for or renewal of a promoter's license 58269
for ~~professional~~ a public or private competition that involves 58270

wrestling ~~matches or exhibitions~~, two hundred dollars. 58271

(E) For a permit to conduct a professional wrestling match or 58272
exhibition, one hundred dollars. 58273

The commission, subject to the approval of the controlling 58274
board, may establish fees in excess of the amounts provided in 58275
this section, provided that such fees do not exceed the amounts 58276
permitted by this section by more than fifty per cent. 58277

The fees prescribed by this section shall be paid to the 58278
treasurer of state, who shall deposit the fees in the occupational 58279
licensing and regulatory fund. 58280

Sec. 3773.45. (A) ~~Each contestant in a public boxing match or 58281
exhibition shall be examined not more than twenty four hours 58282
before entering the ring by a licensed physician, a physician 58283
assistant, a clinical nurse specialist, a certified nurse 58284
practitioner, or a certified nurse midwife. Each contestant who 58285
has had a previous match or exhibition on or after July 27, 1981, 58286
and was knocked out at that match or exhibition shall present to 58287
the examiner a record of the physical examination performed at the 58288
conclusion of that match or exhibition. If, after reviewing such 58289
record and performing a physical examination of the contestant, 58290
the examiner determines that the contestant is physically fit to 58291
compete, the physician shall certify that fact on the contestant's 58292
physical examination form. No physician, physician assistant, 58293
clinical nurse specialist, certified nurse practitioner, or 58294
certified nurse midwife shall certify a contestant as physically 58295
fit to compete if the physician, physician assistant, clinical 58296
nurse specialist, certified nurse practitioner, or certified 58297
nurse midwife determines that the contestant was knocked out in a 58298
contest that took place within the preceding thirty days. No 58299
contestant shall compete in a public boxing match or exhibition 58300
unless the contestant has been certified as physically fit in 58301~~

~~accordance with this section.~~ 58302

~~Immediately after the end of a match or exhibition, the 58303
examiner shall examine each contestant who was knocked out in the 58304
match or exhibition, and record the outcome of the match or 58305
exhibition and any physical injuries sustained by the contestant 58306
on the contestant's physical examination form.~~ 58307

~~Within twenty four hours after the match or exhibition, the 58308
examiner shall mail one copy of the examination report to the Ohio 58309
athletic commission and one copy to the contestant. The commission 58310
shall furnish blank copies of the examination report to the 58311
examiner. The examiner shall answer all questions on the form. The 58312
person conducting the match or exhibition shall compensate the 58313
examiner. No person shall conduct such a match or exhibition 58314
unless an examiner appointed by the commission is in attendance. 58315
The Ohio athletic commission shall adopt, and may amend or 58316
rescind, rules that do both of the following: 58317~~

~~(1) Require the physical examination by appropriate medical 58318
personnel of each contestant in any public competition that 58319
involves boxing, mixed martial arts, kick boxing, karate, tough 58320
man contests, or any other form of boxing or martial arts within a 58321
specified time period before and after the competition to 58322
determine whether the contestant is physically fit to compete in 58323
the competition under specified standards, has sustained physical 58324
injuries in the competition, or requires follow-up examination; 58325
and 58326~~

~~(2) Require the reporting of each examination to the 58327
commission. 58328~~

~~(B) No holder of a promoter's license shall conduct a boxing 58329
match or exhibition that exceeds twelve rounds. Each round shall 58330
be not more than three minutes in length. A period of at least one 58331
minute, during which no boxing or sparring takes place, shall 58332~~

occur between rounds. 58333

No holder of a promoter's license or a permit issued under 58334
section 3773.39 of the Revised Code shall allow a professional 58335
boxer to participate in more than twelve rounds of boxing within a 58336
period of seventy-two consecutive hours. For any match or 58337
exhibition or for a class of contestants, the commission may limit 58338
the number of rounds within the maximum of twelve rounds. 58339

(C) No person shall conduct a boxing match or exhibition 58340
unless a licensed referee appointed by the commission and paid by 58341
the person is present. The referee shall direct and control the 58342
match or exhibition. Before each match or exhibition the referee 58343
shall obtain from each contestant the name of the contestant's 58344
chief second and shall hold the chief second responsible for the 58345
conduct of any assistant seconds during the match or exhibition. 58346
The referee may declare a prize, remuneration, or purse or any 58347
part thereof to which a contestant is otherwise entitled withheld 58348
if, in the referee's judgment, the contestant is not competing or 58349
did not compete honestly. A contestant may appeal the referee's 58350
decision in a hearing before the commission conducted in 58351
accordance with section 3773.52 of the Revised Code. 58352

(D) No person shall hold or conduct a boxing match or 58353
exhibition unless three licensed judges appointed by the 58354
commission and paid by the person are present. Each judge shall 58355
render a decision at the end of each match or exhibition. The 58356
judges shall determine the outcome of the match or exhibition, and 58357
their decision shall be final. 58358

(E) Each contestant in a boxing match or exhibition shall 58359
wear gloves weighing not less than six ounces during the boxing 58360
match or exhibition. 58361

Sec. 3773.53. The Ohio athletic commission may revoke, 58362
suspend, or refuse to renew any license issued under sections 58363

3773.31 to 3773.57 of the Revised Code if the licensee:	58364
(A) Has committed an act detrimental to any sport regulated by this chapter or to the public interest, convenience, or necessity;	58365 58366 58367
(B) Is associating or consorting with any person who has been convicted of a crime <u>involving the sports regulated by the commission, including a conviction under sections 2913.02, 2915.05, or 2921.02 of the Revised Code;</u>	58368 58369 58370 58371
(C) Is or has been consorting with bookmakers or gamblers, or has engaged in similar pursuits;	58372 58373
(D) Is financially irresponsible;	58374
(E) Has been found guilty of any fraud or misrepresentation in connection with any sport regulated by this chapter;	58375 58376
(F) Has violated any law with respect to any sport regulated by this chapter or any rule or order of the commission;	58377 58378
(G) <u>Has been convicted of or pleaded guilty to a violation of sections 2913.02, 2915.05, or 2921.02 of the Revised Code;</u>	58379 58380
<u>(H)</u> Has engaged in any other activity that the commission determines is detrimental to any sport regulated by this chapter.	58381 58382
The commission, in addition to any other action it may take under this chapter, may impose a fine of not more than one hundred dollars <u>in an amount to be determined by rule of the commission adopted under Chapter 119. of the Revised Code</u> against any person licensed under sections 3773.31 to 3773.57 of the Revised Code for a violation of any of these sections or a violation of any rule or order of the commission. The amount of fines collected shall be deposited into the general revenue fund.	58383 58384 58385 58386 58387 58388 58389 58390 58391
Sec. 3781.01. (A) Chapters 3781. and 3791. of the Revised	58392

Code do not prevent the legislative authority of a municipal 58393
corporation from making further and additional regulations, not in 58394
conflict with those chapters or with the rules the board of 58395
building standards adopts. Those chapters or rules do not modify 58396
or repeal any portion of any building code adopted by a municipal 58397
corporation and in force on September 13, 1911, that is not in 58398
direct conflict with those chapters or rules. 58399

(B) The state residential building code the board of building 58400
standards adopts pursuant to section 3781.10 of the Revised Code 58401
does not prevent a local governing authority from adopting 58402
additional regulations governing residential structures that do 58403
not conflict with the state residential building code if the 58404
procedures in division (C) of this section are followed. 58405

(C)(1) A local governing authority shall, and any person may, 58406
notify the board of building standards of any regulation the local 58407
governing authority adopts pursuant to division (B) of this 58408
section and request the board of building standards to determine 58409
whether that regulation conflicts with the state residential 58410
building code. 58411

(2) Not later than sixty days after receiving a notice under 58412
division (C)(1) of this section, the board shall determine whether 58413
the regulation conflicts with the state residential building code 58414
and shall notify any person who submitted the notice and the local 58415
governing authority that adopted the regulation of the board's 58416
determination. 58417

(a) If the board determines that a conflict does not exist, 58418
the board shall take no further action with regard to the 58419
regulation. If the board determines a conflict exists and the 58420
regulation is not necessary to protect the health or safety of the 58421
persons within the local governing authority's jurisdiction, the 58422
regulation is not valid and the local governing authority may not 58423
enforce the regulation. 58424

(b) If the board determines that a conflict exists and that the regulation is necessary to protect the health or safety of the persons within the local governing authority's jurisdiction, the board shall adopt a rule to incorporate the regulation into the state residential building code in accordance with division (D) of section 4740.14 of the Revised Code. Until the rule becomes a part of the state residential building code, the board shall grant a temporary variance to the local governing authority and any similarly situated local governing authority to which the board determines the temporary variance should apply.

(D) As used in this section, "local governing authority" means a board of county commissioners, a board of township trustees, and the legislative authority of a municipal corporation.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The residential building code shall include sanitation and plumbing standards. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that

specifies a higher requirement than is imposed by any section of 58456
the Revised Code is enforceable. The rules governing residential 58457
buildings are uniform requirements for residential buildings in 58458
any area with a building department certified to enforce the state 58459
residential building code. In no case shall any local code or 58460
regulation differ from the state residential building code unless 58461
that code or regulation addresses subject matter not addressed by 58462
the state residential building code or is adopted pursuant to 58463
section 3781.01 of the Revised Code. 58464

(3) The rules adopted pursuant to this section are complete, 58465
lawful alternatives to any requirements specified for buildings or 58466
industrialized units in any section of the Revised Code. ~~The~~ 58467
Except as otherwise limited by division (I) of this section, the 58468
board shall, on its own motion or on application made under 58469
sections 3781.12 and 3781.13 of the Revised Code, formulate, 58470
propose, adopt, modify, amend, or repeal the rules to the extent 58471
necessary or desirable to effectuate the purposes of sections 58472
3781.06 to 3781.18 of the Revised Code. 58473

(B) The board shall report to the general assembly proposals 58474
for amendments to existing statutes relating to the purposes 58475
declared in section 3781.06 of the Revised Code that public health 58476
and safety and the development of the arts require and shall 58477
recommend any additional legislation to assist in carrying out 58478
fully, in statutory form, the purposes declared in that section. 58479
The board shall prepare and submit to the general assembly a 58480
summary report of the number, nature, and disposition of the 58481
petitions filed under sections 3781.13 and 3781.14 of the Revised 58482
Code. 58483

(C) On its own motion or on application made under sections 58484
3781.12 and 3781.13 of the Revised Code, and after thorough 58485
testing and evaluation, the board shall determine by rule that any 58486
particular fixture, device, material, process of manufacture, 58487

manufactured unit or component, method of manufacture, system, or 58488
method of construction complies with performance standards adopted 58489
pursuant to section 3781.11 of the Revised Code. The board shall 58490
make its determination with regard to adaptability for safe and 58491
sanitary erection, use, or construction, to that described in any 58492
section of the Revised Code, wherever the use of a fixture, 58493
device, material, method of manufacture, system, or method of 58494
construction described in that section of the Revised Code is 58495
permitted by law. The board shall amend or annul any rule or issue 58496
an authorization for the use of a new material or manufactured 58497
unit on any like application. No department, officer, board, or 58498
commission of the state other than the board of building standards 58499
or the board of building appeals shall permit the use of any 58500
fixture, device, material, method of manufacture, newly designed 58501
product, system, or method of construction at variance with what 58502
is described in any rule the board of building standards adopts or 58503
issues or that is authorized by any section of the Revised Code. 58504
Nothing in this section shall be construed as requiring approval, 58505
by rule, of plans for an industrialized unit that conforms with 58506
the rules the board of building standards adopts pursuant to 58507
section 3781.11 of the Revised Code. 58508

(D) The board shall recommend rules, codes, and standards to 58510
help carry out the purposes of section 3781.06 of the Revised Code 58511
and to help secure uniformity of state administrative rulings and 58512
local legislation and administrative action to the bureau of 58513
workers' compensation, the director of commerce, any other 58514
department, officer, board, or commission of the state, and to 58515
legislative authorities and building departments of counties, 58516
townships, and municipal corporations, and shall recommend that 58517
they audit those recommended rules, codes, and standards by any 58518
appropriate action that they are allowed pursuant to law or the 58519
constitution. 58520

(E)(1) The board shall certify municipal, township, and county building departments and the personnel of those building departments, and persons and employees of individuals, firms, or corporations as described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify

requirements that are compatible, to the extent possible, with 58553
requirements the council of American building officials and 58554
national model code organizations establish. 58555

(4) The board shall establish and collect a certification and 58556
renewal fee for building department personnel, and persons and 58557
employees of persons, firms, or corporations as described in this 58558
section, who are certified pursuant to this division. 58559

(5) Any individual certified pursuant to this division shall 58560
complete the number of hours of continuing building code education 58561
that the board requires or, for failure to do so, forfeit 58562
certification. 58563

(6) This division does not require or authorize the board to 58564
certify personnel of municipal, township, and county building 58565
departments, and persons and employees of persons, firms, or 58566
corporations as described in this section, whose responsibilities 58567
do not include the exercise of enforcement authority, the approval 58568
of plans and specifications, or making inspections under the state 58569
residential and nonresidential building codes. 58570

(7) Enforcement authority for approval of plans and 58571
specifications and enforcement authority for inspections may be 58572
exercised, and plans and specifications may be approved and 58573
inspections may be made on behalf of a municipal corporation, 58574
township, or county, by any of the following who the board of 58575
building standards certifies: 58576

(a) Officers or employees of the municipal corporation, 58577
township, or county; 58578

(b) Persons, or employees of persons, firms, or corporations, 58579
pursuant to a contract to furnish architectural, engineering, or 58580
other services to the municipal corporation, township, or county; 58581

(c) Officers or employees of, and persons under contract 58582
with, a municipal corporation, township, county, health district, 58583

or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services. 58584
58585

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section. 58586
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(9) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth: 58591
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(a) Whether the certification is requested for residential or nonresidential buildings, or both; 58595
58596

(b) The number and qualifications of the staff composing the building department; 58597
58598

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section; 58599
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(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section; 58602
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58605

(e) The proposed budget for the operation of the building department. 58606
58607

(10) The board of building standards shall adopt rules governing all of the following: 58608
58609

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. 58610
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The rules shall disqualify any employee of the department or 58613

person who contracts for services with the department from 58614
performing services for the department when that employee or 58615
person would have to pass upon, inspect, or otherwise exercise 58616
authority over any labor, material, or equipment the employee or 58617
person furnishes for the construction, alteration, or maintenance 58618
of a building or the preparation of working drawings or 58619
specifications for work within the jurisdictional area of the 58620
department. The department shall provide other similarly qualified 58621
personnel to enforce the residential and nonresidential building 58622
codes as they pertain to that work. 58623

(b) The minimum services to be provided by a certified 58624
building department. 58625

(11) The board of building standards may revoke or suspend 58626
certification to enforce the residential and nonresidential 58627
building codes, on petition to the board by any person affected by 58628
that enforcement or approval of plans, or by the board on its own 58629
motion. Hearings shall be held and appeals permitted on any 58630
proceedings for certification or revocation or suspension of 58631
certification in the same manner as provided in section 3781.101 58632
of the Revised Code for other proceedings of the board of building 58633
standards. 58634

(12) Upon certification, and until that authority is revoked, 58635
any county or township building department shall enforce the 58636
residential and nonresidential building codes for which it is 58637
certified without regard to limitation upon the authority of 58638
boards of county commissioners under Chapter 307. of the Revised 58639
Code or boards of township trustees under Chapter 505. of the 58640
Revised Code. 58641

(F) In addition to hearings sections 3781.06 to 3781.18 and 58642
3791.04 of the Revised Code require, the board of building 58643
standards shall make investigations and tests, and require from 58644
other state departments, officers, boards, and commissions 58645

information the board considers necessary or desirable to assist 58646
it in the discharge of any duty or the exercise of any power 58647
mentioned in this section or in sections 3781.06 to 3781.18, 58648
3791.04, and 4104.43 of the Revised Code. 58649

(G) The board shall adopt rules and establish reasonable fees 58650
for the review of all applications submitted where the applicant 58651
applies for authority to use a new material, assembly, or product 58652
of a manufacturing process. The fee shall bear some reasonable 58653
relationship to the cost of the review or testing of the 58654
materials, assembly, or products and for the notification of 58655
approval or disapproval as provided in section 3781.12 of the 58656
Revised Code. 58657

(H) The residential construction advisory committee shall 58658
provide the board with a proposal for a state residential building 58659
code that the committee recommends pursuant to division ~~(C)~~(D)(1) 58660
of section 4740.14 of the Revised Code. Upon receiving a 58661
recommendation from the committee that is acceptable to the board, 58662
the board shall adopt rules establishing that code as the state 58663
residential building code. 58664

(I) The committee shall provide the board with proposed rules 58665
to update or amend the state residential building code or to 58666
update or amend rules that the board adopts pursuant to division 58667
(E) of this section that relate to the certification of entities 58668
that enforce the state residential building code that the 58669
committee recommends pursuant to division (D)(2) of section 58670
4740.14 of the Revised Code. 58671

The board shall not adopt any rules to update or amend the 58672
state residential building code or the rules the board adopts 58673
pursuant to division (E) of this section as those rules relate to 58674
the certification of entities that enforce the state residential 58675
building code unless the board first receives a recommendation 58676
from the committee as described in division (D)(2) of section 58677

4740.14 of the Revised Code. 58678

(J) The board shall cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care homes. 58679
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~~(J)~~(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code. 58683
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Sec. 3781.12. (A)(1) Any person may petition the board of building standards to adopt, amend, or annul a rule adopted pursuant to section 3781.10 of the Revised Code, except for any rules regarding the state residential building code or rules the board adopts pursuant to division (E) of that section as those rules relate to the certification of entities that enforce the state residential building code, or to permit the use of any particular fixture, device, material, system, method of manufacture, product of a manufacturing process, or method or manner of construction or installation that complies with performance standards adopted pursuant to section 3781.11 of the Revised Code, as regards the purposes declared in section 3781.06 of the Revised Code, of the fixtures, devices, materials, systems, or methods or manners of construction, manufacture or installation described in any section of the Revised Code relating to those purposes, where the use is permitted by law. 58685
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(2) Any person may petition the residential construction advisory committee to recommend a rule to update or amend the state residential building code or to update or amend rules that the board adopts pursuant to division (E) of section 3781.10 of the Revised Code that relate to the certification of entities that enforce the state residential building code. 58701
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(B) Upon petition under division (A) of this section, the board shall cause to be conducted testing and evaluation that the 58707
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board determines desirable of any fixture, device, material, 58709
system, assembly or product of a manufacturing process, or method 58710
or manner of construction or installation sought to be used under 58711
the rules the board adopts pursuant to section 3781.10 of the 58712
Revised Code. 58713

(C) If the board, after hearing, determines it advisable to 58714
adopt the rule, amendment, or annulment, or to permit the use of 58715
the materials or assemblages petitioned for under division (A) of 58716
this section, it shall give at least thirty days' notice of the 58717
time and place of a public hearing as provided by section 119.03 58718
of the Revised Code. No rule shall be adopted, amended, or 58719
annulled or the use of materials or assemblages authorized until 58720
after the public hearing. A copy of every rule, amendment, or 58721
annulment, and a copy of every approved material or assembly 58722
authorization signed by the chairperson of the board of building 58723
standards and sealed with the seal of the department of commerce 58724
shall, after final adoption or authorization by the board, be 58725
filed with the secretary of state and published as the board 58726
determines. The issuance of the authorization for the use of the 58727
materials or assemblages described in the petition constitutes 58728
approval for their use anywhere in this state. Any rule, 58729
amendment, or annulment does not take effect until a date the 58730
board fixes and states. No rule, amendment, or annulment applies 58731
to any building for which the plans or drawings, specifications, 58732
and data were approved prior to the time the rule, amendment, or 58733
annulment becomes effective. All hearings of the board are open to 58734
the public. Each member of the board may administer oaths in the 58735
performance of the member's duties. 58736

Sec. 3781.19. There is hereby established in the department 58737
of commerce a board of building appeals consisting of five members 58738
who shall be appointed by the governor with the advice and consent 58739
of the senate. Terms of office shall be for four years, commencing 58740

on the fourteenth day of October and ending on the thirteenth day 58741
of October. Each member shall hold office from the date of 58742
appointment until the end of the term for which the member was 58743
appointed. Any member appointed to fill a vacancy occurring prior 58744
to the expiration of the term for which the member's predecessor 58745
was appointed shall hold office for the remainder of such term. 58746
Any member shall continue in office subsequent to the expiration 58747
date of the member's term until a successor takes office, or until 58748
a period of sixty days has elapsed, whichever occurs first. One 58749
member shall be an attorney-at-law, admitted to the bar of this 58750
state and of the remaining members, one shall be a registered 58751
architect and one shall be a professional engineer, each of whom 58752
shall be duly licensed to practice their respective professions in 58753
this state, one shall be a fire prevention officer qualified under 58754
section 3737.66 of the Revised Code, and one shall be a person 58755
with recognized ability in the plumbing or pipefitting profession. 58756
No member of the board of building standards shall be a member of 58757
the board of building appeals. Each member shall be paid an amount 58758
fixed pursuant to Chapter 124. of the Revised Code per diem. The 58759
department shall provide and assign to the board such employees as 58760
are required by the board to perform its functions. The board may 58761
adopt its own rules of procedure not inconsistent with sections 58762
3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change 58763
them in its discretion. The board may establish reasonable fees, 58764
based on actual costs for administration of filing and processing, 58765
not to exceed two hundred dollars, for the costs of filing and 58766
processing appeals. A full and complete record of all proceedings 58767
of the board shall be kept and be open to public inspection. 58768

In the enforcement by any department of the state or any 58769
political subdivision of this chapter and Chapter 3791., and 58770
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, 58771
4104.45, 4105.011, and 4105.11 of the Revised Code and any rule 58772
made thereunder, such department is the agency referred to in 58773

sections 119.07, 119.08, and 119.10 of the Revised Code. 58774

The appropriate municipal or county board of appeals, where 58775
one exists, certified pursuant to section 3781.20 of the Revised 58776
Code shall conduct the adjudication hearing referred to in 58777
sections 119.09 to 119.13 and required by section 3781.031 of the 58778
Revised Code. If there is no certified municipal or county board 58779
of appeals, the board of building appeals shall conduct the 58780
adjudication hearing. If the adjudication hearing concerns section 58781
3781.111 of the Revised Code or any rule made thereunder, 58782
reasonable notice of the time, date, place, and subject of the 58783
hearing shall be given to any local corporation, association, or 58784
other organization composed of or representing handicapped 58785
persons, as defined in section 3781.111 of the Revised Code, or if 58786
there is no local organization, then to any statewide corporation, 58787
association, or other organization composed of or representing 58788
handicapped persons. 58789

In addition to the provisions of Chapter 119. of the Revised 58790
Code, the municipal, county, or state board of building appeals, 58791
as the agency conducting the adjudication hearing, may reverse or 58792
modify the order of the enforcing agency if it finds that the 58793
order is contrary to this chapter and Chapters 3791. and 4104., 58794
and sections 3737.41, 3737.42, 4105.011, and 4105.11 of the 58795
Revised Code and any rule made thereunder or to a fair 58796
interpretation or application of such laws or any rule made 58797
thereunder, or that a variance from the provisions of such laws or 58798
any rule made thereunder, in the specific case, will not be 58799
contrary to the public interest where a literal enforcement of 58800
such provisions will result in unnecessary hardship. 58801

The state board of building appeals or a certified municipal 58802
or county board of appeals shall render its decision within thirty 58803
days after the date of the adjudication hearing. Following the 58804
adjudication hearing, any municipal or county officer, official 58805

municipal or county board, or person who was a party to the 58806
hearing before the municipal or county board of appeals may apply 58807
to the state board of appeals for a de novo hearing before the 58808
state board, or may appeal directly to the court of common pleas 58809
pursuant to section 3781.031 of the Revised Code. 58810

In addition, any local corporation, association, or other 58811
organization composed of or representing handicapped persons as 58812
defined in section 3781.111 of the Revised Code, or, if no local 58813
corporation, association, or organization exists, then any 58814
statewide corporation, association, or other organization composed 58815
of or representing handicapped persons may apply for the de novo 58816
hearing or appeal to the court of common pleas from any decision 58817
of a certified municipal or county board of appeals interpreting, 58818
applying, or granting a variance from section 3781.111 of the 58819
Revised Code and any rule made thereunder. Application for a de 58820
novo hearing before the state board shall be made no later than 58821
thirty days after the municipal or county board renders its 58822
decision. 58823

The state board of building appeals or the appropriate 58824
certified local board of building appeals shall grant variances 58825
and exemptions from the requirements of section 3781.108 of the 58826
Revised Code in accordance with rules adopted by the board of 58827
building standards pursuant to division ~~(J)~~(K) of section 3781.10 58828
of the Revised Code. 58829

The state board of building appeals or the appropriate 58830
certified local board of building appeals shall, in granting a 58831
variance or exemption from section 3781.108 of the Revised Code, 58832
in addition to any other considerations the state or the 58833
appropriate local board determines appropriate, consider the 58834
architectural and historical significance of the building. 58835

Sec. 3793.02. (A) The department of alcohol and drug 58836

addiction services shall promote, assist in developing, and 58837
coordinate or conduct programs of education and research for the 58838
prevention of alcohol and drug addiction, the prevention of 58839
gambling addiction, the treatment, including intervention, of 58840
alcoholics and persons who abuse drugs of abuse, including 58841
anabolic steroids, and the treatment, including intervention, of 58842
persons with gambling addictions. Programs established by the 58843
department shall include abstinence-based prevention and treatment 58844
programs. 58845

(B) In addition to the other duties prescribed by this 58846
chapter, the department shall do all of the following: 58847

(1) Promote and coordinate efforts in the provision of 58848
alcohol and drug addiction services and of gambling addiction 58849
services by other state agencies, as defined in section 1.60 of 58850
the Revised Code; courts; hospitals; clinics; physicians in 58851
private practice; public health authorities; boards of alcohol, 58852
drug addiction, and mental health services; alcohol and drug 58853
addiction programs; law enforcement agencies; gambling addiction 58854
programs; and related groups; 58855

(2) Provide for education and training in prevention, 58856
diagnosis, treatment, and control of alcohol and drug addiction 58857
and of gambling addiction for medical students, physicians, 58858
nurses, social workers, professional counselors, psychologists, 58859
and other persons who provide alcohol and drug addiction services 58860
or gambling addiction services; 58861

(3) Provide training and consultation for persons who 58862
supervise alcohol and drug addiction programs and facilities or 58863
gambling addiction programs and facilities; 58864

(4) Develop measures for evaluating the effectiveness of 58865
alcohol and drug addiction services, including services that use 58866
methadone treatment, and of gambling addiction services, and for 58867

increasing the accountability of alcohol and drug addiction 58868
programs and of gambling addiction programs; 58869

(5) Provide to each court of record, and biennially update, a 58870
list of the treatment and education programs within that court's 58871
jurisdiction that the court may require an offender, sentenced 58872
pursuant to section 4511.19 of the Revised Code, to attend; 58873

(6) ~~Print and distribute~~ Make the warning sign described in 58874
sections 3313.752, 3345.41, and 3707.50 of the Revised Code 58875
available on the department's internet web site; 58876

(7) Provide a program of gambling addiction services on 58877
behalf of the state lottery commission, pursuant to an agreement 58878
entered into with the director of the commission under division 58879
(K) of section 3770.02 of the Revised Code. 58880

(C) The department may accept and administer grants from 58881
public or private sources for carrying out any of the duties 58882
enumerated in this section. 58883

(D) Pursuant to Chapter 119. of the Revised Code, the 58884
department shall adopt a rule defining the term "intervention" as 58885
it is used in this chapter in connection with alcohol and drug 58886
addiction services and in connection with gambling addiction 58887
services. The department may adopt other rules as necessary to 58888
implement the requirements of this chapter. 58889

Sec. 3793.04. The department of alcohol and drug addiction 58890
services shall develop, administer, and revise as necessary a 58891
comprehensive statewide alcohol and drug addiction services plan 58892
for the implementation of this chapter. The plan shall emphasize 58893
abstinence from the use of alcohol and drugs of abuse as the 58894
primary goal of alcohol and drug addiction services. The council 58895
on alcohol and drug addiction services shall advise the department 58896
in the development and implementation of the plan. 58897

The plan shall provide for the allocation of state and federal funds for service furnished by alcohol and drug addiction programs under contract with boards of alcohol, drug addiction, and mental health services and for distribution of the funds to such boards. The plan shall specify the methodology that the department will use for determining how funds will be allocated and distributed. A portion of the funds shall be allocated on the basis of the ratio of the population of each alcohol, drug addiction, and mental health service district to the total population of the state as determined from the most recent federal census or the most recent official estimate made by the United States census bureau.

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

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

for purposes related to payment, health care operations, program 58930
and service evaluation, reporting activities, research, system 58931
administration, and oversight. 58932

In consultation with boards, programs, and persons receiving 58933
services, the department shall establish guidelines for the use of 58934
state and federal funds and for the boards' development of plans 58935
for services required by sections 340.033 and 3793.05 of the 58936
Revised Code. 58937

In any fiscal year, the department shall spend, or allocate 58938
to boards, for methadone maintenance programs or any similar 58939
programs not more than eight per cent of the total amount 58940
appropriated to the department for the fiscal year. 58941

Sec. 3901.381. (A) Except as provided in sections 3901.382, 58942
3901.383, 3901.384, and 3901.386 of the Revised Code, a 58943
third-party payer shall process a claim for payment for health 58944
care services rendered by a provider to a beneficiary in 58945
accordance with this section. 58946

(B)(1) Unless division (B)(2) or (3) of this section applies, 58947
when a third-party payer receives from a provider or beneficiary a 58948
claim on the standard claim form prescribed in rules adopted by 58949
the superintendent of insurance under section 3902.22 of the 58950
Revised Code, the third-party payer shall pay or deny the claim 58951
not later than thirty days after receipt of the claim. When a 58952
third-party payer denies a claim, the third-party payer shall 58953
notify the provider and the beneficiary. The notice shall state, 58954
with specificity, why the third-party payer denied the claim. 58955

(2)(a) Unless division (B)(3) of this section applies, when a 58956
provider or beneficiary has used the standard claim form, but the 58957
third-party payer determines that reasonable supporting 58958
documentation is needed to establish the third-party payer's 58959
responsibility to make payment, the third-party payer shall pay or 58960

deny the claim not later than forty-five days after receipt of the 58961
claim. Supporting documentation includes the verification of 58962
employer and beneficiary coverage under a benefits contract, 58963
confirmation of premium payment, medical information regarding the 58964
beneficiary and the services provided, information on the 58965
responsibility of another third-party payer to make payment or 58966
confirmation of the amount of payment by another third-party 58967
payer, and information that is needed to correct material 58968
deficiencies in the claim related to a diagnosis or treatment or 58969
the provider's identification. 58970

Not later than thirty days after receipt of the claim, the 58971
third-party payer shall notify all relevant external sources that 58972
the supporting documentation is needed. All such notices shall 58973
state, with specificity, the supporting documentation needed. If 58974
the notice was not provided in writing, the provider, beneficiary, 58975
or third-party payer may request the third-party payer to provide 58976
the notice in writing, and the third-party payer shall then 58977
provide the notice in writing. If any of the supporting 58978
documentation is under the control of the beneficiary, the 58979
beneficiary shall provide the supporting documentation to the 58980
third-party payer. 58981

The number of days that elapse between the third-party 58982
payer's last request for supporting documentation within the 58983
thirty-day period and the third-party payer's receipt of all of 58984
the supporting documentation that was requested shall not be 58985
counted for purposes of determining the third-party payer's 58986
compliance with the time period of not more than forty-five days 58987
for payment or denial of a claim. Except as provided in division 58988
(B)(2)(b) of this section, if the third-party payer requests 58989
additional supporting documentation after receiving the initially 58990
requested documentation, the number of days that elapse between 58991
making the request and receiving the additional supporting 58992

documentation shall be counted for purposes of determining the 58993
third-party payer's compliance with the time period of not more 58994
than forty-five days. 58995

(b) If a third-party payer determines, after receiving 58996
initially requested documentation, that it needs additional 58997
supporting documentation pertaining to a beneficiary's preexisting 58998
condition, which condition was unknown to the third-party payer 58999
and about which it was reasonable for the third-party payer to 59000
have no knowledge at the time of its initial request for 59001
documentation, and the third-party payer subsequently requests 59002
this additional supporting documentation, the number of days that 59003
elapse between making the request and receiving the additional 59004
supporting documentation shall not be counted for purposes of 59005
determining the third-party payer's compliance with the time 59006
period of not more than forty-five days. 59007

(c) When a third-party payer denies a claim, the third-party 59008
payer shall notify the provider and the beneficiary. The notice 59009
shall state, with specificity, why the third-party payer denied 59010
the claim. 59011

(d) If a third-party payer determines that supporting 59012
documentation related to medical information is routinely 59013
necessary to process a claim for payment of a particular health 59014
care service, the third-party payer shall establish a description 59015
of the supporting documentation that is routinely necessary and 59016
make the description available to providers in a readily 59017
accessible format. 59018

Third-party payers and providers shall, in connection with a 59019
claim, use the most current CPT code in effect, as published by 59020
the American medical association, the most current ICD-9 code in 59021
effect, as published by the United States department of health and 59022
human services, the most current CDT code in effect, as published 59023
by the American dental association, or the most current HCPCS code 59024

in effect, as published by the United States health care financing administration. 59025
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(3) When a provider or beneficiary submits a claim by using the standard claim form prescribed in the superintendent's rules, but the information provided in the claim is materially deficient, the third-party payer shall notify the provider or beneficiary not later than fifteen days after receipt of the claim. The notice shall state, with specificity, the information needed to correct all material deficiencies. Once the material deficiencies are corrected, the third-party payer shall proceed in accordance with division (B)(1) or (2) of this section. 59027
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It is not a violation of the notification time period of not more than fifteen days if a third-party payer fails to notify a provider or beneficiary of material deficiencies in the claim related to a diagnosis or treatment or the provider's identification. A third-party payer may request the information necessary to correct these deficiencies after the end of the notification time period. Requests for such information shall be made as requests for supporting documentation under division (B)(2) of this section, and payment or denial of the claim is subject to the time periods specified in that division. 59036
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(C) For purposes of this section, if a dispute exists between a provider and a third-party payer as to the day a claim form was received by the third-party payer, both of the following apply: 59046
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(1) If the provider or a person acting on behalf of the provider submits a claim directly to a third-party payer by mail and retains a record of the day the claim was mailed, there exists a rebuttable presumption that the claim was received by the third-party payer on the fifth business day after the day the claim was mailed, unless it can be proven otherwise. 59049
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(2) If the provider or a person acting on behalf of the 59055

provider submits a claim directly to a third-party payer 59056
electronically, there exists a rebuttable presumption that the 59057
claim was received by the third-party payer twenty-four hours 59058
after the claim was submitted, unless it can be proven otherwise. 59059

(D) Nothing in this section requires a third-party payer to 59060
provide more than one notice to an employer whose premium for 59061
coverage of employees under a benefits contract has not been 59062
received by the third-party payer. 59063

(E) Compliance with the provisions of division (B)(3) of this 59064
section shall be determined separately from compliance with the 59065
provisions of divisions (B)(1) and (2) of this section. 59066

(F) A third party payer shall transmit electronically any 59067
payment with respect to claims that the third party payer receives 59068
electronically and pays to a contracted provider under this 59069
section and under sections 3901.383, 3901.384, and 3901.386 of the 59070
Revised Code. A provider shall not refuse to accept a payment made 59071
under this section or sections 3901.383, 3901.384, and 3901.386 of 59072
the Revised Code on the basis that the payment was transmitted 59073
electronically. 59074

Sec. 3901.3812. (A) If, after completion of an examination 59075
involving information collected from a six-month period, the 59076
superintendent finds that a third-party payer has committed a 59077
series of violations that, taken together, constitutes a 59078
consistent pattern or practice of violating division (A) of 59079
section 3901.3811 of the Revised Code, the superintendent may 59080
impose on the third-party payer any of the administrative remedies 59081
specified in division (B) of this section. In making a finding 59082
under this division, the superintendent shall apply the error 59083
tolerance standards for claims processing contained in the market 59084
conduct examiners handbook issued by the national association of 59085
insurance commissioners in effect at the time the claims were 59086

processed. 59087

Before imposing an administrative remedy, the superintendent 59088
shall provide written notice to the third-party payer informing 59089
the third-party payer of the reasons for the superintendent's 59090
finding, the administrative remedy the superintendent proposes to 59091
impose, and the opportunity to submit a written request for an 59092
administrative hearing regarding the finding and proposed remedy. 59093
If the third-party payer requests a hearing, the superintendent 59094
shall conduct the hearing in accordance with Chapter 119. of the 59095
Revised Code not later than fifteen days after receipt of the 59096
request. 59097

(B)(1) In imposing administrative remedies under division (A) 59098
of this section for violations of section 3901.381 of the Revised 59099
Code, the superintendent may do any of the following: 59100

(a) Levy a monetary penalty in an amount determined in 59101
accordance with division (B)(3) of this section; 59102

(b) Order the payment of interest directly to the provider in 59103
accordance with section 3901.389 of the Revised Code; 59104

(c) Order the third-party payer to cease and desist from 59105
engaging in the violations; 59106

(d) If a monetary penalty is not levied under division 59107
(B)(1)(a) of this section, impose any of the administrative 59108
remedies provided for in section 3901.22 of the Revised Code, 59109
other than those specified in divisions (D)(4) and (5) and (G) of 59110
that section. 59111

(2) In imposing administrative remedies under division (A) of 59112
this section for violations of sections 3901.384 to 3901.3810 of 59113
the Revised Code, the superintendent may do any of the following: 59114

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(a) Levy a monetary penalty in an amount determined in 59116

accordance with division (B)(3) of this section; 59117

(b) Order the payment of interest directly to the provider in 59118
accordance with section 3901.38 of the Revised Code; 59119

(c) Order the third-party payer to cease and desist from 59120
engaging in the violations; 59121

(d) If a monetary penalty is not levied under division 59122
(B)(2)(a) of this section, impose any of the administrative 59123
remedies provided for in section 3901.22 of the Revised Code, 59124
other than those specified in divisions (D)(4) and (5) and (G) of 59125
that section. For violations of sections 3901.384 to 3901.3810 of 59126
the Revised Code that did not comply with section 3901.381 of the 59127
Revised Code, the superintendent may also use section 3901.22 of 59128
the Revised Code except divisions (D)(4) and (5) of that section. 59129

(3) A finding by the superintendent that a third-party payer 59130
has committed a series of violations that, taken together, 59131
constitutes a consistent pattern or practice of violating division 59132
(A) of section 3901.3811 of the Revised Code, shall constitute a 59133
single offense for purposes of levying a fine under division 59134
(B)(1)(a) and (B)(2)(a) of this section. For a first offense, the 59135
superintendent may levy a fine of not more than one hundred 59136
thousand dollars. For a second offense that occurs on or earlier 59137
than four years from the first offense, the superintendent may 59138
levy a fine of not more than one hundred fifty thousand dollars. 59139
For a third or additional offense that occurs on or earlier than 59140
seven years after a first offense, the superintendent may levy a 59141
fine of not more than three hundred thousand dollars. In 59142
determining the amount of a fine to be levied within the specified 59143
limits, the superintendent shall consider the following factors: 59144

(a) The extent and frequency of the violations; 59145

(b) Whether the violations were due to circumstances beyond 59146
the third-party payer's control; 59147

(c) Any remedial actions taken by the third-party payer to prevent future violations;	59148 59149
(d) The actual or potential harm to others resulting from the violations;	59150 59151
(e) If the third-party payer knowingly and willingly committed the violations;	59152 59153
(f) The third-party payer's financial condition;	59154
(g) Any other factors the superintendent considers appropriate.	59155 59156
(C) The remedies imposed by the superintendent under this section are in addition to, and not in lieu of, such other remedies as providers and beneficiaries may otherwise have by law.	59157 59158 59159
(D) Any fine collected under this section shall be paid into the state treasury as follows:	59160 59161
(1) Twenty-five per cent of the total to the credit of the department of insurance operating fund created by section 3901.021 of the Revised Code;	59162 59163 59164
(2) Sixty-five per cent of the total to the credit of the general revenue fund;	59165 59166
(3) Ten per cent of the total to the credit of claims processing education fund <u>account</u> , which is hereby created <u>within the department of insurance operating fund created by section 3901.021 of the Revised Code.</u>	59167 59168 59169 59170
All money credited to the claims processing education fund <u>account</u> shall be used by the department of insurance to make technical assistance available to third-party payers, providers, and beneficiaries for effective implementation of the provisions of sections 3901.38 and 3901.381 to 3901.3814 of the Revised Code.	59171 59172 59173 59174 59175
<u>Sec. 3903.77. (A) Every property and casualty insurance</u>	59176

company doing business in this state, except as exempted by the 59177
superintendent of insurance, annually, shall cause to be prepared 59178
by a qualified actuary, appointed by the company, the following 59179
documents: 59180

(1) An actuarial opinion that certifies to the reasonableness 59181
of the insurance company's reserves and that shall be entitled a 59182
"statement of actuarial opinion"; 59183

(2) A summary that shall be in support of the statement of 59184
actuarial opinion and that shall be entitled an "actuarial opinion 59185
summary." An insurance company licensed but not domiciled in this 59186
state need not include the actuarial opinion summary in its 59187
submissions to the superintendent but shall make the summary 59188
available to the superintendent upon request. 59189

(B) The insurance company annually shall submit the documents 59190
prepared pursuant to division (A) of this section to the 59191
superintendent in accordance with the national association of 59192
insurance commissioners' property and casualty annual statement 59193
instructions. The documents shall accompany the insurance 59194
company's annual financial statement described in section 3901.77 59195
of the Revised Code. 59196

(C)(1) Every property and casualty insurance company doing 59197
business in this state shall prepare an actuarial report and 59198
underlying work papers to support the statement of actuarial 59199
opinion and the actuarial opinion summary required under division 59200
(A) of this section in accordance with the national association of 59201
insurance commissioners' property and casualty statement 59202
instructions. The insurance company shall make the actuarial 59203
report and underlying work papers available to the superintendent 59204
upon request. 59205

(2) If an insurance company fails to provide the actuarial 59206
report or work papers at the request of the superintendent 59207

pursuant to division (C)(1) of this section or the superintendent determines that the actuarial report or work papers provided are unacceptable, the superintendent may contract with a qualified actuary at the expense of the insurance company to review the statement of actuarial opinion provided by the insurance company pursuant to division (A) of this section and the basis for that opinion and to prepare an actuarial report and work papers. 59208
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(D) Except in cases of fraud or willful misconduct on the part of the actuary, no actuary appointed by an insurance company to prepare the statement of actuarial opinion and actuarial opinion summary required under division (A) of this section is liable for damages to any person except the insurance company and the superintendent for any act, error, omission, decision, or conduct with respect to the actuary's opinion. 59215
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(E) The statement of actuarial opinion required under division (A) of this section is a public document and a public record as defined in section 149.43 of the Revised Code. However, the actuarial opinion summary, actuarial report, work papers, and any documents, materials or other information provided in support of the statement of actuarial opinion are privileged and confidential, are not a public record, and are not subject to subpoena or to discovery, and are not admissible in evidence in any private civil action. 59222
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Neither the superintendent nor any person who receives documents, materials, or other information required to be kept confidential under this division while acting under the authority of the superintendent shall testify in any private civil action concerning any documents, materials, or other information required to be kept confidential under this division. 59231
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This section shall not be construed to limit the superintendent's authority to release documents to the actuarial board for counseling and discipline so long as the documents are 59237
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necessary for the purpose of professional disciplinary proceedings 59240
and the actuarial board for counseling and discipline establishes 59241
procedures satisfactory to the superintendent for preserving the 59242
confidentiality of the documents. Neither shall this section be 59243
construed to limit the superintendent's authority to use 59244
documents, materials, nor other information in furtherance of any 59245
regulatory or legal action brought as part of the superintendent's 59246
official duties. 59247

(F) In order to assist in the performance of the 59248
superintendent's duties, the superintendent may do all of the 59249
following: 59250

(1) Share documents, materials, or other information, 59251
including any documents, materials, or other information required 59252
to be kept confidential under division (E) of this section, with 59253
other state, federal, and international regulatory and law 59254
enforcement agencies and with the national association of 59255
insurance commissioners including its affiliates and subsidiaries 59256
if the recipient agrees to maintain the confidentiality and 59257
privileged status of the document, material, or other information 59258
and has the legal authority to maintain confidentiality; 59259

(2) Receive documents, materials, or other information, 59260
including otherwise confidential and privileged documents, 59261
materials, and information from other state, federal, and 59262
international regulatory and law enforcement agencies and from the 59263
national association of insurance commissioners including its 59264
affiliates and subsidiaries. The superintendent shall maintain the 59265
confidentiality and privileged status of any document, material, 59266
or other information received with notice of confidential and 59267
privileged status under the laws of the jurisdiction that is the 59268
source of the document, material, or information. 59269

(3) Enter into agreements consistent with divisions (E) and 59270
(F) of this section for the sharing and use of information. 59271

(G) No waiver of any privilege or claim of confidentiality of documents, materials, or other information shall occur as a result of any disclosure to the superintendent under this section or as a result of any sharing of documents, materials, or other information authorized by the superintendent under division (G) of this section. 59272
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(H) As used in this section, "qualified actuary" means a person who is a member in good standing of the American academy of actuaries and who meets the requirements identified in the national association of insurance commissioners' property and casualty statement instructions. 59278
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Sec. 3923.021. (A) As used in this section, ~~"benefits:~~ 59283

(1) "Benefits provided are not unreasonable in relation to the premium charged" means the rates were calculated in accordance with sound actuarial principles. 59284
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(2) "Individual policy of sickness and accident insurance" includes sickness and accident insurance made available by insurers in the individual market to individuals, with or without family members or dependents, through group policies issued to one or more associations or entities. 59287
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(B) With respect to any filing, made pursuant to section 3923.02 of the Revised Code, of any premium rates for any individual policy of sickness and accident insurance or certificates made available by an insurer to individuals in the individual market through a group policy or for any indorsement or rider pertaining thereto, the superintendent of insurance may, within thirty days after filing: 59292
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(1) Disapprove such filing after finding that the benefits provided are unreasonable in relation to the premium charged. Such disapproval shall be effected by written order of the 59299
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superintendent, a copy of which shall be mailed to the insurer 59302
that has made the filing. In the order, the superintendent shall 59303
specify the reasons for the disapproval and state that a hearing 59304
will be held within fifteen days after requested in writing by the 59305
insurer. If a hearing is so requested, the superintendent shall 59306
also give such public notice as the superintendent considers 59307
appropriate. The superintendent, within fifteen days after the 59308
commencement of any hearing, shall issue a written order, a copy 59309
of which shall be mailed to the insurer that has made the filing, 59310
either affirming the prior disapproval or approving such filing 59311
after finding that the benefits provided are not unreasonable in 59312
relation to the premium charged. 59313

(2) Set a date for a public hearing to commence no later than 59314
forty days after the filing. The superintendent shall give the 59315
insurer making the filing twenty days' written notice of the 59316
hearing and shall give such public notice as the superintendent 59317
considers appropriate. The superintendent, within twenty days 59318
after the commencement of a hearing, shall issue a written order, 59319
a copy of which shall be mailed to the insurer that has made the 59320
filing, either approving such filing if the superintendent finds 59321
that the benefits provided are not unreasonable in relation to the 59322
premium charged, or disapproving such filing if the superintendent 59323
finds that the benefits provided are unreasonable in relation to 59324
the premium charged. This division does not apply to any insurer 59325
organized or transacting the business of insurance under Chapter 59326
3907. or 3909. of the Revised Code. 59327

(3) Take no action, in which case such filing shall be deemed 59328
to be approved and shall become effective upon the thirty-first 59329
day after such filing, unless the superintendent has previously 59330
given to the insurer a written approval. 59331

(C) At any time after any filing has been approved pursuant 59332
to this section, the superintendent may, after a hearing of which 59333

at least twenty days' written notice has been given to the insurer 59334
that has made such filing and for which such public notice as the 59335
superintendent considers appropriate has been given, withdraw 59336
approval of such filing after finding that the benefits provided 59337
are unreasonable in relation to the premium charged. Such 59338
withdrawal of approval shall be effected by written order of the 59339
superintendent, a copy of which shall be mailed to the insurer 59340
that has made the filing, which shall state the ground for such 59341
withdrawal and the date, not less than forty days after the date 59342
of such order, when the withdrawal or approval shall become 59343
effective. 59344

(D) The superintendent may retain at the insurer's expense 59345
such attorneys, actuaries, accountants, and other experts not 59346
otherwise a part of the superintendent's staff as shall be 59347
reasonably necessary to assist in the preparation for and conduct 59348
of any public hearing under this section. The expense for 59349
retaining such experts and the expenses of the department of 59350
insurance incurred in connection with such public hearing shall be 59351
assessed against the insurer in an amount not to exceed one 59352
one-hundredth of one per cent of the sum of premiums earned plus 59353
net realized investment gain or loss of such insurer as reflected 59354
in the most current annual statement on file with the 59355
superintendent. Any person retained shall be under the direction 59356
and control of the superintendent and shall act in a purely 59357
advisory capacity. 59358

Sec. 3923.11. (A) Sickness and accident insurance on a 59359
franchise plan is that form of sickness and accident insurance 59360
issued to either of the following: 59361

~~(A)(1)~~ Five or more or, with respect to long-term care or 59362
disability income insurance, two or more employees of any 59363
corporation, copartnership, or individual employer, or of any 59364

governmental corporation or agency or a department thereof; 59365

~~(B)(2)~~ Ten or more or, with respect to long-term care or 59366
disability income insurance, two or more members of any trade or 59367
professional association, or labor union, or any other association 59368
having had an active existence for at least two years where such 59369
association or union has a constitution or bylaws and is formed in 59370
good faith for purposes other than that of obtaining insurance. ~~In~~ 59371

(B) In order that such sickness and accident insurance be 59372
considered as issued on a franchise plan, such employees or such 59373
members, with or without one or more of their dependents and 59374
members of their immediate families, must be issued the same form 59375
of an individual policy, varying only as to amounts and kinds of 59376
coverage applied for by such employees or such members, under an 59377
arrangement by which the premiums on such policies may be paid to 59378
the insurer periodically by the employer, with or without payroll 59379
deductions, or by the association for its members, or by some 59380
designated person acting on behalf of such employer or 59381
association. 59382

Sec. 3923.66. (A) As used in sections 3923.66 to 3923.70 of 59383
the Revised Code: 59384

(1) "Clinical peer" and "physician" have the same meanings as 59385
in section 1751.77 of the Revised Code. 59386

(2) "Authorized person" means a parent, guardian, or other 59387
person authorized to act on behalf of an insured with respect to 59388
health care decisions. 59389

(B) Sections 3923.66 to 3923.70 of the Revised Code do not 59390
apply to any individual or group policy of sickness and accident 59391
insurance covering only accident, credit, dental, disability 59392
income, long-term care, hospital indemnity, medicare supplement, 59393
medicare, tricare, specified disease, or vision care; coverage 59394

issued as a supplement to liability insurance; insurance arising 59395
out of workers' compensation or similar law; automobile medical 59396
payment insurance; or insurance under which benefits are payable 59397
with or without regard to fault and which is statutorily required 59398
to be contained in any liability insurance policy or equivalent 59399
self-insurance. 59400

(C) The superintendent of insurance shall establish and 59401
maintain a system for receiving and reviewing requests for review 59402
from insureds who have been denied coverage of a health care 59403
service on the grounds that the service is not a service covered 59404
under the terms of the insured's policy or certificate. 59405

On receipt of a written request from an insured or authorized 59406
person, the superintendent shall consider whether the health care 59407
service is a service covered under the terms of the insured's 59408
policy or certificate, except that the superintendent shall not 59409
conduct a review under this section unless the insured has 59410
exhausted the insurer's internal review process. The insurer and 59411
the insured or authorized person shall provide the superintendent 59412
with any information required by the superintendent that is in 59413
their possession and is germane to the review. 59414

Unless the superintendent is not able to do so because making 59415
the determination requires resolution of a medical issue, the 59416
superintendent shall determine whether the health care service at 59417
issue is a service covered under the terms of the insured's policy 59418
or certificate. The superintendent shall notify the insured, or 59419
authorized person, and the insurer of its determination or that it 59420
is not able to make a determination because the determination 59421
requires the resolution of a medical issue. 59422

If the superintendent notifies the insurer that making the 59423
determination requires the resolution of a medical issue, the 59424
insurer shall ~~afford the insured an opportunity for~~ initiate an 59425
external review under section 3923.67 or 3923.68 of the Revised 59426

Code. If the superintendent notifies the insurer that the health care service is not a covered service, the insurer is not required to cover the service or afford the insured an external review.

Sec. 3923.67. (A) Except as provided in divisions (B) and (C) of this section, an insurer shall afford an insured an opportunity for an external review of a coverage denial when requested by the insured or authorized person, if both of the following are the case:

(1) The insurer has denied, reduced, or terminated coverage for what would be a covered health care service except that the insurer has determined that the health care service is not medically necessary.

(2) Except in the case of expedited review, the proposed service, plus any ancillary services and follow-up care, will cost the insured more than five hundred dollars if the proposed service is not covered by the insurer.

External review shall be conducted in accordance with this section, except that if an insured with a terminal condition meets all of the criteria of division (A) of section 3923.68 of the Revised Code, an external review shall be conducted under that section.

(B) An insured need not be afforded a review under this section in any of the following circumstances:

(1) The superintendent of insurance has determined under section 3923.66 of the Revised Code that the health care service is not a service covered under the terms of the insured's policy or certificate.

(2) The insured has failed to exhaust the insurer's internal review process.

(3) The insured has previously afforded an external review

for the same denial of coverage, and no new clinical information 59457
has been submitted to the insurer. 59458

(C)(1) An insurer may deny a request from an insured for an 59459
external review of an adverse decision from the insurer's internal 59460
appeal process if it is requested later than ~~sixty~~ one hundred 59461
eighty days after receipt ~~by the insured~~ of notice ~~from the~~ 59462
~~superintendent of insurance under section 3923.66 of the Revised~~ 59463
~~Code that making a determination requires the resolution of a~~ 59464
~~medical issue~~ from the insurer of the adverse decision. An 59465
external review may be requested by the insured, an authorized 59466
person, the insured's provider, or a health care facility 59467
rendering health care service to the insured. The insured may 59468
request a review without the approval of the provider or the 59469
health care facility rendering the health care service. The 59470
provider or health care facility may not request a review without 59471
the prior consent of the insured. 59472

(2) An external review must be requested in writing, except 59473
that if the insured has a condition that requires expedited 59474
review, the review may be requested orally or by electronic means. 59475
When an oral or electronic request for review is made, written 59476
confirmation of the request must be submitted to the insurer not 59477
later than five days after the request is made. 59478

Except in the case of an expedited review, a request for an 59479
external review must be accompanied by written certification from 59480
the insured's provider or the health care facility rendering the 59481
health care service to the insured that the proposed service, plus 59482
any ancillary services and follow-up care, will cost the insured 59483
more than five hundred dollars if the proposed service is not 59484
covered by the insurer. 59485

(3) For an expedited review, the insured's provider must 59486
certify that the insured's condition could, in the absence of 59487
immediate medical attention, result in any of the following: 59488

(a) Placing the health of the insured or, with respect to a pregnant woman, the health of the insured or the unborn child, in serious jeopardy;	59489 59490 59491
(b) Serious impairment to bodily functions;	59492
(c) Serious dysfunction of any bodily organ or part.	59493
(D) The procedures used in conducting an external review shall include all of the following:	59494 59495
(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.	59496 59497 59498
(2) Except as provided in divisions (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following:	59499 59500 59501 59502 59503
(a) The insurer or any officer, director, or managerial employee of the insurer;	59504 59505
(b) The insured, the insured's provider, or the practice group of the insured's provider;	59506 59507
(c) The health care facility at which the health care service requested by the insured would be provided;	59508 59509
(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the insured.	59510 59511
(3) Division (D)(2) of this section does not prohibit a clinical peer from conducting a review under any of the following circumstances:	59512 59513 59514
(a) The clinical peer is affiliated with an academic medical center that provides health care services to insureds of the insurer.	59515 59516 59517

(b) The clinical peer has staff privileges at a health care facility that provides health care services to insureds of the insurer. 59518
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(c) The clinical peer has a contractual relationship with the insurer but was not involved with the insurer's coverage decision. 59521
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(4) Division (D)(2) of this section does not prohibit the insurer from paying the independent review organization for the conduct of the review. 59523
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(5) An insured shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the insurer. 59526
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(6)(a) The insurer shall provide to the independent review organization conducting the review a copy of those records in its possession that are relevant to the insured's medical condition and the review. 59529
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Records shall be used solely for the purpose of this division. At the request of the independent review organization, the insurer, insured, provider, or health care facility rendering health care services to the insured shall provide any additional information the independent review organization requests to complete the review. A request for additional information may be made in writing, orally, or by electronic means. The independent review organization shall submit the request to the insured and insurer. If a request is submitted orally or by electronic means to an insured or insurer, not later than five days after the request is submitted, the independent review organization shall provide written confirmation of the request. If the review was initiated by a provider or health care facility, a copy of the request shall be submitted to the provider or health care facility. 59533
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(b) An independent review organization is not required to 59548

make a decision if it has not received any requested information 59549
that it considers necessary to complete a review. An independent 59550
review organization that does not make a decision for this reason 59551
shall notify the insured and the insurer that a decision is not 59552
being made. The notice may be made in writing, orally, or by 59553
electronic means. An oral or electronic notice shall be confirmed 59554
in writing not later than five days after the oral or electronic 59555
notice is made. If the review was initiated by a provider or 59556
health care facility, a copy of the notice shall be submitted to 59557
the provider or health care facility. 59558

(7) The insurer may elect to cover the service requested and 59559
terminate the review. The insurer shall notify the insured and all 59560
other parties involved with the decision by mail, or with the 59561
consent or approval of the insured, by electronic means. 59562

(8) In making its decision, an independent review 59563
organization conducting the review shall take into account all of 59564
the following: 59565

(a) Information submitted by the insurer, the insured, the 59566
insured's provider, and the health care facility rendering the 59567
health care service, including the following: 59568

(i) The insured's medical records; 59569

(ii) The standards, criteria, and clinical rationale used by 59570
the insurer to make its decision. 59571

(b) Findings, studies, research, and other relevant documents 59572
of government agencies and nationally recognized organizations, 59573
including the national institutes of health or any board 59574
recognized by the national institutes of health, the national 59575
cancer institute, the national academy of sciences, the United 59576
States food and drug administration, the health care financing 59577
administration of the United States department of health and human 59578
services, and the agency for health care policy and research; 59579

(c) Relevant findings in peer-reviewed medical or scientific literature, published opinions of nationally recognized medical experts, and clinical guidelines adopted by relevant national medical societies.

(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the insurer and the insured. If the insured's provider or the health care facility rendering health care services to the insured requested the review, the independent review organization shall also send a copy of its decision to the insured's provider or the health care facility.

(b) The independent review organization's decision shall include a description of the insured's condition and the principal reasons for the decision and an explanation of the clinical rationale for the decision.

(E) The independent review organization shall base its decision on the information submitted under division (D)(8) of this section. In making its decision, the independent review organization shall consider safety, efficacy, appropriateness, and cost-effectiveness.

(F) The insurer shall provide any coverage determined by the independent review organization's decision to be medically necessary, subject to the other terms, limitations, and conditions of the insured's policy or certificate.

Sec. 3923.68. (A) Each insurer shall establish a reasonable external, independent review process to examine the insurer's coverage decisions for insureds who meet all of the following

criteria: 59611

(1) The insured has a terminal condition that, according to 59612
the current diagnosis of the insured's physician, has a high 59613
probability of causing death within two years. 59614

(2) The insured requests a review not later than ~~sixty one~~ sixty one 59615
hundred eighty days after receipt by the insured of notice from 59616
the ~~superintendent of insurance under section 3923.66 of the~~ 59617
~~Revised Code that making a determination requires resolution of a~~ 59618
~~medical issue~~ insurer of the adverse decision. 59619

(3) The insured's physician certifies that the insured has 59620
the condition described in division (A)(1) of this section and any 59621
of the following situations are applicable: 59622

(a) Standard therapies have not been effective in improving 59623
the condition of the insured. 59624

(b) Standard therapies are not medically appropriate for the 59625
insured. 59626

(c) There is no standard therapy covered by the insurer that 59627
is more beneficial than therapy described in division (A)(4) of 59628
this section. 59629

(4) The insured's physician has recommended a drug, device, 59630
procedure, or other therapy that the physician certifies, in 59631
writing, is likely to be more beneficial to the insured, in the 59632
physician's opinion, than standard therapies, or the insured has 59633
requested a therapy that has been found in a preponderance of 59634
peer-reviewed published studies to be associated with effective 59635
clinical outcomes for the same condition. 59636

(5) The insured has been denied coverage by the insurer for a 59637
drug, device, procedure, or other therapy recommended or requested 59638
pursuant to division (A)(4) of this section, and has exhausted the 59639
insurer's internal review process. 59640

(6) The drug, device, procedure, or other therapy, for which 59641
coverage has been denied, would be a covered health care service 59642
except for the insurer's determination that the drug, device, 59643
procedure, or other therapy is experimental or investigational. 59644

(B) A review shall be requested in writing, except that if 59645
the insured's physician determines that a therapy would be 59646
significantly less effective if not promptly initiated, the review 59647
may be requested orally or by electronic means. When an oral or 59648
electronic request for review is made, written confirmation of the 59649
request shall be submitted to the insurer not later than five days 59650
after the oral or written request is submitted. 59651

(C) The external, independent review process established by 59652
an insurer shall meet all of the following criteria: 59653

(1) Except as provided in division (E) of this section, the 59654
process shall afford all insureds who meet the criteria set forth 59655
in division (A) of this section the opportunity to have the 59656
insurer's decision to deny coverage of the recommended or 59657
requested therapy reviewed under the process. Each eligible 59658
insured shall be notified of that opportunity within thirty 59659
business days after the insurer denies coverage. 59660

(2) The review shall be conducted by an independent review 59661
organization assigned by the superintendent of insurance under 59662
section 3901.80 of the Revised Code. 59663

The independent review organization shall select a panel to 59664
conduct the review, which panel shall be composed of at least 59665
three physicians or other providers who, through clinical 59666
experience in the past three years, are experts in the treatment 59667
of the insured's medical condition and knowledgeable about the 59668
recommended or requested therapy. 59669

In either of the following circumstances, an exception may be 59670
made to the requirement that the review be conducted by an expert 59671

panel composed of a minimum of three physicians or other 59672
providers: 59673

(a) A review may be conducted by an expert panel composed of 59674
only two physicians or other providers if an insured has consented 59675
in writing to a review by the smaller panel. 59676

(b) A review may be conducted by a single expert physician or 59677
other provider if only the expert physician or other provider is 59678
available for the review. 59679

(3) Neither the insurer nor the insured shall choose, or 59680
control the choice of, the physician or other provider experts. 59681

(4) The selected experts, any health care facility with which 59682
an expert is affiliated, and the independent review organization 59683
arranging for the experts' review shall not have any professional, 59684
familial, or financial affiliation with any of the following: 59685

(a) The insurer or any officer, director, or managerial 59686
employee of the insurer; 59687

(b) The insured, the insured's physician, ~~of~~ or the practice 59688
group of the insured's physician; 59689

(c) The health care facility at which the recommended or 59690
requested therapy would be provided; 59691

(d) The development or manufacture of the principal drug, 59692
device, procedure, or therapy involved in the recommended or 59693
requested therapy. 59694

However, experts affiliated with academic medical centers who 59695
provide health care services to insureds of the insurer may serve 59696
as experts on the review panel. Further, experts with staff 59697
privileges at a health care facility that provides health care 59698
services to insureds of the insurer, as well as experts who have a 59699
contractual relationship with the insurer, but who were not 59700
involved with the insurer's denial of coverage for the therapy 59701

under review, may serve as experts on the review panel. These 59702
nonaffiliation provisions do not preclude an insurer from paying 59703
for the experts' review, as specified in division (C)(5) of this 59704
section. 59705

(5) Insureds shall not be required to pay for any part of the 59706
cost of the review. The cost of the review shall be borne by the 59707
insurer. 59708

(6) The insurer shall provide to the independent review 59709
organization arranging for the experts' review a copy of those 59710
records in the insurer's possession that are relevant to the 59711
insured's medical condition and the review. The records shall be 59712
disclosed solely to the expert reviewers and shall be used solely 59713
for the purpose of this section. At the request of the expert 59714
reviewers, the insurer or the physician requesting the therapy 59715
shall provide any additional information that the expert reviewers 59716
request to complete the review. An expert reviewer is not required 59717
to render an opinion if the reviewer has not received any 59718
requested information that the reviewer considers necessary to 59719
complete the review. 59720

(7)(a) In the case of an expedited review, the independent 59721
review organization shall issue a written decision not later than 59722
seven days after the filing of the request for review. In all 59723
other cases, the independent review organization shall issue a 59724
written decision not later than thirty days after the filing of 59725
the request. The independent review organization shall send a copy 59726
of its decision to the insurer and the insured. If the insured's 59727
provider or the health care facility rendering health care 59728
services to the insured requested the review, the independent 59729
review organization shall also send a copy of its decision to the 59730
insured's provider or the health care facility. 59731

(b) In conducting the review, the experts on the panel shall 59732
take into account all of the following: 59733

(i) Information submitted by the insurer, the insured, and the insured's physician, including the insured's medical records and the standards, criteria, and clinical rationale used by the insurer to reach its coverage decision;	59734 59735 59736 59737
(ii) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations;	59738 59739 59740
(iii) Relevant findings in peer-reviewed medical or scientific literature and published opinions of nationally recognized medical experts;	59741 59742 59743
(iv) Clinical guidelines adopted by relevant national medical societies;	59744 59745
(v) Safety, efficacy, appropriateness, and cost effectiveness.	59746 59747
(8) Each expert on the panel shall provide the independent review organization with a professional opinion as to whether there is sufficient evidence to demonstrate that the recommended or requested therapy is likely to be more beneficial to the insured than standard therapies.	59748 59749 59750 59751 59752
(9) Each expert's opinion shall be presented in written form and shall include the following information:	59753 59754
(a) A description of the insured's condition;	59755
(b) A description of the indicators relevant to determining whether there is sufficient evidence to demonstrate that the recommended or requested therapy is more likely than not to be more beneficial to the insured than standard therapies;	59756 59757 59758 59759
(c) A description and analysis of any relevant findings published in peer-reviewed medical or scientific literature or the published opinions of medical experts or specialty societies;	59760 59761 59762
(d) A description of the insured's suitability to receive the	59763

recommended or requested therapy according to a treatment protocol 59764
in a clinical trial, if applicable. 59765

(10) The independent review organization shall provide the 59766
insurer with the opinions of the experts. The insurer shall make 59767
the experts' opinions available to the insured and the insured's 59768
physician, upon request. 59769

(11) The opinion of the majority of the experts on the panel, 59770
rendered pursuant to division (C)(8) of this section, is binding 59771
on the insurer with respect to that insured. If the opinions of 59772
the experts on the panel are evenly divided as to whether the 59773
therapy should be covered, the insurer's final decision shall be 59774
in favor of coverage. If less than a majority of the experts on 59775
the panel recommend coverage of the therapy, the insurer may, in 59776
its discretion, cover the therapy. However, any coverage provided 59777
pursuant to division (C)(11) of this section is subject to the 59778
terms, limitations, and conditions of the insured's policy or 59779
certificate with the insurer. 59780

(12) The insurer shall have written policies describing the 59781
external, independent review process. 59782

(D) If an insurer's initial denial of coverage for a therapy 59783
recommended or requested pursuant to division (A)(3) of this 59784
section is based upon an external, independent review of that 59785
therapy meeting the requirements of division (C) of this section, 59786
this section shall not be a basis for requiring a second external, 59787
independent review of the recommended or requested therapy. 59788

(E) At any time during the external, independent review 59789
process, the insurer may elect to cover the recommended or 59790
requested health care service and terminate the review. The 59791
insurer shall notify the insured and all other parties involved by 59792
mail or, with consent or approval of the insured, by electronic 59793
means. 59794

(F) The insurer shall annually file a certificate with the 59795
superintendent of insurance certifying its compliance with the 59796
requirements of this section. 59797

Sec. 3923.75. (A) As used in sections 3923.75 to 3923.79 of 59798
the Revised Code: 59799

(1) "Clinical peer" and "physician" have the same meanings as 59800
in section 1751.77 of the Revised Code. 59801

(2) "Authorized person" means a parent, guardian, or other 59802
person authorized to act on behalf of a plan member with respect 59803
to health care decisions. 59804

(B) Sections 3923.75 to 3923.79 of the Revised Code do not 59805
apply to any public employee benefit plan covering only accident, 59806
credit, dental, disability income, long-term care, hospital 59807
indemnity, medicare supplement, medicare, tricare, specified 59808
disease, or vision care; coverage issued as a supplement to 59809
liability insurance; insurance arising out of workers' 59810
compensation or similar law; automobile medical payment insurance; 59811
or insurance under which benefits are payable with or without 59812
regard to fault and which is statutorily required to be contained 59813
in any liability insurance policy or equivalent self-insurance. 59814

(C) The superintendent of insurance shall establish and 59815
maintain a system for receiving and reviewing requests for review 59816
from plan members who have been denied coverage of a health care 59817
service on the grounds that the service is not a service covered 59818
under the terms of the public employee benefit plan. 59819

On receipt of a written request from a plan member or 59820
authorized person, the superintendent shall consider whether the 59821
health care service is a service covered under the terms of the 59822
plan, except that the superintendent shall not conduct a review 59823
under this section unless the plan member has exhausted the plan's 59824

internal review process. The plan and the plan member or 59825
authorized person shall provide the superintendent with any 59826
information required by the superintendent that is in their 59827
possession and is germane to the review. 59828

Unless the superintendent is not able to do so because making 59829
the determination requires resolution of a medical issue, the 59830
superintendent shall determine whether the health care service at 59831
issue is a service covered under the terms of the plan. The 59832
superintendent shall notify the plan member, or authorized person, 59833
and the plan of its determination or that it is not able to make a 59834
determination because the determination requires the resolution of 59835
a medical issue. 59836

If the superintendent notifies the plan that making the 59837
determination requires the resolution of a medical issue, the plan 59838
shall ~~afford the plan member~~ initiate an ~~opportunity for~~ external 59839
review under section 3923.76 or 3923.77 of the Revised Code. If 59840
the superintendent notifies the plan that the health care service 59841
is not a covered service, the plan is not required to cover the 59842
service or afford the plan member an external review. 59843

Sec. 3923.76. (A) Except as provided in divisions (B) and (C) 59844
of this section, a public employee benefit plan shall afford a 59845
plan member an opportunity for an external review of a coverage 59846
denial when requested by the plan member or authorized person, if 59847
both of the following are the case: 59848

(1) The plan has denied, reduced, or terminated coverage for 59849
what would be a covered health care service except that the plan 59850
has determined that the health care service is not medically 59851
necessary. 59852

(2) Except in the case of expedited review, the proposed 59853
service, plus any ancillary services and follow-up care, will cost 59854
the plan member more than five hundred dollars if the proposed 59855

service is not covered by the plan. 59856

External review shall be conducted in accordance with this 59857
section, except that if a plan member with a terminal condition 59858
meets all of the criteria of division (A) of section 3923.77 of 59859
the Revised Code, an external review shall be conducted under that 59860
section. 59861

(B) A plan member need not be afforded a review under this 59862
section in any of the following circumstances: 59863

(1) The superintendent of insurance has determined under 59864
section 3923.75 of the Revised Code that the health care service 59865
is not a service covered under the terms of the plan. 59866

(2) The plan member has failed to exhaust the plan's internal 59867
review process. 59868

(3) The plan member has previously been afforded an external 59869
review for the same denial of coverage, and no new clinical 59870
information has been submitted to the plan. 59871

(C)(1) A plan may deny a request from a plan member for an 59872
external review of an adverse decision from the plan's internal 59873
appeal process if it is requested later than ~~sixty~~ one hundred 59874
eighty days after receipt by the plan member of notice from the 59875
~~superintendent of insurance under section 3923.75 of the Revised~~ 59876
~~Code that making the determination requires the resolution of a~~ 59877
~~medical issue~~ plan of the adverse decision. An external review may 59878
be requested by the plan member, an authorized person, the plan 59879
member's provider, or a health care facility rendering health care 59880
service to the plan member. The plan member may request a review 59881
without the approval of the provider or the health care facility 59882
rendering the health care service. The provider or health care 59883
facility may not request a review without the prior consent of the 59884
plan member. 59885

(2) An external review must be requested in writing, except 59886

that if the plan member has a condition that requires expedited review, the review may be requested orally or by electronic means. When an oral or electronic request for review is made, written confirmation of the request must be submitted to the plan not later than five days after the request is made.

Except in the case of an expedited review, a request for an external review must be accompanied by written certification from the plan member's provider or the health care facility rendering the health care service to the plan member that the proposed service, plus any ancillary services and follow-up care, will cost the plan member more than five hundred dollars if the proposed service is not covered by the plan.

(3) For an expedited review, the plan member's provider must certify that the plan member's condition could, in the absence of immediate medical attention, result in any of the following:

(a) Placing the health of the plan member or, with respect to a pregnant woman, the health of the plan member or the unborn child, in serious jeopardy;

(b) Serious impairment to bodily functions;

(c) Serious dysfunction of any bodily organ or part.

(D) The procedures used in conducting an external review shall include all of the following:

(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.

(2) Except as provided in divisions (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following:

(a) The plan or any officer, director, or managerial employee of the plan;	59917 59918
(b) The plan member, the plan member's provider, or the practice group of the plan member's provider;	59919 59920
(c) The health care facility at which the health care service requested by the plan member would be provided+;	59921 59922
(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the plan member.	59923 59924
(3) Division (D)(2) of this section does not prohibit a clinical peer from conducting a review under any of the following circumstances:	59925 59926 59927
(a) The clinical peer is affiliated with an academic medical center that provides health care services to members of the plan.	59928 59929
(b) The clinical peer has staff privileges at a health care facility that provides health care services to members of the plan.	59930 59931 59932
(c) The clinical peer has <u>a</u> contractual relationship with the plan but was not involved with the plan's coverage decision.	59933 59934
(4) Division (D)(2) of this section does not prohibit the plan from paying the independent review organization for the conduct of the review.	59935 59936 59937
(5) A plan member shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the plan.	59938 59939 59940
(6)(a) The plan shall provide to the independent review organization conducting the review a copy of those records in its possession that are relevant to the plan member's medical condition and the review.	59941 59942 59943 59944
Records shall be used solely for the purpose of this division. At the request of the independent review organization,	59945 59946

the plan, plan member, provider, or health care facility rendering 59947
health care services to the plan member shall provide any 59948
additional information the independent review organization 59949
requests to complete the review. A request for additional 59950
information may be made in writing, orally, or by electronic 59951
means. The independent review organization shall submit the 59952
request to the plan member and the plan. If a request is submitted 59953
orally or by electronic means to a plan member or plan, not later 59954
than five days after the request is submitted, the independent 59955
review organization shall provide written confirmation of the 59956
request. If the review was initiated by a provider or health care 59957
facility, a copy of the request shall be submitted to the provider 59958
or health care facility. 59959

(b) An independent review organization is not required to 59960
make a decision if it has not received any requested information 59961
that it considers necessary to complete a review. An independent 59962
review organization that does not make a decision for this reason 59963
shall notify the plan member and the plan that a decision is not 59964
being made. The notice may be made in writing, orally, or by 59965
electronic means. An oral or electronic notice shall be confirmed 59966
in writing not later than five days after the oral or electronic 59967
notice is made. If the review was initiated by a provider or 59968
health care facility, a copy of the notice shall be submitted to 59969
the provider or health care facility. 59970

(7) The plan may elect to cover the service requested and 59971
terminate the review. The plan shall notify the plan member and 59972
all other parties involved with the decision by mail, or with the 59973
consent or approval of the plan member, by electronic means. 59974

(8) In making its decision, an independent review 59975
organization conducting the review shall take into account all of 59976
the following: 59977

(a) Information submitted by the plan, the plan member, the 59978

plan member's provider, and the health care facility rendering the health care service, including the following:

(i) The plan member's medical records;

(ii) The standards, criteria, and clinical rationale used by the plan to make its decision.

(b) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations, including the national institutes of health or any board recognized by the national institutes of health, the national cancer institute, the national academy of sciences, the United States food and drug administration, the health care financing administration of the United States department of health and human services, and the agency for health care policy and research;

(c) Relevant findings in peer-reviewed medical or scientific literature, published opinions of nationally recognized medical experts, and clinical guidelines adopted by relevant national medical societies.

(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the plan and the plan member. If the plan member's provider or the health care facility rendering health care services to the plan member requested the review, the independent review organization shall also send a copy of its decision to the plan member's provider or the health care facility.

(b) The independent review organization's decision shall include a description of the plan member's condition and the

principal reasons for the decision and an explanation of the 60010
clinical rationale for the decision. 60011

(E) The independent review organization shall base its 60012
decision on the information submitted under division (D)(8) of 60013
this section. In making its decision, the independent review 60014
organization shall consider safety, efficacy, appropriateness, and 60015
cost-effectiveness. 60016

(F) The plan shall provide any coverage determined by the 60017
independent review organization's decision to be medically 60018
necessary, subject to the other terms, limitations, and conditions 60019
of the plan. 60020

Sec. 3923.77. (A) Each public employee benefit plan shall 60021
establish a reasonable external review process to examine the 60022
plan's coverage decisions for plan members who meet all of the 60023
following criteria: 60024

(1) The plan member has a terminal condition that, according 60025
to the current diagnosis of the plan member's physician, has a 60026
high probability of causing death within two years. 60027

(2) The plan member requests a review not later than ~~sixty~~ 60028
one hundred eighty days after receipt by the plan member of notice 60029
from the ~~superintendent of insurance under section 3923.75 of the~~ 60030
~~Revised Code that making a determination requires resolution of a~~ 60031
medical issue plan of the adverse decision. 60032

(3) The plan member's physician certifies that the plan 60033
member has the condition described in division (A)(1) of this 60034
section and any of the following situations are applicable: 60035

(a) Standard therapies have not been effective in improving 60036
the condition of the plan member. 60037

(b) Standard therapies are not medically appropriate for the 60038
plan member. 60039

(c) There is no standard therapy covered by the plan that is more beneficial than therapy described in division (A)(4) of this section.

(4) The plan member's physician has recommended a drug, device, procedure, or other therapy that the physician certifies, in writing, is likely to be more beneficial to the plan member, in the physician's opinion, than standard therapies, or the plan member has requested a therapy that has been found in a preponderance of peer-reviewed published studies to be associated with effective clinical outcomes for the same condition.

(5) The plan member has been denied coverage by the plan for a drug, device, procedure, or other therapy recommended or requested pursuant to division (A)(4) of this section, and has exhausted all internal appeals.

(6) The drug, device, procedure, or other therapy, for which coverage has been denied, would be a covered health care service except for the plan's determination that the drug, device, procedure, or other therapy is experimental or investigational.

(B) A review shall be requested in writing, except that if the plan member's physician determines that a therapy would be significantly less effective if not promptly initiated, the review may be requested orally or by electronic means. When an oral or electronic request for review is made, written confirmation of the request shall be submitted to the plan not later than five days after the oral or written request is submitted. For an expedited review, the plan member's provider must certify that the requested or recommended therapy would be significantly less effective if not promptly initiated.

(C) The external review process established by a plan shall meet all of the following criteria:

(1) Except as provided in division (E) of this section, the

process shall afford all plan members who meet the criteria set forth in division (A) of this section the opportunity to have the plan's decision to deny coverage of the recommended or requested therapy reviewed under the process. Each eligible plan member shall be notified of that opportunity within thirty business days after the plan denies coverage.

(2) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code. The independent review organization shall select a panel to conduct the review, which panel shall be composed of at least three physicians or other providers who, through clinical experience in the past three years, are experts in the treatment of the plan member's medical condition and knowledgeable about the recommended or requested therapy. If the independent review organization retained by the plan is an academic medical center, the panel may include experts affiliated with or employed by the academic medical center.

In either of the following circumstances, an exception may be made to the requirement that the review be conducted by an expert panel composed of a minimum of three physicians or other providers:

(a) A review may be conducted by an expert panel composed of only two physicians or other providers if a plan member has consented in writing to a review by the smaller panel.

(b) A review may be conducted by a single expert physician or other provider if only the expert physician or other provider is available for the review.

(3) Neither the plan nor the plan member shall choose, or control the choice of, the physician or other provider experts.

(4) The selected experts, any health care facility with which an expert is affiliated, and the independent review organization

arranging for the experts' review shall not have any professional, 60102
familial, or financial affiliation with any of the following: 60103

(a) The plan or any officer, director, or managerial employee 60104
of the plan; 60105

(b) The plan member, the plan member's physician, or the 60106
practice group of the plan member's physician; 60107

(c) The health care facility at which the recommended or 60108
requested therapy would be provided; 60109

(d) The development or manufacture of the principal drug, 60110
device, procedure, or therapy involved in the recommended or 60111
requested therapy. However, experts affiliated with academic 60112
medical centers who provide health care services to members of the 60113
plan may serve as experts on the review panel. Further, experts 60114
with staff privileges at a health care facility that provides 60115
health care services to members of the plan, as well as experts 60116
who have a contractual relationship with the plan, but who were 60117
not involved with the plan's denial of coverage for the therapy 60118
under review, may serve as experts on the review panel. These 60119
nonaffiliation provisions do not preclude a plan from paying for 60120
the experts' review, as specified in division (C)(5) of this 60121
section. 60122

(5) Plan members shall not be required to pay for any part of 60123
the cost of the review. The cost of the review shall be borne by 60124
the plan. 60125

(6) The plan shall provide to the independent review 60126
organization arranging for the experts' review a copy of those 60127
records in the plan's possession that are relevant to the plan 60128
member's medical condition and the review. The records shall be 60129
disclosed solely to the expert reviewers and shall be used solely 60130
for the purpose of this section. At the request of the expert 60131
reviewers, the plan or the physician requesting the therapy shall 60132

provide any additional information that the expert reviewers 60133
request to complete the review. An expert reviewer is not required 60134
to render an opinion if the reviewer has not received any 60135
requested information that the reviewer considers necessary to 60136
complete the review. 60137

(7)(a) In the case of an expedited review, the independent 60138
review organization shall issue a written decision not later than 60139
seven days after the filing of the request for review. In all 60140
other cases, the independent review organization shall issue a 60141
written decision not later than thirty days after the filing of 60142
the request. The independent review organization shall send a copy 60143
of its decision to the plan and the plan member. If the plan 60144
member's provider or the health care facility rendering health 60145
care services to the plan member requested the review, the 60146
independent review organization shall also send a copy of its 60147
decision to the plan member's provider or the health care 60148
facility. 60149

(b) In conducting the review, the experts on the panel shall 60150
take into account all of the following: 60151

(i) Information submitted by the plan, the plan member, and 60152
the plan member's physician, including the plan member's medical 60153
records and the standards, criteria, and clinical rationale used 60154
by the plan to reach its coverage decision; 60155

(ii) Findings, studies, research, and other relevant 60156
documents of government agencies and nationally recognized 60157
organizations; 60158

(iii) Relevant findings in peer-reviewed medical or 60159
scientific literature and published opinions of nationally 60160
recognized medical experts; 60161

(iv) Clinical guidelines adopted by relevant national medical 60162
societies; 60163

(v) Safety, efficacy, appropriateness, and 60164
cost_effectiveness. 60165

(8) Each expert on the panel shall provide the independent 60166
review organization with a professional opinion as to whether 60167
there is sufficient evidence to demonstrate that the recommended 60168
or requested therapy is likely to be more beneficial to the plan 60169
member than standard therapies. 60170

(9) Each expert's opinion shall be presented in written form 60171
and shall include the following information: 60172

(a) A description of the plan member's condition; 60173

(b) A description of the indicators relevant to determining 60174
whether there is sufficient evidence to demonstrate that the 60175
recommended or requested therapy is more likely than not to be 60176
more beneficial to the plan member than standard therapies; 60177

(c) A description and analysis of any relevant findings 60178
published in peer-reviewed medical or scientific literature or the 60179
published opinions of medical experts or specialty societies; 60180

(d) A description of the plan member's suitability to receive 60181
the recommended or requested therapy according to a treatment 60182
protocol in a clinical trial, if applicable. 60183

(10) The independent review organization shall provide the 60184
plan with the opinions of the experts. The plan shall make the 60185
experts' opinions available to the plan member and the plan 60186
member's physician, upon request. 60187

(11) The opinion of the majority of the experts on the panel, 60188
rendered pursuant to division (C)(8) of this section, is binding 60189
on the plan with respect to that plan member. If the opinions of 60190
the experts on the panel are evenly divided as to whether the 60191
therapy should be covered, the plan's final decision shall be in 60192
favor of coverage. If less than a majority of the experts on the 60193

panel recommend coverage of the therapy, the plan may, in its discretion, cover the therapy. However, any coverage provided pursuant to division (C)(11) of this section is subject to the terms, limitations, and conditions of the plan.

(12) The plan shall have written policies describing the external review process.

(D) If a plan's initial denial of coverage for a therapy recommended or requested pursuant to division (A)(3) of this section is based upon an external review of that therapy meeting the requirements of division (C) of this section, this section shall not be a basis for requiring a second external review of the recommended or requested therapy.

(E) At any time during the external review process, the plan may elect to cover the recommended or requested health care service and terminate the review. The plan shall notify the plan member and all other parties involved by mail or, with consent or approval of the plan member, by electronic means.

(F) The plan shall annually file a certificate with the superintendent of insurance certifying its compliance with the requirements of this section.

Sec. 3923.90. (A) There is hereby created the health care coverage and quality council to advise the governor, general assembly, entities in the public and private sectors, and consumers on strategies to expand affordable health insurance coverage to more individuals and to improve the cost and quality of the state's health insurance system and health care system.

(B) The council shall consist of the following members:

(1) The superintendent of insurance or the superintendent's designee;

(2) The director of the executive medicaid management

<u>administration;</u>	60224
<u>(3) The director of medicaid;</u>	60225
<u>(4) The director of health;</u>	60226
<u>(5) The benefits administrator of the office of benefits</u>	60227
<u>administration within the department of administrative services;</u>	60228
<u>(6) Two members of the house of representatives, one member</u>	60229
<u>appointed by the speaker of the house of representatives and one</u>	60230
<u>member appointed by the minority leader of the house of</u>	60231
<u>representatives;</u>	60232
<u>(7) Two members of the senate, one member appointed by the</u>	60233
<u>president of the senate and one member appointed by the minority</u>	60234
<u>leader of the senate;</u>	60235
<u>(8) The following members appointed by the governor, with the</u>	60236
<u>advice and consent of the senate:</u>	60237
<u>(a) Two representatives of consumers of health care services;</u>	60238
<u>(b) Two representatives of employers that provide health care</u>	60239
<u>coverage to their employees;</u>	60240
<u>(c) Two representatives of medical facilities, at least one</u>	60241
<u>of whom is a representative of a research and academic medical</u>	60242
<u>center;</u>	60243
<u>(d) Two individuals authorized under Chapter 4731. of the</u>	60244
<u>Revised Code to practice medicine and surgery or osteopathic</u>	60245
<u>medicine and surgery;</u>	60246
<u>(e) Two individuals or representatives of individuals</u>	60247
<u>authorized to practice any of the following:</u>	60248
<u>(i) Dentistry under Chapter 4715. of the Revised Code;</u>	60249
<u>(ii) Optometry under Chapter 4725. of the Revised Code;</u>	60250
<u>(iii) Podiatry under Chapter 4731. of the Revised Code;</u>	60251

<u>(iv) Chiropractic under Chapter 4734. of the Revised Code.</u>	60252
<u>(f) Two representatives of companies authorized under Chapter 3923. of the Revised Code to do the business of sickness and accident insurance in this state or of health insuring corporations holding certificates of authority under Chapter 1751. of the Revised Code;</u>	60253 60254 60255 60256 60257
<u>(g) Two representatives of organized labor;</u>	60258
<u>(h) One representative of a nonprofit organization experienced in health care data collection and analysis;</u>	60259 60260
<u>(i) One individual with expertise in health information technology and exchange;</u>	60261 60262
<u>(j) One representative of a state retirement system;</u>	60263
<u>(k) One public health professional.</u>	60264
<u>(9) Other members appointed by the superintendent of insurance.</u>	60265 60266
<u>(C) Not later than thirty days after the effective date of this section, initial appointments shall be made to the council. The initial legislative members shall be appointed for terms ending three years from the date of appointment. The initial members appointed by the governor and the superintendent of insurance shall serve staggered terms of one, two, or three years, as selected by the governor or superintendent when making their respective appointments. Thereafter, terms of office for all appointed members shall be three years, with each term ending on the same day of the same month as the term it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a legislative member ceases to be a member of the council on ceasing to be a member of the general assembly. Members may be reappointed.</u>	60267 60268 60269 60270 60271 60272 60273 60274 60275 60276 60277 60278 60279 60280 60281

Vacancies shall be filled in the same manner as original 60282
appointments. Any member appointed to fill a vacancy occurring 60283
prior to the expiration of the term for which the member's 60284
predecessor was appointed shall hold office for the remainder of 60285
that term. A member shall continue in office subsequent to the 60286
expiration date of the member's term until the member's successor 60287
takes office or until a period of sixty days has elapsed, 60288
whichever occurs first. 60289

(D) The superintendent or the superintendent's designee shall 60290
serve as chairperson of the council. The council shall meet at the 60291
call of the chair. A majority of the members of the council 60292
constitutes a quorum. 60293

(E) Members shall serve without compensation, except to the 60294
extent that serving on the council is considered part of their 60295
regular employment duties. 60296

(F) The superintendent may provide staff and other 60297
administrative support for the council to carry out its duties. In 60298
making staffing decisions, the superintendent may consider any 60299
recommendations made by the council. 60300

(G) Sections 101.82 to 101.87 of the Revised Code do not 60301
apply to the health care coverage and quality council. 60302

Sec. 3923.91. (A) The health care coverage and quality 60303
council shall do all of the following: 60304

(1) Advise the governor and general assembly on strategies to 60305
improve health care programs and health insurance policies and 60306
benefit plans; 60307

(2) Monitor and evaluate implementation of strategies for 60308
improving access to health insurance coverage and improving the 60309
quality of the state's health care system, identify barriers to 60310
implementing those strategies, and identify methods for overcoming 60311

the barriers; 60312

(3) Catalog existing health care data reporting efforts and 60313
make recommendations to improve data reporting in a manner that 60314
increases transparency and consistency in the health care and 60315
insurance coverage systems; 60316

(4) Study health care financing alternatives that will 60317
increase access to health insurance coverage, promote disease 60318
prevention and injury prevention, contain costs, and improve 60319
quality; 60320

(5) Evaluate the systems that individuals use to obtain or 60321
otherwise become connected with health insurance and recommend 60322
improvements to those systems or the use of alternative systems; 60323

(6) Recommend minimum coverage standards for basic and 60324
standard health insurance plans offered by insurance carriers; 60325

(7) Recommend strategies, such as subsidies, to assist 60326
individuals in being able to afford health insurance coverage; 60327

(8) Recommend strategies to implement health information 60328
technology to support improved access and quality and reduced 60329
costs in the state's health care system; 60330

(9) Perform any other duties specified in rules adopted by 60331
the superintendent of insurance. 60332

(B) The council shall prepare and issue an annual report, 60333
which may include recommendations, on or before the thirty-first 60334
day of December of each year. The council may prepare and issue 60335
other reports and recommendations at other times that the council 60336
finds appropriate. 60337

(C) The superintendent may adopt rules as necessary for the 60338
council to carry out its duties. The rules shall be adopted under 60339
Chapter 119. of the Revised Code. In adopting the rules, the 60340
superintendent may consider any recommendations made by the 60341

council. 60342

Sec. 3924.06. (A) Compliance with the underwriting and rating 60343
requirements contained in sections 3924.01 to 3924.14 of the 60344
Revised Code shall be demonstrated through actuarial 60345
certification. Carriers offering health benefit plans to small 60346
employers shall file annually with the superintendent of insurance 60347
an actuarial certification stating that the underwriting and 60348
rating methods of the carrier do all of the following: 60349

(1) Comply with accepted actuarial practices; 60350

(2) Are uniformly applied to health benefit plans covering 60351
small employers; 60352

(3) Comply with the applicable provisions of sections 3924.01 60353
to 3924.14 of the Revised Code. 60354

(B) If a carrier has established a separate class of business 60355
for one or more small employer health care alliances in accordance 60356
with section 1731.09 of the Revised Code, this section shall apply 60357
in accordance with section 1731.09 of the Revised Code. 60358

(C) Carriers offering health benefit plans to small employers 60359
shall file premium rates with the superintendent in accordance 60360
with section 3923.02 of the Revised Code with respect to the 60361
carrier's sickness and accident insurance policies sold to small 60362
employers and in accordance with section 1751.12 of the Revised 60363
Code with respect to the carrier's health insuring corporation 60364
policies sold to small employers. 60365

Sec. 3929.43. (A) The Ohio fair plan underwriting association 60366
is hereby created consisting of all insurers authorized to write 60367
within this state, on a direct basis, basic property insurance or 60368
any component thereof in multi-peril policies, to assist 60369
applicants in urban areas to secure basic property insurance or 60370
homeowners insurance, and to formulate and administer a program 60371

for the equitable apportionment of basic property insurance or 60372
homeowners insurance which cannot be obtained in the normal 60373
market. Every such insurer shall be a member of the association 60374
and shall remain a member as a condition of its authority to write 60375
any of such insurance in this state. 60376

(B) The association, pursuant to sections 3929.41 to 3929.49 60377
of the Revised Code, and the plan of operation, with respect to 60378
basic property insurance or homeowners insurance, may assume and 60379
cede reinsurance on insurable risks written by its members. 60380

(C) The board of governors of the association shall submit to 60381
the superintendent of insurance, for ~~his~~ approval, a proposed plan 60382
of operation which shall provide for economical, fair, and 60383
nondiscriminatory administration of a program for the equitable 60384
apportionment among members of basic property insurance or 60385
homeowners insurance which may be afforded in urban areas to 60386
applicants whose property is insurable in accordance with 60387
reasonable underwriting standards, but who are unable to procure 60388
such insurance through normal channels. The association is under 60389
no obligation to issue basic property insurance or homeowners 60390
insurance to any person, unless that person and ~~his~~ that person's 60391
property would be insurable in the normal insurance market, and 60392
such property, except for its location, would constitute an 60393
insurable risk in accordance with reasonable underwriting 60394
standards. The plan of operation shall provide that the 60395
association, in determining whether the property is insurable, 60396
shall give no consideration to the condition of surrounding 60397
property or properties, where such condition is not within the 60398
control of the applicant. Rates for basic property insurance and 60399
homeowners insurance shall ~~not exceed those rates filed with~~ be 60400
subject to the approval of the superintendent ~~by the major rating~~ 60401
~~organization in this state, except that in the case of homeowners~~ 60402
~~insurance the association may file deviations to the rating plan~~ 60403

~~previously filed by such rating organization, and such deviations~~ 60404
~~shall be subject to the approval of the superintendent in the same~~ 60405
~~manner as other deviations under Chapter 3935. of the Revised~~ 60406
Code. The plan of operation may also provide for assessment of all 60407
members in amounts sufficient to operate the association, maximum 60408
limits of liability per location to be placed through the program, 60409
reasonable underwriting standards for determining insurability of 60410
a risk, and the commission to be paid to the licensed producer 60411
designated by the applicant. The superintendent shall adopt such 60412
plan and all amendments thereto pursuant to Chapter 119. of the 60413
Revised Code. 60414

If the superintendent disapproves the proposed plan of 60415
operation, the board of governors shall, within fifteen days, 60416
submit for approval an appropriately revised plan of operation and 60417
if the board of governors fails to do so, or if the revised plan 60418
submitted is unacceptable, the superintendent shall promulgate a 60419
plan of operation. 60420

If amendment of the plan of operation is requested by the 60421
superintendent or the board of governors, the board of governors 60422
shall submit to the superintendent, for ~~his~~ approval, such 60423
amendments. If such amendments are not approved by the 60424
superintendent, the board of governors shall, within fifteen days, 60425
submit for approval an appropriately revised amendment. If the 60426
board of governors fails to do so, or if the amendment is not 60427
approved by the superintendent, the superintendent shall 60428
promulgate such amendment as ~~he~~ the superintendent finds 60429
necessary. 60430

(D)(1) The plan of operation may provide for periodic advance 60431
assessments against member insurers in amounts considered 60432
necessary to cover any deficit or projected deficit arising out of 60433
the operation of the association. Any provision in the plan for 60434
implementation of such advance assessments shall be approved by 60435

the superintendent. Any such provision in the plan shall also 60436
provide for quarterly or other periodic installment payment of 60437
such assessments. 60438

(2) Such plan shall provide a method whereby member insurers 60439
may recoup assessments levied by the association. In order to 60440
recoup such assessments the plan may also provide for the 60441
calculation and use of rates or rating factors to be applied to 60442
direct premiums for basic property insurance and homeowners 60443
insurance located in this state. Such a provision is subject to 60444
the approval of the superintendent. Member insurers of the 60445
association implementing a change in rates pursuant to this 60446
section shall file such changes with the superintendent. Such 60447
changes shall not increase rates more than the amount authorized 60448
by the association and approved by the superintendent pursuant to 60449
the plan. The association may consult with member insurers or 60450
licensed rating bureaus in connection with the establishment and 60451
operation of any such provision. 60452

(E) Any insurer which is a member of the association shall 60453
participate in the writings, expenses, profits, and losses of the 60454
association in the proportion that its premiums written bear to 60455
the aggregate premiums written by all members of the association, 60456
except that this division shall not be construed to preclude the 60457
board of governors from taking action to adjust assessments in 60458
accordance with a program adopted pursuant to division (I) of this 60459
section. 60460

(F) Such plan shall require the issuance of a binder 60461
providing coverage for which the applicant tenders an amount equal 60462
to the annual premium as estimated by the association, ~~such or an~~ 60463
appropriate percentage of that annual premium as determined by the 60464
association. The binder taking shall take effect fifteen days 60465
following the date of the day after the association receives the 60466
application, provided that the application meets the underwriting 60467

standards of the association, for such term, and under such 60468
conditions as are determined by the superintendent ~~of insurance.~~ 60469
The superintendent may alter such time requirement on a specific 60470
risk under such conditions as ~~he~~ the superintendent finds 60471
appropriate. 60472

(G) The association shall be governed by a board of governors 60473
consisting of twelve members, four of whom shall be appointed by 60474
the governor with the advice and consent of the senate. One of 60475
such members shall be a licensed agent writing basic property 60476
insurance for more than one insurer. None of the other three such 60477
members shall be a director, officer, salaried employee, agent, or 60478
substantial shareholder of any insurance company and not more than 60479
two of these three members shall be members of the same political 60480
party. Terms of office of members appointed by the governor shall 60481
be for two years, commencing on the nineteenth day of September 60482
and ending on the eighteenth day of September. Each member shall 60483
hold office from the date of ~~his~~ appointment until the end of the 60484
term for which ~~he~~ the member was appointed. Any member appointed 60485
to fill a vacancy occurring prior to the expiration of the term 60486
for which ~~his~~ the member's predecessor was appointed shall hold 60487
office for the remainder of such term. Any appointed member shall 60488
continue in office subsequent to the expiration date of ~~his~~ the 60489
member's term until ~~his~~ the member's successor takes office, or 60490
until a period of sixty days has elapsed, whichever occurs first. 60491
The remaining eight members shall be representatives from member 60492
companies, at least five of whom shall be Ohio domiciled members, 60493
elected annually by accumulated voting by members of the 60494
association whose votes shall be weighed in accordance with each 60495
member's premiums written during the second preceding calendar 60496
year. Not more than one insurer in a group under the same 60497
management or ownership shall serve on the board of governors at 60498
the same time. The eight representatives of member companies shall 60499
be elected at a meeting of the members or their authorized 60500

representatives, which shall be held at a time and place 60501
designated by the superintendent. 60502

(H) The plan shall be administered under the supervision of 60503
the superintendent. 60504

(I) The board of governors shall adopt a written program for 60505
decreasing the overall utilization of the association as a source 60506
of insurance. The program shall set forth actions that the board 60507
shall take to decrease such utilization, including actions 60508
intended to reduce the number of policies issued, the number of 60509
persons whose properties are insured, and the total amount and 60510
kinds of insurance written by the association, provided this 60511
division does not authorize the board to take action intended to 60512
decrease utilization of the association as a source of insurance 60513
if such action would substantially conflict with the purposes set 60514
forth in divisions (A), (B), and (D) of section 3929.41 of the 60515
Revised Code or the plan of operation of the association. 60516

Sec. 3937.41. (A) As used in this section: 60517

(1) "Ambulance" has the same meaning as in section 4765.01 of 60518
the Revised Code and also includes private ambulance companies 60519
under contract to a municipal corporation, township, or county. 60520

(2) "Emergency vehicle" means any of the following: 60521

(a) Any vehicle, as defined in section 4511.01 of the Revised 60522
Code, that is an emergency vehicle of a municipal, township, or 60523
county department or public utility corporation and that is 60524
identified as such as required by law, the director of public 60525
safety, or local authorities; 60526

(b) Any motor vehicle, as defined in section 4511.01 of the 60527
Revised Code, when commandeered by a police officer; 60528

(c) Any vehicle, as defined in section 4511.01 of the Revised 60529
Code, that is an emergency vehicle of a qualified nonprofit 60530

corporation police department established pursuant to section 60531
1702.80 of the Revised Code and that is identified as an emergency 60532
vehicle; 60533

(d) Any vehicle, as defined in section 4511.01 of the Revised 60534
Code, that is an emergency vehicle of a proprietary police 60535
department or security department of a hospital operated by a 60536
public hospital agency or a nonprofit hospital agency that employs 60537
police officers under section 4973.17 of the Revised Code, and 60538
that is identified as an emergency vehicle. 60539

(3) "Firefighter" means any regular, paid, member of a 60540
lawfully constituted fire department of a municipal corporation or 60541
township. 60542

(4) "Law enforcement officer" means a any of the following: 60543

(a) A sheriff, deputy sheriff, constable, marshal, deputy 60544
marshal, municipal ~~or~~ police officer, police officer of a township 60545
or joint township police officer district, state highway patrol 60546
trooper, or member of a police force employed by a metropolitan 60547
housing authority under division (D) of section 3735.31 of the 60548
Revised Code; 60549

(b) A police officer employed by a qualified nonprofit police 60550
department pursuant to section 1702.80 of the Revised Code, or 60551
police officer employed by a proprietary police department or 60552
security department of a hospital operated by a public hospital 60553
agency or nonprofit hospital agency pursuant to section 4973.17 of 60554
the Revised Code; 60555

(c) An officer, agent, or employee of the state or any of its 60556
agencies, instrumentalities, or political subdivisions, upon whom, 60557
by statute, a duty to conserve the peace or to enforce all or 60558
certain laws is imposed and the authority to arrest violators is 60559
conferred, within the limits of that statutory duty and authority; 60560

(d) A veterans' home police officer appointed under section 60561

5907.02 of the Revised Code; 60562

(e) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code. 60563
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(5) "Motor vehicle accident" means any accident involving a motor vehicle which results in bodily injury to any person, or damage to the property of any person. 60566
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(6) "Investigator" means an investigator of the bureau of criminal identification and investigation as defined in section 2903.11 of the Revised Code. 60569
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(B) No insurer shall consider the circumstance that an applicant or policyholder has been involved in a motor vehicle accident while in the pursuit of the applicant's or policyholder's official duties as a law enforcement officer, firefighter, investigator, or operator of an emergency vehicle or ambulance, while operating a vehicle engaged in mowing or snow and ice removal as a county, township, or department of transportation employee, or while operating a vehicle while engaged in the pursuit of the applicant's or policyholder's official duties as a member of the motor carrier enforcement unit of the state highway patrol under section 5503.34 of the Revised Code, as a basis for doing either of the following: 60572
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(1) Refusing to issue or deliver a policy of insurance upon a private automobile, or increasing the rate to be charged for such a policy; 60584
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(2) Increasing the premium rate, canceling, or failing to renew an existing policy of insurance upon a private automobile. 60587
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(C) Any applicant or policyholder affected by an action of an insurer in violation of this section may appeal to the superintendent of insurance. After a hearing held upon not less than ten days' notice to the applicant or policyholder and to the 60589
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insurer and if the superintendent determines that the insurer has 60593
violated this section, the superintendent may direct the issuance 60594
of a policy, decrease the premium rate on a policy, or reinstate 60595
insurance coverage. 60596

(D) The employer of the law enforcement officer, firefighter, 60597
investigator, or operator of an emergency vehicle or ambulance, 60598
operator of a vehicle engaged in mowing or snow and ice removal, 60599
or operator of a vehicle who is a member of the motor carrier 60600
enforcement unit, except as otherwise provided in division (F) of 60601
this section, shall certify to the state highway patrol or law 60602
enforcement agency that investigates the accident whether the 60603
officer, firefighter, investigator, or operator of an emergency 60604
vehicle or ambulance, operator of a vehicle engaged in mowing or 60605
snow and ice removal, or operator of a vehicle who is a member of 60606
the motor carrier enforcement unit, was engaged in the performance 60607
of the person's official duties as such employee at the time of 60608
the accident. The employer shall designate an official authorized 60609
to make the certifications. The state highway patrol or law 60610
enforcement agency shall include the certification in any report 60611
of the accident forwarded to the department of public safety 60612
pursuant to sections 5502.11 and 5502.12 of the Revised Code and 60613
shall forward the certification to the department if received 60614
after the report of the accident has been forwarded to the 60615
department. The registrar of motor vehicles shall not include an 60616
accident in a certified abstract of information under division (A) 60617
of section 4509.05 of the Revised Code, if the person involved has 60618
been so certified as having been engaged in the performance of the 60619
person's official duties at the time of the accident. 60620

(E) Division (B) of this section does not apply to an insurer 60621
whose policy covers the motor vehicle at the time the motor 60622
vehicle is involved in an accident described in division (B) of 60623
this section. 60624

(F) Division (B) of this section does not apply if an applicant or policyholder, on the basis of the applicant's or policyholder's involvement in an accident described in that division, is convicted of or pleads guilty or no contest to a violation of section 4511.19 of the Revised Code or a municipal OVI ordinance as defined in section 4511.181 of the Revised Code.

Sec. 3953.231. (A)(1) Each title insurance agent or title insurance company shall establish and maintain an interest-bearing trust account for the deposit of all non-directed escrow funds that meet the requirements of sections 1349.20 to 1349.22 of the Revised Code and are received by the agent to effect an escrow transaction.

(2) The account shall be established and maintained in any federally insured bank, savings and loan association, credit union, or savings bank that is authorized to transact business in this state.

(3) The account shall be in the name of the title insurance agent or company, and shall be identified as an "interest on trust account" or "IOTA." The name of the account may contain additional identifying information to distinguish it from other accounts.

(4) The title insurance agent or company establishing the account shall submit, in writing, to the superintendent of insurance the name, account number, and location of the bank, savings and loan association, credit union, or savings bank in which the trust account is maintained.

(B) Each title insurance agent or company shall deposit all non-directed escrow funds that are nominal in amount or are to be held for a short period of time into the account established under division (A) of this section no later than the next business day after receipt.

(C) Each account established under division (A) of this section shall comply with all of the following:

(1) All funds in the account shall be subject to withdrawal or transfer upon request and without delay, or as soon as permitted by law;

(2) The rate of interest payable on the account shall not be less than the rate paid by the bank, savings and loan, credit union, or savings bank to its regular depositors. The rate may be higher if there is no impairment of the right to the immediate withdrawal or transfer of the principal;

(3) All interest earned on the account, net of service charges and other related charges, shall be transmitted to the treasurer of state for deposit in the legal aid fund established under section 120.52 of the Revised Code. No part of the interest earned shall be paid to the title insurance agent or company.

(D) The title insurance agent or company establishing an account under division (A) of this section shall direct the bank, savings and loan association, credit union, or savings bank to do both of the following:

(1) Remit interest or dividends on the average monthly balance in the account, or as otherwise computed in accordance with the standard accounting practice of the bank, savings and loan association, credit union, or savings bank, less reasonable service charges and other related charges, to the treasurer of state at least quarterly for deposit in the legal aid fund established under section 120.52 of the Revised Code;

(2) At the time of each remittance, transmit to the treasurer of state, and if requested, to the Ohio legal assistance foundation, and the title insurance agent or company, a statement showing the name of the title insurance agent or company for whom the remittance is sent, the rate of interest applied, the

accounting period, the net amount remitted to the treasurer of 60686
state for each account, the total remitted, the average account 60687
balance for each month of the period for which the report is made, 60688
and the amount deducted for service charges and other related 60689
charges. 60690

(E) The statements and reports submitted by the bank, savings 60691
and loan association, credit union, or savings bank under this 60692
section, are not public records subject to section 149.43 of the 60693
Revised Code and shall be used only to administer the legal aid 60694
fund. 60695

(F) No funds belonging to a title insurance agent or company 60696
shall be deposited into an account established under division (A) 60697
of this section except funds necessary to pay service charges and 60698
other related charges of the bank, savings and loan association, 60699
credit union, or savings bank that are in excess of earnings on 60700
the account. 60701

(G) No liability arising out of any negligent act or omission 60702
of any title insurance agent or company with respect to any 60703
account established under division (A) of this section shall be 60704
imputed to the bank, savings and loan association, credit union, 60705
or savings bank. 60706

(H) No liability or responsibility arising out of any 60707
negligent act or omission of any title insurance agent with 60708
respect to any account established under division (A) of this 60709
section shall be imputed to a title insurance company. 60710

(I) The superintendent may adopt, in accordance with Chapter 60711
119. of the Revised Code, rules that pertain to the use of 60712
accounts established under division (A) of this section and to the 60713
enforcement of this section. 60714

(J) As used in this section, "escrow transaction" means a 60715
transaction in which a person, for the purpose of effecting and 60716

closing the sale, purchase, exchange, transfer, encumbrance, or 60717
lease of an interest in commercial or residential real property 60718
located in this state to another person, provides a written 60719
instrument or document, money, negotiable instrument, check, 60720
evidence of title to real property, or anything of value to an 60721
escrow or closing agent to be held by the agent until a specified 60722
event occurs or until the performance of a prescribed condition, 60723
at which time the agent shall deliver it to a specific person in 60724
compliance with applicable instructions by filing that written 60725
instrument or document with the appropriate public entity or by 60726
direct tender to the appropriate person. 60727

Sec. 4104.07. (A) An application for examination as an 60728
inspector of boilers and pressure vessels shall be in writing, 60729
accompanied by a fee of one hundred fifty dollars, upon a blank to 60730
be furnished by the superintendent of industrial compliance. Any 60731
moneys collected under this section shall be paid into the state 60732
treasury to the credit of the industrial compliance operating fund 60733
created in section 121.084 of the Revised Code. 60734

(B) The superintendent shall determine if an applicant meets 60735
all the requirements for examination in accordance with rules 60736
adopted by the board of building standards under section 4104.02 60737
of the Revised Code. An application shall be rejected which 60738
contains any willful falsification, or untruthful statements. 60739

(C) An applicant shall be examined by the superintendent, by 60740
a written examination, prescribed by the board, dealing with the 60741
construction, installation, operation, maintenance, and repair of 60742
boilers and pressure vessels and their appurtenances, and the 60743
applicant shall be accepted or rejected on the merits of the 60744
applicant's application and examination. 60745

(D) Upon a favorable report by the superintendent of the 60746
result of an examination, the superintendent shall immediately 60747

issue to the successful applicant a certificate of competency to 60748
that effect. 60749

Sec. 4104.101. (A) No person shall install or make major 60750
repairs or modifications to any boiler without first registering 60751
to do so with the division of industrial compliance. 60752

(B) No person shall make any installation or major repair or 60753
modification of any boiler without first obtaining a permit to do 60754
so from the division. The permit application form shall provide 60755
the name and address of the owner, location of the boiler, and 60756
type of repair or modification that will be made. The application 60757
permit fee shall be ~~fifty~~ one hundred dollars. 60758

(C) The superintendent of industrial compliance shall require 60759
annual registration of all contractors who install, make major 60760
repairs to, or modify any boiler. The board of building standards 60761
shall establish a reasonable fee to cover the cost of processing 60762
registrations. 60763

Sec. 4104.18. (A) The owner or user of a boiler required 60764
under section 4104.12 of the Revised Code to be inspected upon 60765
installation, and the owner or user of a boiler for which a 60766
certificate of inspection has been issued which is replaced with 60767
an appropriate certificate of operation, shall pay to the 60768
superintendent of industrial compliance a fee in the amount of 60769
~~forty-five~~ fifty dollars for boilers subject to annual inspections 60770
under section 4104.11 of the Revised Code, ~~ninety~~ one hundred 60771
dollars for boilers subject to biennial inspection under section 60772
4104.13 of the Revised Code, one hundred ~~thirty-five~~ fifty dollars 60773
for boilers subject to triennial inspection under section 4104.11 60774
of the Revised Code, or two hundred ~~twenty-five~~ fifty dollars for 60775
boilers subject to quinquennial inspection under section 4104.13 60776
of the Revised Code. 60777

~~A renewal fee in the amount of forty five dollars shall be
paid to the treasurer of state before the renewal of any
certificate of operation.~~

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(B) The fee for complete inspection during construction by a
general inspector on boilers and pressure vessels manufactured
within the state shall be thirty-five dollars per hour. Boiler and
pressure vessel manufacturers other than those located in the
state may secure inspection by a general inspector on work during
construction, upon application to the superintendent, and upon
payment of a fee of thirty-five dollars per hour, plus the
necessary traveling and hotel expenses incurred by the inspector.

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(C) The application fee for applicants for steam engineer,
high pressure boiler operator, or low pressure boiler operator
licenses is ~~fifty~~ seventy-five dollars. The fee for each original
or renewal steam engineer, high pressure boiler operator, or low
pressure boiler operator license is ~~thirty-five~~ fifty dollars.

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(D) The director of commerce, subject to the approval of the
controlling board, may establish fees in excess of the fees
provided in divisions (A), (B), and (C) of this section. Any
moneys collected under this section shall be paid into the state
treasury to the credit of the industrial compliance operating fund
created in section 121.084 of the Revised Code.

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(E) Any person who fails to pay an invoiced renewal fee or an
invoiced inspection fee required for any inspection conducted by
the division of industrial compliance pursuant to this chapter
within forty-five days of the invoice date shall pay a late
payment fee equal to twenty-five per cent of the invoiced fee.

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(F) In addition to the fees assessed in divisions (A) and (B)
of this section, the board of building standards shall assess the
owner or user a fee of three dollars and twenty-five cents for
each certificate of operation or renewal thereof issued under

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division (A) of this section and for each inspection conducted 60809
under division (B) of this section. The board shall adopt rules, 60810
in accordance with Chapter 119. of the Revised Code, specifying 60811
the manner by which the superintendent shall collect and remit to 60812
the board the fees assessed under this division and requiring that 60813
remittance of the fees be made at least quarterly. 60814

Sec. 4105.17. (A) The fee for each inspection, or attempted 60815
inspection that, due to no fault of a general inspector or the 60816
division of industrial compliance, is not successfully completed, 60817
by a general inspector before the operation of a permanent new 60818
elevator prior to the issuance of a certificate of operation, 60819
before operation of an elevator being put back into service after 60820
a repair or after an adjudication under section 4105.11 of the 60821
Revised Code, or as a result of the operation of section 4105.08 60822
of the Revised Code and is an elevator required to be inspected 60823
under this chapter is one hundred twenty dollars plus ten dollars 60824
for each floor where the elevator stops. The superintendent of 60825
industrial compliance may assess an additional fee of one hundred 60826
~~twenty five~~ twenty dollars plus ~~five ten~~ dollars for each floor 60827
where an elevator stops for the reinspection of an elevator when a 60828
previous attempt to inspect that elevator has been unsuccessful 60829
through no fault of a general inspector or the division of 60830
industrial compliance. 60831

(B) The fee for each inspection, or attempted inspection, 60832
that due to no fault of the general inspector or the division of 60833
industrial compliance, is not successfully completed by a general 60834
inspector before operation of a permanent new escalator or moving 60835
walk prior to the issuance of a certificate of operation, before 60836
operation of an escalator or moving walk being put back in service 60837
after a repair, or as a result of the operation of section 4105.08 60838
of the Revised Code is three hundred dollars. The superintendent 60839
of the division of industrial compliance may assess an additional 60840

fee of one hundred fifty dollars for the reinspection of an 60841
escalator or moving walk when a previous attempt to inspect that 60842
escalator or moving walk has been unsuccessful through no fault of 60843
the general inspector or the division of industrial compliance. 60844

(C) The fee for issuing or renewing a certificate of 60845
operation under section 4105.15 of the Revised Code for an 60846
elevator that is inspected every six months in accordance with 60847
division (A) of section 4105.10 of the Revised Code is two hundred 60848
twenty dollars plus ~~ten~~ twelve dollars for each floor where the 60849
elevator stops, except where the elevator has been inspected by a 60850
special inspector in accordance with section 4105.07 of the 60851
Revised Code. 60852

(D) The fee for issuing or renewing a certificate of 60853
operation under section 4105.05 of the Revised Code for an 60854
elevator that is inspected every twelve months in accordance with 60855
division (A) of section 4105.10 of the Revised Code is fifty-five 60856
dollars plus ten dollars for each floor where the elevator stops, 60857
except where the elevator has been inspected by a special 60858
inspector in accordance with section 4105.07 of the Revised Code. 60859

(E) The fee for issuing or renewing a certificate of 60860
operation under section 4105.15 of the Revised Code for an 60861
escalator or moving walk is three hundred dollars, except where 60862
the escalator or moving walk has been inspected by a special 60863
inspector in accordance section 4105.07 of the Revised Code. 60864

(F) All other fees to be charged for any examination given or 60865
other service performed by the division of industrial compliance 60866
pursuant to this chapter shall be prescribed by the director of 60867
commerce. The fees shall be reasonably related to the costs of 60868
such examination or other service. 60869

(G) The director of commerce, subject to the approval of the 60870
controlling board, may establish fees in excess of the fees 60871

provided in divisions (A), (B), (C), (D), and (E) of this section. 60872
Any moneys collected under this section shall be paid into the 60873
state treasury to the credit of the industrial compliance 60874
operating fund created in section 121.084 of the Revised Code. 60875

(H) Any person who fails to pay an inspection fee required 60876
for any inspection conducted by the division pursuant to this 60877
chapter within forty-five days after the inspection is conducted 60878
shall pay a late payment fee equal to twenty-five per cent of the 60879
inspection fee. 60880

(I) In addition to the fees assessed in divisions (A), (B), 60881
(C), (D), and (E) of this section, the board of building standards 60882
shall assess a fee of three dollars and twenty-five cents for each 60883
certificate of operation or renewal thereof issued under divisions 60884
(A), (B), (C), (D), or (E) of this section and for each permit 60885
issued under section 4105.16 of the Revised Code. The board shall 60886
adopt rules, in accordance with Chapter 119. of the Revised Code, 60887
specifying the manner by which the superintendent of industrial 60888
compliance shall collect and remit to the board the fees assessed 60889
under this division and requiring that remittance of the fees be 60890
made at least quarterly. 60891

(J) For purposes of this section: 60892

(1) "Escalator" means a power driven, inclined, continuous 60893
stairway used for raising or lowering passengers. 60894

(2) "Moving walk" means a passenger carrying device on which 60895
passengers stand or walk, with a passenger carrying surface that 60896
is uninterrupted and remains parallel to its direction of motion. 60897

Sec. 4115.04. (A)(1) Every public authority authorized to 60898
contract for or construct with its own forces a public 60899
improvement, before advertising for bids or undertaking such 60900
construction with its own forces, shall have the director of 60901

commerce determine the prevailing rates of wages of mechanics and 60902
laborers in accordance with section 4115.05 of the Revised Code 60903
for the class of work called for by the public improvement, in the 60904
locality where the work is to be performed. Except as provided in 60905
division (A)(2) of this section, that schedule of wages shall be 60906
attached to and made part of the specifications for the work, and 60907
shall be printed on the bidding blanks where the work is done by 60908
contract. A copy of the bidding blank shall be filed with the 60909
director before the contract is awarded. A minimum rate of wages 60910
for common laborers, on work coming under the jurisdiction of the 60911
department of transportation, shall be fixed in each county of the 60912
state by the department of transportation, in accordance with 60913
section 4115.05 of the Revised Code. 60914

~~(2) In the case of contracts that are administered by the~~ 60915
~~department of natural resources, the director of natural resources~~ 60916
~~or the director's designee shall~~ A public authority may include 60917
language in the contracts requiring wage rate determinations and 60918
updates to be obtained directly from the department of commerce 60919
through electronic or other means as appropriate. Contracts that 60920
include this requirement are exempt from the requirements 60921
established in division (A)(1) of this section that involve 60922
attaching the schedule of wages to the specifications for the 60923
work, making the schedule part of those specifications, and 60924
printing the schedule on the bidding blanks where the work is done 60925
by contract. 60926

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 60927
apply to: 60928

(1) Public improvements in any case where the federal 60929
government or any of its agencies furnishes by loan or grant all 60930
or any part of the funds used in constructing such improvements, 60931
provided that the federal government or any of its agencies 60932
prescribes predetermined minimum wages to be paid to mechanics and 60933

laborers employed in the construction of such improvements; 60934

(2) A participant in a work activity, developmental activity, 60935
or an alternative work activity under sections 5107.40 to 5107.69 60936
of the Revised Code when a public authority directly uses the 60937
labor of the participant to construct a public improvement if the 60938
participant is not engaged in paid employment or subsidized 60939
employment pursuant to the activity; 60940

(3) Public improvements undertaken by, or under contract for, 60941
the board of education of any school district or the governing 60942
board of any educational service center; 60943

(4) Public improvements undertaken by, or under contract for, 60944
a county hospital operated pursuant to Chapter 339. of the Revised 60945
Code or a municipal hospital operated pursuant to Chapter 749. of 60946
the Revised Code if none of the funds used in constructing the 60947
improvements are the proceeds of bonds or other obligations that 60948
are secured by the full faith and credit of the state, a county, a 60949
township, or a municipal corporation and none of the funds used in 60950
constructing the improvements, including funds used to repay any 60951
amounts borrowed to construct the improvements, are funds that 60952
have been appropriated for that purpose by the state, a board of 60953
county commissioners, a township, or a municipal corporation from 60954
funds generated by the levy of a tax, provided that a county 60955
hospital or municipal hospital may elect to apply sections 4115.03 60956
to 4115.16 of the Revised Code to a public improvement undertaken 60957
by, or under contract for, the hospital; 60958

(5) Any project described in divisions (D)(1)(a) to (D)(1)(e) 60959
of section 176.05 of the Revised Code. 60960

Sec. 4117.01. As used in this chapter: 60961

(A) "Person," in addition to those included in division (C) 60962
of section 1.59 of the Revised Code, includes employee 60963

organizations, public employees, and public employers. 60964

(B) "Public employer" means the state or any political 60965
subdivision of the state located entirely within the state, 60966
including, without limitation, any municipal corporation with a 60967
population of at least five thousand according to the most recent 60968
federal decennial census; county; township with a population of at 60969
least five thousand in the unincorporated area of the township 60970
according to the most recent federal decennial census; school 60971
district; governing authority of a community school established 60972
under Chapter 3314. of the Revised Code; state institution of 60973
higher learning; public or special district; state agency, 60974
authority, commission, or board; or other branch of public 60975
employment. 60976

(C) "Public employee" means any person holding a position by 60977
appointment or employment in the service of a public employer, 60978
including any person working pursuant to a contract between a 60979
public employer and a private employer and over whom the national 60980
labor relations board has declined jurisdiction on the basis that 60981
the involved employees are employees of a public employer, except: 60982

(1) Persons holding elective office; 60983

(2) Employees of the general assembly and employees of any 60984
other legislative body of the public employer whose principal 60985
duties are directly related to the legislative functions of the 60986
body; 60987

(3) Employees on the staff of the governor or the chief 60988
executive of the public employer whose principal duties are 60989
directly related to the performance of the executive functions of 60990
the governor or the chief executive; 60991

(4) Persons who are members of the Ohio organized militia, 60992
while training or performing duty under section 5919.29 or 5923.12 60993
of the Revised Code; 60994

(5) Employees of the state employment relations board,	60995
<u>including those employees of the state employment relations board</u>	60996
<u>utilized by the state personnel board of review in the exercise of</u>	60997
<u>the powers and the performance of the duties and functions of the</u>	60998
<u>state personnel board of review;</u>	60999
(6) Confidential employees;	61000
(7) Management level employees;	61001
(8) Employees and officers of the courts, assistants to the	61002
attorney general, assistant prosecuting attorneys, and employees	61003
of the clerks of courts who perform a judicial function;	61004
(9) Employees of a public official who act in a fiduciary	61005
capacity, appointed pursuant to section 124.11 of the Revised	61006
Code;	61007
(10) Supervisors;	61008
(11) Students whose primary purpose is educational training,	61009
including graduate assistants or associates, residents, interns,	61010
or other students working as part-time public employees less than	61011
fifty per cent of the normal year in the employee's bargaining	61012
unit;	61013
(12) Employees of county boards of election;	61014
(13) Seasonal and casual employees as determined by the state	61015
employment relations board;	61016
(14) Part-time faculty members of an institution of higher	61017
education;	61018
(15) Employees of the state personnel board of review;	61019
(16) Participants in a work activity, developmental activity,	61020
or alternative work activity under sections 5107.40 to 5107.69 of	61021
the Revised Code who perform a service for a public employer that	61022
the public employer needs but is not performed by an employee of	61023
the public employer if the participant is not engaged in paid	61024

employment or subsidized employment pursuant to the activity; 61025

~~(17)~~(16) Employees included in the career professional 61026
service of the department of transportation under section 5501.20 61027
of the Revised Code; 61028

~~(18)~~(17) Employees of community-based correctional facilities 61029
and district community-based correctional facilities created under 61030
sections 2301.51 to 2301.58 of the Revised Code who are not 61031
subject to a collective bargaining agreement on June 1, 2005; 61032

(18) Members and employees of the capitol square review and 61033
advisory board. 61034

(D) "Employee organization" means any labor or bona fide 61035
organization in which public employees participate and that exists 61036
for the purpose, in whole or in part, of dealing with public 61037
employers concerning grievances, labor disputes, wages, hours, 61038
terms, and other conditions of employment. 61039

(E) "Exclusive representative" means the employee 61040
organization certified or recognized as an exclusive 61041
representative under section 4117.05 of the Revised Code. 61042

(F) "Supervisor" means any individual who has authority, in 61043
the interest of the public employer, to hire, transfer, suspend, 61044
lay off, recall, promote, discharge, assign, reward, or discipline 61045
other public employees; to responsibly direct them; to adjust 61046
their grievances; or to effectively recommend such action, if the 61047
exercise of that authority is not of a merely routine or clerical 61048
nature, but requires the use of independent judgment, provided 61049
that: 61050

(1) Employees of school districts who are department 61051
chairpersons or consulting teachers shall not be deemed 61052
supervisors; 61053

(2) With respect to members of a police or fire department, 61054

no person shall be deemed a supervisor except the chief of the 61055
department or those individuals who, in the absence of the chief, 61056
are authorized to exercise the authority and perform the duties of 61057
the chief of the department. Where prior to June 1, 1982, a public 61058
employer pursuant to a judicial decision, rendered in litigation 61059
to which the public employer was a party, has declined to engage 61060
in collective bargaining with members of a police or fire 61061
department on the basis that those members are supervisors, those 61062
members of a police or fire department do not have the rights 61063
specified in this chapter for the purposes of future collective 61064
bargaining. The state employment relations board shall decide all 61065
disputes concerning the application of division (F)(2) of this 61066
section. 61067

(3) With respect to faculty members of a state institution of 61068
higher education, heads of departments or divisions are 61069
supervisors; however, no other faculty member or group of faculty 61070
members is a supervisor solely because the faculty member or group 61071
of faculty members participate in decisions with respect to 61072
courses, curriculum, personnel, or other matters of academic 61073
policy; 61074

(4) No teacher as defined in section 3319.09 of the Revised 61075
Code shall be designated as a supervisor or a management level 61076
employee unless the teacher is employed under a contract governed 61077
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 61078
is assigned to a position for which a license deemed to be for 61079
administrators under state board rules is required pursuant to 61080
section 3319.22 of the Revised Code. 61081

(G) "To bargain collectively" means to perform the mutual 61082
obligation of the public employer, by its representatives, and the 61083
representatives of its employees to negotiate in good faith at 61084
reasonable times and places with respect to wages, hours, terms, 61085
and other conditions of employment and the continuation, 61086

modification, or deletion of an existing provision of a collective 61087
bargaining agreement, with the intention of reaching an agreement, 61088
or to resolve questions arising under the agreement. "To bargain 61089
collectively" includes executing a written contract incorporating 61090
the terms of any agreement reached. The obligation to bargain 61091
collectively does not mean that either party is compelled to agree 61092
to a proposal nor does it require the making of a concession. 61093

(H) "Strike" means continuous concerted action in failing to 61094
report to duty; willful absence from one's position; or stoppage 61095
of work in whole from the full, faithful, and proper performance 61096
of the duties of employment, for the purpose of inducing, 61097
influencing, or coercing a change in wages, hours, terms, and 61098
other conditions of employment. "Strike" does not include a 61099
stoppage of work by employees in good faith because of dangerous 61100
or unhealthful working conditions at the place of employment that 61101
are abnormal to the place of employment. 61102

(I) "Unauthorized strike" includes, but is not limited to, 61103
concerted action during the term or extended term of a collective 61104
bargaining agreement or during the pendency of the settlement 61105
procedures set forth in section 4117.14 of the Revised Code in 61106
failing to report to duty; willful absence from one's position; 61107
stoppage of work; slowdown, or abstinence in whole or in part from 61108
the full, faithful, and proper performance of the duties of 61109
employment for the purpose of inducing, influencing, or coercing a 61110
change in wages, hours, terms, and other conditions of employment. 61111
"Unauthorized strike" includes any such action, absence, stoppage, 61112
slowdown, or abstinence when done partially or intermittently, 61113
whether during or after the expiration of the term or extended 61114
term of a collective bargaining agreement or during or after the 61115
pendency of the settlement procedures set forth in section 4117.14 61116
of the Revised Code. 61117

(J) "Professional employee" means any employee engaged in 61118

work that is predominantly intellectual, involving the consistent 61119
exercise of discretion and judgment in its performance and 61120
requiring knowledge of an advanced type in a field of science or 61121
learning customarily acquired by a prolonged course in an 61122
institution of higher learning or a hospital, as distinguished 61123
from a general academic education or from an apprenticeship; or an 61124
employee who has completed the courses of specialized intellectual 61125
instruction and is performing related work under the supervision 61126
of a professional person to become qualified as a professional 61127
employee. 61128

(K) "Confidential employee" means any employee who works in 61129
the personnel offices of a public employer and deals with 61130
information to be used by the public employer in collective 61131
bargaining; or any employee who works in a close continuing 61132
relationship with public officers or representatives directly 61133
participating in collective bargaining on behalf of the employer. 61134

(L) "Management level employee" means an individual who 61135
formulates policy on behalf of the public employer, who 61136
responsibly directs the implementation of policy, or who may 61137
reasonably be required on behalf of the public employer to assist 61138
in the preparation for the conduct of collective negotiations, 61139
administer collectively negotiated agreements, or have a major 61140
role in personnel administration. Assistant superintendents, 61141
principals, and assistant principals whose employment is governed 61142
by section 3319.02 of the Revised Code are management level 61143
employees. With respect to members of a faculty of a state 61144
institution of higher education, no person is a management level 61145
employee because of the person's involvement in the formulation or 61146
implementation of academic or institution policy. 61147

(M) "Wages" means hourly rates of pay, salaries, or other 61148
forms of compensation for services rendered. 61149

(N) "Member of a police department" means a person who is in 61150

the employ of a police department of a municipal corporation as a 61151
full-time regular police officer as the result of an appointment 61152
from a duly established civil service eligibility list or under 61153
section 737.15 or 737.16 of the Revised Code, a full-time deputy 61154
sheriff appointed under section 311.04 of the Revised Code, a 61155
township constable appointed under section 509.01 of the Revised 61156
Code, or a member of a township police district police department 61157
appointed under section 505.49 of the Revised Code. 61158

(O) "Members of the state highway patrol" means highway 61159
patrol troopers and radio operators appointed under section 61160
5503.01 of the Revised Code. 61161

(P) "Member of a fire department" means a person who is in 61162
the employ of a fire department of a municipal corporation or a 61163
township as a fire cadet, full-time regular firefighter, or 61164
promoted rank as the result of an appointment from a duly 61165
established civil service eligibility list or under section 61166
505.38, 709.012, or 737.22 of the Revised Code. 61167

(Q) "Day" means calendar day. 61168

Sec. 4117.02. (A) There is hereby created the state 61169
employment relations board, consisting of three members to be 61170
appointed by the governor with the advice and consent of the 61171
senate. Members shall be knowledgeable about labor relations or 61172
personnel practices. No more than two of the three members shall 61173
belong to the same political party. A member of the state 61174
employment relations board during the member's period of service 61175
shall hold no other public office or public or private employment 61176
and shall allow no other responsibilities to interfere or conflict 61177
with the member's duties as a full-time state employment relations 61178
board member. Of the initial appointments made to the state 61179
employment relations board, one shall be for a term ending October 61180
6, 1984, one shall be for a term ending October 6, 1985, and one 61181

shall be for a term ending October 6, 1986. Thereafter, terms of 61182
office shall be for six years, each term ending on the same day of 61183
the same month of the year as did the term that it succeeds. Each 61184
member shall hold office from the date of the member's appointment 61185
until the end of the term for which the member is appointed. Any 61186
member appointed to fill a vacancy occurring prior to the 61187
expiration of the term for which the member's predecessor was 61188
appointed shall hold office for the remainder of the term. Any 61189
member shall continue in office subsequent to the expiration of 61190
the member's term until the member's successor takes office or 61191
until a period of sixty days has elapsed, whichever occurs first. 61192
The governor may remove any member of the state employment 61193
relations board, upon notice and public hearing, for neglect of 61194
duty or malfeasance in office, but for no other cause. 61195

(B)(1) The governor shall designate one member of the state 61196
employment relations board to serve as chairperson of the state 61197
employment relations board. The chairperson is the head of the 61198
state employment relations board and its chief executive officer. 61199

(2) The chairperson shall exercise all administrative powers 61200
and duties conferred upon the state employment relations board 61201
under this chapter and shall do all of the following: 61202

(a) ~~Except as provided in division (F)(2) of this section,~~ 61203
~~employ~~ Employ, promote, supervise, and remove all employees of the 61204
state employment relations board, and establish, change, or 61205
abolish positions and assign or reassign the duties of those 61206
employees as the chairperson determines necessary to achieve the 61207
most efficient performance of the ~~board's~~ duties of the state 61208
employment relations board under this chapter; 61209

(b) Determine the utilization by the state personnel board of 61210
review of employees of the state employment relations board as 61211
necessary for the state personnel board of review to exercise the 61212
powers and perform the duties of the state personnel board of 61213

review. 61214

(c) Maintain the office of the state employment relations 61215
board in Columbus and manage the office's daily operations, 61216
including securing offices, facilities, equipment, and supplies 61217
necessary to house the state employment relations board, employees 61218
of the state employment relations board, the state personnel board 61219
of review, and files and records under the ~~board's~~ control of the 61220
state employment relations board and under the control of the 61221
state personnel board of review; 61222

~~(e)~~(d) Prepare and submit to the office of budget and 61223
management a budget for each biennium according to section 107.03 61224
of the Revised Code, and include in the budget the costs of the 61225
state employment relations board and its staff and the ~~board's~~ 61226
costs of the state employment relations board in discharging any 61227
duty imposed by law upon the state employment relations board, the 61228
chairperson, or any of the ~~board's~~ employees or agents of the 61229
state employment relations board, and the costs of the state 61230
personnel board of review in discharging any duty imposed by law 61231
on the state personnel board of review or an agent of the state 61232
personnel board of review. 61233

(C) The vacancy on the state employment relations board does 61234
not impair the right of the remaining members to exercise all the 61235
powers of the state employment relations board, and two members of 61236
the state employment relations board, at all times, constitute a 61237
quorum. The state employment relations board shall have an 61238
official seal of which courts shall take judicial notice. 61239

(D) The state employment relations board shall make an annual 61240
report in writing to the governor and to the general assembly, 61241
stating in detail the work it has done. 61242

(E) Compensation of the chairperson and members shall be in 61243
accordance with division (J) of section 124.15 of the Revised 61244

Code. The chairperson and the members are eligible for 61245
reappointment. In addition to such compensation, all members shall 61246
be reimbursed for their necessary expenses incurred in the 61247
performance of their work as members. 61248

(F)(1) The chairperson, after consulting with the other state 61249
employment relations board members and receiving the consent of at 61250
least one other board member, shall appoint an executive director. 61251
The chairperson also shall appoint attorneys and ~~attorney trial~~ 61252
~~examiners~~ shall appoint an assistant executive director who shall 61253
be an attorney admitted to practice law in this state and who 61254
shall serve as a liaison to the attorney general on legal matters 61255
before the state employment relations board. 61256

(2) The state employment relations board shall appoint 61257
~~mediators, arbitrators,~~ members of fact-finding panels, ~~and~~ 61258
~~directors for local areas,~~ and shall prescribe their job duties. 61259

(G)(1) The executive director shall serve at the pleasure of 61260
the chairperson. The executive director, under the direction of 61261
the chairperson, shall do all of the following: 61262

(a) Act as chief administrative officer for the state 61263
employment relations board; 61264

(b) Ensure that all employees of the state employment 61265
relations board comply with the rules of the state employment 61266
relations board; 61267

(c) Do all things necessary for the efficient and effective 61268
implementation of the duties of the state employment relations 61269
board. 61270

(2) The duties of the executive director described in 61271
division (G)(1) of this section do not relieve the chairperson 61272
from final responsibility for the proper performance of the duties 61273
described in that division. 61274

(H) The attorney general shall be the legal adviser of the state employment relations board and shall appear for and represent the state employment relations board and its agents in all legal proceedings. The state employment relations board may utilize regional, local, or other agencies, and utilize voluntary and uncompensated services as needed. The state employment relations board may contract with the federal mediation and conciliation service for the assistance of mediators, arbitrators, and other personnel the service makes available. The ~~board and the chairperson, respectively,~~ shall appoint all employees on the basis of training, practical experience, education, and character, notwithstanding the requirements established by section 119.09 of the Revised Code. The ~~board~~ chairperson shall give special regard to the practical training and experience that employees have for the particular position involved. ~~All full-time employees of the board excepting the~~ The executive director, the head of the bureau of mediation assistant executive director, administrative law judges, employees holding a fiduciary or administrative relation to the state employment relations board as described in division (A)(9) of section 124.11 of the Revised Code, and the personal secretaries and assistants of the state employment relations board members are in the ~~classified~~ unclassified service. All other full-time employees of the state employment relations board are in the classified service. All employees of the state employment relations board shall be paid in accordance with Chapter 124. of the Revised Code.

(I) The ~~board~~ chairperson shall select and assign ~~examiners~~ administrative law judges and other agents whose functions are to conduct hearings with due regard to their impartiality, judicial temperament, and knowledge. If in any proceeding under this chapter, any party prior to five days before the hearing thereto files with the state employment relations board a sworn statement charging that the ~~examiner~~ administrative law judge or other agent

designated to conduct the hearing is biased or partial in the 61308
proceeding, the state employment relations board may disqualify 61309
the person and designate another ~~examiner~~ administrative law judge 61310
or agent to conduct the proceeding. At least ten days before any 61311
hearing, the state employment relations board shall notify all 61312
parties to a proceeding of the name of the ~~examiner~~ administrative 61313
law judge or agent designated to conduct the hearing. 61314

(J) The principal office of the state employment relations 61315
board is in Columbus, but it may meet and exercise any or all of 61316
its powers at any other place within the state. The state 61317
employment relations board may, by one or more of its employees, 61318
or any agents or agencies it designates, conduct in any part of 61319
this state any proceeding, hearing, investigation, inquiry, or 61320
election necessary to the performance of its functions; provided, 61321
that no person so designated may later sit in determination of an 61322
appeal of the decision of that cause or matter. 61323

(K) In addition to the powers and functions provided in other 61324
sections of this chapter, the state employment relations board 61325
shall do all of the following: 61326

(1) Create a bureau of mediation within the state employment 61327
relations board, to perform the functions provided in section 61328
4117.14 of the Revised Code. This bureau shall also establish, 61329
after consulting representatives of employee organizations and 61330
public employers, panels of qualified persons to be available to 61331
serve as members of fact-finding panels and arbitrators. 61332

(2) Conduct studies of problems involved in representation 61333
and negotiation and make recommendations for legislation; 61334

(3) Hold hearings pursuant to this chapter and, for the 61335
purpose of the hearings and inquiries, administer oaths and 61336
affirmations, examine witnesses and documents, take testimony and 61337
receive evidence, compel the attendance of witnesses and the 61338

production of documents by the issuance of subpoenas, and delegate 61339
these powers to any members of the state employment relations 61340
board or any ~~attorney trial examiner appointed~~ administrative law 61341
judge employed by the state employment relations board for the 61342
performance of its functions; 61343

(4) Train representatives of employee organizations and 61344
public employers in the rules and techniques of collective 61345
bargaining procedures; 61346

(5) Make studies and analyses of, and act as a clearinghouse 61347
of information relating to, conditions of employment of public 61348
employees throughout the state and request assistance, services, 61349
and data from any public employee organization, public employer, 61350
or governmental unit. Public employee organizations, public 61351
employers, and governmental units shall provide such assistance, 61352
services, and data as will enable the state employment relations 61353
board to carry out its functions and powers. 61354

(6) Make available to employee organizations, public 61355
employers, mediators, fact-finding panels, arbitrators, and joint 61356
study committees statistical data relating to wages, benefits, and 61357
employment practices in public and private employment applicable 61358
to various localities and occupations to assist them to resolve 61359
issues in negotiations; 61360

(7) Notwithstanding section 119.13 of the Revised Code, 61361
establish standards of persons who practice before it; 61362

(8) Adopt, amend, and rescind rules and procedures and 61363
exercise other powers appropriate to carry out this chapter. 61364
Before the adoption, amendment, or rescission of rules and 61365
procedures under this section, the state employment relations 61366
board shall do all of the following: 61367

(a) Maintain a list of interested public employers and 61368
employee organizations and mail notice to such groups of any 61369

proposed rule or procedure, amendment thereto, or rescission 61370
thereof at least thirty days before any public hearing thereon; 61371

(b) Mail a copy of each proposed rule or procedure, amendment 61372
thereto, or rescission thereof to any person who requests a copy 61373
within five days after receipt of the request therefor; 61374

(c) Consult with appropriate statewide organizations 61375
representing public employers or employees who would be affected 61376
by the proposed rule or procedure. 61377

Although the state employment relations board is expected to 61378
discharge these duties diligently, failure to mail any notice or 61379
copy, or to so consult with any person, is not jurisdictional and 61380
shall not be construed to invalidate any proceeding or action of 61381
the state employment relations board. 61382

(L) In case of neglect or refusal to obey a subpoena issued 61383
to any person, the court of common pleas of the county in which 61384
the investigation or the public hearing occurs, upon application 61385
by the state employment relations board, may issue an order 61386
requiring the person to appear before the state employment 61387
relations board and give testimony about the matter under 61388
investigation. The court may punish a failure to obey the order as 61389
contempt. 61390

(M) Any subpoena, notice of hearing, or other process or 61391
notice of the state employment relations board issued under this 61392
section may be served personally, by certified mail, or by leaving 61393
a copy at the principal office or personal residence of the 61394
respondent required to be served. A return, made and verified by 61395
the individual making the service and setting forth the manner of 61396
service, is proof of service, and a return post office receipt, 61397
when certified mail is used, is proof of service. All process in 61398
any court to which application is made under this chapter may be 61399
served in the county wherein the persons required to be served 61400

reside or are found. 61401

(N) All expenses of the state employment relations board, 61402
including all necessary traveling and subsistence expenses 61403
incurred by the members or employees of the state employment 61404
relations board under its orders, shall be paid pursuant to 61405
itemized vouchers approved by the chairperson of the state 61406
employment relations board, the executive director, or both, or 61407
such other person as the chairperson designates for that purpose. 61408

(O) Whenever the state employment relations board determines 61409
that a substantial controversy exists with respect to the 61410
application or interpretation of this chapter and the matter is of 61411
public or great general interest, the state employment relations 61412
board shall certify its final order directly to the court of 61413
appeals having jurisdiction over the area in which the principal 61414
office of the public employer directly affected by the application 61415
or interpretation is located. The chairperson shall file with the 61416
clerk of the court a certified copy of the transcript of the 61417
proceedings before the state employment relations board pertaining 61418
to the final order. If upon hearing and consideration the court 61419
decides that the final order of the state employment relations 61420
board is unlawful or is not supported by substantial evidence on 61421
the record as a whole, the court shall reverse and vacate the 61422
final order or modify it and enter final judgment in accordance 61423
with the modification; otherwise, the court shall affirm the final 61424
order. The notice of the final order of the state employment 61425
relations board to the interested parties shall contain a 61426
certification by the chairperson of the state employment relations 61427
board that the final order is of public or great general interest 61428
and that a certified transcript of the record of the proceedings 61429
before the state employment relations board had been filed with 61430
the clerk of the court as an appeal to the court. For the purposes 61431
of this division, the state employment relations board has 61432

standing to bring its final order properly before the court of 61433
appeals. 61434

(P) Except as otherwise specifically provided in this 61435
section, the state employment relations board is subject to 61436
Chapter 119. of the Revised Code, including the procedure for 61437
submission of proposed rules to the general assembly for 61438
legislative review under division (H) of section 119.03 of the 61439
Revised Code. 61440

Sec. 4117.07. (A) When a petition is filed, in accordance 61441
with rules prescribed by the state employment relations board: 61442

(1) By any employee or group of employees, or any individual 61443
or employee organization acting in their behalf, alleging that at 61444
least thirty per cent of the employees in an appropriate unit wish 61445
to be represented for collective bargaining by an exclusive 61446
representative, or asserting that the designated exclusive 61447
representative is no longer the representative of the majority of 61448
employees in the unit, the board shall investigate the petition, 61449
and if it has reasonable cause to believe that a question of 61450
representation exists, provide for an appropriate hearing upon due 61451
notice to the parties; 61452

(2) By the employer alleging that one or more employee 61453
organizations has presented to it a claim to be recognized as the 61454
exclusive representative in an appropriate unit, the board shall 61455
investigate the petition, and if it has reasonable cause to 61456
believe that a question of representation exists, provide for an 61457
appropriate hearing upon due notice to the parties. 61458

If the board finds upon the record of a hearing that a 61459
question of representation exists, it shall direct an election and 61460
certify the results thereof. No one may vote in an election by 61461
~~mail or~~ proxy. The board may also certify an employee organization 61462
as an exclusive representative if it determines that a free and 61463

untrammelled election cannot be conducted because of the 61464
employer's unfair labor practices and that at one time the 61465
employee organization had the support of the majority of the 61466
employees in the unit. 61467

(B) Only the names of those employee organizations designated 61468
by more than ten per cent of the employees in the unit found to be 61469
appropriate may be placed on the ballot. Nothing in this section 61470
shall be construed to prohibit the waiving of hearings by 61471
stipulation, in conformity with the rules of the board, for the 61472
purpose of a consent election. 61473

(C) The board shall conduct representation elections by 61474
secret ballot cast, at the board's discretion, by mail or 61475
electronically or in person, and at times and places selected by 61476
the board subject to the following: 61477

(1) The board shall give no less than ten days' notice of the 61478
time and place of an election; 61479

(2) The board shall establish rules concerning the conduct of 61480
any election including, but not limited to, rules to guarantee the 61481
secrecy of the ballot; 61482

(3) The board may not certify a representative unless the 61483
representative receives a majority of the valid ballots cast; 61484

(4) Except as provided in this section, the board shall 61485
include on the ballot a choice of "no representative"; 61486

(5) In an election where none of the choices on the ballot 61487
receives a majority, the board shall conduct a runoff election. In 61488
that case, the ballot shall provide for a selection between the 61489
two choices or parties receiving the highest and the second 61490
highest number of ballots cast in the election. 61491

(6) The board may not conduct an election under this section 61492
in any appropriate bargaining unit within which a board-conducted 61493

election was held in the preceding twelve-month period, nor during 61494
the term of any lawful collective bargaining agreement between a 61495
public employer and an exclusive representative. 61496

Petitions for elections may be filed with the board no sooner 61497
than one hundred twenty days or later than ninety days before the 61498
expiration date of any collective bargaining agreement, or after 61499
the expiration date, until the public employer and exclusive 61500
representative enter into a new written agreement. 61501

For the purposes of this section, extensions of agreements do 61502
not affect the expiration date of the original agreement. 61503

Sec. 4117.12. (A) Whoever violates section 4117.11 of the 61504
Revised Code is guilty of an unfair labor practice remediable by 61505
the state employment relations board as specified in this section. 61506

(B) When anyone files a charge with the board alleging that 61507
an unfair labor practice has been committed, the board or its 61508
designated agent shall investigate the charge. If the board has 61509
probable cause for believing that a violation has occurred, the 61510
board shall issue a complaint and shall conduct a hearing 61511
concerning the charge. The board shall cause the complaint to be 61512
served upon the charged party which shall contain a notice of the 61513
time at which the hearing on the complaint will be held either 61514
before the board, a board member, or ~~a hearing officer~~ an 61515
administrative law judge. The board may not issue a notice of 61516
hearing based upon any unfair labor practice occurring more than 61517
ninety days prior to the filing of the charge with the board, 61518
unless the person aggrieved thereby is prevented from filing the 61519
charge by reason of service in the armed forces, in which event 61520
the ninety-day period shall be computed from the day of ~~his~~ the 61521
person's discharge. If the board dismisses a complaint as 61522
frivolous, it shall assess costs to the complainant pursuant to 61523
its standards governing such matters, and for that purpose, the 61524

board shall adopt a rule defining the standards by which the board 61525
will declare a complaint to be frivolous and the costs that will 61526
be assessed accordingly. 61527

(1) The board, board member, or ~~hearing officer~~ 61528
administrative law judge shall hold a hearing on the charge within 61529
ten days after service of the complaint. The board may amend a 61530
complaint, upon receipt of a notice from the charging party, at 61531
any time prior to the close of the hearing, and the charged party 61532
shall within ten days from receipt of the complaint or amendment 61533
to the complaint, file an answer to the complaint or amendment to 61534
the complaint. The charged party may file an answer to an original 61535
or amended complaint. The agents of the board and the person 61536
charged are parties and may appear or otherwise give evidence at 61537
the hearing. At the discretion of the board, board member, or 61538
~~hearing officer~~ administrative law judge, any interested party may 61539
intervene and present evidence at the hearing. The board, board 61540
member, or ~~hearing officer~~ administrative law judge is not bound 61541
by the rules of evidence prevailing in the courts. 61542

(2) A board member or ~~hearing officer~~ administrative law 61543
judge who conducts the hearing shall reduce the evidence taken to 61544
writing and file it with the board. The board member or the 61545
~~hearing officer~~ administrative law judge may thereafter take 61546
further evidence or hear further argument if notice is given to 61547
all interested parties. The ~~hearing officer~~ administrative law 61548
judge or board member shall issue to the parties a proposed 61549
decision, together with a recommended order and file it with the 61550
board. If the parties file no exceptions within twenty days after 61551
service thereof, the recommended order becomes the order of the 61552
board effective as therein prescribed. If the parties file 61553
exceptions to the proposed report, the board shall determine 61554
whether substantial issues have been raised. The board may rescind 61555
or modify the proposed order of the board member or ~~hearing~~ 61556

~~officer~~ administrative law judge; however, if the board determines 61557
that the exceptions do not raise substantial issues of fact or 61558
law, it may refuse to grant review, and the recommended order 61559
becomes effective as therein prescribed. 61560

(3) If upon the preponderance of the evidence taken, the 61561
board believes that any person named in the complaint has engaged 61562
in any unfair labor practice, the board shall state its findings 61563
of fact and issue and cause to be served on the person an order 61564
requiring that ~~he~~ the person cease and desist from these unfair 61565
labor practices, and take such affirmative action, including 61566
reinstatement of employees with or without back pay, as will 61567
effectuate the policies of Chapter 4117. of the Revised Code. If 61568
upon a preponderance of the evidence taken, the board believes 61569
that the person named in the complaint has not engaged in an 61570
unfair labor practice it shall state its findings of fact and 61571
issue an order dismissing the complaint. 61572

(4) The board may order the public employer to reinstate the 61573
public employee and further may order either the public employer 61574
or the employee organization, depending on who was responsible for 61575
the discrimination suffered by the public employee, to make such 61576
payment of back pay to the public employee as the board 61577
determines. No order of the board shall require the reinstatement 61578
of any individual as an employee who has been suspended or 61579
discharged, or require the payment to ~~him~~ the employee of any back 61580
pay, if the suspension or discharge was for just cause not related 61581
to rights provided in section 4117.03 of the Revised Code and the 61582
procedure contained in the collective bargaining agreement 61583
governing suspension or discharge was followed. The order of the 61584
board may require the party against whom the order is issued to 61585
make periodic reports showing the extent to which ~~he~~ the party has 61586
complied with the order. 61587

(C) Whenever a complaint alleges that a person has engaged in 61588

an unfair labor practice and that the complainant will suffer 61589
substantial and irreparable injury if not granted temporary 61590
relief, the board may petition the court of common pleas for any 61591
county wherein the alleged unfair labor practice in question 61592
occurs, or wherein any person charged with the commission of any 61593
unfair labor practice resides or transacts business for 61594
appropriate injunctive relief, pending the final adjudication by 61595
the board with respect to the matter. Upon the filing of any 61596
petition, the court shall cause notice thereof to be served upon 61597
the parties, and thereupon has jurisdiction to grant the temporary 61598
relief or restraining order it considers just and proper. 61599

(D) Until the record in a case is filed in a court, as 61600
specified in Chapter 4117. of the Revised Code, the board may at 61601
any time upon reasonable notice and in a manner it considers 61602
proper, modify or set aside, in whole or in part, any finding or 61603
order made or issued by it. 61604

Sec. 4117.24. (A) The training, publications, and grants fund 61605
is hereby created in the state treasury. The state employment 61606
relations board shall deposit into the training, publications, and 61607
grants fund all moneys received from the following sources: 61608

~~(A)~~(1) Payments received by the state employment relations 61609
board for copies of documents, rulebooks, and other publications; 61610

~~(B)~~(2) Fees received from seminar participants; 61611

~~(C)~~(3) Receipts from the sale of clearinghouse data; 61612

~~(D)~~(4) Moneys received from grants, donations, awards, 61613
bequests, gifts, reimbursements, and similar funds; 61614

~~(E)~~(5) Reimbursement received for professional services and 61615
expenses related to professional services; 61616

~~(F)~~(6) Funds received to support the development of labor 61617
relations services and programs.—~~The~~ 61618

(7) Moneys received by the state personnel board of review 61619
pursuant to division (C) of section 124.03 of the Revised Code. 61620

(B) The state employment relations board shall use all moneys 61621
deposited into the training, publications, and grants fund to 61622
defray ~~the~~ all of the following: 61623

(1) The costs of furnishing and making available copies of 61624
documents, rulebooks, and other publications; ~~the~~ 61625

(2) The costs of planning, organizing, and conducting 61626
training seminars; ~~the~~ 61627

(3) The costs associated with grant projects, innovative 61628
labor-management cooperation programs, research projects related 61629
to these grants and programs, and the advancement in 61630
professionalism of public sector relations; ~~the~~ 61631

(4) The professional development of state employment 61632
relations board employees; ~~and the~~ 61633

(5) The costs of compiling clearinghouse data; 61634

(6) The cost of producing the administrative record of the 61635
state personnel board of review. 61636

The state employment relations board may seek, solicit, apply 61637
for, receive, and accept grants, gifts, and contributions of 61638
money, property, labor, and other things of value to be held for, 61639
used for, and applied to only the purpose for which the grants, 61640
gifts, and contributions are made, from individuals, private and 61641
public corporations, the United States or any agency thereof, the 61642
state or any agency thereof, and any political subdivision of the 61643
state, and may enter into any contract with any such public or 61644
private source in connection therewith to be held for, used for, 61645
and applied to only the purposes for which such grants are made 61646
and contracts are entered into, all subject to and in accordance 61647
with the purposes of this chapter. Any money received from the 61648

grants, gifts, contributions, or contracts shall be deposited into 61649
the training, publications, and grants fund. 61650

Sec. 4141.08. (A) There is hereby created an unemployment 61651
compensation advisory council appointed as follows: 61652

(1) Three members who on account of their vocation, 61653
employment, or affiliations can be classed as representative of 61654
employers and three members who on account of their vocation, 61655
employment, or affiliation can be classed as representatives of 61656
employees appointed by the governor with the advice and consent of 61657
the senate. All appointees shall be persons whose training and 61658
experience qualify them to deal with the difficult problems of 61659
unemployment compensation, particularly with respect to the legal, 61660
accounting, actuarial, economic, and social aspects of 61661
unemployment compensation; 61662

(2) The chairpersons of the standing committees of the senate 61663
and the house of representatives to which legislation pertaining 61664
to Chapter 4141. of the Revised Code is customarily referred; 61665

(3) Two members of the senate appointed by the president of 61666
the senate; and 61667

(4) Two members of the house of representatives appointed by 61668
the speaker of the house of representatives. 61669

The speaker and the president shall arrange that of the six 61670
legislative members appointed to the council, not more than three 61671
are members of the same political party. 61672

(B) Members appointed by the governor shall serve for a term 61673
of four years, each term ending on the same day as the date of 61674
their original appointment. Legislative members shall serve during 61675
the session of the general assembly to which they are elected and 61676
for as long as they are members of the general assembly. Vacancies 61677
shall be filled in the same manner as the original appointment but 61678

only for the unexpired part of a term. 61679

(C) Members of the council shall serve without salary but, 61680
notwithstanding section 101.26 of the Revised Code, shall be paid 61681
a meeting stipend of fifty dollars per day each and their actual 61682
and necessary expenses while engaged in the performance of their 61683
duties as members of the council which shall be paid from funds 61684
allocated to pay the expenses of the council pursuant to this 61685
section. 61686

(D) The council shall organize itself and select a 61687
chairperson or co-chairpersons and other officers and committees 61688
as it considers necessary. Seven members constitute a quorum and 61689
the council may act only upon the affirmative vote of seven 61690
members. The council shall meet at least once each calendar 61691
quarter but it may meet more often as the council considers 61692
necessary or at the request of the chairperson. 61693

(E) The council may employ professional and clerical 61694
assistance as it considers necessary and may request of the 61695
director of job and family services assistance as it considers 61696
necessary. The director shall furnish the council with office and 61697
meeting space as requested by the council. 61698

(F) The director shall pay the operating expenses of the 61699
council as determined by the council from moneys in the 61700
unemployment compensation special administrative fund established 61701
in section 4141.11 of the Revised Code. 61702

(G) The council shall have access to only the records of the 61703
department of job and family services that are necessary for the 61704
administration of this chapter and to the reasonable services of 61705
the employees of the department. It may request the director, or 61706
any of the employees appointed by the director, or any employer or 61707
employee subject to this chapter, to appear before it and to 61708
testify relative to the functioning of this chapter and to other 61709

relevant matters. The council may conduct research of its own, 61710
make and publish reports, and recommend to the director, the 61711
unemployment compensation review commission, the governor, or the 61712
general assembly needed changes in this chapter, or in the rules 61713
of the department as it considers necessary. 61714

Sec. 4141.162. (A) The director of job and family services 61715
shall establish an income and eligibility verification system that 61716
complies with section 1137 of the "Social Security Act." The 61717
programs included in the system are all of the following: 61718

(1) Unemployment compensation pursuant to section 3304 of the 61719
"Internal Revenue Code of 1954"; 61720

(2) The state programs funded in part under part A of Title 61721
IV of the "Social Security Act" and administered under Chapters 61722
5107. and 5108. of the Revised Code; 61723

(3) Medicaid pursuant to Title XIX of the "Social Security 61724
Act"; 61725

(4) ~~Food stamps~~ The supplemental nutrition assistance program 61726
pursuant to the "Food Stamp and Nutrition Act of 1977," 91 Stat. 61727
958, 2008 (7 U.S.C.A. 2011, as amended et seq.; 61728

(5) Any Ohio program under a plan approved under Title I, X, 61729
XIV, or XVI of the "Social Security Act." 61730

Wage information provided by employers to the director shall 61731
be furnished to the income and eligibility verification system. 61732
Such information shall be used by the director to determine 61733
eligibility of individuals for unemployment compensation benefits 61734
and the amount of those benefits and used by the agencies that 61735
administer the programs identified in divisions (A)(2) to (5) of 61736
this section to determine or verify eligibility for or the amount 61737
of benefits under those programs. 61738

The director shall fully implement the use of wage 61739

information to determine eligibility for and the amount of 61740
unemployment compensation benefits by September 30, 1988. 61741

Information furnished under the system shall also be made 61742
available to the appropriate state or local child support 61743
enforcement agency for the purposes of an approved plan under 61744
Title IV-D of the "Social Security Act" and to the appropriate 61745
federal agency for the purposes of Titles II and XVI of the 61746
"Social Security Act." 61747

(B) The director shall adopt rules as necessary under which 61748
the department of job and family services and other state agencies 61749
that the director determines must participate in order to ensure 61750
compliance with section 1137 of the "Social Security Act" exchange 61751
information with each other or authorized federal agencies about 61752
individuals who are applicants for or recipients of benefits under 61753
any of the programs enumerated in division (A) of this section. 61754
The rules shall extend to all of the following: 61755

(1) A requirement for standardized formats and procedures for 61756
a participating agency to request and receive information about an 61757
individual, which information shall include the individual's 61758
social security number; 61759

(2) A requirement that all applicants for and recipients of 61760
benefits under any program enumerated in division (A) of this 61761
section be notified at the time of application, and periodically 61762
thereafter, that information available through the system may be 61763
shared with agencies that administer other benefit programs and 61764
utilized in establishing or verifying eligibility or benefit 61765
amounts under the other programs enumerated in division (A) of 61766
this section; 61767

(3) A requirement that information is made available only to 61768
the extent necessary to assist in the valid administrative needs 61769
of the program receiving the information and is targeted for use 61770

in ways which are most likely to be productive in identifying and 61771
preventing ineligibility and incorrect payments; 61772

(4) A requirement that information is adequately protected 61773
against unauthorized disclosures for purposes other than to 61774
establish or verify eligibility or benefit amounts under the 61775
programs enumerated in division (A) of this section; 61776

(5) A requirement that a program providing information is 61777
reimbursed by the program using the information for the actual 61778
costs of furnishing the information and that the director be 61779
reimbursed by the participating programs for any actual costs 61780
incurred in operating the system; 61781

(6) Requirements for any other matters necessary to ensure 61782
the effective, efficient, and timely exchange of necessary 61783
information or that the director determines must be addressed in 61784
order to ensure compliance with the requirements of section 1137 61785
of the "Social Security Act." 61786

(C) Each participating agency shall furnish to the income and 61787
eligibility verification system established in division (A) of 61788
this section that information, which the director, by rule, 61789
determines is necessary in order to comply with section 1137 of 61790
the "Social Security Act." 61791

(D) Notwithstanding the information disclosure requirements 61792
of this section and section 4141.21 and division (A) of section 61793
4141.284 of the Revised Code, the director shall administer those 61794
provisions of law so as to comply with section 1137 of the "Social 61795
Security Act." 61796

(E) Requirements in section 4141.21 of the Revised Code with 61797
respect to confidentiality of information obtained in the 61798
administration of Chapter 4141. of the Revised Code and any 61799
sanctions imposed for improper disclosure of such information 61800
shall apply to the redisclosure of information disclosed under 61801

this section. 61802

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 61803
the Revised Code: 61804

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 61805
fluid ounces. 61806

(2) "Sale" or "sell" includes exchange, barter, gift, 61807
distribution, and, except with respect to A-4 permit holders, 61808
offer for sale. 61809

(B) For the purposes of providing revenues for the support of 61810
the state and encouraging the grape industries in the state, a tax 61811
is hereby levied on the sale or distribution of wine in Ohio, 61812
except for known sacramental purposes, at the rate of thirty cents 61813
per wine gallon for wine containing not less than four per cent of 61814
alcohol by volume and not more than fourteen per cent of alcohol 61815
by volume, ninety-eight cents per wine gallon for wine containing 61816
more than fourteen per cent but not more than twenty-one per cent 61817
of alcohol by volume, one dollar and eight cents per wine gallon 61818
for vermouth, and one dollar and forty-eight cents per wine gallon 61819
for sparkling and carbonated wine and champagne, the tax to be 61820
paid by the holders of A-2 and B-5 permits or by any other person 61821
selling or distributing wine upon which no tax has been paid. From 61822
the tax paid under this section on wine, vermouth, and sparkling 61823
and carbonated wine and champagne, the treasurer of state shall 61824
credit to the Ohio grape industries fund created under section 61825
924.54 of the Revised Code a sum equal to one cent per gallon for 61826
each gallon upon which the tax is paid. 61827

(C) For the purpose of providing revenues for the support of 61828
the state, there is hereby levied a tax on prepared and bottled 61829
highballs, cocktails, cordials, and other mixed beverages at the 61830
rate of one dollar and twenty cents per wine gallon to be paid by 61831
holders of A-4 permits or by any other person selling or 61832

distributing those products upon which no tax has been paid. Only 61833
one sale of the same article shall be used in computing the amount 61834
of tax due. The tax on mixed beverages to be paid by holders of 61835
A-4 permits under this section shall not attach until the 61836
ownership of the mixed beverage is transferred for valuable 61837
consideration to a wholesaler or retailer, and no payment of the 61838
tax shall be required prior to that time. 61839

(D) During the period of July 1, ~~2007~~ 2009, through June 30, 61840
~~2009~~ 2011, from the tax paid under this section on wine, vermouth, 61841
and sparkling and carbonated wine and champagne, the treasurer of 61842
state shall credit to the Ohio grape industries fund created under 61843
section 924.54 of the Revised Code a sum equal to two cents per 61844
gallon upon which the tax is paid. The amount credited under this 61845
division is in addition to the amount credited to the Ohio grape 61846
industries fund under division (B) of this section. 61847

(E) For the purpose of providing revenues for the support of 61848
the state, there is hereby levied a tax on cider at the rate of 61849
twenty-four cents per wine gallon to be paid by the holders of A-2 61850
and B-5 permits or by any other person selling or distributing 61851
cider upon which no tax has been paid. Only one sale of the same 61852
article shall be used in computing the amount of the tax due. 61853

Sec. 4301.85. (A) The serving or consumption of beer or 61854
intoxicating liquor shall not be prohibited in a facility that is 61855
owned or leased by the state and that is used by visiting foreign 61856
military units for training. 61857

(B) As used in this section, "beer" and "intoxicating liquor" 61858
have the same meanings as in section 4301.01 of the Revised Code. 61859

Sec. 4303.181. (A) Permit D-5a may be issued either to the 61860
owner or operator of a hotel or motel that is required to be 61861
licensed under section 3731.03 of the Revised Code, that contains 61862

at least fifty rooms for registered transient guests or is owned 61863
by a state institution of higher education as defined in section 61864
3345.011 of the Revised Code or a private college or university, 61865
and that qualifies under the other requirements of this section, 61866
or to the owner or operator of a restaurant specified under this 61867
section, to sell beer and any intoxicating liquor at retail, only 61868
by the individual drink in glass and from the container, for 61869
consumption on the premises where sold, and to registered guests 61870
in their rooms, which may be sold by means of a controlled access 61871
alcohol and beverage cabinet in accordance with division (B) of 61872
section 4301.21 of the Revised Code; and to sell the same products 61873
in the same manner and amounts not for consumption on the premises 61874
as may be sold by holders of D-1 and D-2 permits. The premises of 61875
the hotel or motel shall include a retail food establishment or a 61876
food service operation licensed pursuant to Chapter 3717. of the 61877
Revised Code that operates as a restaurant for purposes of this 61878
chapter and that is affiliated with the hotel or motel and within 61879
or contiguous to the hotel or motel, and that serves food within 61880
the hotel or motel, but the principal business of the owner or 61881
operator of the hotel or motel shall be the accommodation of 61882
transient guests. In addition to the privileges authorized in this 61883
division, the holder of a D-5a permit may exercise the same 61884
privileges as the holder of a D-5 permit. 61885

The owner or operator of a hotel, motel, or restaurant who 61886
qualified for and held a D-5a permit on August 4, 1976, may, if 61887
the owner or operator held another permit before holding a D-5a 61888
permit, either retain a D-5a permit or apply for the permit 61889
formerly held, and the division of liquor control shall issue the 61890
permit for which the owner or operator applies and formerly held, 61891
notwithstanding any quota. 61892

A D-5a permit shall not be transferred to another location. 61893
No quota restriction shall be placed on the number of D-5a permits 61894

that may be issued. 61895

The fee for this permit is two thousand three hundred 61896
forty-four dollars. 61897

(B) Permit D-5b may be issued to the owner, operator, tenant, 61898
lessee, or occupant of an enclosed shopping center to sell beer 61899
and intoxicating liquor at retail, only by the individual drink in 61900
glass and from the container, for consumption on the premises 61901
where sold; and to sell the same products in the same manner and 61902
amount not for consumption on the premises as may be sold by 61903
holders of D-1 and D-2 permits. In addition to the privileges 61904
authorized in this division, the holder of a D-5b permit may 61905
exercise the same privileges as a holder of a D-5 permit. 61906

A D-5b permit shall not be transferred to another location. 61907

One D-5b permit may be issued at an enclosed shopping center 61908
containing at least two hundred twenty-five thousand, but less 61909
than four hundred thousand, square feet of floor area. 61910

Two D-5b permits may be issued at an enclosed shopping center 61911
containing at least four hundred thousand square feet of floor 61912
area. No more than one D-5b permit may be issued at an enclosed 61913
shopping center for each additional two hundred thousand square 61914
feet of floor area or fraction of that floor area, up to a maximum 61915
of five D-5b permits for each enclosed shopping center. The number 61916
of D-5b permits that may be issued at an enclosed shopping center 61917
shall be determined by subtracting the number of D-3 and D-5 61918
permits issued in the enclosed shopping center from the number of 61919
D-5b permits that otherwise may be issued at the enclosed shopping 61920
center under the formulas provided in this division. Except as 61921
provided in this section, no quota shall be placed on the number 61922
of D-5b permits that may be issued. Notwithstanding any quota 61923
provided in this section, the holder of any D-5b permit first 61924
issued in accordance with this section is entitled to its renewal 61925

in accordance with section 4303.271 of the Revised Code. 61926

The holder of a D-5b permit issued before April 4, 1984, 61927
whose tenancy is terminated for a cause other than nonpayment of 61928
rent, may return the D-5b permit to the division of liquor 61929
control, and the division shall cancel that permit. Upon 61930
cancellation of that permit and upon the permit holder's payment 61931
of taxes, contributions, premiums, assessments, and other debts 61932
owing or accrued upon the date of cancellation to this state and 61933
its political subdivisions and a filing with the division of a 61934
certification of that payment, the division shall issue to that 61935
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 61936
that person requests. The division shall issue the D-5 permit, or 61937
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 61938
D-3, or D-5 permits currently issued in the municipal corporation 61939
or in the unincorporated area of the township where that person's 61940
proposed premises is located equals or exceeds the maximum number 61941
of such permits that can be issued in that municipal corporation 61942
or in the unincorporated area of that township under the 61943
population quota restrictions contained in section 4303.29 of the 61944
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 61945
be transferred to another location. If a D-5b permit is canceled 61946
under the provisions of this paragraph, the number of D-5b permits 61947
that may be issued at the enclosed shopping center for which the 61948
D-5b permit was issued, under the formula provided in this 61949
division, shall be reduced by one if the enclosed shopping center 61950
was entitled to more than one D-5b permit under the formula. 61951

The fee for this permit is two thousand three hundred 61952
forty-four dollars. 61953

(C) Permit D-5c may be issued to the owner or operator of a 61954
retail food establishment or a food service operation licensed 61955
pursuant to Chapter 3717. of the Revised Code that operates as a 61956
restaurant for purposes of this chapter and that qualifies under 61957

the other requirements of this section to sell beer and any 61958
intoxicating liquor at retail, only by the individual drink in 61959
glass and from the container, for consumption on the premises 61960
where sold, and to sell the same products in the same manner and 61961
amounts not for consumption on the premises as may be sold by 61962
holders of D-1 and D-2 permits. In addition to the privileges 61963
authorized in this division, the holder of a D-5c permit may 61964
exercise the same privileges as the holder of a D-5 permit. 61965

To qualify for a D-5c permit, the owner or operator of a 61966
retail food establishment or a food service operation licensed 61967
pursuant to Chapter 3717. of the Revised Code that operates as a 61968
restaurant for purposes of this chapter, shall have operated the 61969
restaurant at the proposed premises for not less than twenty-four 61970
consecutive months immediately preceding the filing of the 61971
application for the permit, have applied for a D-5 permit no later 61972
than December 31, 1988, and appear on the division's quota waiting 61973
list for not less than six months immediately preceding the filing 61974
of the application for the permit. In addition to these 61975
requirements, the proposed D-5c permit premises shall be located 61976
within a municipal corporation and further within an election 61977
precinct that, at the time of the application, has no more than 61978
twenty-five per cent of its total land area zoned for residential 61979
use. 61980

A D-5c permit shall not be transferred to another location. 61981
No quota restriction shall be placed on the number of such permits 61982
that may be issued. 61983

Any person who has held a D-5c permit for at least two years 61984
may apply for a D-5 permit, and the division of liquor control 61985
shall issue the D-5 permit notwithstanding the quota restrictions 61986
contained in section 4303.29 of the Revised Code or in any rule of 61987
the liquor control commission. 61988

The fee for this permit is one thousand five hundred 61989

sixty-three dollars. 61990

(D) Permit D-5d may be issued to the owner or operator of a 61991
retail food establishment or a food service operation licensed 61992
pursuant to Chapter 3717. of the Revised Code that operates as a 61993
restaurant for purposes of this chapter and that is located at an 61994
airport operated by a board of county commissioners pursuant to 61995
section 307.20 of the Revised Code, at an airport operated by a 61996
port authority pursuant to Chapter 4582. of the Revised Code, or 61997
at an airport operated by a regional airport authority pursuant to 61998
Chapter 308. of the Revised Code. The holder of a D-5d permit may 61999
sell beer and any intoxicating liquor at retail, only by the 62000
individual drink in glass and from the container, for consumption 62001
on the premises where sold, and may sell the same products in the 62002
same manner and amounts not for consumption on the premises where 62003
sold as may be sold by the holders of D-1 and D-2 permits. In 62004
addition to the privileges authorized in this division, the holder 62005
of a D-5d permit may exercise the same privileges as the holder of 62006
a D-5 permit. 62007

A D-5d permit shall not be transferred to another location. 62008
No quota restrictions shall be placed on the number of such 62009
permits that may be issued. 62010

The fee for this permit is two thousand three hundred 62011
forty-four dollars. 62012

(E) Permit D-5e may be issued to any nonprofit organization 62013
that is exempt from federal income taxation under the "Internal 62014
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 62015
amended, or that is a charitable organization under any chapter of 62016
the Revised Code, and that owns or operates a riverboat that meets 62017
all of the following: 62018

(1) Is permanently docked at one location; 62019

(2) Is designated as an historical riverboat by the Ohio 62020

historical society;	62021
(3) Contains not less than fifteen hundred square feet of floor area;	62022 62023
(4) Has a seating capacity of fifty or more persons.	62024
The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.	62025 62026 62027
A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.	62028 62029 62030 62031 62032 62033 62034 62035 62036 62037
The fee for this permit is one thousand two hundred nineteen dollars.	62038 62039
(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:	62040 62041 62042 62043 62044
(1) It contains not less than twenty-five hundred square feet of floor area.	62045 62046
(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.	62047 62048
(3) It provides docking space for twenty-five boats.	62049
(4) It provides entertainment and recreation, provided that	62050

not less than fifty per cent of the business on the permit 62051
premises shall be preparing and serving meals for a consideration. 62052

In addition, each application for a D-5f permit shall be 62053
accompanied by a certification from the local legislative 62054
authority that the issuance of the D-5f permit is not inconsistent 62055
with that political subdivision's comprehensive development plan 62056
or other economic development goal as officially established by 62057
the local legislative authority. 62058

The holder of a D-5f permit may sell beer and intoxicating 62059
liquor at retail, only by the individual drink in glass and from 62060
the container, for consumption on the premises where sold. 62061

A D-5f permit shall not be transferred to another location. 62062

The division of liquor control shall not issue a D-5f permit 62063
if the permit premises or proposed permit premises are located 62064
within an area in which the sale of spirituous liquor by the glass 62065
is prohibited. 62066

A fee for this permit is two thousand three hundred 62067
forty-four dollars. 62068

As used in this division, "navigable river" means a river 62069
that is also a "navigable water" as defined in the "Federal Power 62070
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 62071

(G) Permit D-5g may be issued to a nonprofit corporation that 62072
is either the owner or the operator of a national professional 62073
sports museum. The holder of a D-5g permit may sell beer and any 62074
intoxicating liquor at retail, only by the individual drink in 62075
glass and from the container, for consumption on the premises 62076
where sold. The holder of a D-5g permit shall sell no beer or 62077
intoxicating liquor for consumption on the premises where sold 62078
after one a.m. A D-5g permit shall not be transferred to another 62079
location. No quota restrictions shall be placed on the number of 62080
D-5g permits that may be issued. The fee for this permit is one 62081

thousand eight hundred seventy-five dollars. 62082

(H)(1) Permit D-5h may be issued to any nonprofit 62083
organization that is exempt from federal income taxation under the 62084
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 62085
501(c)(3), as amended, that owns or operates any of the following: 62086

(a) A fine arts museum, provided that the nonprofit 62087
organization has no less than one thousand five hundred bona fide 62088
members possessing full membership privileges; 62089

(b) A community arts center. As used in division (H)(1)(b) of 62090
this section, "community arts center" means a facility that 62091
provides arts programming to the community in more than one arts 62092
discipline, including, but not limited to, exhibits of works of 62093
art and performances by both professional and amateur artists. 62094

(c) A community theater, provided that the nonprofit 62095
organization is a member of the Ohio arts council and the American 62096
community theatre association and has been in existence for not 62097
less than ten years. As used in division (H)(1)(c) of this 62098
section, "community theater" means a facility that contains at 62099
least one hundred fifty seats and has a primary function of 62100
presenting live theatrical performances and providing recreational 62101
opportunities to the community. 62102

(2) The holder of a D-5h permit may sell beer and any 62103
intoxicating liquor at retail, only by the individual drink in 62104
glass and from the container, for consumption on the premises 62105
where sold. The holder of a D-5h permit shall sell no beer or 62106
intoxicating liquor for consumption on the premises where sold 62107
after one a.m. A D-5h permit shall not be transferred to another 62108
location. No quota restrictions shall be placed on the number of 62109
D-5h permits that may be issued. 62110

(3) The fee for a D-5h permit is one thousand eight hundred 62111
seventy-five dollars. 62112

(I) Permit D-5i may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following requirements:

(1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.

(2) It has inside seating capacity for at least one hundred forty persons.

(3) It has at least four thousand square feet of floor area.

(4) It offers full-course meals, appetizers, and sandwiches.

(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.

(6) It has at least one of the following characteristics:

(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars.

(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.

The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i

permit may exercise the same privileges as the holder of a D-5 62143
permit. 62144

A D-5i permit shall not be transferred to another location. 62145
The division of liquor control shall not renew a D-5i permit 62146
unless the retail food establishment or food service operation for 62147
which it is issued continues to meet the requirements described in 62148
divisions (I)(1) to (6) of this section. No quota restrictions 62149
shall be placed on the number of D-5i permits that may be issued. 62150
The fee for the D-5i permit is two thousand three hundred 62151
forty-four dollars. 62152

(J)(1) Permit D-5j may be issued to the owner or the operator 62153
of a retail food establishment or a food service operation 62154
licensed under Chapter 3717. of the Revised Code to sell beer and 62155
intoxicating liquor at retail, only by the individual drink in 62156
glass and from the container, for consumption on the premises 62157
where sold and to sell beer and intoxicating liquor in the same 62158
manner and amounts not for consumption on the premises where sold 62159
as may be sold by the holders of D-1 and D-2 permits. The holder 62160
of a D-5j permit may exercise the same privileges, and shall 62161
observe the same hours of operation, as the holder of a D-5 62162
permit. 62163

(2) The D-5j permit shall be issued only within a community 62164
entertainment district that is designated under section 4301.80 of 62165
the Revised Code and that meets one of the following 62166
qualifications: 62167

(a) It is located in a municipal corporation with a 62168
population of at least one hundred thousand. 62169

(b) It is located in a municipal corporation with a 62170
population of at least twenty thousand, and either of the 62171
following applies: 62172

(i) It contains an amusement park the rides of which have 62173

been issued a permit by the department of agriculture under 62174
Chapter 1711. of the Revised Code. 62175

(ii) Not less than fifty million dollars will be invested in 62176
development and construction in the community entertainment 62177
district's area located in the municipal corporation. 62178

(c) It is located in a township with a population of at least 62179
forty thousand. 62180

(d) It is located in a municipal corporation with a 62181
population of at least ten thousand, and not less than seventy 62182
million dollars will be invested in development and construction 62183
in the community entertainment district's area located in the 62184
municipal corporation. 62185

(e) It is located in a municipal corporation with a 62186
population of at least five thousand, and not less than one 62187
hundred million dollars will be invested in development and 62188
construction in the community entertainment district's area 62189
located in the municipal corporation. 62190

(3) The location of a D-5j permit may be transferred only 62191
within the geographic boundaries of the community entertainment 62192
district in which it was issued and shall not be transferred 62193
outside the geographic boundaries of that district. 62194

(4) Not more than one D-5j permit shall be issued within each 62195
community entertainment district for each five acres of land 62196
located within the district. Not more than fifteen D-5j permits 62197
may be issued within a single community entertainment district. 62198
Except as otherwise provided in division (J)(4) of this section, 62199
no quota restrictions shall be placed upon the number of D-5j 62200
permits that may be issued. 62201

(5) The fee for a D-5j permit is two thousand three hundred 62202
forty-four dollars. 62203

(K)(1) Permit D-5k may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that is the owner or operator of a botanical garden recognized by the American association of botanical gardens and arboreta, and that has not less than twenty-five hundred bona fide members.

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(2) The holder of a D-5k permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, on the premises where sold.

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(3) The holder of a D-5k permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m.

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(4) A D-5k permit shall not be transferred to another location.

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(5) No quota restrictions shall be placed on the number of D-5k permits that may be issued.

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(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars.

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(L)(1) Permit D-5l may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5l permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

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(2) The D-5l permit shall be issued only to a premises that

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has gross annual receipts from the sale of food and meals that 62235
constitute not less than seventy-five per cent of its total gross 62236
annual receipts, that is located within a revitalization district 62237
that is designated under section 4301.81 of the Revised Code, that 62238
is located in a municipal corporation or township in which the 62239
number of D-5 permits issued equals or exceeds the number of those 62240
permits that may be issued in that municipal corporation or 62241
township under section 4303.29 of the Revised Code, and that is 62242
located in a county with a population of one hundred twenty-five 62243
thousand or less according to the population estimates certified 62244
by the department of development for calendar year 2006. 62245

(3) The location of a D-51 permit may be transferred only 62247
within the geographic boundaries of the revitalization district in 62248
which it was issued and shall not be transferred outside the 62249
geographic boundaries of that district. 62250

(4) Not more than one D-51 permit shall be issued within each 62251
revitalization district for each five acres of land located within 62252
the district. Not more than five D-51 permits may be issued within 62253
a single revitalization district. Except as otherwise provided in 62254
division (L)(4) of this section, no quota restrictions shall be 62255
placed upon the number of D-51 permits that may be issued. 62256

(5) The fee for a D-51 permit is two thousand three hundred 62257
forty-four dollars. 62258

(M) Permit D-5m may be issued to either the owner or the 62259
operator of a retail food establishment or food service operation 62260
licensed under Chapter 3717. of the Revised Code that operates as 62261
a restaurant for purposes of this chapter and that is located in, 62262
or affiliated with, a center for the preservation of wild animals 62263
as defined in section 4301.404 of the Revised Code, to sell beer 62264
and any intoxicating liquor at retail, only by the glass and from 62265
the container, for consumption on the premises where sold, and to 62266

sell the same products in the same manner and amounts not for 62267
consumption on the premises as may be sold by the holders of D-1 62268
and D-2 permits. In addition to the privileges authorized by this 62269
division, the holder of a D-5m permit may exercise the same 62270
privileges as the holder of a D-5 permit. 62271

A D-5m permit shall not be transferred to another location. 62272
No quota restrictions shall be placed on the number of D-5m 62273
permits that may be issued. The fee for a permit D-5m is two 62274
thousand three hundred forty-four dollars. 62275

Sec. 4303.182. (A) Except as otherwise provided in divisions 62276
(B) to (J) of this section, permit D-6 shall be issued to the 62277
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 62278
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 62279
D-5k, D-5l, D-5m, or D-7 permit to allow sale under that permit 62280
between the hours of ten a.m. and midnight, or between the hours 62281
of one p.m. and midnight, on Sunday, as applicable, if that sale 62282
has been authorized under section 4301.361, 4301.364, 4301.365, or 62283
4301.366 of the Revised Code and under the restrictions of that 62284
authorization. 62285

(B) Permit D-6 shall be issued to the holder of any permit, 62286
including a D-4a and D-5d permit, authorizing the sale of 62287
intoxicating liquor issued for a premises located at any publicly 62288
owned airport, as defined in section 4563.01 of the Revised Code, 62289
at which commercial airline companies operate regularly scheduled 62290
flights on which space is available to the public, to allow sale 62291
under such permit between the hours of ten a.m. and midnight on 62292
Sunday, whether or not that sale has been authorized under section 62293
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 62294

(C) Permit D-6 shall be issued to the holder of a D-5a 62295
permit, and to the holder of a D-3 or D-3a permit who is the owner 62296
or operator of a hotel or motel that is required to be licensed 62297

under section 3731.03 of the Revised Code, that contains at least 62298
fifty rooms for registered transient guests, and that has on its 62299
premises a retail food establishment or a food service operation 62300
licensed pursuant to Chapter 3717. of the Revised Code that 62301
operates as a restaurant for purposes of this chapter and is 62302
affiliated with the hotel or motel and within or contiguous to the 62303
hotel or motel and serving food within the hotel or motel, to 62304
allow sale under such permit between the hours of ten a.m. and 62305
midnight on Sunday, whether or not that sale has been authorized 62306
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 62307
Revised Code. 62308

(D) The holder of a D-6 permit that is issued to a sports 62309
facility may make sales under the permit between the hours of 62310
eleven a.m. and midnight on any Sunday on which a professional 62311
baseball, basketball, football, hockey, or soccer game is being 62312
played at the sports facility. As used in this division, "sports 62313
facility" means a stadium or arena that has a seating capacity of 62314
at least four thousand and that is owned or leased by a 62315
professional baseball, basketball, football, hockey, or soccer 62316
franchise or any combination of those franchises. 62317

(E) Permit D-6 shall be issued to the holder of any permit 62318
that authorizes the sale of beer or intoxicating liquor and that 62319
is issued to a premises located in or at the Ohio historical 62320
society area or the state fairgrounds, as defined in division (B) 62321
of section 4301.40 of the Revised Code, to allow sale under that 62322
permit between the hours of ten a.m. and midnight on Sunday, 62323
whether or not that sale has been authorized under section 62324
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 62325

(F) Permit D-6 shall be issued to the holder of any permit 62326
that authorizes the sale of intoxicating liquor and that is issued 62327
to an outdoor performing arts center to allow sale under that 62328
permit between the hours of one p.m. and midnight on Sunday, 62329

whether or not that sale has been authorized under section 62330
4301.361 of the Revised Code. A D-6 permit issued under this 62331
division is subject to the results of an election, held after the 62332
D-6 permit is issued, on question (B)(4) as set forth in section 62333
4301.351 of the Revised Code. Following the end of the period 62334
during which an election may be held on question (B)(4) as set 62335
forth in that section, sales of intoxicating liquor may continue 62336
at an outdoor performing arts center under a D-6 permit issued 62337
under this division, unless an election on that question is held 62338
during the permitted period and a majority of the voters voting in 62339
the precinct on that question vote "no." 62340

As used in this division, "outdoor performing arts center" 62341
means an outdoor performing arts center that is located on not 62342
less than eight hundred acres of land and that is open for 62343
performances from the first day of April to the last day of 62344
October of each year. 62345

(G) Permit D-6 shall be issued to the holder of any permit 62346
that authorizes the sale of beer or intoxicating liquor and that 62347
is issued to a golf course owned by the state, a conservancy 62348
district, a park district created under Chapter 1545. of the 62349
Revised Code, or another political subdivision to allow sale under 62350
that permit between the hours of ten a.m. and midnight on Sunday, 62351
whether or not that sale has been authorized under section 62352
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 62353

(H) Permit D-6 shall be issued to the holder of a D-5g permit 62354
to allow sale under that permit between the hours of ten a.m. and 62355
midnight on Sunday, whether or not that sale has been authorized 62356
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 62357
Revised Code. 62358

(I) Permit D-6 shall be issued to the holder of any D permit 62359
for a premises that is licensed under Chapter 3717. of the Revised 62360
Code and that is located at a ski area to allow sale under the D-6 62361

permit between the hours of ten a.m. and midnight on Sunday, 62362
whether or not that sale has been authorized under section 62363
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 62364

As used in this division, "ski area" means a ski area as 62365
defined in section 4169.01 of the Revised Code, provided that the 62366
passenger tramway operator at that area is registered under 62367
section 4169.03 of the Revised Code. 62368

(J) Permit D-6 shall be issued to the holder of a ~~D-5j~~ any 62369
permit that is described in division (A) of this section for a 62370
permit premises that is located in a community entertainment 62371
district, as defined in section 4301.80 of the Revised Code, that 62372
was approved by the legislative authority of a municipal 62373
corporation under that section between October 1 and October 15, 62374
2005, to allow sale under the permit between the hours of ten a.m. 62375
and midnight on Sunday, whether or not that sale has been 62376
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 62377
of the Revised Code. 62378

(K) If the restriction to licensed premises where the sale of 62379
food and other goods and services exceeds fifty per cent of the 62380
total gross receipts of the permit holder at the premises is 62381
applicable, the division of liquor control may accept an affidavit 62382
from the permit holder to show the proportion of the permit 62383
holder's gross receipts derived from the sale of food and other 62384
goods and services. If the liquor control commission determines 62385
that affidavit to have been false, it shall revoke the permits of 62386
the permit holder at the premises concerned. 62387

(L) The fee for the D-6 permit is five hundred dollars when 62388
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 62389
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 62390
D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 permit. The fee for the D-6 62391
permit is four hundred dollars when it is issued to the holder of 62392
a C-2 permit. 62393

Sec. 4303.331. No permit holder shall purchase and import 62394
into this state any beer from any manufacturer, bottler, importer, 62395
wholesale dealer, or broker outside this state and within the 62396
United States unless and until such manufacturer, bottler, 62397
importer, wholesale dealer, or broker registers with the tax 62398
commissioner and supplies such information as the commissioner may 62399
require. 62400

The commissioner may, by rule, require any registrant to file 62401
with the commissioner a bond payable to the state in such form and 62402
amount as the commissioner prescribes with surety to the 62403
satisfaction of the tax commissioner conditioned upon the making 62404
of the report to be made to the tax commissioner and the payment 62405
to the tax commissioner of taxes levied by sections 4301.42 and 62406
4305.01 of the Revised Code, all as provided in section 4303.33 of 62407
the Revised Code. 62408

Any such manufacturer, bottler, importer, wholesale dealer, 62409
or broker shall, as a part of such registration, make the 62410
secretary of state its agent for the service of process or notice 62411
of any assessment, action, or proceedings instituted in the state 62412
against such person under sections 4303.33, 4301.42, and 4305.01 62413
of the Revised Code. 62414

Such process or notice shall be served, ~~by the officer to~~ 62415
~~whom it is directed or by the tax commissioner, or by the sheriff~~ 62416
~~of Franklin county, who may be deputized for such purpose by the~~ 62417
~~officer to whom the service is directed, upon the secretary of~~ 62418
~~state by leaving at the office of the secretary of state, at least~~ 62419
~~fifteen days before the return day of such process or notice, a~~ 62420
~~true and attested copy thereof, and by sending to the defendant by~~ 62421
~~certified mail, postage prepaid, a like and true attested copy,~~ 62422
~~with an endorsement thereon of the service upon the secretary of~~ 62423
~~state, addressed to such defendant at the address listed in the~~ 62424

~~registration or at the defendant's last known address in~~ 62425
~~accordance with section 5703.37 of the Revised Code.~~ 62426

Any B-1 permit holder who purchases beer from any 62427
manufacturer, bottler, importer, wholesale dealer, or broker 62428
outside this state and within the United States who has not 62429
registered with the tax commissioner and filed a bond as provided 62430
in this section shall be liable for any tax due on any beer 62431
purchased from such unregistered manufacturer, bottler, importer, 62432
wholesale dealer, or broker and shall be subject to any penalties 62433
provided in Chapters 4301., 4303., 4305., and 4307. of the Revised 62434
Code. 62435

Any B-1 permit holder who purchases beer from any 62436
manufacturer, bottler, importer, wholesale dealer, or broker 62437
outside this state and within the United States who has complied 62438
with this section shall not be liable for any tax due to the state 62439
on any beer purchased from any such manufacturer, bottler, 62440
importer, wholesale dealer, or broker. 62441

All money collected by the tax commissioner under this 62442
section shall be paid to the treasurer of state as revenue arising 62443
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 62444
4305.01 of the Revised Code. 62445

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 62446
referred to in division (O) of section 4503.04, division (E) of 62447
section 4503.042, division (B) of section 4503.07, division (C)(1) 62448
of section 4503.10, division (D) of section 4503.182, division (A) 62449
of section 4503.19, division (D)(2) of section 4507.24, division 62450
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 62451
4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 4923.12, and 5502.12 62452
of the Revised Code, and the taxes charged in section 4503.65 that 62453
are distributed in accordance with division (A)(2) of section 62454
4501.044 of the Revised Code unless otherwise designated by law, 62455

shall be deposited in the state treasury to the credit of the 62456
state highway safety fund, which is hereby created, and shall, 62457
after receipt of certifications from the commissioners of the 62458
sinking fund certifying, as required by sections 5528.15 and 62459
5528.35 of the Revised Code, that there are sufficient moneys to 62460
the credit of the highway improvement bond retirement fund created 62461
by section 5528.12 of the Revised Code to meet in full all 62462
payments of interest, principal, and charges for the retirement of 62463
bonds and other obligations issued pursuant to Section 2g of 62464
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 62465
of the Revised Code due and payable during the current calendar 62466
year, and that there are sufficient moneys to the credit of the 62467
highway obligations bond retirement fund created by section 62468
5528.32 of the Revised Code to meet in full all payments of 62469
interest, principal, and charges for the retirement of highway 62470
obligations issued pursuant to Section 2i of Article VIII, Ohio 62471
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 62472
due and payable during the current calendar year, be used for the 62473
purpose of enforcing and paying the expenses of administering the 62474
law relative to the registration and operation of motor vehicles 62475
on the public roads or highways. Amounts credited to the fund may 62476
also be used to pay the expenses of administering and enforcing 62477
the laws under which such fees were collected. All investment 62478
earnings of the state highway safety fund shall be credited to the 62479
fund. 62480

62481

Sec. 4501.243. There is hereby created in the state treasury 62482
the Ohio nature preserves fund. The fund shall consist of the 62483
contributions that are paid to the registrar of motor vehicles by 62484
applicants who obtain Ohio nature preserves license plates 62485
pursuant to section 4503.563 of the Revised Code. All investment 62486
earnings of the fund shall be credited to the fund. 62487

The department of natural resources shall use the money in the fund to help finance nature preserve education, nature preserve clean-up projects, and nature preserve maintenance, protection, and restoration.

Sec. 4501.271. (A)(1) A peace officer, correctional employee, or youth services employee may file a written request with the bureau of motor vehicles to do either or both of the following:

(a) Prohibit disclosure of the officer's or employee's residence address as contained in motor vehicle records of the bureau;

(b) Provide a business address to be displayed on the officer's or employee's driver's license or certificate of registration, or both.

(2) The officer or employee shall file the request described in division (A)(1) of this section on a form provided by the registrar of motor vehicles and shall provide any documentary evidence verifying the person's status as a peace officer, correctional employee, or youth services employee and the officer's or employee's business address that the registrar requires pursuant to division (G) of this section.

(B)(1) Except as provided in division (C) of this section, if a peace officer, correctional employee, or youth services employee has filed a request under division (A) of this section, neither the registrar nor an employee or contractor of the bureau of motor vehicles shall knowingly disclose the residence address of the officer or employee that the bureau obtained in connection with a motor vehicle record.

(2) In accordance with section 149.43 of the Revised Code, the registrar or an employee or contractor of the bureau shall

make available for inspection or copying a motor vehicle record of 62518
a peace officer, correctional employee, or youth services employee 62519
who has filed a request under division (A) of this section if the 62520
record is a public record under that section, but shall obliterate 62521
the residence address of the officer or employee from the record 62522
before making the record available for inspection or copying. The 62523
business address of the officer or employee may be made available 62524
in response to a valid request under section 149.43 of the Revised 62525
Code. 62526

(C) Notwithstanding division (B)(2) of section 4501.27 of the 62527
Revised Code, the registrar or an employee or contractor of the 62528
bureau may disclose the residence address of a peace officer, 62529
correctional employee, or youth services employee who files a 62530
request under division (A) of this section only in accordance with 62531
division (B)(1) of section 4501.27 of the Revised Code or pursuant 62532
to a court order. 62533

(D) If a peace officer, correctional employee, or youth 62534
services employee files a request under division (A)(1)(b) of this 62535
section, the officer shall still provide a residence address in 62536
any application for a driver's license or license renewal and in 62537
any application for a motor vehicle registration or registration 62538
renewal. In accordance with sections 4503.101 and 4507.09 of the 62539
Revised Code, an officer or employee shall notify the registrar of 62540
any change in the officer's or employee's residence within ten 62541
days after the change occurs. 62542

(E) A certificate of registration issued to a peace officer, 62543
correctional employee, or youth services employee who files a 62544
request under division (A)(1)(b) of this section shall display the 62545
business address of the officer. Notwithstanding section 4507.13 62546
of the Revised Code, a driver's license issued to an officer or 62547
employee who files a request under division (A)(1)(b) of this 62548
section shall display the business address of the officer or 62549

employee. 62550

(F) The registrar may utilize the residence address of a 62551
peace officer, correctional employee, or youth services employee 62552
who files a request under division (A)(1)(b) of this section in 62553
carrying out the functions of the bureau of motor vehicles, 62554
including determining the district of registration for any 62555
applicable motor vehicle tax levied under Chapter 4504. of the 62556
Revised Code, determining whether tailpipe emissions inspections 62557
are required, and financial responsibility verification. 62558

(G) The registrar shall adopt rules governing a request for 62559
confidentiality of a peace officer's, correctional employee's, or 62560
youth services employee's residence address or use of a business 62561
address, including the documentary evidence required to verify the 62562
person's status as a peace officer, correctional employee, or 62563
youth services employee, the length of time that the request will 62564
be valid, procedures for ensuring that the bureau of motor 62565
vehicles receives notice of any change in a person's status as a 62566
peace officer, correctional employee, or youth services employee, 62567
and any other procedures the registrar considers necessary. The 62568
rules of the registrar may require an officer or employee to 62569
surrender any certificate of registration and any driver's license 62570
bearing the business address of the officer or employee and, upon 62571
payment of any applicable fees, to receive a certificate of 62572
registration and license bearing the officer's or employee's 62573
residence address, whenever the officer or employee no longer is 62574
associated with that business address. 62575

(H) As used in this section: 62576

(1) "Motor vehicle record" has the same meaning as in section 62577
4501.27 of the Revised Code. 62578

(2) "Peace officer" means those persons described in division 62579
(A)(1), (2), (4), (5), (6), (9), (10), (12), ~~or (13)~~, or (15) of 62580

section 109.71 of the Revised Code, an officer, agent, or employee 62581
of the state or any of its agencies, instrumentalities, or 62582
political subdivisions, upon whom, by statute, a duty to conserve 62583
the peace or to enforce all or certain laws is imposed and the 62584
authority to arrest violators is conferred, within the limits of 62585
that statutory duty and authority, an investigator of the bureau 62586
of criminal identification and investigation as defined in section 62587
2903.11 of the Revised Code, the house sergeant at arms appointed 62588
under division (B)(1) of section 101.311 of the Revised Code, and 62589
any assistant sergeant at arms appointed under division (C)(1) of 62590
section 101.311 of the Revised Code. "Peace officer" includes 62591
state highway patrol troopers but does not include the sheriff of 62592
a county or a supervisory employee who, in the absence of the 62593
sheriff, is authorized to stand in for, exercise the authority of, 62594
and perform the duties of the sheriff. 62595

(3) "Correctional employee" and "youth services employee" 62596
have the same meanings as in section 149.43 of the Revised Code. 62597

Sec. 4501.29. The department of administrative services shall 62598
collect user fees from participants in the multi-agency radio 62599
communications system (MARCS). The director of administrative 62600
services, with the advice of the MARCS steering committee and the 62601
consent of the director of budget and management, shall determine 62602
the amount of the user fees and the manner by which the fees shall 62603
be collected. All moneys from user fees shall be deposited in the 62604
MARCS administration fund, which is hereby created in the state 62605
treasury. All investment earnings on moneys in the fund shall be 62606
credited to the fund. 62607

Sec. 4503.068. On or before the second Monday in September of 62608
each year, the county treasurer shall total the amount by which 62609
the manufactured home taxes levied in that year were reduced 62610
pursuant to section 4503.065 of the Revised Code, and certify that 62611

amount to the tax commissioner. Within ninety days of the receipt 62612
of the certification, the commissioner shall ~~certify that amount~~ 62613
~~to the director of budget and management and the director shall~~ 62614
~~make two payments from the general revenue fund in favor of the~~ 62615
~~county treasurer. One shall be in the full amount by which taxes~~ 62616
~~were reduced. The other shall be in an amount equal to two per~~ 62617
~~cent of such amount and shall be a payment~~ provide for payment to 62618
the county treasurer, from the general revenue fund, of the amount 62619
certified, which shall be credited upon receipt to the county's 62620
undivided income tax fund, and an amount equal to two per cent of 62621
the amount by which taxes were reduced, which shall be credited 62622
upon receipt to the county general fund as a payment, in addition 62623
to the fees and charges authorized by sections 319.54 and 321.26 62624
of the Revised Code, to the county auditor and county treasurer 62625
for the costs of administering sections 4503.064 to 4503.069 of 62626
the Revised Code. 62627

Immediately upon receipt of ~~the payment in the full amount by~~ 62628
~~which taxes were reduced, the full amount of the payment shall be~~ 62629
~~distributed~~ funds into the county undivided income tax fund under 62630
this section, the county auditor shall distribute the full amount 62631
thereof among the taxing districts in the county as though it had 62632
been received as taxes under section 4503.06 of the Revised Code 62633
from each person for whom taxes were reduced under section 62634
4503.065 of the Revised Code. 62635

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 62636
motorcycle, and all-purpose vehicle required to be registered 62637
under section 4519.02 of the Revised Code shall file an 62638
application for registration under section 4519.03 of the Revised 62639
Code. The owner of a motor vehicle, other than a snowmobile, 62640
off-highway motorcycle, or all-purpose vehicle, that is not 62641
designed and constructed by the manufacturer for operation on a 62642
street or highway may not register it under this chapter except 62643

upon certification of inspection pursuant to section 4513.02 of 62644
the Revised Code by the sheriff, or the chief of police of the 62645
municipal corporation or township, with jurisdiction over the 62646
political subdivision in which the owner of the motor vehicle 62647
resides. Except as provided in section 4503.103 of the Revised 62648
Code, every owner of every other motor vehicle not previously 62649
described in this section and every person mentioned as owner in 62650
the last certificate of title of a motor vehicle that is operated 62651
or driven upon the public roads or highways shall cause to be 62652
filed each year, by mail or otherwise, in the office of the 62653
registrar of motor vehicles or a deputy registrar, a written or 62654
electronic application or a preprinted registration renewal notice 62655
issued under section 4503.102 of the Revised Code, the form of 62656
which shall be prescribed by the registrar, for registration for 62657
the following registration year, which shall begin on the first 62658
day of January of every calendar year and end on the thirty-first 62659
day of December in the same year. Applications for registration 62660
and registration renewal notices shall be filed at the times 62661
established by the registrar pursuant to section 4503.101 of the 62662
Revised Code. A motor vehicle owner also may elect to apply for or 62663
renew a motor vehicle registration by electronic means using 62664
electronic signature in accordance with rules adopted by the 62665
registrar. Except as provided in division (J) of this section, 62666
applications for registration shall be made on blanks furnished by 62667
the registrar for that purpose, containing the following 62668
information: 62669

(1) A brief description of the motor vehicle to be 62670
registered, including the year, make, model, and vehicle 62671
identification number, and, in the case of commercial cars, the 62672
gross weight of the vehicle fully equipped computed in the manner 62673
prescribed in section 4503.08 of the Revised Code; 62674

(2) The name and residence address of the owner, and the 62675

township and municipal corporation in which the owner resides; 62676

(3) The district of registration, which shall be determined 62677
as follows: 62678

(a) In case the motor vehicle to be registered is used for 62679
hire or principally in connection with any established business or 62680
branch business, conducted at a particular place, the district of 62681
registration is the municipal corporation in which that place is 62682
located or, if not located in any municipal corporation, the 62683
county and township in which that place is located. 62684

(b) In case the vehicle is not so used, the district of 62685
registration is the municipal corporation or county in which the 62686
owner resides at the time of making the application. 62687

(4) Whether the motor vehicle is a new or used motor vehicle; 62688

(5) The date of purchase of the motor vehicle; 62689

(6) Whether the fees required to be paid for the registration 62690
or transfer of the motor vehicle, during the preceding 62691
registration year and during the preceding period of the current 62692
registration year, have been paid. Each application for 62693
registration shall be signed by the owner, either manually or by 62694
electronic signature, or pursuant to obtaining a limited power of 62695
attorney authorized by the registrar for registration, or other 62696
document authorizing such signature. If the owner elects to apply 62697
for or renew the motor vehicle registration with the registrar by 62698
electronic means, the owner's manual signature is not required. 62699

(7) The owner's social security number, driver's license 62700
number, or state identification number, or, where a motor vehicle 62701
to be registered is used for hire or principally in connection 62702
with any established business, the owner's federal taxpayer 62703
identification number. The bureau of motor vehicles shall retain 62704
in its records all social security numbers provided under this 62705
section, but the bureau shall not place social security numbers on 62706

motor vehicle certificates of registration. 62707

(B) Except as otherwise provided in this division, each time 62708
an applicant first registers a motor vehicle in the applicant's 62709
name, the applicant shall present for inspection a physical 62710
certificate of title or memorandum certificate showing title to 62711
the motor vehicle to be registered in the name of the applicant if 62712
a physical certificate of title or memorandum certificate has been 62713
issued by a clerk of a court of common pleas. If, under sections 62714
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 62715
instead has issued an electronic certificate of title for the 62716
applicant's motor vehicle, that certificate may be presented for 62717
inspection at the time of first registration in a manner 62718
prescribed by rules adopted by the registrar. An applicant is not 62719
required to present a certificate of title to an electronic motor 62720
vehicle dealer acting as a limited authority deputy registrar in 62721
accordance with rules adopted by the registrar. When a motor 62722
vehicle inspection and maintenance program is in effect under 62723
section 3704.14 of the Revised Code and rules adopted under it, 62724
each application for registration for a vehicle required to be 62725
inspected under that section and those rules shall be accompanied 62726
by an inspection certificate for the motor vehicle issued in 62727
accordance with that section. The application shall be refused if 62728
any of the following applies: 62729

(1) The application is not in proper form. 62730

(2) The application is prohibited from being accepted by 62731
division (D) of section 2935.27, division (A) of section 2937.221, 62732
division (A) of section 4503.13, division (B) of section 4510.22, 62733
or division (B)(1) of section 4521.10 of the Revised Code. 62734

(3) A certificate of title or memorandum certificate of title 62735
is required but does not accompany the application or, in the case 62736
of an electronic certificate of title, is required but is not 62737
presented in a manner prescribed by the registrar's rules. 62738

(4) All registration and transfer fees for the motor vehicle, 62739
for the preceding year or the preceding period of the current 62740
registration year, have not been paid. 62741

(5) The owner or lessee does not have an inspection 62742
certificate for the motor vehicle as provided in section 3704.14 62743
of the Revised Code, and rules adopted under it, if that section 62744
is applicable. 62745

This section does not require the payment of license or 62746
registration taxes on a motor vehicle for any preceding year, or 62747
for any preceding period of a year, if the motor vehicle was not 62748
taxable for that preceding year or period under sections 4503.02, 62749
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 62750
Revised Code. When a certificate of registration is issued upon 62751
the first registration of a motor vehicle by or on behalf of the 62752
owner, the official issuing the certificate shall indicate the 62753
issuance with a stamp on the certificate of title or memorandum 62754
certificate or, in the case of an electronic certificate of title, 62755
an electronic stamp or other notation as specified in rules 62756
adopted by the registrar, and with a stamp on the inspection 62757
certificate for the motor vehicle, if any. The official also shall 62758
indicate, by a stamp or by other means the registrar prescribes, 62759
on the registration certificate issued upon the first registration 62760
of a motor vehicle by or on behalf of the owner the odometer 62761
reading of the motor vehicle as shown in the odometer statement 62762
included in or attached to the certificate of title. Upon each 62763
subsequent registration of the motor vehicle by or on behalf of 62764
the same owner, the official also shall so indicate the odometer 62765
reading of the motor vehicle as shown on the immediately preceding 62766
certificate of registration. 62767

The registrar shall include in the permanent registration 62768
record of any vehicle required to be inspected under section 62769
3704.14 of the Revised Code the inspection certificate number from 62770

the inspection certificate that is presented at the time of 62771
registration of the vehicle as required under this division. 62772

(C)(1) Except as otherwise provided in division (C)(1) of 62773
this section, for each registration renewal with an expiration 62774
date on or after October 1, 2003, and for each initial application 62775
for registration received on and after that date, the registrar 62776
and each deputy registrar shall collect an additional fee of 62777
eleven dollars for each application for registration and 62778
registration renewal received. For vehicles specified in divisions 62779
(A)(1) to (21) of section 4503.042 of the Revised Code, commencing 62780
with each registration renewal with an expiration date on or after 62781
October 1, 2009, and for each initial application received on or 62782
after that date, the registrar and deputy registrar shall collect 62783
an additional fee of thirty dollars for each application for 62784
registration and registration renewal received. The additional fee 62785
is for the purpose of defraying the department of public safety's 62786
costs associated with the administration and enforcement of the 62787
motor vehicle and traffic laws of Ohio. Each deputy registrar 62788
shall transmit the fees collected under division (C)(1) of this 62789
section in the time and manner provided in this section. The 62790
registrar shall deposit all moneys received under division (C)(1) 62791
of this section into the state highway safety fund established in 62792
section 4501.06 of the Revised Code. 62793

(2) In addition, a charge of twenty-five cents shall be made 62795
for each reflectorized safety license plate issued, and a single 62796
charge of twenty-five cents shall be made for each county 62797
identification sticker or each set of county identification 62798
stickers issued, as the case may be, to cover the cost of 62799
producing the license plates and stickers, including material, 62800
manufacturing, and administrative costs. Those fees shall be in 62801
addition to the license tax. If the total cost of producing the 62802

plates is less than twenty-five cents per plate, or if the total 62803
cost of producing the stickers is less than twenty-five cents per 62804
sticker or per set issued, any excess moneys accruing from the 62805
fees shall be distributed in the same manner as provided by 62806
section 4501.04 of the Revised Code for the distribution of 62807
license tax moneys. If the total cost of producing the plates 62808
exceeds twenty-five cents per plate, or if the total cost of 62809
producing the stickers exceeds twenty-five cents per sticker or 62810
per set issued, the difference shall be paid from the license tax 62811
moneys collected pursuant to section 4503.02 of the Revised Code. 62812

(D) Each deputy registrar shall be allowed a fee of three 62813
dollars and fifty cents for each application for registration and 62814
registration renewal notice the deputy registrar receives, which 62815
shall be for the purpose of compensating the deputy registrar for 62816
the deputy registrar's services, and such office and rental 62817
expenses, as may be necessary for the proper discharge of the 62818
deputy registrar's duties in the receiving of applications and 62819
renewal notices and the issuing of registrations. 62820

(E) Upon the certification of the registrar, the county 62821
sheriff or local police officials shall recover license plates 62822
erroneously or fraudulently issued. 62823

(F) Each deputy registrar, upon receipt of any application 62824
for registration or registration renewal notice, together with the 62825
license fee and any local motor vehicle license tax levied 62826
pursuant to Chapter 4504. of the Revised Code, shall transmit that 62827
fee and tax, if any, in the manner provided in this section, 62828
together with the original and duplicate copy of the application, 62829
to the registrar. The registrar, subject to the approval of the 62830
director of public safety, may deposit the funds collected by 62831
those deputies in a local bank or depository to the credit of the 62832
"state of Ohio, bureau of motor vehicles." Where a local bank or 62833
depository has been designated by the registrar, each deputy 62834

registrar shall deposit all moneys collected by the deputy 62835
registrar into that bank or depository not more than one business 62836
day after their collection and shall make reports to the registrar 62837
of the amounts so deposited, together with any other information, 62838
some of which may be prescribed by the treasurer of state, as the 62839
registrar may require and as prescribed by the registrar by rule. 62840
The registrar, within three days after receipt of notification of 62841
the deposit of funds by a deputy registrar in a local bank or 62842
depository, shall draw on that account in favor of the treasurer 62843
of state. The registrar, subject to the approval of the director 62844
and the treasurer of state, may make reasonable rules necessary 62845
for the prompt transmittal of fees and for safeguarding the 62846
interests of the state and of counties, townships, municipal 62847
corporations, and transportation improvement districts levying 62848
local motor vehicle license taxes. The registrar may pay service 62849
charges usually collected by banks and depositories for such 62850
service. If deputy registrars are located in communities where 62851
banking facilities are not available, they shall transmit the fees 62852
forthwith, by money order or otherwise, as the registrar, by rule 62853
approved by the director and the treasurer of state, may 62854
prescribe. The registrar may pay the usual and customary fees for 62855
such service. 62856

(G) This section does not prevent any person from making an 62857
application for a motor vehicle license directly to the registrar 62858
by mail, by electronic means, or in person at any of the 62859
registrar's offices, upon payment of a service fee of three 62860
dollars and fifty cents for each application. 62861

(H) No person shall make a false statement as to the district 62862
of registration in an application required by division (A) of this 62863
section. Violation of this division is falsification under section 62864
2921.13 of the Revised Code and punishable as specified in that 62865
section. 62866

(I)(1) Where applicable, the requirements of division (B) of 62867
this section relating to the presentation of an inspection 62868
certificate issued under section 3704.14 of the Revised Code and 62869
rules adopted under it for a motor vehicle, the refusal of a 62870
license for failure to present an inspection certificate, and the 62871
stamping of the inspection certificate by the official issuing the 62872
certificate of registration apply to the registration of and 62873
issuance of license plates for a motor vehicle under sections 62874
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 62875
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 62876
4503.47, and 4503.51 of the Revised Code. 62877

(2)(a) The registrar shall adopt rules ensuring that each 62878
owner registering a motor vehicle in a county where a motor 62879
vehicle inspection and maintenance program is in effect under 62880
section 3704.14 of the Revised Code and rules adopted under it 62881
receives information about the requirements established in that 62882
section and those rules and about the need in those counties to 62883
present an inspection certificate with an application for 62884
registration or preregistration. 62885

(b) Upon request, the registrar shall provide the director of 62886
environmental protection, or any person that has been awarded a 62887
contract under ~~division (D)~~ of section 3704.14 of the Revised 62888
Code, an on-line computer data link to registration information 62889
for all passenger cars, noncommercial motor vehicles, and 62890
commercial cars that are subject to that section. The registrar 62891
also shall provide to the director of environmental protection a 62892
magnetic data tape containing registration information regarding 62893
passenger cars, noncommercial motor vehicles, and commercial cars 62894
for which a multi-year registration is in effect under section 62895
4503.103 of the Revised Code or rules adopted under it, including, 62896
without limitation, the date of issuance of the multi-year 62897
registration, the registration deadline established under rules 62898

adopted under section 4503.101 of the Revised Code that was 62899
applicable in the year in which the multi-year registration was 62900
issued, and the registration deadline for renewal of the 62901
multi-year registration. 62902

(J) ~~Application~~ Subject to division (K) of this section, 62903
application for registration under the international registration 62904
plan, as set forth in sections 4503.60 to 4503.66 of the Revised 62905
Code, shall be made to the registrar on forms furnished by the 62906
registrar. In accordance with international registration plan 62907
guidelines and pursuant to rules adopted by the registrar, the 62908
forms shall include the following: 62909

(1) A uniform mileage schedule; 62910

(2) The gross vehicle weight of the vehicle or combined gross 62911
vehicle weight of the combination vehicle as declared by the 62912
registrant; 62913

(3) Any other information the registrar requires by rule. 62914

(K) The registrar shall determine the feasibility of 62915
implementing an electronic commercial fleet licensing and 62916
management program that will enable the owners of commercial 62917
tractors, commercial trailers, and commercial semitrailers to 62918
conduct electronic transactions by July 1, 2010, or sooner. If the 62919
registrar determines that implementing such a program is feasible, 62920
the registrar shall adopt new rules under this division or amend 62921
existing rules adopted under this division as necessary in order 62922
to respond to advances in technology. 62923

If international registration plan guidelines and provisions 62924
allow member jurisdictions to permit applications for 62925
registrations under the international registration plan to be made 62926
via the internet, the rules the registrar adopts under this 62927
division shall permit such action. 62928

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles 62929
may adopt rules to permit any person or lessee, other than a 62930
person receiving an apportioned license plate under the 62931
international registration plan, who owns or leases one or more 62932
motor vehicles to file a written application for registration for 62933
no more than five succeeding registration years. The rules adopted 62934
by the registrar may designate the classes of motor vehicles that 62935
are eligible for such registration. At the time of application, 62936
all annual taxes and fees shall be paid for each year for which 62937
the person is registering. 62938

(ii) Not later than October 1, 2009, the registrar shall 62939
adopt rules to permit any person or lessee who owns or leases ~~two~~ 62940
~~or more trailers~~ a trailer or ~~semitrailers~~ semitrailer that are is 62941
subject to the tax rates prescribed in section 4503.042 of the 62942
Revised Code for such trailers or semitrailers to file a written 62943
application for registration for not more than five succeeding 62944
registration years. At the time of application, all annual taxes 62945
and fees shall be paid for each year for which the person is 62946
registering. 62947

(b)(i) Except as provided in division (A)(1)(b)(ii) of this 62948
section, the registrar shall adopt rules to permit any person who 62949
owns a motor vehicle to file an application for registration for 62950
the next two succeeding registration years. At the time of 62951
application, the person shall pay the annual taxes and fees for 62952
each registration year, calculated in accordance with division (C) 62953
of section 4503.11 of the Revised Code. A person who is 62954
registering a vehicle under division (A)(1)(b) of this section 62955
shall pay for each year of registration the additional fee 62956
established under division (C)(1) of section 4503.10 of the 62957
Revised Code. The person shall also pay one and one-half times the 62958
amount of the deputy registrar service fee specified in division 62959
(D) of section 4503.10 of the Revised Code or the bureau of motor 62960

vehicles service fee specified in division (G) of that section, as applicable. 62961
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(ii) Division (A)(1)(b)(i) of this section does not apply to a person receiving an apportioned license plate under the international registration plan, or the owner of a commercial car used solely in intrastate commerce, or the owner of a bus as defined in section 4513.50 of the Revised Code. 62963
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(2) No person applying for a multi-year registration under division (A)(1) of this section is entitled to a refund of any taxes or fees paid. 62968
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(3) The registrar shall not issue to any applicant who has been issued a final, nonappealable order under division (B) of this section a multi-year registration or renewal thereof under this division or rules adopted under it for any motor vehicle that is required to be inspected under section 3704.14 of the Revised Code the district of registration of which, as determined under section 4503.10 of the Revised Code, is or is located in the county named in the order. 62971
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(B) Upon receipt from the director of environmental protection of a notice issued under rules adopted under section 3704.14 of the Revised Code indicating that an owner of a motor vehicle that is required to be inspected under that section who obtained a multi-year registration for the vehicle under division (A) of this section or rules adopted under that division has not obtained a required inspection certificate for the vehicle, the registrar in accordance with Chapter 119. of the Revised Code shall issue an order to the owner impounding the certificate of registration and identification license plates for the vehicle. The order also shall prohibit the owner from obtaining or renewing a multi-year registration for any vehicle that is required to be inspected under that section, the district of registration of which is or is located in the same county as the county named in 62979
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the order during the number of years after expiration of the 62993
current multi-year registration that equals the number of years 62994
for which the current multi-year registration was issued. 62995

An order issued under this division shall require the owner 62996
to surrender to the registrar the certificate of registration and 62997
license plates for the vehicle named in the order within five days 62998
after its issuance. If the owner fails to do so within that time, 62999
the registrar shall certify that fact to the county sheriff or 63000
local police officials who shall recover the certificate of 63001
registration and license plates for the vehicle. 63002

(C) Upon the occurrence of either of the following 63003
circumstances, the registrar in accordance with Chapter 119. of 63004
the Revised Code shall issue to the owner a modified order 63005
rescinding the provisions of the order issued under division (B) 63006
of this section impounding the certificate of registration and 63007
license plates for the vehicle named in that original order: 63008

(1) Receipt from the director of environmental protection of 63009
a subsequent notice under rules adopted under section 3704.14 of 63010
the Revised Code that the owner has obtained the inspection 63011
certificate for the vehicle as required under those rules; 63012

(2) Presentation to the registrar by the owner of the 63013
required inspection certificate for the vehicle. 63014

(D) The owner of a motor vehicle for which the certificate of 63015
registration and license plates have been impounded pursuant to an 63016
order issued under division (B) of this section, upon issuance of 63017
a modified order under division (C) of this section, may apply to 63018
the registrar for their return. A fee of two dollars and fifty 63019
cents shall be charged for the return of the certificate of 63020
registration and license plates for each vehicle named in the 63021
application. 63022

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 63023
application and proof of purchase of the vehicle, may be issued a 63024
temporary license placard or windshield sticker for the motor 63025
vehicle. 63026

The purchaser of a vehicle applying for a temporary license 63027
placard or windshield sticker under this section shall execute an 63028
affidavit stating that the purchaser has not been issued 63029
previously during the current registration year a license plate 63030
that could legally be transferred to the vehicle. 63031

Placards or windshield stickers shall be issued only for the 63032
applicant's use of the vehicle to enable the applicant to legally 63033
operate the motor vehicle while proper title, license plates, and 63034
a certificate of registration are being obtained, and shall be 63035
displayed on no other motor vehicle. 63036

Placards or windshield stickers issued under this section are 63037
valid for a period of thirty days from date of issuance and are 63038
not transferable or renewable. 63039

The fee for the placards or windshield stickers issued under 63040
this section is two dollars plus a service fee of three dollars 63041
and fifty cents. 63042

(B)(1) The registrar of motor vehicles may issue to a 63043
motorized bicycle dealer or a licensed motor vehicle dealer 63044
temporary license placards to be issued to purchasers for use on 63045
vehicles sold by the dealer, in accordance with rules prescribed 63046
by the registrar. The dealer shall notify the registrar, within 63047
forty-eight hours, of the issuance of a placard by electronic 63048
means via computer equipment purchased and maintained by the 63049
dealer or in any other manner prescribed by the registrar. 63050

(2) The fee for each placard issued by the registrar to a 63051
dealer is ~~fifteen~~ two dollars, ~~of which thirteen dollars shall be~~ 63052

~~deposited and used in accordance with division (D) of this~~ 63053
~~section.~~ The registrar shall charge an additional three dollars 63054
and fifty cents for each placard issued to a dealer who notifies 63055
the registrar of the issuance of the placards in a manner other 63056
than by approved electronic means. 63057

(3) When a dealer issues a temporary license placard to a 63058
purchaser, the dealer shall collect and retain the fees 63059
established under divisions (A) and (D) of this section. 63060

(C) The registrar of motor vehicles, at the registrar's 63061
discretion, may issue a temporary license placard. Such a placard 63062
may be issued in the case of extreme hardship encountered by a 63063
citizen from this state or another state who has attempted to 63064
comply with all registration laws, but for extreme circumstances 63065
is unable to properly register the citizen's vehicle. 63066

(D) In addition to the fees charged under divisions (A) and 63067
(B) of this section, commencing on October 1, 2003, the registrar 63068
and each deputy registrar shall collect a fee of five dollars and 63069
commencing on October 1, 2009, a fee of thirteen dollars, for each 63070
temporary license placard issued. The additional fee is for the 63071
purpose of defraying the department of public safety's costs 63072
associated with the administration and enforcement of the motor 63073
vehicle and traffic laws of Ohio. ~~Each~~ At the time and in the 63074
manner provided by section 4503.10 of the Revised Code, the deputy 63075
registrar shall transmit to the registrar the fees collected under 63076
this ~~division in the same manner as provided for transmission of~~ 63077
~~fees collected under division (A) of this~~ section. The registrar 63078
shall deposit all moneys received under this division into the 63079
state highway safety fund established in section 4501.06 of the 63080
Revised Code. 63081

(E) The registrar shall adopt rules, in accordance with 63082
division (B) of section 111.15 of the Revised Code, to specify the 63083
procedures for reporting the information from applications for 63084

temporary license placards and windshield stickers and for 63085
providing the information from these applications to law 63086
enforcement agencies. 63087

(F) Temporary license placards issued under this section 63088
shall bear a distinctive combination of seven letters, numerals, 63089
or letters and numerals, and shall incorporate a security feature 63090
that, to the greatest degree possible, prevents tampering with any 63091
of the information that is entered upon a placard when it is 63092
issued. 63093

(G) Whoever violates division (A) of this section is guilty 63094
of a misdemeanor of the fourth degree. Whoever violates division 63095
(B) of this section is guilty of a misdemeanor of the first 63096
degree. 63097

(H) As used in this section, "motorized bicycle dealer" means 63098
any person engaged in the business of selling at retail, 63099
displaying, offering for sale, or dealing in motorized bicycles 63100
who is not subject to section 4503.09 of the Revised Code. 63101

Sec. 4503.19. (A) Upon the filing of an application for 63102
registration and the payment of the tax for registration, the 63103
registrar of motor vehicles or a deputy registrar shall determine 63104
whether the owner previously has been issued license plates for 63105
the motor vehicle described in the application. If no license 63106
plates previously have been issued to the owner for that motor 63107
vehicle, the registrar or deputy registrar shall assign to the 63108
motor vehicle a distinctive number and issue and deliver to the 63109
owner in the manner that the registrar may select a certificate of 63110
registration, in the form that the registrar shall prescribe, and, 63111
except as otherwise provided in this section, two license plates, 63112
duplicates of each other, and a validation sticker, or a 63113
validation sticker alone, to be attached to the number plates as 63114
provided in section 4503.191 of the Revised Code. The registrar or 63115

deputy registrar also shall charge the owner any fees required 63116
under division (C) of section 4503.10 of the Revised Code. 63117
Trailers, manufactured homes, mobile homes, semitrailers, the 63118
manufacturer thereof, the dealer, or in transit companies therein, 63119
shall be issued one license plate only and one validation sticker, 63120
or a validation sticker alone, and the license plate and 63121
validation sticker shall be displayed only on the rear of such 63122
vehicles. A commercial tractor that does not receive an 63123
apportioned license plate under the international registration 63124
plan shall be issued two license plates and one validation 63125
sticker, and the validation sticker shall be displayed on the 63126
front of the commercial tractor. An apportioned vehicle receiving 63127
an apportioned license plate under the international registration 63128
plan shall be issued one license plate only and one validation 63129
sticker, or a validation sticker alone; the license plate shall be 63130
displayed only on the front of a semitractor and on the rear of 63131
all other vehicles. School buses shall not be issued license 63132
plates but shall bear identifying numbers in the manner prescribed 63133
by section 4511.764 of the Revised Code. The certificate of 63134
registration and license plates and validation stickers, or 63135
validation stickers alone, shall be issued and delivered to the 63136
owner in person or by mail. Chauffeured limousines shall be issued 63137
license plates, a validation sticker, and a livery sticker as 63138
provided in section 4503.24 of the Revised Code. In the event of 63139
the loss, mutilation, or destruction of any certificate of 63140
registration, or of any license plates or validation stickers, or 63141
if the owner chooses to replace license plates previously issued 63142
for a motor vehicle, or if the registration certificate and 63143
license plates have been impounded as provided by division (B)(1) 63144
of section 4507.02 and section 4507.16 of the Revised Code, the 63145
owner of a motor vehicle, or manufacturer or dealer, may obtain 63146
from the registrar, or from a deputy registrar if authorized by 63147

the registrar, a duplicate thereof or new license plates bearing a 63148
different number, if the registrar considers it advisable, upon 63149
filing an application prescribed by the registrar, and upon paying 63150
a fee of one dollar for such certificate of registration, which 63151
one dollar fee shall be deposited into the state treasury to the 63152
credit of the state bureau of motor vehicles fund created in 63153
section 4501.25 of the Revised Code. Commencing with each request 63154
made on or after October 1, 2009, or in conjunction with 63155
replacement license plates issued for renewal registrations 63156
expiring on or after October 1, 2009, a fee of seven dollars and 63157
fifty cents for each set of two license plates, or six dollars and 63158
fifty cents for each single license plate or validation sticker 63159
shall be charged and collected, of which the registrar shall 63160
deposit five dollars and fifty cents of each seven dollar and 63161
fifty cent fee or each six dollar and fifty cent fee into the 63162
state treasury to the credit of the state highway safety fund 63163
created in section 4501.06 of the Revised Code and the remaining 63164
portion of each such fee into the state treasury to the credit of 63165
the state bureau of motor vehicles fund created in section 4501.25 63166
of the Revised Code. In addition, each applicant for a replacement 63167
certificate of registration, license plate, or validation sticker 63168
shall pay the fees provided in divisions (C) and (D) of section 63169
4503.10 of the Revised Code. 63170

~~The registrar shall pay five dollars and fifty cents of the 63171
fee collected for each license plate or set of license plates 63172
issued into the state highway safety fund created in section 63173
4501.06 of the Revised Code.~~ 63174

Additionally, the registrar and each deputy registrar who 63175
either issues license plates and a validation sticker for use on 63176
any vehicle other than a commercial tractor, semitrailer, or 63177
apportioned vehicle, or who issues a validation sticker alone for 63178
use on such a vehicle and the owner has changed the owner's county 63179

of residence since the owner last was issued county identification stickers, also shall issue and deliver to the owner either one or two county identification stickers, as appropriate, which shall be attached to the license plates in a manner prescribed by the director of public safety. The county identification stickers shall identify prominently by name or number the county in which the owner of the vehicle resides at the time of registration.

(B) Whoever violates this section is guilty of a minor misdemeanor.

Sec. 4503.235. (A) If division (G) of section 4511.19 or division (B) of section 4511.193 of the Revised Code requires a court, as part of the sentence of an offender who is convicted of or pleads guilty to a violation of division (A) of section 4511.19 of the Revised Code or as a sanction for an offender who is convicted of or pleaded guilty to a violation of a municipal OVI ordinance, to order the immobilization of a vehicle for a specified period of time, notwithstanding the requirement, the court in its discretion may determine not to order the immobilization of the vehicle if both of the following apply:

(1) Prior to the issuance of the order of immobilization, a family or household member of the offender files a motion with the court identifying the vehicle and requesting that the immobilization order not be issued on the ground that the family or household member is completely dependent on the vehicle for the necessities of life and that the immobilization of the vehicle would be an undue hardship to the family or household member.

(2) The court determines that the family or household member who files the motion is completely dependent on the vehicle for the necessities of life and that the immobilization of the vehicle would be an undue hardship to the family or household member.

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(B) If a court pursuant to division (A) of this section
determines not to order the immobilization of a vehicle that
otherwise would be required pursuant to division (G) of section
4511.19 or division (B) of section 4511.193 of the Revised Code,
the court shall issue an order that waives the immobilization that
otherwise would be required pursuant to either of those divisions.
The immobilization waiver order shall be in effect for the period
of time for which the immobilization of the vehicle otherwise
would have been required under division (G) of section 4511.19 or
division (B) of section 4511.193 of the Revised Code if the
immobilization waiver order had not been issued, subject to
division (D) of this section. The immobilization waiver order
shall specify the period of time for which it is in effect. The
court shall provide a copy of an immobilization waiver order to
the offender and to the family or household member of the offender
who filed the motion requesting that the immobilization order not
be issued and shall place a copy of the immobilization waiver
order in the record in the case. The court shall impose an
immobilization waiver fee in the amount of fifty dollars. The
court shall determine whether the fee is to be paid by the
offender or by the family or household member. The clerk of the
court shall ~~transmit~~ deposit all of the fees collected during a
month on or before the twenty-third day of the following month ~~to~~
into the state treasury to be credited to the county or municipal
indigent drivers alcohol treatment fund under the control of that
court, as created by the county or municipal corporation under
division (F) of section 4511.191 of the Revised Code.

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(C) If a court pursuant to division (B) of this section
issues an immobilization waiver order, the order shall identify
the family or household member who requested the order and the

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vehicle to which the order applies, shall identify the family or 63243
household members who are permitted to operate the vehicle, and 63244
shall identify the offender and specify that the offender is not 63245
permitted to operate the vehicle. The immobilization waiver order 63246
shall require that the family or household member display on the 63247
vehicle to which the order applies restricted license plates that 63248
are issued under section 4503.231 of the Revised Code for the 63249
entire period for which the immobilization of the vehicle 63250
otherwise would have been required under division (G) of section 63251
4511.19 or division (B) of section 4511.193 of the Revised Code if 63252
the immobilization waiver order had not been issued. 63253

(D) A family or household member who is permitted to operate 63254
a vehicle under an immobilization waiver order issued under this 63255
section shall not permit the offender to operate the vehicle. If a 63256
family or household member who is permitted to operate a vehicle 63257
under an immobilization waiver order issued under this section 63258
permits the offender to operate the vehicle, both of the following 63259
apply: 63260

(1) The court that issued the immobilization waiver order 63261
shall terminate that order and shall issue an immobilization order 63262
in accordance with section 4503.233 of the Revised Code that 63263
applies to the vehicle, and the immobilization order shall be in 63264
effect for the remaining period of time for which the 63265
immobilization of the vehicle otherwise would have been required 63266
under division (G) of section 4511.19 or division (B) of section 63267
4511.193 of the Revised Code if the immobilization waiver order 63268
had not been issued. 63269

(2) The conduct of the family or household member in 63270
permitting the offender to operate the vehicle is a violation of 63271
section 4511.203 of the Revised Code. 63272

(E) No offender shall operate a motor vehicle subject to an 63273
immobilization waiver order. Whoever violates this division is 63274

guilty of operating a motor vehicle in violation of an 63275
immobilization waiver, a misdemeanor of the first degree. 63276

(F) "Family or household member" has the same meaning as in 63277
section 2919.25 of the Revised Code, except that the person must 63278
be currently residing with the offender. 63279

Sec. 4503.40. The For each registration renewal with an 63280
expiration date before October 1, 2009, and for each initial 63281
application for registration received before that date the 63282
registrar of motor vehicles shall be allowed a fee not to exceed 63283
ten dollars, and for each registration renewal with an expiration 63284
date on or after October 1, 2009, and for each initial application 63285
for registration received on or after that date the registrar of 63286
motor vehicles shall be allowed a fee of twenty-five dollars, for 63287
each application received by the registrar for special state 63288
reserved license plate numbers and the issuing of such licenses, 63289
and validation stickers, in the several series as the registrar 63290
may designate. The fee shall be in addition to the license tax 63291
established by this chapter and, where applicable, Chapter 4504. 63292
of the Revised Code. Seven dollars and fifty cents of the fee 63293
shall be for the purpose of compensating the bureau of motor 63294
vehicles for additional services required in the issuing of such 63295
licenses, and the remaining ~~seventeen dollars and fifty cents~~ 63296
portion of the fee shall be deposited by the registrar into the 63297
state treasury to the credit of the state highway safety fund 63298
created by section 4501.06 of the Revised Code. The types of motor 63299
vehicles for which special state reserved license plates may be 63300
issued in accordance with this section shall include at least 63301
motorcycles, buses, passenger cars, and noncommercial motor 63302
vehicles. 63303

Sec. 4503.42. The For each registration renewal with an 63304
expiration date before October 1, 2009, and for each initial 63305

application for registration received before that date the 63306
registrar of motor vehicles shall be allowed a fee not to exceed 63307
thirty-five dollars, and for each registration renewal with an 63308
expiration date on or after October 1, 2009, and for each initial 63309
application for registration received on or after that date the 63310
registrar ~~of motor vehicles~~ shall be allowed a fee of fifty 63311
dollars, which shall be in addition to the regular license fee for 63312
tags as prescribed under section 4503.04 of the Revised Code and 63313
any tax levied under section 4504.02 or 4504.06 of the Revised 63314
Code, for each application received by the registrar for special 63315
reserved license plate numbers containing more than three letters 63316
or numerals, and the issuing of such licenses and validation 63317
stickers in the several series as the registrar may designate. 63318
Five dollars of the fee shall be for the purpose of compensating 63319
the bureau of motor vehicles for additional services required in 63320
the issuing of such licenses and validation stickers, and the 63321
remaining ~~forty-five dollars~~ portion of the fee shall be deposited 63322
by the registrar into the state treasury to the credit of the 63323
state highway safety fund created by section 4501.06 of the 63324
Revised Code. 63325

This section does not apply to the issuance of reserved 63326
license plates as authorized by sections 4503.14, 4503.15, and 63327
4503.40 of the Revised Code. The types of motor vehicles for which 63328
license plate numbers containing more than three letters or 63329
numerals may be issued in accordance with this section shall 63330
include at least buses, passenger cars, and noncommercial motor 63331
vehicles. 63332

Sec. 4503.44. (A) As used in this section and in section 63333
4511.69 of the Revised Code: 63334

(1) "Person with a disability that limits or impairs the 63335
ability to walk" means any person who, as determined by a health 63336

care provider, meets any of the following criteria: 63337

(a) Cannot walk two hundred feet without stopping to rest; 63338

(b) Cannot walk without the use of, or assistance from, a 63339
brace, cane, crutch, another person, prosthetic device, 63340
wheelchair, or other assistive device; 63341

(c) Is restricted by a lung disease to such an extent that 63342
the person's forced (respiratory) expiratory volume for one 63343
second, when measured by spirometry, is less than one liter, or 63344
the arterial oxygen tension is less than sixty millimeters of 63345
mercury on room air at rest; 63346

(d) Uses portable oxygen; 63347

(e) Has a cardiac condition to the extent that the person's 63348
functional limitations are classified in severity as class III or 63349
class IV according to standards set by the American heart 63350
association; 63351

(f) Is severely limited in the ability to walk due to an 63352
arthritic, neurological, or orthopedic condition; 63353

(g) Is blind. 63354

(2) "Organization" means any private organization or 63355
corporation, or any governmental board, agency, department, 63356
division, or office, that, as part of its business or program, 63357
transports persons with disabilities that limit or impair the 63358
ability to walk on a regular basis in a motor vehicle that has not 63359
been altered for the purpose of providing it with special 63360
equipment for use by handicapped persons. This definition does not 63361
apply to division (J) of this section. 63362

(3) "Health care provider" means a physician, physician 63363
assistant, advanced practice nurse, or chiropractor as defined in 63364
this section. 63365

(4) "Physician" means a person licensed to practice medicine 63366

or surgery or osteopathic medicine and surgery under Chapter 4731. 63367
of the Revised Code. 63368

(5) "Chiropractor" means a person licensed to practice 63369
chiropractic under Chapter 4734. of the Revised Code. 63370

(6) "Advanced practice nurse" means any certified nurse 63371
practitioner, clinical nurse specialist, certified registered 63372
nurse anesthetist, or certified nurse-midwife who holds a 63373
certificate of authority issued by the board of nursing under 63374
Chapter 4723. of the Revised Code. 63375

(7) "Physician assistant" means a person who holds a 63376
certificate to practice as a physician assistant issued under 63377
Chapter 4730. of the Revised Code. 63378

(B) Any organization or person with a disability that limits 63379
or impairs the ability to walk may apply to the registrar of motor 63380
vehicles for a removable windshield placard or, if the person owns 63381
or leases a motor vehicle, the person may apply for the 63382
registration of any motor vehicle the person owns or leases. In 63383
addition to one or more sets of license plates or one placard, a 63384
person with a disability that limits or impairs the ability to 63385
walk is entitled to one additional placard, but only if the person 63386
applies separately for the additional placard, states the reasons 63387
why the additional placard is needed, and the registrar, in the 63388
registrar's discretion, determines that good and justifiable cause 63389
exists to approve the request for the additional placard. When a 63390
motor vehicle has been altered for the purpose of providing it 63391
with special equipment for a person with a disability that limits 63392
or impairs the ability to walk, but is owned or leased by someone 63393
other than such a person, the owner or lessee may apply to the 63394
registrar or a deputy registrar for registration under this 63395
section. The application for registration of a motor vehicle owned 63396
or leased by a person with a disability that limits or impairs the 63397
ability to walk shall be accompanied by a signed statement from 63398

the applicant's health care provider certifying that the applicant
meets at least one of the criteria contained in division (A)(1) of
this section and that the disability is expected to continue for
more than six consecutive months. The application for a removable
windshield placard made by a person with a disability that limits
or impairs the ability to walk shall be accompanied by a
prescription from the applicant's health care provider prescribing
such a placard for the applicant, provided that the applicant
meets at least one of the criteria contained in division (A)(1) of
this section. The health care provider shall state on the
prescription the length of time the health care provider expects
the applicant to have the disability that limits or impairs the
applicant's ability to walk. The application for a removable
windshield placard made by an organization shall be accompanied by
such documentary evidence of regular transport of persons with
disabilities that limit or impair the ability to walk by the
organization as the registrar may require by rule and shall be
completed in accordance with procedures that the registrar may
require by rule. The application for registration of a motor
vehicle that has been altered for the purpose of providing it with
special equipment for a person with a disability that limits or
impairs the ability to walk but is owned by someone other than
such a person shall be accompanied by such documentary evidence of
vehicle alterations as the registrar may require by rule.

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(C) When an organization, a person with a disability that
limits or impairs the ability to walk, or a person who does not
have a disability that limits or impairs the ability to walk but
owns a motor vehicle that has been altered for the purpose of
providing it with special equipment for a person with a disability
that limits or impairs the ability to walk first submits an
application for registration of a motor vehicle under this section
and every fifth year thereafter, the organization or person shall

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submit a signed statement from the applicant's health care
provider, a completed application, and any required documentary
evidence of vehicle alterations as provided in division (B) of
this section, and also a power of attorney from the owner of the
motor vehicle if the applicant leases the vehicle. Upon submission
of these items, the registrar or deputy registrar shall issue to
the applicant appropriate vehicle registration and a set of
license plates and validation stickers, or validation stickers
alone when required by section 4503.191 of the Revised Code. In
addition to the letters and numbers ordinarily inscribed thereon,
the license plates shall be imprinted with the international
symbol of access. The license plates and validation stickers shall
be issued upon payment of the regular license fee as prescribed
under section 4503.04 of the Revised Code and any motor vehicle
tax levied under Chapter 4504. of the Revised Code, and the
payment of a service fee equal to the amount specified in division
(D) or (G) of section 4503.10 of the Revised Code.

(D)(1) Upon receipt of a completed and signed application for
a removable windshield placard, a prescription as described in
division (B) of this section, documentary evidence of regular
transport of persons with disabilities that limit or impair the
ability to walk, if required, and payment of a service fee equal
to the amount specified in division (D) or (G) of section 4503.10
of the Revised Code, the registrar or deputy registrar shall issue
to the applicant a removable windshield placard, which shall bear
the date of expiration on both sides of the placard and shall be
valid until expired, revoked, or surrendered. Every removable
windshield placard expires as described in division (D)(2) of this
section, but in no case shall a removable windshield placard be
valid for a period of less than sixty days. Removable windshield
placards shall be renewable upon application as provided in
division (B) of this section, and a service fee equal to the

amount specified in division (D) or (G) of section 4503.10 of the Revised Code shall be charged for the renewal of a removable windshield placard. The registrar shall provide the application form and shall determine the information to be included thereon. The registrar also shall determine the form and size of the removable windshield placard, the material of which it is to be made, and any other information to be included thereon, and shall adopt rules relating to the issuance, expiration, revocation, surrender, and proper display of such placards. Any placard issued after October 14, 1999, shall be manufactured in a manner that allows the expiration date of the placard to be indicated on it through the punching, drilling, boring, or creation by any other means of holes in the placard.

(2) At the time a removable windshield placard is issued to a person with a disability that limits or impairs the ability to walk, the registrar or deputy registrar shall enter into the records of the bureau of motor vehicles the last date on which the person will have that disability, as indicated on the accompanying prescription. Not less than thirty days prior to that date and all removable windshield placard renewal dates, the bureau shall send a renewal notice to that person at the person's last known address as shown in the records of the bureau, informing the person that the person's removable windshield placard will expire on the indicated date not to exceed five years from the date of issuance, and that the person is required to renew the placard by submitting to the registrar or a deputy registrar another prescription, as described in division (B) of this section, and by complying with the renewal provisions prescribed in division (D)(1) of this section. If such a prescription is not received by the registrar or a deputy registrar by that date, the placard issued to that person expires and no longer is valid, and this fact shall be recorded in the records of the bureau.

(3) At least once every year, on a date determined by the registrar, the bureau shall examine the records of the office of vital statistics, located within the department of health, that pertain to deceased persons, and also the bureau's records of all persons who have been issued removable windshield placards and temporary removable windshield placards. If the records of the office of vital statistics indicate that a person to whom a removable windshield placard or temporary removable windshield placard has been issued is deceased, the bureau shall cancel that placard, and note the cancellation in its records.

The office of vital statistics shall make available to the bureau all information necessary to enable the bureau to comply with division (D)(3) of this section.

(4) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(E)(1)(a) Any person with a disability that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for six consecutive months or less. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the applicant's ability to walk, which cannot exceed six months from the date of the prescription. Upon receipt of an application for a temporary removable

windshield placard, presentation of the prescription from the 63529
applicant's health care provider, and payment of a service fee 63530
equal to the amount specified in division (D) or (G) of section 63531
4503.10 of the Revised Code, the registrar or deputy registrar 63532
shall issue to the applicant a temporary removable windshield 63533
placard. 63534

(b) Any active-duty member of the armed forces of the United 63535
States, including the reserve components of the armed forces and 63536
the national guard, who has an illness or injury that limits or 63537
impairs the ability to walk may apply to the registrar or a deputy 63538
registrar for a temporary removable windshield placard. With the 63539
application, the person shall present evidence of the person's 63540
active-duty status and the illness or injury. Evidence of the 63541
illness or injury may include a current department of defense 63542
convalescent leave statement, any department of defense document 63543
indicating that the person currently has an ill or injured 63544
casualty status or has limited duties, or a prescription from any 63545
health care provider prescribing the placard for the applicant. 63546
Upon receipt of the application and the necessary evidence, the 63547
registrar or deputy registrar shall issue the applicant the 63548
temporary removable windshield placard without the payment of any 63549
service fee. 63550

(2) The temporary removable windshield placard shall be of 63551
the same size and form as the removable windshield placard, shall 63552
be printed in white on a red-colored background, and shall bear 63553
the word "temporary" in letters of such size as the registrar 63554
shall prescribe. A temporary removable windshield placard also 63555
shall bear the date of expiration on the front and back of the 63556
placard, and shall be valid until expired, surrendered, or 63557
revoked, but in no case shall such a placard be valid for a period 63558
of less than sixty days. The registrar shall provide the 63559
application form and shall determine the information to be 63560

included on it, provided that the registrar shall not require a 63561
health care provider's prescription or certification for a person 63562
applying under division (E)(1)(b) of this section. The registrar 63563
also shall determine the material of which the temporary removable 63564
windshield placard is to be made and any other information to be 63565
included on the placard and shall adopt rules relating to the 63566
issuance, expiration, surrender, revocation, and proper display of 63567
those placards. Any temporary removable windshield placard issued 63568
after October 14, 1999, shall be manufactured in a manner that 63569
allows for the expiration date of the placard to be indicated on 63570
it through the punching, drilling, boring, or creation by any 63571
other means of holes in the placard. 63572

(F) If an applicant for a removable windshield placard is a 63573
veteran of the armed forces of the United States whose disability, 63574
as defined in division (A)(1) of this section, is 63575
service-connected, the registrar or deputy registrar, upon receipt 63576
of the application, presentation of a signed statement from the 63577
applicant's health care provider certifying the applicant's 63578
disability, and presentation of such documentary evidence from the 63579
department of veterans affairs that the disability of the 63580
applicant meets at least one of the criteria identified in 63581
division (A)(1) of this section and is service-connected as the 63582
registrar may require by rule, but without the payment of any 63583
service fee, shall issue the applicant a removable windshield 63584
placard that is valid until expired, surrendered, or revoked. 63585

(G) Upon a conviction of a violation of division (I), (J), or 63586
(K) of this section, the court shall report the conviction, and 63587
send the placard or parking card, if available, to the registrar, 63588
who thereupon shall revoke the privilege of using the placard or 63589
parking card and send notice in writing to the placardholder or 63590
cardholder at that holder's last known address as shown in the 63591
records of the bureau, and the placardholder or cardholder shall 63592

return the placard or card if not previously surrendered to the 63593
court, to the registrar within ten days following mailing of the 63594
notice. 63595

Whenever a person to whom a removable windshield placard or 63596
parking card has been issued moves to another state, the person 63597
shall surrender the placard or card to the registrar; and whenever 63598
an organization to which a placard or card has been issued changes 63599
its place of operation to another state, the organization shall 63600
surrender the placard or card to the registrar. 63601

(H) Subject to division (F) of section 4511.69 of the Revised 63602
Code, the operator of a motor vehicle displaying a removable 63603
windshield placard, temporary removable windshield placard, 63604
parking card, or the special license plates authorized by this 63605
section is entitled to park the motor vehicle in any special 63606
parking location reserved for persons with disabilities that limit 63607
or impair the ability to walk, also known as handicapped parking 63608
spaces or disability parking spaces. 63609

(I) No person or organization that is not eligible under 63610
division (B) or (E) of this section shall willfully and falsely 63611
represent that the person or organization is so eligible. 63612

No person or organization shall display license plates issued 63613
under this section unless the license plates have been issued for 63614
the vehicle on which they are displayed and are valid. 63615

(J) No person or organization to which a removable windshield 63616
placard or temporary removable windshield placard is issued shall 63617
do either of the following: 63618

(1) Display or permit the display of the placard on any motor 63619
vehicle when having reasonable cause to believe the motor vehicle 63620
is being used in connection with an activity that does not include 63621
providing transportation for persons with disabilities that limit 63622
or impair the ability to walk; 63623

- (2) Refuse to return or surrender the placard, when required. 63624
- (K)(1) No person or organization to which a parking card is issued shall do either of the following: 63625
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- (a) Display or permit the display of the parking card on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for a handicapped person; 63627
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- (b) Refuse to return or surrender the parking card, when required. 63631
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- (2) As used in division (K) of this section: 63633
- (a) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition. 63634
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- (b) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports handicapped persons on a regular basis in a motor vehicle that has not been altered for the purposes of providing it with special equipment for use by handicapped persons. 63640
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- (L) If a removable windshield placard, temporary removable windshield placard, or parking card is lost, destroyed, or mutilated, the placardholder or cardholder may obtain a duplicate by doing both of the following: 63646
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- (1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar; 63650
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- (2) Paying a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code. 63652
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Any placardholder or cardholder who loses a placard or card 63654
and, after obtaining a duplicate, finds the original, immediately 63655
shall surrender the original placard or card to the registrar. 63656

(M) The registrar shall pay all fees received under this 63657
section for the issuance of removable windshield placards or 63658
temporary removable windshield placards or duplicate removable 63659
windshield placards or cards into the state treasury to the credit 63660
of the state bureau of motor vehicles fund created in section 63661
4501.25 of the Revised Code. 63662

(N) In addition to the fees collected under this section, the 63663
registrar or deputy registrar shall ask each person applying for a 63664
removable windshield placard or temporary removable windshield 63665
placard or duplicate removable windshield placard or license plate 63666
issued under this section, whether the person wishes to make a 63667
two-dollar voluntary contribution to support rehabilitation 63668
employment services. The registrar shall transmit the 63669
contributions received under this division to the treasurer of 63670
state for deposit into the rehabilitation employment fund, which 63671
is hereby created in the state treasury. A deputy registrar shall 63672
transmit the contributions received under this division to the 63673
registrar in the time and manner prescribed by the registrar. The 63674
contributions in the fund shall be used by the rehabilitation 63675
services commission to purchase services related to vocational 63676
evaluation, work adjustment, personal adjustment, job placement, 63677
job coaching, and community-based assessment from accredited 63678
community rehabilitation program facilities. 63679

(O) For purposes of enforcing this section, every peace 63680
officer is deemed to be an agent of the registrar. Any peace 63681
officer or any authorized employee of the bureau of motor vehicles 63682
who, in the performance of duties authorized by law, becomes aware 63683
of a person whose placard or parking card has been revoked 63684
pursuant to this section, may confiscate that placard or parking 63685

card and return it to the registrar. The registrar shall prescribe 63686
any forms used by law enforcement agencies in administering this 63687
section. 63688

No peace officer, law enforcement agency employing a peace 63689
officer, or political subdivision or governmental agency employing 63690
a peace officer, and no employee of the bureau is liable in a 63691
civil action for damages or loss to persons arising out of the 63692
performance of any duty required or authorized by this section. As 63693
used in this division, "peace officer" has the same meaning as in 63694
division (B) of section 2935.01 of the Revised Code. 63695

~~(O)~~(P) All applications for registration of motor vehicles, 63696
removable windshield placards, and temporary removable windshield 63697
placards issued under this section, all renewal notices for such 63698
items, and all other publications issued by the bureau that relate 63699
to this section shall set forth the criminal penalties that may be 63700
imposed upon a person who violates any provision relating to 63701
special license plates issued under this section, the parking of 63702
vehicles displaying such license plates, and the issuance, 63703
procurement, use, and display of removable windshield placards and 63704
temporary removable windshield placards issued under this section. 63705

~~(P)~~(O) Whoever violates this section is guilty of a 63706
misdemeanor of the fourth degree. 63707

Sec. 4503.548. (A) Any person who has been awarded the combat 63708
infantryman badge may apply to the registrar of motor vehicles for 63709
the registration of any passenger car, noncommercial motor 63710
vehicle, recreational vehicle, or other vehicle of a class 63711
approved by the registrar that the person owns or leases. The 63712
application shall be accompanied by such documentary evidence in 63713
support of the award as the registrar may require. The application 63714
may be combined with a request for a special reserved license 63715
plate under section 4503.40 or 4503.42 of the Revised Code. 63716

Upon receipt of an application for registration of a motor vehicle under this section and the required taxes and fees, and upon presentation of the required supporting evidence of the award of the combat infantryman badge, the registrar shall issue to the applicant the appropriate motor vehicle registration and a set of license plates and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code. 63717
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In addition to the letters and numbers ordinarily inscribed on license plates, the license plates shall be inscribed with the words "combat infantryman badge" and bear a reproduction of the combat infantryman badge. The license plates shall bear county identification stickers that identify the county of registration by name or number. 63724
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The license plates and a validation sticker or, when applicable, a validation sticker alone shall be issued upon payment of the regular license tax required by section 4503.04 of the Revised Code, payment of any local motor vehicle license tax levied under Chapter 4504. of the Revised Code, payment of any applicable additional fee prescribed by section 4503.40 or 4503.42 of the Revised Code, and compliance with all other applicable laws relating to the registration of motor vehicles. 63730
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(B) No person who is not a recipient of the combat infantryman badge shall willfully and falsely represent that the person is a recipient of the combat infantryman badge for the purpose of obtaining license plates under this section. No person shall own a motor vehicle bearing license plates issued under this section unless the person is eligible to be issued those license plates. 63738
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(C) Sections 4503.77 and 4503.78 of the Revised Code do not apply to license plates issued under this section. 63745
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Sec. 4503.563. (A) The owner or lessee of any passenger car, 63747

noncommercial motor vehicle, recreational vehicle, or other 63748
vehicle of a class approved by the registrar of motor vehicles may 63749
apply to the registrar for the registration of the vehicle and 63750
issuance of Ohio nature preserves license plates. The application 63751
for Ohio nature preserves license plates may be combined with a 63752
request for a special reserved license plate under section 4503.40 63753
or 4503.42 of the Revised Code. Upon receipt of the completed 63754
application and compliance with division (B) of this section, the 63755
registrar shall issue to the applicant the appropriate vehicle 63756
registration and a set of Ohio nature preserves license plates 63757
with a validation sticker or a validation sticker alone when 63758
required by section 4503.191 of the Revised Code. 63759

In addition to the letters and numbers ordinarily inscribed 63760
thereon, Ohio nature preserves license plates shall be inscribed 63761
with identifying words or markings designed by the department of 63762
natural resources and approved by the registrar. Ohio nature 63763
preserves license plates shall bear county identification stickers 63764
that identify the county of registration by name or number. 63765

(B) The Ohio nature preserves license plates and validation 63766
sticker shall be issued upon receipt of a contribution as provided 63767
in division (C) of this section and upon payment of the regular 63768
license fees as prescribed under section 4503.04 of the Revised 63769
Code, a bureau of motor vehicles administrative fee of ten 63770
dollars, any applicable motor vehicle tax levied under Chapter 63771
4504. of the Revised Code, and compliance with all other 63772
applicable laws relating to the registration of motor vehicles. If 63773
the application for Ohio nature preserves license plates is 63774
combined with a request for a special reserved license plate under 63775
section 4503.40 or 4503.42 of the Revised Code, the license plates 63776
and validation sticker shall be issued upon payment of the 63777
contribution, fees, and taxes contained in this division and the 63778
additional fee prescribed under section 4503.40 or 4503.42 of the 63779

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(C) For each application for registration and registration renewal submitted under this section, the registrar shall collect a contribution in an amount not to exceed forty dollars as determined by the department. The registrar shall transmit this contribution to the treasurer of state for deposit in the Ohio nature preserves fund created in section 4501.243 of the Revised Code. 63781
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The registrar shall deposit the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for additional services required in issuing Ohio nature preserves license plates, in the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code. 63788
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Sec. 4505.01. (A) As used in this chapter: 63793

(1) "Lien" includes, unless the context requires a different meaning, a security interest in a motor vehicle. 63794
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(2) "Motor vehicle" includes manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds. 63796
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(3) "Manufactured home" has the same meaning as section 3781.06 of the Revised Code. 63799
63800

(4) "Mobile home" has the same meaning as in section 4501.01 of the Revised Code. 63801
63802

(5) "Manufactured housing dealer," "manufactured housing broker," and "manufactured housing salesperson" have the same meanings as in section 4781.01 of the Revised Code. 63803
63804
63805

(6) "Motor vehicle dealer" includes manufactured housing dealers. 63806
63807

(7) "Motor vehicle salesperson" includes manufactured housing 63808

salespersons. 63809

(B) The various certificates, applications, and assignments 63810
necessary to provide certificates of title for manufactured homes, 63811
mobile homes, recreational vehicles, and trailers and semitrailers 63812
whose weight exceeds four thousand pounds, shall be made upon 63813
forms prescribed by the registrar of motor vehicles. 63814

Sec. 4505.06. (A)(1) Application for a certificate of title 63815
shall be made in a form prescribed by the registrar of motor 63816
vehicles and shall be sworn to before a notary public or other 63817
officer empowered to administer oaths. The application shall be 63818
filed with the clerk of any court of common pleas. An application 63819
for a certificate of title may be filed electronically by any 63820
electronic means approved by the registrar in any county with the 63821
clerk of the court of common pleas of that county. Any payments 63822
required by this chapter shall be considered as accompanying any 63823
electronically transmitted application when payment actually is 63824
received by the clerk. Payment of any fee or taxes may be made by 63825
electronic transfer of funds. 63826

(2) The application for a certificate of title shall be 63827
accompanied by the fee prescribed in section 4505.09 of the 63828
Revised Code. The fee shall be retained by the clerk who issues 63829
the certificate of title and shall be distributed in accordance 63830
with that section. If a clerk of a court of common pleas, other 63831
than the clerk of the court of common pleas of an applicant's 63832
county of residence, issues a certificate of title to the 63833
applicant, the clerk shall transmit data related to the 63834
transaction to the automated title processing system. 63835

(3) If a certificate of title previously has been issued for 63836
a motor vehicle in this state, the application for a certificate 63837
of title also shall be accompanied by that certificate of title 63838
duly assigned, unless otherwise provided in this chapter. If a 63839

certificate of title previously has not been issued for the motor 63840
vehicle in this state, the application, unless otherwise provided 63841
in this chapter, shall be accompanied by a manufacturer's or 63842
importer's certificate or by a certificate of title of another 63843
state from which the motor vehicle was brought into this state. If 63844
the application refers to a motor vehicle last previously 63845
registered in another state, the application also shall be 63846
accompanied by the physical inspection certificate required by 63847
section 4505.061 of the Revised Code. If the application is made 63848
by two persons regarding a motor vehicle in which they wish to 63849
establish joint ownership with right of survivorship, they may do 63850
so as provided in section 2131.12 of the Revised Code. If the 63851
applicant requests a designation of the motor vehicle in 63852
beneficiary form so that upon the death of the owner of the motor 63853
vehicle, ownership of the motor vehicle will pass to a designated 63854
transfer-on-death beneficiary or beneficiaries, the applicant may 63855
do so as provided in section 2131.13 of the Revised Code. A person 63856
who establishes ownership of a motor vehicle that is transferable 63857
on death in accordance with section 2131.13 of the Revised Code 63858
may terminate that type of ownership or change the designation of 63859
the transfer-on-death beneficiary or beneficiaries by applying for 63860
a certificate of title pursuant to this section. The clerk shall 63861
retain the evidence of title presented by the applicant and on 63862
which the certificate of title is issued, except that, if an 63863
application for a certificate of title is filed electronically by 63864
an electronic motor vehicle dealer on behalf of the purchaser of a 63865
motor vehicle, the clerk shall retain the completed electronic 63866
record to which the dealer converted the certificate of title 63867
application and other required documents. The registrar, after 63868
consultation with the attorney general, shall adopt rules that 63869
govern the location at which, and the manner in which, are stored 63870
the actual application and all other documents relating to the 63871
sale of a motor vehicle when an electronic motor vehicle dealer 63872

files the application for a certificate of title electronically on 63873
behalf of the purchaser. 63874

The clerk shall use reasonable diligence in ascertaining 63875
whether or not the facts in the application for a certificate of 63876
title are true by checking the application and documents 63877
accompanying it or the electronic record to which a dealer 63878
converted the application and accompanying documents with the 63879
records of motor vehicles in the clerk's office. If the clerk is 63880
satisfied that the applicant is the owner of the motor vehicle and 63881
that the application is in the proper form, the clerk, within five 63882
business days after the application is filed and except as 63883
provided in section 4505.021 of the Revised Code, shall issue a 63884
physical certificate of title over the clerk's signature and 63885
sealed with the clerk's seal, unless the applicant specifically 63886
requests the clerk not to issue a physical certificate of title 63887
and instead to issue an electronic certificate of title. For 63888
purposes of the transfer of a certificate of title, if the clerk 63889
is satisfied that the secured party has duly discharged a lien 63890
notation but has not canceled the lien notation with a clerk, the 63891
clerk may cancel the lien notation on the automated title 63892
processing system and notify the clerk of the county of origin. 63893

(4) In the case of the sale of a motor vehicle to a general 63894
buyer or user by a dealer, by a motor vehicle leasing dealer 63895
selling the motor vehicle to the lessee or, in a case in which the 63896
leasing dealer subleased the motor vehicle, the sublessee, at the 63897
end of the lease agreement or sublease agreement, or by a 63898
manufactured ~~home~~ housing broker, the certificate of title shall 63899
be obtained in the name of the buyer by the dealer, leasing 63900
dealer, or manufactured ~~home~~ housing broker, as the case may be, 63901
upon application signed by the buyer. The certificate of title 63902
shall be issued, or the process of entering the certificate of 63903
title application information into the automated title processing 63904

system if a physical certificate of title is not to be issued 63905
shall be completed, within five business days after the 63906
application for title is filed with the clerk. If the buyer of the 63907
motor vehicle previously leased the motor vehicle and is buying 63908
the motor vehicle at the end of the lease pursuant to that lease, 63909
the certificate of title shall be obtained in the name of the 63910
buyer by the motor vehicle leasing dealer who previously leased 63911
the motor vehicle to the buyer or by the motor vehicle leasing 63912
dealer who subleased the motor vehicle to the buyer under a 63913
sublease agreement. 63914

In all other cases, except as provided in section 4505.032 63915
and division (D)(2) of section 4505.11 of the Revised Code, such 63916
certificates shall be obtained by the buyer. 63917

(5)(a)(i) If the certificate of title is being obtained in 63918
the name of the buyer by a motor vehicle dealer or motor vehicle 63919
leasing dealer and there is a security interest to be noted on the 63920
certificate of title, the dealer or leasing dealer shall submit 63921
the application for the certificate of title and payment of the 63922
applicable tax to a clerk within seven business days after the 63923
later of the delivery of the motor vehicle to the buyer or the 63924
date the dealer or leasing dealer obtains the manufacturer's or 63925
importer's certificate, or certificate of title issued in the name 63926
of the dealer or leasing dealer, for the motor vehicle. Submission 63927
of the application for the certificate of title and payment of the 63928
applicable tax within the required seven business days may be 63929
indicated by postmark or receipt by a clerk within that period. 63930

(ii) Upon receipt of the certificate of title with the 63931
security interest noted on its face, the dealer or leasing dealer 63932
shall forward the certificate of title to the secured party at the 63933
location noted in the financing documents or otherwise specified 63934
by the secured party. 63935

(iii) A motor vehicle dealer or motor vehicle leasing dealer 63936

is liable to a secured party for a late fee of ten dollars per day 63937
for each certificate of title application and payment of the 63938
applicable tax that is submitted to a clerk more than seven 63939
business days but less than twenty-one days after the later of the 63940
delivery of the motor vehicle to the buyer or the date the dealer 63941
or leasing dealer obtains the manufacturer's or importer's 63942
certificate, or certificate of title issued in the name of the 63943
dealer or leasing dealer, for the motor vehicle and, from then on, 63944
twenty-five dollars per day until the application and applicable 63945
tax are submitted to a clerk. 63946

(b) In all cases of transfer of a motor vehicle except the 63947
transfer of a manufactured home or mobile home, the application 63948
for certificate of title shall be filed within thirty days after 63949
the assignment or delivery of the motor vehicle. ~~If~~ 63950

(c) An application for a certificate of title for a new 63951
manufactured home shall be filed within thirty days after the 63952
delivery of the new manufactured home to the purchaser. The date 63953
of the delivery shall be the date on which an occupancy permit for 63954
the manufactured home is delivered to the purchaser of the home by 63955
the appropriate legal authority. 63956

(d) An application for a certificate of title for a used 63957
manufactured home or a used mobile home shall be filed as follows: 63958

(i) If a certificate of title for the used manufactured home 63959
or used mobile home was issued to the motor vehicle dealer prior 63960
to the sale of the manufactured or mobile home to the purchaser, 63961
the application for certificate of title shall be filed within 63962
thirty days after the date on which an occupancy permit for the 63963
manufactured or mobile home is delivered to the purchaser by the 63964
appropriate legal authority. 63965

(ii) If the motor vehicle dealer has been designated by a 63966
secured party to display the manufactured or mobile home for sale, 63967

or to sell the manufactured or mobile home under section 4505.20 63968
of the Revised Code, but the certificate of title has not been 63969
transferred by the secured party to the motor vehicle dealer, and 63970
the dealer has complied with the requirements of division (A) of 63971
section 4505.181 of the Revised Code, the application for 63972
certificate of title shall be filed within thirty days after the 63973
date on which the motor vehicle dealer obtains the certificate of 63974
title for the home from the secured party or the date on which an 63975
occupancy permit for the manufactured or mobile home is delivered 63976
to the purchaser by the appropriate legal authority, whichever 63977
occurs later. 63978

(6) If an application for a certificate of title is not filed 63979
within the period specified in division (A)(5)(b), (c), or (d) of 63980
this section, the clerk shall collect a fee of five dollars for 63981
the issuance of the certificate, except that no such fee shall be 63982
required from a motor vehicle salvage dealer, as defined in 63983
division (A) of section 4738.01 of the Revised Code, who 63984
immediately surrenders the certificate of title for cancellation. 63985
The fee shall be in addition to all other fees established by this 63986
chapter, and shall be retained by the clerk. The registrar shall 63987
provide, on the certificate of title form prescribed by section 63988
4505.07 of the Revised Code, language necessary to give evidence 63989
of the date on which the assignment or delivery of the motor 63990
vehicle was made. 63991

~~(6)~~(7) As used in division (A) of this section, "lease 63992
agreement," "lessee," and "sublease agreement" have the same 63993
meanings as in section 4505.04 of the Revised Code and "new 63994
manufactured home," "used manufactured home," and "used mobile 63995
home" have the same meanings as in section 5739.0210 of the 63996
Revised Code. 63997

(B)(1) The clerk, except as provided in this section, shall 63998
refuse to accept for filing any application for a certificate of 63999

title and shall refuse to issue a certificate of title unless the 64000
dealer ~~or manufactured home broker~~ or the applicant, in cases in 64001
which the certificate shall be obtained by the buyer, submits with 64002
the application payment of the tax levied by or pursuant to 64003
Chapters 5739. and 5741. of the Revised Code based on the 64004
purchaser's county of residence. Upon payment of the tax in 64005
accordance with division (E) of this section, the clerk shall 64006
issue a receipt prescribed by the registrar and agreed upon by the 64007
tax commissioner showing payment of the tax or a receipt issued by 64008
the commissioner showing the payment of the tax. When submitting 64009
payment of the tax to the clerk, a dealer shall retain any 64010
discount to which the dealer is entitled under section 5739.12 of 64011
the Revised Code. 64012

(2) For receiving and disbursing such taxes paid to the clerk 64013
by a resident of the clerk's county, the clerk may retain a 64014
poundage fee of one and one one-hundredth per cent, and the clerk 64015
shall pay the poundage fee into the certificate of title 64016
administration fund created by section 325.33 of the Revised Code. 64017
The clerk shall not retain a poundage fee from payments of taxes 64018
by persons who do not reside in the clerk's county. 64019

A clerk, however, may retain from the taxes paid to the clerk 64020
an amount equal to the poundage fees associated with certificates 64021
of title issued by other clerks of courts of common pleas to 64022
applicants who reside in the first clerk's county. The registrar, 64023
in consultation with the tax commissioner and the clerks of the 64024
courts of common pleas, shall develop a report from the automated 64025
title processing system that informs each clerk of the amount of 64026
the poundage fees that the clerk is permitted to retain from those 64027
taxes because of certificates of title issued by the clerks of 64028
other counties to applicants who reside in the first clerk's 64029
county. 64030

(3) In the case of casual sales of motor vehicles, as defined 64031

in section 4517.01 of the Revised Code, the price for the purpose 64032
of determining the tax shall be the purchase price on the assigned 64033
certificate of title executed by the seller and filed with the 64034
clerk by the buyer on a form to be prescribed by the registrar, 64035
which shall be prima-facie evidence of the amount for the 64036
determination of the tax. 64037

(4) Each county clerk shall forward to the treasurer of state 64038
all sales and use tax collections resulting from sales of motor 64039
vehicles, off-highway motorcycles, and all-purpose vehicles during 64040
a calendar week on or before the Friday following the close of 64041
that week. If, on any Friday, the offices of the clerk of courts 64042
or the state are not open for business, the tax shall be forwarded 64043
to the treasurer of state on or before the next day on which the 64044
offices are open. Every remittance of tax under division (B)(4) of 64045
this section shall be accompanied by a remittance report in such 64046
form as the tax commissioner prescribes. Upon receipt of a tax 64047
remittance and remittance report, the treasurer of state shall 64048
date stamp the report and forward it to the tax commissioner. If 64049
the tax due for any week is not remitted by a clerk of courts as 64050
required under division (B)(4) of this section, the commissioner 64051
may require the clerk to forfeit the poundage fees for the sales 64052
made during that week. The treasurer of state may require the 64053
clerks of courts to transmit tax collections and remittance 64054
reports electronically. 64055

(C)(1) If the transferor indicates on the certificate of 64056
title that the odometer reflects mileage in excess of the designed 64057
mechanical limit of the odometer, the clerk shall enter the phrase 64058
"exceeds mechanical limits" following the mileage designation. If 64059
the transferor indicates on the certificate of title that the 64060
odometer reading is not the actual mileage, the clerk shall enter 64061
the phrase "nonactual: warning - odometer discrepancy" following 64062
the mileage designation. The clerk shall use reasonable care in 64063

transferring the information supplied by the transferor, but is 64064
not liable for any errors or omissions of the clerk or those of 64065
the clerk's deputies in the performance of the clerk's duties 64066
created by this chapter. 64067

The registrar shall prescribe an affidavit in which the 64068
transferor shall swear to the true selling price and, except as 64069
provided in this division, the true odometer reading of the motor 64070
vehicle. The registrar may prescribe an affidavit in which the 64071
seller and buyer provide information pertaining to the odometer 64072
reading of the motor vehicle in addition to that required by this 64073
section, as such information may be required by the United States 64074
secretary of transportation by rule prescribed under authority of 64075
subchapter IV of the "Motor Vehicle Information and Cost Savings 64076
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 64077

(2) Division (C)(1) of this section does not require the 64078
giving of information concerning the odometer and odometer reading 64079
of a motor vehicle when ownership of a motor vehicle is being 64080
transferred as a result of a bequest, under the laws of intestate 64081
succession, to a survivor pursuant to section 2106.18, 2131.12, or 64082
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 64083
beneficiaries pursuant to section 2131.13 of the Revised Code, in 64084
connection with the creation of a security interest or for a 64085
vehicle with a gross vehicle weight rating of more than sixteen 64086
thousand pounds. 64087

(D) When the transfer to the applicant was made in some other 64088
state or in interstate commerce, the clerk, except as provided in 64089
this section, shall refuse to issue any certificate of title 64090
unless the tax imposed by or pursuant to Chapter 5741. of the 64091
Revised Code based on the purchaser's county of residence has been 64092
paid as evidenced by a receipt issued by the tax commissioner, or 64093
unless the applicant submits with the application payment of the 64094
tax. Upon payment of the tax in accordance with division (E) of 64095

this section, the clerk shall issue a receipt prescribed by the 64096
registrar and agreed upon by the tax commissioner, showing payment 64097
of the tax. 64098

For receiving and disbursing such taxes paid to the clerk by 64099
a resident of the clerk's county, the clerk may retain a poundage 64100
fee of one and one one-hundredth per cent. The clerk shall not 64101
retain a poundage fee from payments of taxes by persons who do not 64102
reside in the clerk's county. 64103

A clerk, however, may retain from the taxes paid to the clerk 64104
an amount equal to the poundage fees associated with certificates 64105
of title issued by other clerks of courts of common pleas to 64106
applicants who reside in the first clerk's county. The registrar, 64107
in consultation with the tax commissioner and the clerks of the 64108
courts of common pleas, shall develop a report from the automated 64109
title processing system that informs each clerk of the amount of 64110
the poundage fees that the clerk is permitted to retain from those 64111
taxes because of certificates of title issued by the clerks of 64112
other counties to applicants who reside in the first clerk's 64113
county. 64114

When the vendor is not regularly engaged in the business of 64115
selling motor vehicles, the vendor shall not be required to 64116
purchase a vendor's license or make reports concerning those 64117
sales. 64118

(E) The clerk shall accept any payment of a tax in cash, or 64119
by cashier's check, certified check, draft, money order, or teller 64120
check issued by any insured financial institution payable to the 64121
clerk and submitted with an application for a certificate of title 64122
under division (B) or (D) of this section. The clerk also may 64123
accept payment of the tax by corporate, business, or personal 64124
check, credit card, electronic transfer or wire transfer, debit 64125
card, or any other accepted form of payment made payable to the 64126
clerk. The clerk may require bonds, guarantees, or letters of 64127

credit to ensure the collection of corporate, business, or 64128
personal checks. Any service fee charged by a third party to a 64129
clerk for the use of any form of payment may be paid by the clerk 64130
from the certificate of title administration fund created in 64131
section 325.33 of the Revised Code, or may be assessed by the 64132
clerk upon the applicant as an additional fee. Upon collection, 64133
the additional fees shall be paid by the clerk into that 64134
certificate of title administration fund. 64135

The clerk shall make a good faith effort to collect any 64136
payment of taxes due but not made because the payment was returned 64137
or dishonored, but the clerk is not personally liable for the 64138
payment of uncollected taxes or uncollected fees. The clerk shall 64139
notify the tax commissioner of any such payment of taxes that is 64140
due but not made and shall furnish the information to the 64141
commissioner that the commissioner requires. The clerk shall 64142
deduct the amount of taxes due but not paid from the clerk's 64143
periodic remittance of tax payments, in accordance with procedures 64144
agreed upon by the tax commissioner. The commissioner may collect 64145
taxes due by assessment in the manner provided in section 5739.13 64146
of the Revised Code. 64147

Any person who presents payment that is returned or 64148
dishonored for any reason is liable to the clerk for payment of a 64149
penalty over and above the amount of the taxes due. The clerk 64150
shall determine the amount of the penalty, and the penalty shall 64151
be no greater than that amount necessary to compensate the clerk 64152
for banking charges, legal fees, or other expenses incurred by the 64153
clerk in collecting the returned or dishonored payment. The 64154
remedies and procedures provided in this section are in addition 64155
to any other available civil or criminal remedies. Subsequently 64156
collected penalties, poundage fees, and title fees, less any title 64157
fee due the state, from returned or dishonored payments collected 64158
by the clerk shall be paid into the certificate of title 64159

administration fund. Subsequently collected taxes, less poundage 64160
fees, shall be sent by the clerk to the treasurer of state at the 64161
next scheduled periodic remittance of tax payments, with 64162
information as the commissioner may require. The clerk may abate 64163
all or any part of any penalty assessed under this division. 64164

(F) In the following cases, the clerk shall accept for filing 64165
an application and shall issue a certificate of title without 64166
requiring payment or evidence of payment of the tax: 64167

(1) When the purchaser is this state or any of its political 64168
subdivisions, a church, or an organization whose purchases are 64169
exempted by section 5739.02 of the Revised Code; 64170

(2) When the transaction in this state is not a retail sale 64171
as defined by section 5739.01 of the Revised Code; 64172

(3) When the purchase is outside this state or in interstate 64173
commerce and the purpose of the purchaser is not to use, store, or 64174
consume within the meaning of section 5741.01 of the Revised Code; 64175

(4) When the purchaser is the federal government; 64176

(5) When the motor vehicle was purchased outside this state 64177
for use outside this state; 64178

(6) When the motor vehicle is purchased by a nonresident 64179
under the circumstances described in division (B)(1) of section 64180
5739.029 of the Revised Code, and upon presentation of a copy of 64181
the affidavit provided by that section, and a copy of the 64182
exemption certificate provided by section 5739.03 of the Revised 64183
Code. 64184

(G) An application, as prescribed by the registrar and agreed 64185
to by the tax commissioner, shall be filled out and sworn to by 64186
the buyer of a motor vehicle in a casual sale. The application 64187
shall contain the following notice in bold lettering: "WARNING TO 64188
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 64189

law to state the true selling price. A false statement is in 64190
violation of section 2921.13 of the Revised Code and is punishable 64191
by six months' imprisonment or a fine of up to one thousand 64192
dollars, or both. All transfers are audited by the department of 64193
taxation. The seller and buyer must provide any information 64194
requested by the department of taxation. The buyer may be assessed 64195
any additional tax found to be due." 64196

(H) For sales of manufactured homes or mobile homes occurring 64197
on or after January 1, 2000, the clerk shall accept for filing, 64198
pursuant to Chapter 5739. of the Revised Code, an application for 64199
a certificate of title for a manufactured home or mobile home 64200
without requiring payment of any tax pursuant to section 5739.02, 64201
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 64202
issued by the tax commissioner showing payment of the tax. For 64203
sales of manufactured homes or mobile homes occurring on or after 64204
January 1, 2000, the applicant shall pay to the clerk an 64205
additional fee of five dollars for each certificate of title 64206
issued by the clerk for a manufactured or mobile home pursuant to 64207
division (H) of section 4505.11 of the Revised Code and for each 64208
certificate of title issued upon transfer of ownership of the 64209
home. The clerk shall credit the fee to the county certificate of 64210
title administration fund, and the fee shall be used to pay the 64211
expenses of archiving those certificates pursuant to division (A) 64212
of section 4505.08 and division (H)(3) of section 4505.11 of the 64213
Revised Code. The tax commissioner shall administer any tax on a 64214
manufactured or mobile home pursuant to Chapters 5739. and 5741. 64215
of the Revised Code. 64216

(I) Every clerk shall have the capability to transact by 64217
electronic means all procedures and transactions relating to the 64218
issuance of motor vehicle certificates of title that are described 64219
in the Revised Code as being accomplished by electronic means. 64220

Sec. 4505.062. Notwithstanding any general requirement in 64221
this chapter to the effect that an application for a certificate 64222
of title to a motor vehicle shall be "sworn to" or shall be "sworn 64223
to before a notary public or other officer empowered to administer 64224
oaths," that requirement shall apply only in the case of a 64225
transfer of a motor vehicle between parties in the course of a 64226
casual sale, as defined in ~~section~~ sections 4517.01 and 4781.01 of 64227
the Revised Code. 64228

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 64229
shall charge and retain fees as follows: 64230

(a) Five dollars for each certificate of title that is not 64231
applied for within thirty days after the later of the assignment 64232
or delivery of the motor vehicle described in it. The entire fee 64233
shall be retained by the clerk. 64234

(b) Fifteen dollars for each certificate of title or 64235
duplicate certificate of title including the issuance of a 64236
memorandum certificate of title, or authorization to print a 64237
non-negotiable evidence of ownership described in division (G) of 64238
section 4505.08 of the Revised Code, non-negotiable evidence of 64239
ownership printed by the clerk under division (H) of that section, 64240
and notation of any lien on a certificate of title that is applied 64241
for at the same time as the certificate of title. The clerk shall 64242
retain eleven dollars and fifty cents of that fee for each 64243
certificate of title when there is a notation of a lien or 64244
security interest on the certificate of title, twelve dollars and 64245
twenty-five cents when there is no lien or security interest noted 64246
on the certificate of title, and eleven dollars and fifty cents 64247
for each duplicate certificate of title. 64248

(c) Five dollars for each certificate of title with no 64249
security interest noted that is issued to a licensed motor vehicle 64250

dealer for resale purposes. The clerk shall retain two dollars and 64251
twenty-five cents of that fee. 64252

(d) Five dollars for each memorandum certificate of title or 64253
non-negotiable evidence of ownership that is applied for 64254
separately. The clerk shall retain that entire fee. 64255

(2) The fees that are not retained by the clerk shall be paid 64256
to the registrar of motor vehicles by monthly returns, which shall 64257
be forwarded to the registrar not later than the fifth day of the 64258
month next succeeding that in which the certificate is issued or 64259
that in which the registrar is notified of a lien or cancellation 64260
of a lien. 64261

(B)(1) The registrar shall pay twenty-five cents of the 64262
amount received for each certificate of title issued to a motor 64263
vehicle dealer for resale ~~and~~, one dollar for ~~all other~~ 64264
certificates of title issued with a lien or security interest 64265
noted on the certificate of title, and twenty-five cents for each 64266
certificate of title with no lien or security interest noted on 64267
the certificate of title into the state bureau of motor vehicles 64268
fund established in section 4501.25 of the Revised Code. 64269

(2) Fifty cents of the amount received for each certificate 64270
of title shall be paid by the registrar as follows: 64271

(a) Four cents shall be paid into the state treasury to the 64272
credit of the motor vehicle dealers board fund, which is hereby 64273
created. All investment earnings of the fund shall be credited to 64274
the fund. The moneys in the motor vehicle dealers board fund shall 64275
be used by the motor vehicle dealers board created under section 64276
4517.30 of the Revised Code, together with other moneys 64277
appropriated to it, in the exercise of its powers and the 64278
performance of its duties under Chapter 4517. of the Revised Code, 64279
except that the director of budget and management may transfer 64280
excess money from the motor vehicle dealers board fund to the 64281

bureau of motor vehicles fund if the registrar determines that the amount of money in the motor vehicle dealers board fund, together with other moneys appropriated to the board, exceeds the amount required for the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code and requests the director to make the transfer.

(b) Twenty-one cents shall be paid into the highway operating fund.

(c) Twenty-five cents shall be paid into the state treasury to the credit of the motor vehicle sales audit fund, which is hereby created. The moneys in the fund shall be used by the tax commissioner together with other funds available to the commissioner to conduct a continuing investigation of sales and use tax returns filed for motor vehicles in order to determine if sales and use tax liability has been satisfied. The commissioner shall refer cases of apparent violations of section 2921.13 of the Revised Code made in connection with the titling or sale of a motor vehicle and cases of any other apparent violations of the sales or use tax law to the appropriate county prosecutor whenever the commissioner considers it advisable.

(3) Two dollars of the amount received by the registrar for each certificate of title shall be paid into the state treasury to the credit of the automated title processing fund, which is hereby created and which shall consist of moneys collected under division (B)(3) of this section and under sections 1548.10 and 4519.59 of the Revised Code. All investment earnings of the fund shall be credited to the fund. The moneys in the fund shall be used as follows:

(a) Except for moneys collected under section 1548.10 of the Revised Code and as provided in division (B)(3)(c) of this section, moneys collected under division (B)(3) of this section shall be used to implement and maintain an automated title

processing system for the issuance of motor vehicle, off-highway 64314
motorcycle, and all-purpose vehicle certificates of title in the 64315
offices of the clerks of the courts of common pleas. 64316

(b) Moneys collected under section 1548.10 of the Revised 64317
Code shall be used to issue marine certificates of title in the 64318
offices of the clerks of the courts of common pleas as provided in 64319
Chapter 1548. of the Revised Code. 64320

(c) Moneys collected under division (B)(3) of this section 64321
shall be used in accordance with section 4505.25 of the Revised 64322
Code to implement Sub. S.B. 59 of the 124th general assembly. 64323

(C)(1) The automated title processing board is hereby created 64324
consisting of the registrar or the registrar's representative, a 64325
person selected by the registrar, the president of the Ohio clerks 64326
of court association or the president's representative, and two 64327
clerks of courts of common pleas appointed by the governor. The 64328
director of budget and management or the director's designee, the 64329
chief of the division of watercraft in the department of natural 64330
resources or the chief's designee, and the tax commissioner or the 64331
commissioner's designee shall be nonvoting members of the board. 64332
The purpose of the board is to facilitate the operation and 64333
maintenance of an automated title processing system and approve 64334
the procurement of automated title processing system equipment. 64335
Voting members of the board, excluding the registrar or the 64336
registrar's representative, shall serve without compensation, but 64337
shall be reimbursed for travel and other necessary expenses 64338
incurred in the conduct of their official duties. The registrar or 64339
the registrar's representative shall receive neither compensation 64340
nor reimbursement as a board member. 64341

(2) The automated title processing board shall determine each 64343
of the following: 64344

(a) The automated title processing equipment and certificates of title requirements for each county; 64345
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(b) The payment of expenses that may be incurred by the counties in implementing an automated title processing system; 64347
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(c) The repayment to the counties for existing title processing equipment. 64349
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(3) The registrar shall purchase, lease, or otherwise acquire any automated title processing equipment and certificates of title that the board determines are necessary from moneys in the automated title processing fund established by division (B)(3) of this section. 64351
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(D) All counties shall conform to the requirements of the registrar regarding the operation of their automated title processing system for motor vehicle titles, certificates of title for off-highway motorcycles and all-purpose vehicles, and certificates of title for watercraft and outboard motors. 64356
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Sec. 4505.111. (A) Every motor vehicle, other than a manufactured home, a mobile home, or a motor vehicle as provided in divisions (C), (D), and (E) of section 4505.11 of the Revised Code, that is assembled from component parts by a person other than the manufacturer, shall be inspected by the state highway patrol prior to issuance of title to the motor vehicle. The inspection shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle, and any items of equipment the director of public safety considers advisable and requires to be inspected by rule. A fee of forty dollars in fiscal year 1998 and fifty dollars in fiscal year 1999 and thereafter shall be assessed by the state highway patrol for each inspection made pursuant to this section, and shall be deposited in the state highway safety fund established by section 4501.06 of the Revised Code. 64361
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(B) Whoever violates this section shall be fined not more than two thousand dollars, imprisoned not more than one year, or both.

Sec. 4505.181. (A) Notwithstanding divisions (A)(2), (5), and (6) of section 4505.18 of the Revised Code, a motor vehicle dealer or person acting on behalf of a motor vehicle dealer may display, offer for sale, or sell a used motor vehicle and a manufactured housing dealer or person acting on behalf of a manufactured housing dealer may display, offer for sale, or sell a used manufactured home or used mobile home without having first obtained a certificate of title for the vehicle in the name of the dealer as required by this chapter if the dealer or person acting on behalf of the dealer complies with divisions (A)(1)(a) and (2) of this section, or divisions (A)(1)(b) and (2) of this section, as follows:

(1)(a) If the dealer has been licensed as a motor vehicle dealer or manufactured housing dealer for less than the three-year period prior to the date on which the dealer or person acting on behalf of the dealer displays, offers for sale, or sells the used motor vehicle for which the dealer has not obtained a certificate of title in the name of the dealer, or if the attorney general has paid a retail purchaser of the dealer under division (C) of this section within three years prior to such date, the dealer posts with the attorney general's office in favor of this state a bond of a surety company authorized to do business in this state, in an amount of not less than twenty-five thousand dollars, to be used solely for the purpose of compensating retail purchasers of motor vehicles, manufactured homes, or mobile homes who suffer damages due to failure of the dealer or person acting on behalf of the dealer to comply with this section. The dealer's surety shall notify the registrar and attorney general when a bond of a motor vehicle dealer is canceled and shall notify the manufactured homes

commission and the attorney general when a bond of a manufactured housing dealer is canceled. Such notification of cancellation shall include the effective date of and reason for cancellation.

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(b) If the dealer has been licensed as a motor vehicle dealer or manufactured housing dealer for longer than the three-year period prior to the date on which the dealer or person acting on behalf of the dealer displays, offers for sale, or sells the used motor vehicle, used manufactured home, or used mobile home for which the dealer has not obtained a certificate of title in the name of the dealer and the attorney general has not paid a retail purchaser of the dealer under division (C) of this section within three years prior to such date, the dealer pays one hundred fifty dollars to the attorney general for deposit into the title defect recision fund created by section 1345.52 of the Revised Code.

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(2) The dealer or person acting on behalf of the dealer possesses a bill of sale for each motor vehicle, used manufactured home, and used mobile home proposed to be displayed, offered for sale, or sold under this section and a properly executed power of attorney or other related documents from the prior owner of the motor vehicle, manufactured home, or mobile home giving the dealer or person acting on behalf of the dealer authority to have a certificate of title to the motor vehicle, manufactured home, or mobile home issued in the name of the dealer, and retains copies of all such documents in the dealer's or person's files until such time as a certificate of title in the dealer's name is issued for each such motor vehicle, manufactured home, or mobile home by the clerk of the court of common pleas. Such documents shall be available for inspection by the bureau of motor vehicles and the manufactured homes commission during normal business hours.

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(B) If a retail purchaser purchases a motor vehicle, used manufactured home, or used mobile home for which the dealer,

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pursuant to and in accordance with division (A) of this section, 64440
does not have a certificate of title issued in the name of the 64441
dealer at the time of the sale, the retail purchaser has an 64442
unconditional right to rescind the transaction and the dealer has 64443
an obligation to refund to the retail purchaser the full purchase 64444
price of the vehicle, if one of the following applies: 64445

(1) The dealer fails, on or before the fortieth day following 64446
the date of the sale, to obtain a title in the name of the retail 64447
purchaser. 64448

(2) The title for the vehicle indicates that it is a rebuilt 64449
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 64450
was not disclosed to the retail purchaser in writing prior to the 64451
execution of the purchase agreement. 64452

(3) The title for the vehicle indicates that the dealer has 64453
made an inaccurate odometer disclosure to the retail purchaser. 64454

(4) The motor vehicle is a used manufactured home or used 64455
mobile home, as defined by section 5739.021 of the Revised Code, 64456
that has been repossessed under Chapter 1309. or 1317. of the 64457
Revised Code, but a certificate of title for the repossessed home 64458
has not yet been transferred by the repossessing party to the 64459
dealer on the date the retail purchaser purchases the used 64460
manufactured home or used mobile home from the dealer, and the 64461
dealer fails to obtain a certificate of title on or before the 64462
fortieth day after the dealer obtains the certificate of title for 64463
the home from the repossessing party or the date on which an 64464
occupancy permit for the home is delivered to the purchaser by the 64465
appropriate legal authority, whichever occurs later. 64466

If any of the circumstances described in divisions (B)(1) to 64467
~~(3)~~(4) of this section applies, a retail purchaser or the retail 64468
purchaser's representative shall notify the dealer and afford the 64469
dealer the opportunity to comply with the dealer's obligation to 64470

refund the full purchase price of the motor vehicle. Nothing in 64471
this division shall be construed as prohibiting the dealer and the 64472
retail purchaser or their representatives from negotiating a 64473
compromise resolution that is satisfactory to both parties. 64474

(C) If a retail purchaser notifies a dealer of one or more of 64475
the circumstances listed in division (B) of this section and the 64476
dealer fails to refund to the retail purchaser the full purchase 64477
price of the vehicle or reach a satisfactory compromise with the 64478
retail purchaser within three business days of presentation of the 64479
retail purchaser's recision claim, the retail purchaser may apply 64480
to the attorney general for payment from the fund of the full 64481
purchase price to the retail purchaser. 64482

(D) Upon application by a retail purchaser for payment from 64483
the fund, if the attorney general is satisfied that one or more of 64484
the circumstances contained in divisions (B)(1) to ~~(3)~~(4) of this 64485
section exist, the attorney general shall cause the full purchase 64486
price of the vehicle, manufactured home, or mobile home to be paid 64487
to the retail purchaser from the fund after delivery of the 64488
vehicle, manufactured home, or mobile home to the attorney 64489
general. The attorney general may sell or otherwise dispose of any 64490
vehicle, manufactured home, or mobile home that is delivered to 64491
the attorney general under this section, and may collect the 64492
proceeds of any bond posted under division (A) of this section by 64493
a dealer who has failed to comply with division (C) of this 64494
section. The proceeds from all such sales and collections shall be 64495
deposited into the title defect recision fund for use as specified 64496
in section 1345.52 of the Revised Code. 64497

(E) Failure by a dealer to comply with division (A) or (B) of 64498
this section constitutes a deceptive act or practice in connection 64499
with a consumer transaction, and is a violation of section 1345.02 64500
of the Revised Code. 64501

(F) The remedy provided in this section to retail purchasers 64502

is in addition to any remedies otherwise available to the retail purchaser for the same conduct of the dealer or person acting on behalf of the dealer under federal law or the laws of this state or a political subdivision of this state.

(G) All motor vehicle dealers licensed under Chapter 4517. of the Revised Code and manufactured housing dealers licensed under Chapter 4781. of the Revised Code shall pay to the attorney general for deposit into the title defect recision fund the amount described in division (A)(1)(b) of this section beginning with the calendar year during which this section becomes effective and each year subsequent to that year until the balance in the fund is not less than three hundred thousand dollars. All such dealers also shall pay to the attorney general for deposit into the fund that amount during any year and subsequent years during which the balance in the fund is less than three hundred thousand dollars until the balance in the fund reaches three hundred thousand dollars.

If a motor vehicle dealer or manufactured housing dealer fails to comply with this division, the attorney general may bring a civil action in a court of competent jurisdiction to collect the amount the dealer failed to pay to the attorney general for deposit into the fund.

Sec. 4505.20. (A) Notwithstanding division (A)(2) of section 4505.18 of the Revised Code or any other provision of this chapter or Chapter 4517. of the Revised Code, a secured party may designate ~~any~~ a manufactured housing dealer to display, display for sale, or sell a manufactured or mobile home if the home has come into the possession of that secured party by a default in the terms of a security instrument and the certificate of title remains in the name and possession of the secured party.

(B) Notwithstanding division (A)(2) of section 4505.18 of the

Revised Code or any other provision of this chapter or Chapter 64534
4517. of the Revised Code, the owner of a recreational vehicle or 64535
a secured party of a recreational vehicle who has come into 64536
possession of the vehicle by a default in the terms of a security 64537
instrument, may designate ~~any~~ a new motor vehicle dealer to 64538
display, display for sale, or sell the vehicle while the 64539
certificate of title remains in the possession of the owner or 64540
secured party. No new motor vehicle dealer may display or offer 64541
for sale more than five recreational vehicles at any time under 64542
this division. No new motor vehicle dealer may display or offer 64543
for sale a recreational vehicle under this division unless the new 64544
motor vehicle dealer maintains insurance or the bond of a surety 64545
company authorized to transact business within this state in an 64546
amount sufficient to satisfy the fair market value of the vehicle. 64547

(C) ~~The registrar of motor vehicles may adopt rules in~~ 64548
~~accordance with Chapter 119. of the Revised Code prescribing the~~ 64549
~~maximum number of manufactured or mobile homes that have come into~~ 64550
~~the possession of a secured party by a default in the terms of a~~ 64551
~~security instrument that any dealer may display or offer for sale~~ 64552
~~at any time.~~ The registrar may adopt ~~other~~ reasonable rules 64553
regarding the resale of ~~such manufactured homes, mobile homes, and~~ 64554
recreational vehicles that the registrar considers necessary. 64555

(D) The manufactured housing dealer or new motor vehicle 64556
secured party or owner shall provide the dealer with written 64557
authorization to display, display for sale, or sell the 64558
manufactured home, mobile home, or recreational vehicle. The 64559
manufactured housing dealer or new motor vehicle dealer shall show 64560
and explain the written authorization to any prospective 64561
purchaser. The written authorization shall contain the vehicle 64562
identification number, make, model, year of manufacture, and 64563
physical description of the manufactured home, mobile home, or 64564
recreational vehicle that is provided to the manufactured housing 64565

dealer or new motor vehicle dealer. 64566

~~(E) As used in this section, "dealer" means a new motor
vehicle dealer that is licensed under Chapter 4517. of the Revised
Code.~~ 64567
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~~(F)~~ Whoever violates this section shall be fined not more 64570
than two hundred dollars, imprisoned not more than ninety days, or 64571
both. 64572

Sec. 4507.02. (A)(1) No person shall permit the operation of 64573
a motor vehicle upon any public or private property used by the 64574
public for purposes of vehicular travel or parking knowing the 64575
operator does not have a valid driver's license issued to the 64576
operator by the registrar of motor vehicles under this chapter or 64577
a valid commercial driver's license issued under Chapter 4506. of 64578
the Revised Code. Whoever violates this division is guilty of a an 64579
unclassified misdemeanor ~~of the first degree.~~ The offender may be 64580
fined up to one thousand dollars and pursuant to division (B) of 64581
section 2929.27 of the Revised Code additionally may be ordered to 64582
serve a term of community service of up to five hundred hours. If 64583
the offender previously was convicted of or pleaded guilty to two 64584
or more violations of this section or a substantially equivalent 64585
municipal ordinance within the past three years, the offense is a 64586
misdemeanor of the first degree. 64587

(2) No person shall receive a driver's license, or a 64588
motorcycle operator's endorsement of a driver's or commercial 64589
driver's license, unless and until the person surrenders to the 64590
registrar all valid licenses issued to the person by another 64591
jurisdiction recognized by this state. The registrar shall report 64592
the surrender of a license to the issuing authority, together with 64593
information that a license is now issued in this state. The 64594
registrar shall destroy any such license that is not returned to 64595
the issuing authority. No person shall be permitted to have more 64596

than one valid license at any time. 64597

(B)(1) If a person is convicted of a violation of section 64598
4510.11, 4510.14, 4510.16 when division (B)(3) of that section 64599
applies, or 4510.21 of the Revised Code or if division (F) of 64600
section 4507.164 of the Revised Code applies, the trial judge of 64601
any court, in addition to or independent of any other penalties 64602
provided by law or ordinance, shall impound the identification 64603
license plates of any motor vehicle registered in the name of the 64604
person. If a person is convicted of a violation of section 4510.16 64605
of the Revised Code and division (B)(2) of that section applies, 64606
the trial judge of any court, in addition to or independent of any 64607
other penalties provided by law or ordinance, may impound the 64608
identification license plates of any motor vehicle registered in 64609
the name of the person. The court shall send the impounded license 64610
plates to the registrar, who may retain the license plates until 64611
the driver's or commercial driver's license of the owner has been 64612
reinstated or destroy them pursuant to section 4503.232 of the 64613
Revised Code. 64614

If the license plates of a person convicted of a violation of 64615
any provision of those sections have been impounded in accordance 64616
with the provisions of this division, the court shall notify the 64617
registrar of that action. The notice shall contain the name and 64618
address of the driver, the serial number of the driver's driver's 64619
or commercial driver's license, the serial numbers of the license 64620
plates of the motor vehicle, and the length of time for which the 64621
license plates have been impounded. The registrar shall record the 64622
data in the notice as part of the driver's permanent record. 64623

(2) Any motor vehicle owner who has had the license plates of 64624
a motor vehicle impounded pursuant to division (B)(1) of this 64625
section may apply to the registrar, or to a deputy registrar, for 64626
restricted license plates that shall conform to the requirements 64627
of section 4503.231 of the Revised Code. The registrar or deputy 64628

registrar forthwith shall notify the court of the application and, 64629
upon approval of the court, shall issue restricted license plates 64630
to the applicant. Until the driver's or commercial driver's 64631
license of the owner is reinstated, any new license plates issued 64632
to the owner also shall conform to the requirements of section 64633
4503.231 of the Revised Code. 64634

The registrar or deputy registrar shall charge the owner of a 64635
vehicle the fees provided in section 4503.19 of the Revised Code 64636
for restricted license plates that are issued in accordance with 64637
this division, except upon renewal as specified in section 4503.10 64638
of the Revised Code, when the regular fee as provided in section 64639
4503.04 of the Revised Code shall be charged. The registrar or 64640
deputy registrar shall charge the owner of a vehicle the fees 64641
provided in section 4503.19 of the Revised Code whenever 64642
restricted license plates are exchanged, by reason of the 64643
reinstatement of the driver's or commercial driver's license of 64644
the owner, for those ordinarily issued. 64645

(3) If an owner wishes to sell a motor vehicle during the 64646
time the restricted license plates provided under division (B)(2) 64647
of this section are in use, the owner may apply to the court that 64648
impounded the license plates of the motor vehicle for permission 64649
to transfer title to the motor vehicle. If the court is satisfied 64650
that the sale will be made in good faith and not for the purpose 64651
of circumventing the provisions of this section, it may certify 64652
its consent to the owner and to the registrar of motor vehicles 64653
who shall enter notice of the transfer of the title of the motor 64654
vehicle in the vehicle registration record. 64655

If, during the time the restricted license plates provided 64656
under division (B)(2) of this section are in use, the title to a 64657
motor vehicle is transferred by the foreclosure of a chattel 64658
mortgage, a sale upon execution, the cancellation of a conditional 64659
sales contract, or by order of a court, the court shall notify the 64660

registrar of the action and the registrar shall enter notice of 64661
the transfer of the title to the motor vehicle in the vehicle 64662
registration record. 64663

(C) This section is not intended to change or modify any 64664
provision of Chapter 4503. of the Revised Code with respect to the 64665
taxation of motor vehicles or the time within which the taxes on 64666
motor vehicles shall be paid. 64667

Sec. 4507.03. (A)(1) No person shall be required to obtain a 64668
driver's or commercial driver's license for the purpose of 64669
temporarily driving, operating, drawing, moving, or propelling a 64670
road roller or road machinery upon a street or highway. 64671

(2) No person shall be required to obtain a driver's or 64672
commercial driver's license for the purpose of temporarily 64673
driving, operating, drawing, moving, or propelling any 64674
agricultural tractor or implement of husbandry upon a street or 64675
highway at a speed of twenty-five miles per hour or less. 64676

(3) No person shall drive, operate, draw, move, or propel any 64677
agricultural tractor or implement of husbandry upon a street or 64678
highway at a speed greater than twenty-five miles per hour unless 64679
the person has a current, valid driver's or commercial driver's 64680
license. 64681

(4) No person having a valid driver's or commercial driver's 64682
license shall be required to have a motorcycle operator's 64683
endorsement to operate a motorcycle having three wheels with a 64684
motor of not more than fifty cubic centimeters piston 64685
displacement. 64686

(B) Every person on active duty in the armed forces of the 64687
United States, when furnished with a driver's permit and when 64688
operating an official motor vehicle in connection with such duty, 64689
is exempt from the license requirements of Chapters 4506. and 64690

4507. of the Revised Code. 64691

Every person on active duty in the armed forces of the United 64692
States or in service with the peace corps, volunteers in service 64693
to America, or the foreign service of the United States is exempt 64694
from the license requirements of those chapters for the period of 64695
the person's active duty or service and for six months thereafter, 64696
provided the person was a licensee under those chapters at the 64697
time the person commenced ~~his~~ the person's active duty or service. 64698
The spouse or a dependent of any such person on active duty or in 64699
service also is exempt from the license requirements of those 64700
chapters for the period of the person's active duty or service and 64701
for six months thereafter, provided the spouse or dependent was a 64702
licensee under those chapters at the time the person commenced the 64703
active duty or service, and provided further that the person's 64704
active duty or service causes the spouse or dependent to relocate 64705
outside of this state during the period of the active duty or 64706
service. 64707

This section does not prevent such a person or ~~his~~ the 64708
person's spouse or dependent from making an application, as 64709
provided in division (C) of section 4507.10 of the Revised Code, 64710
for the renewal of a driver's license or motorcycle operator's 64711
endorsement or as provided in section 4506.14 of the Revised Code 64712
for the renewal of a commercial driver's license during the period 64713
of the person's active duty or service. 64714

(C) Whoever violates division (A)(3) of this section is 64715
guilty of a misdemeanor of the first degree. 64716

Sec. 4507.23. (A) Except as provided in division (J) of this 64717
section, each application for a temporary instruction permit and 64718
examination shall be accompanied by a fee of five dollars. 64719

(B) Except as provided in division (J) of this section, each 64720
application for a driver's license made by a person who previously 64721

held such a license and whose license has expired not more than 64722
two years prior to the date of application, and who is required 64723
under this chapter to give an actual demonstration of the person's 64724
ability to drive, shall be accompanied by a fee of three dollars 64725
in addition to any other fees. 64726

(C)(1) Except as provided in divisions (E) and (J) of this 64727
section, each application for a driver's license, or motorcycle 64728
operator's endorsement, or renewal of a driver's license shall be 64729
accompanied by a fee of six dollars. 64730

(2) Except as provided in division ~~(I)~~(J) of this section, 64731
each application for a duplicate driver's license shall be 64732
accompanied by a fee of seven dollars and fifty cents. The 64733
duplicate driver's licenses issued under this section shall be 64734
distributed by the deputy registrar in accordance with rules 64735
adopted by the registrar of motor vehicles. 64736

(D) Except as provided in division (J) of this section, each 64737
application for a motorized bicycle license or duplicate thereof 64738
shall be accompanied by a fee of two dollars and fifty cents. 64739

(E) Except as provided in division (J) of this section, each 64740
application for a driver's license or renewal of a driver's 64741
license that will be issued to a person who is less than 64742
twenty-one years of age shall be accompanied by whichever of the 64743
following fees is applicable: 64744

(1) If the person is sixteen years of age or older, but less 64745
than seventeen years of age, a fee of seven dollars and 64746
twenty-five cents; 64747

(2) If the person is seventeen years of age or older, but 64748
less than eighteen years of age, a fee of six dollars; 64749

(3) If the person is eighteen years of age or older, but less 64750
than nineteen years of age, a fee of four dollars and seventy-five 64751
cents; 64752

(4) If the person is nineteen years of age or older, but less than twenty years of age, a fee of three dollars and fifty cents; 64753
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(5) If the person is twenty years of age or older, but less than twenty-one years of age, a fee of two dollars and twenty-five cents. 64755
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(F) Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for laminating a driver's license, motorized bicycle license, or temporary instruction permit identification cards as required by sections 4507.13 and 4511.521 of the Revised Code. A deputy registrar laminating a driver's license, motorized bicycle license, or temporary instruction permit identification cards shall retain the entire amount of the fee charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section. 64758
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(G) Except as provided in division (J) of this section and except for the renewal of a driver's license, commencing on October 1, 2003, each transaction described in divisions (A), (B), (C), (D), and (E) of this section shall be accompanied by an additional fee of twelve dollars. A transaction involving the renewal of a driver's license with an expiration date on or after that date shall be accompanied by an additional fee of twelve dollars. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio. 64772
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(H) Except as provided in division (J) of this section, commencing on October 1, 2009, if an application for a driver's 64783
64784

license or motorcycle operator's endorsement made by a person who 64785
previously held such a license is not applied for within the 64786
period specified in section 4507.09 of the Revised Code or within 64787
seven days after the period so specified, the registrar or deputy 64788
registrar shall collect a fee of twenty dollars for the issuance 64789
of the driver's license or motorcycle endorsement, but may waive 64790
the fee for good cause shown if the application is accompanied by 64791
supporting evidence as the registrar may require. The fee shall be 64792
in addition to all other fees established by this section. A 64793
deputy registrar collecting this twenty dollar fee shall retain 64794
fifty cents and send the remaining fee to the registrar as 64795
specified in division (I) of this section. 64796

(I) At the time and in the manner provided by section 4503.10 64797
of the Revised Code, the deputy registrar shall transmit the fees 64798
collected under divisions (A), (B), (C), (D), and (E), those 64799
portions of the fees specified in and collected under division 64800
(F), and the additional fee under divisions (G) and (H) of this 64801
section to the registrar. The registrar shall pay two dollars and 64802
fifty cents of each fee collected under divisions (A), (B), (C)(1) 64803
and (2), (D), and (E)(1) to (4) of this section, and the entire 64804
fee collected under division (E)(5) of this section, into the 64805
state highway safety fund established in section 4501.06 of the 64806
Revised Code, and such fees shall be used for the sole purpose of 64807
supporting driver licensing activities. The registrar also shall 64808
pay five dollars of each fee collected under division (C)(2) of 64809
this section and the entire fee collected under divisions (G) and 64810
(H) of this section into the state highway safety fund created in 64811
section 4501.06 of the Revised Code. The remaining fees collected 64812
by the registrar under this section shall be paid into the state 64813
bureau of motor vehicles fund established in section 4501.25 of 64814
the Revised Code. 64815

(J) A disabled veteran who has a service-connected disability 64816

rated at one hundred per cent by the veterans' administration may 64817
apply to the registrar or a deputy registrar for the issuance to 64818
that veteran, without the payment of any fee prescribed in this 64819
section, of any of the following items: 64820

(1) A temporary instruction permit and examination; 64821

(2) A new, renewal, or duplicate driver's or commercial 64822
driver's license; 64823

(3) A motorcycle operator's endorsement; 64824

(4) A motorized bicycle license or duplicate thereof; 64825

(5) The fee established in division (H) of this section; 64826

(6) Lamination of a driver's license, motorized bicycle 64827
license, or temporary instruction permit identification card as 64828
provided in division (F) of this section, if the circumstances 64829
specified in division (J)(6) of this section are met. 64830

A disabled veteran whose driver's license, motorized bicycle 64831
license, or temporary instruction permit identification card is 64832
laminated by the registrar or deputy registrar is not required to 64833
pay the registrar any lamination fee. 64834

An application made under division (J) of this section shall 64835
be accompanied by such documentary evidence of disability as the 64836
registrar may require by rule. 64837

Sec. 4507.24. (A) Except as provided in division (C) of this 64838
section, the registrar of motor vehicles or a deputy registrar may 64839
collect a fee not to exceed the following: 64840

(1) Four dollars and fifty cents commencing on January 1, 64841
2004, and six dollars and twenty-five cents commencing on October 64842
1, 2009, for each application for renewal of a driver's license 64843
received by the deputy registrar, when the applicant is required 64844
to submit to a screening of the applicant's vision under section 64845

4507.12 of the Revised Code; 64846

(2) Three dollars and fifty cents commencing on January 1, 64847
2004, for each application for a driver's license, or motorized 64848
bicycle license, or for renewal of such a license, received by the 64849
deputy registrar, when the applicant is not required to submit to 64850
a screening of the applicant's vision under section 4507.12 of the 64851
Revised Code. 64852

(B) The fees prescribed by division (A) of this section shall 64853
be in addition to the fee for a temporary instruction permit and 64854
examination, a driver's license, a motorized bicycle license, or 64855
duplicates thereof. The fees retained by a deputy registrar shall 64856
compensate the deputy registrar for the deputy registrar's 64857
services, for office and rental expense, and for costs as provided 64858
in division (D) of this section, as are necessary for the proper 64859
discharge of the deputy registrar's duties under sections 4507.01 64860
to 4507.39 of the Revised Code. 64861

(C) A disabled veteran who has a service-connected disability 64862
rated at one hundred per cent by the veterans' administration is 64863
required to pay the applicable fee prescribed in division (A) of 64864
this section if the disabled veteran submits an application for a 64865
driver's license or motorized bicycle license or a renewal of 64866
either of these licenses to a deputy registrar who is acting as a 64867
deputy registrar pursuant to a contract with the registrar that is 64868
in effect on the effective date of this amendment. The disabled 64869
veteran also is required to submit with the disabled veteran's 64870
application such documentary evidence of disability as the 64871
registrar may require by rule. 64872

A disabled veteran who submits an application described in 64873
this division is not required to pay either of the fees prescribed 64874
in division (A) of this section if the disabled veteran submits 64875
the application to a deputy registrar who is acting as a deputy 64876
registrar pursuant to a contract with the registrar that is 64877

executed after the effective date of this amendment. The disabled 64878
veteran still is required to submit with the disabled veteran's 64879
application such documentary evidence of disability as the 64880
registrar may require by rule. 64881

A disabled veteran who submits an application described in 64882
this division directly to the registrar is not required to pay 64883
either of the fees prescribed in division (A) of this section if 64884
the disabled veteran submits with the disabled veteran's 64885
application such documentary evidence of disability as the 64886
registrar may require by rule. 64887

(D)(1) Each deputy registrar shall transmit to the registrar 64888
of motor vehicles, at such time and in such manner as the 64889
registrar shall require by rule, an amount of each fee collected 64890
under division (A)(1) of this section as shall be determined by 64891
the registrar. The registrar shall pay all such moneys so received 64892
into the state bureau of motor vehicles fund created in section 64893
4501.25 of the Revised Code. 64894

(2) Commencing on October 1, 2009, each deputy registrar 64895
shall transmit one dollar and seventy-five cents of each fee 64896
collected under division (A)(1) of this section to the registrar 64897
at the time and in the manner provided by section 4503.10 of the 64898
Revised Code. The registrar shall deposit all moneys received 64899
under division (D)(2) of this section into the state highway 64900
safety fund established in section 4501.06 of the Revised Code. 64901

Sec. 4507.45. If a person's driver's license, commercial 64902
driver's license, or nonresident operating privilege is suspended, 64903
disqualified, or canceled for an indefinite period of time or for 64904
a period of at least ninety days, and if at the end of the period 64905
of suspension, disqualification, or cancellation the person is 64906
eligible to have the license or privilege reinstated, the 64907
registrar of motor vehicles shall collect a reinstatement fee of 64908

~~thirty~~ forty dollars when the person requests reinstatement. 64909
However, the registrar shall not collect the fee prescribed by 64910
this section if a different driver's license, commercial driver's 64911
license, or nonresident operating privilege reinstatement fee is 64912
prescribed by law. 64913

The registrar shall deposit ten dollars of each forty-dollar 64914
fee into the state treasury to the credit of the indigent defense 64915
support fund created by section 120.08 of the Revised Code and 64916
thirty dollars of each fee into the state treasury to the credit 64917
of the state bureau of motor vehicles fund created by section 64918
4501.25 of the Revised Code. 64919

Sec. 4509.101. (A)(1) No person shall operate, or permit the 64920
operation of, a motor vehicle in this state, unless proof of 64921
financial responsibility is maintained continuously throughout the 64922
registration period with respect to that vehicle, or, in the case 64923
of a driver who is not the owner, with respect to that driver's 64924
operation of that vehicle. 64925

(2) Whoever violates division (A)(1) of this section shall be 64926
subject to the following civil penalties: 64927

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 64928
class E suspension of the person's driver's license, commercial 64929
driver's license, temporary instruction permit, probationary 64930
license, or nonresident operating privilege for the period of time 64931
specified in division (B)(5) of section 4510.02 of the Revised 64932
Code and impoundment of the person's license. The court may grant 64933
limited driving privileges to the person only if the person 64934
presents proof of financial responsibility and has complied with 64935
division (A)(5) of this section. 64936

(b) If, within five years of the violation, the person's 64937
operating privileges are again suspended and the person's license 64938

again is impounded for a violation of division (A)(1) of this 64939
section, a class C suspension of the person's driver's license, 64940
commercial driver's license, temporary instruction permit, 64941
probationary license, or nonresident operating privilege for the 64942
period of time specified in division (B)(3) of section 4510.02 of 64943
the Revised Code. The court may grant limited driving privileges 64944
to the person only if the person presents proof of financial 64945
responsibility and has complied with division (A)(5) of this 64946
section, and no court may grant limited driving privileges for the 64947
first fifteen days of the suspension. 64948

(c) If, within five years of the violation, the person's 64949
operating privileges are suspended and the person's license is 64950
impounded two or more times for a violation of division (A)(1) of 64951
this section, a class B suspension of the person's driver's 64952
license, commercial driver's license, temporary instruction 64953
permit, probationary license, or nonresident operating privilege 64954
for the period of time specified in division (B)(2) of section 64955
4510.02 of the Revised Code. No court may grant limited driving 64956
privileges during the suspension. 64957

(d) In addition to the suspension of an owner's license under 64958
division (A)(2)(a), (b), or (c) of this section, the suspension of 64959
the rights of the owner to register the motor vehicle and the 64960
impoundment of the owner's certificate of registration and license 64961
plates until the owner complies with division (A)(5) of this 64962
section. 64963

(3) A person to whom this state has issued a certificate of 64964
registration for a motor vehicle or a license to operate a motor 64965
vehicle or who is determined to have operated any motor vehicle or 64966
permitted the operation in this state of a motor vehicle owned by 64967
the person shall be required to verify the existence of proof of 64968
financial responsibility covering the operation of the motor 64969
vehicle or the person's operation of the motor vehicle under any 64970

of the following circumstances: 64971

(a) The person or a motor vehicle owned by the person is 64972
involved in a traffic accident that requires the filing of an 64973
accident report under section 4509.06 of the Revised Code. 64974

(b) The person receives a traffic ticket indicating that 64975
proof of the maintenance of financial responsibility was not 64976
produced upon the request of a peace officer or state highway 64977
patrol trooper made in accordance with division (D)(2) of this 64978
section. 64979

(c) Whenever, in accordance with rules adopted by the 64980
registrar, the person is randomly selected by the registrar and 64981
requested to provide such verification. 64982

(4) An order of the registrar that suspends and impounds a 64983
license or registration, or both, shall state the date on or 64984
before which the person is required to surrender the person's 64985
license or certificate of registration and license plates. The 64986
person is deemed to have surrendered the license or certificate of 64987
registration and license plates, in compliance with the order, if 64988
the person does either of the following: 64989

(a) On or before the date specified in the order, personally 64990
delivers the license or certificate of registration and license 64991
plates, or causes the delivery of the items, to the registrar; 64992

(b) Mails the license or certificate of registration and 64993
license plates to the registrar in an envelope or container 64994
bearing a postmark showing a date no later than the date specified 64995
in the order. 64996

(5) Except as provided in division (A)(6) or (L) of this 64997
section, the registrar shall not restore any operating privileges 64998
or registration rights suspended under this section, return any 64999
license, certificate of registration, or license plates impounded 65000
under this section, or reissue license plates under section 65001

4503.232 of the Revised Code, if the registrar destroyed the 65002
impounded license plates under that section, or reissue a license 65003
under section 4510.52 of the Revised Code, if the registrar 65004
destroyed the suspended license under that section, unless the 65005
rights are not subject to suspension or revocation under any other 65006
law and unless the person, in addition to complying with all other 65007
conditions required by law for reinstatement of the operating 65008
privileges or registration rights, complies with all of the 65009
following: 65010

(a) Pays a financial responsibility reinstatement fee of 65011
~~seventy five~~ one hundred dollars for the first violation of 65012
division (A)(1) of this section, ~~two~~ three hundred ~~fifty~~ dollars 65013
for a second violation of that division, and ~~five~~ six hundred 65014
dollars for a third or subsequent violation of that division; 65015

(b) If the person has not voluntarily surrendered the 65016
license, certificate, or license plates in compliance with the 65017
order, pays a financial responsibility nonvoluntary compliance fee 65018
in an amount, not to exceed fifty dollars, determined by the 65019
registrar; 65020

(c) Files and continuously maintains proof of financial 65021
responsibility under sections 4509.44 to 4509.65 of the Revised 65022
Code. 65023

(6) If the registrar issues an order under division (A)(2) of 65024
this section resulting from the failure of a person to respond to 65025
a financial responsibility random verification request under 65026
division (A)(3)(c) of this section and the person successfully 65027
maintains an affirmative defense to a violation of section 4510.16 65028
of the Revised Code or is determined by the registrar or a deputy 65029
registrar to have been in compliance with division (A)(1) of this 65030
section at the time of the initial financial responsibility random 65031
verification request, the registrar shall do both of the 65032
following: 65033

(a) Terminate the order of suspension or impoundment; 65034

(b) Restore the operating privileges and registration rights 65035
of the person without payment of the fees established in divisions 65036
(A)(5)(a) and (b) of this section and without a requirement to 65037
file proof of financial responsibility. 65038

(B)(1) Every party required to file an accident report under 65039
section 4509.06 of the Revised Code also shall include with the 65040
report a document described in division (G)(1) of this section. 65041

If the registrar determines, within forty-five days after the 65042
report is filed, that an operator or owner has violated division 65043
(A)(1) of this section, the registrar shall do all of the 65044
following: 65045

(a) Order the impoundment, with respect to the motor vehicle 65046
involved, required under division (A)(2)(d) of this section, of 65047
the certificate of registration and license plates of any owner 65048
who has violated division (A)(1) of this section; 65049

(b) Order the suspension required under division (A)(2)(a), 65050
(b), or (c) of this section of the license of any operator or 65051
owner who has violated division (A)(1) of this section; 65052

(c) Record the name and address of the person whose 65053
certificate of registration and license plates have been impounded 65054
or are under an order of impoundment, or whose license has been 65055
suspended or is under an order of suspension; the serial number of 65056
the person's license; the serial numbers of the person's 65057
certificate of registration and license plates; and the person's 65058
social security account number, if assigned, or, where the motor 65059
vehicle is used for hire or principally in connection with any 65060
established business, the person's federal taxpayer identification 65061
number. The information shall be recorded in such a manner that it 65062
becomes a part of the person's permanent record, and assists the 65063
registrar in monitoring compliance with the orders of suspension 65064

or impoundment. 65065

(d) Send written notification to every person to whom the 65066
order pertains, at the person's last known address as shown on the 65067
records of the bureau. The person, within ten days after the date 65068
of the mailing of the notification, shall surrender to the 65069
registrar, in a manner set forth in division (A)(4) of this 65070
section, any certificate of registration and registration plates 65071
under an order of impoundment, or any license under an order of 65072
suspension. 65073

(2) The registrar shall issue any order under division (B)(1) 65074
of this section without a hearing. Any person adversely affected 65075
by the order, within ten days after the issuance of the order, may 65076
request an administrative hearing before the registrar, who shall 65077
provide the person with an opportunity for a hearing in accordance 65078
with this paragraph. A request for a hearing does not operate as a 65079
suspension of the order. The scope of the hearing shall be limited 65080
to whether the person in fact demonstrated to the registrar proof 65081
of financial responsibility in accordance with this section. The 65082
registrar shall determine the date, time, and place of any 65083
hearing, provided that the hearing shall be held, and an order 65084
issued or findings made, within thirty days after the registrar 65085
receives a request for a hearing. If requested by the person in 65086
writing, the registrar may designate as the place of hearing the 65087
county seat of the county in which the person resides or a place 65088
within fifty miles of the person's residence. The person shall pay 65089
the cost of the hearing before the registrar, if the registrar's 65090
order of suspension or impoundment is upheld. 65091

(C) Any order of suspension or impoundment issued under this 65092
section or division (B) of section 4509.37 of the Revised Code may 65093
be terminated at any time if the registrar determines upon a 65094
showing of proof of financial responsibility that the operator or 65095
owner of the motor vehicle was in compliance with division (A)(1) 65096

of this section at the time of the traffic offense, motor vehicle 65097
inspection, or accident that resulted in the order against the 65098
person. A determination may be made without a hearing. This 65099
division does not apply unless the person shows good cause for the 65100
person's failure to present satisfactory proof of financial 65101
responsibility to the registrar prior to the issuance of the 65102
order. 65103

(D)(1) For the purpose of enforcing this section, every peace 65104
officer is deemed an agent of the registrar. 65105

(a) Except as provided in division (D)(1)(b) of this section, 65106
any peace officer who, in the performance of the peace officer's 65107
duties as authorized by law, becomes aware of a person whose 65108
license is under an order of suspension, or whose certificate of 65109
registration and license plates are under an order of impoundment, 65110
pursuant to this section, may confiscate the license, certificate 65111
of registration, and license plates, and return them to the 65112
registrar. 65113

(b) Any peace officer who, in the performance of the peace 65114
officer's duties as authorized by law, becomes aware of a person 65115
whose license is under an order of suspension, or whose 65116
certificate of registration and license plates are under an order 65117
of impoundment resulting from failure to respond to a financial 65118
responsibility random verification, shall not, for that reason, 65119
arrest the owner or operator or seize the vehicle or license 65120
plates. Instead, the peace officer shall issue a citation for a 65121
violation of section 4510.16 of the Revised Code specifying the 65122
circumstances as failure to respond to a financial responsibility 65123
random verification. 65124

(2) A peace officer shall request the owner or operator of a 65125
motor vehicle to produce proof of financial responsibility in a 65126
manner described in division (G) of this section at the time the 65127
peace officer acts to enforce the traffic laws of this state and 65128

during motor vehicle inspections conducted pursuant to section 65129
4513.02 of the Revised Code. 65130

(3) A peace officer shall indicate on every traffic ticket 65131
whether the person receiving the traffic ticket produced proof of 65132
the maintenance of financial responsibility in response to the 65133
officer's request under division (D)(2) of this section. The peace 65134
officer shall inform every person who receives a traffic ticket 65135
and who has failed to produce proof of the maintenance of 65136
financial responsibility that the person must submit proof to the 65137
traffic violations bureau with any payment of a fine and costs for 65138
the ticketed violation or, if the person is to appear in court for 65139
the violation, the person must submit proof to the court. 65140

(4)(a) If a person who has failed to produce proof of the 65141
maintenance of financial responsibility appears in court for a 65142
ticketed violation, the court may permit the defendant to present 65143
evidence of proof of financial responsibility to the court at such 65144
time and in such manner as the court determines to be necessary or 65145
appropriate. In a manner prescribed by the registrar, the clerk of 65146
courts shall provide the registrar with the identity of any person 65147
who fails to submit proof of the maintenance of financial 65148
responsibility pursuant to division (D)(3) of this section. 65149

(b) If a person who has failed to produce proof of the 65150
maintenance of financial responsibility also fails to submit that 65151
proof to the traffic violations bureau with payment of a fine and 65152
costs for the ticketed violation, the traffic violations bureau, 65153
in a manner prescribed by the registrar, shall notify the 65154
registrar of the identity of that person. 65155

(5)(a) Upon receiving notice from a clerk of courts or 65156
traffic violations bureau pursuant to division (D)(4) of this 65157
section, the registrar shall order the suspension of the license 65158
of the person required under division (A)(2)(a), (b), or (c) of 65159
this section and the impoundment of the person's certificate of 65160

registration and license plates required under division (A)(2)(d) 65161
of this section, effective thirty days after the date of the 65162
mailing of notification. The registrar also shall notify the 65163
person that the person must present the registrar with proof of 65164
financial responsibility in accordance with this section, 65165
surrender to the registrar the person's certificate of 65166
registration, license plates, and license, or submit a statement 65167
subject to section 2921.13 of the Revised Code that the person did 65168
not operate or permit the operation of the motor vehicle at the 65169
time of the offense. Notification shall be in writing and shall be 65170
sent to the person at the person's last known address as shown on 65171
the records of the bureau of motor vehicles. The person, within 65172
fifteen days after the date of the mailing of notification, shall 65173
present proof of financial responsibility, surrender the 65174
certificate of registration, license plates, and license to the 65175
registrar in a manner set forth in division (A)(4) of this 65176
section, or submit the statement required under this section 65177
together with other information the person considers appropriate. 65178

If the registrar does not receive proof or the person does 65179
not surrender the certificate of registration, license plates, and 65180
license, in accordance with this division, the registrar shall 65181
permit the order for the suspension of the license of the person 65182
and the impoundment of the person's certificate of registration 65183
and license plates to take effect. 65184

(b) In the case of a person who presents, within the 65185
fifteen-day period, documents to show proof of financial 65186
responsibility, the registrar shall terminate the order of 65187
suspension and the impoundment of the registration and license 65188
plates required under division (A)(2)(d) of this section and shall 65189
send written notification to the person, at the person's last 65190
known address as shown on the records of the bureau. 65191

(c) Any person adversely affected by the order of the 65192

registrar under division (D)(5)(a) or (b) of this section, within 65193
ten days after the issuance of the order, may request an 65194
administrative hearing before the registrar, who shall provide the 65195
person with an opportunity for a hearing in accordance with this 65196
paragraph. A request for a hearing does not operate as a 65197
suspension of the order. The scope of the hearing shall be limited 65198
to whether, at the time of the hearing, the person presents proof 65199
of financial responsibility covering the vehicle and whether the 65200
person is eligible for an exemption in accordance with this 65201
section or any rule adopted under it. The registrar shall 65202
determine the date, time, and place of any hearing; provided, that 65203
the hearing shall be held, and an order issued or findings made, 65204
within thirty days after the registrar receives a request for a 65205
hearing. If requested by the person in writing, the registrar may 65206
designate as the place of hearing the county seat of the county in 65207
which the person resides or a place within fifty miles of the 65208
person's residence. Such person shall pay the cost of the hearing 65209
before the registrar, if the registrar's order of suspension or 65210
impoundment under division (D)(5)(a) or (b) of this section is 65211
upheld. 65212

(6) A peace officer may charge an owner or operator of a 65213
motor vehicle with a violation of section 4510.16 of the Revised 65214
Code when the owner or operator fails to show proof of the 65215
maintenance of financial responsibility pursuant to a peace 65216
officer's request under division (D)(2) of this section, if a 65217
check of the owner or operator's driving record indicates that the 65218
owner or operator, at the time of the operation of the motor 65219
vehicle, is required to file and maintain proof of financial 65220
responsibility under section 4509.45 of the Revised Code for a 65221
previous violation of this chapter. 65222

(7) Any forms used by law enforcement agencies in 65223
administering this section shall be prescribed, supplied, and paid 65224

for by the registrar. 65225

(8) No peace officer, law enforcement agency employing a 65226
peace officer, or political subdivision or governmental agency 65227
that employs a peace officer shall be liable in a civil action for 65228
damages or loss to persons arising out of the performance of any 65229
duty required or authorized by this section. 65230

(9) As used in this division and divisions (E) and (G) of 65231
this section, "peace officer" has the meaning set forth in section 65232
2935.01 of the Revised Code. 65233

(E) All fees, except court costs and those portions of the 65234
financial responsibility reinstatement fees as otherwise specified 65235
in this division, collected under this section shall be paid into 65236
the state treasury to the credit of the financial responsibility 65237
compliance fund. The financial responsibility compliance fund 65238
shall be used exclusively to cover costs incurred by the bureau in 65239
the administration of this section and sections 4503.20, 4507.212, 65240
and 4509.81 of the Revised Code, and by any law enforcement agency 65241
employing any peace officer who returns any license, certificate 65242
of registration, and license plates to the registrar pursuant to 65243
division (C) of this section, except that the director of budget 65244
and management may transfer excess money from the financial 65245
responsibility compliance fund to the state bureau of motor 65246
vehicles fund if the registrar determines that the amount of money 65247
in the financial responsibility compliance fund exceeds the amount 65248
required to cover such costs incurred by the bureau or a law 65249
enforcement agency and requests the director to make the transfer. 65250

Of each financial responsibility reinstatement fee the 65251
registrar collects pursuant to division (A)(5)(a) of this section, 65252
the registrar shall deposit twenty-five dollars of each 65253
one-hundred-dollar reinstatement fee, fifty dollars of each 65254
three-hundred-dollar reinstatement fee, and one hundred dollars of 65255
each six-hundred-dollar reinstatement fee into the state treasury 65256

to the credit of the indigent defense support fund created by 65257
section 120.08 of the Revised Code. 65258

All investment earnings of the financial responsibility 65259
compliance fund shall be credited to the fund. 65260

(F) Chapter 119. of the Revised Code applies to this section 65261
only to the extent that any provision in that chapter is not 65262
clearly inconsistent with this section. 65263

(G)(1) The registrar, court, traffic violations bureau, or 65264
peace officer may require proof of financial responsibility to be 65265
demonstrated by use of a standard form prescribed by the 65266
registrar. If the use of a standard form is not required, a person 65267
may demonstrate proof of financial responsibility under this 65268
section by presenting to the traffic violations bureau, court, 65269
registrar, or peace officer any of the following documents or a 65270
copy of the documents: 65271

(a) A financial responsibility identification card as 65272
provided in section 4509.103 of the Revised Code; 65273

(b) A certificate of proof of financial responsibility on a 65274
form provided and approved by the registrar for the filing of an 65275
accident report required to be filed under section 4509.06 of the 65276
Revised Code; 65277

(c) A policy of liability insurance, a declaration page of a 65278
policy of liability insurance, or liability bond, if the policy or 65279
bond complies with section 4509.20 or sections 4509.49 to 4509.61 65280
of the Revised Code; 65281

(d) A bond or certification of the issuance of a bond as 65282
provided in section 4509.59 of the Revised Code; 65283

(e) A certificate of deposit of money or securities as 65284
provided in section 4509.62 of the Revised Code; 65285

(f) A certificate of self-insurance as provided in section 65286

4509.72 of the Revised Code. 65287

(2) If a person fails to demonstrate proof of financial 65288
responsibility in a manner described in division (G)(1) of this 65289
section, the person may demonstrate proof of financial 65290
responsibility under this section by any other method that the 65291
court or the bureau, by reason of circumstances in a particular 65292
case, may consider appropriate. 65293

(3) A motor carrier certificated by the interstate commerce 65294
commission or by the public utilities commission may demonstrate 65295
proof of financial responsibility by providing a statement 65296
designating the motor carrier's operating authority and averring 65297
that the insurance coverage required by the certificating 65298
authority is in full force and effect. 65299

(4)(a) A finding by the registrar or court that a person is 65300
covered by proof of financial responsibility in the form of an 65301
insurance policy or surety bond is not binding upon the named 65302
insurer or surety or any of its officers, employees, agents, or 65303
representatives and has no legal effect except for the purpose of 65304
administering this section. 65305

(b) The preparation and delivery of a financial 65306
responsibility identification card or any other document 65307
authorized to be used as proof of financial responsibility under 65308
this division does not do any of the following: 65309

(i) Create any liability or estoppel against an insurer or 65310
surety, or any of its officers, employees, agents, or 65311
representatives; 65312

(ii) Constitute an admission of the existence of, or of any 65313
liability or coverage under, any policy or bond; 65314

(iii) Waive any defenses or counterclaims available to an 65315
insurer, surety, agent, employee, or representative in an action 65316
commenced by an insured or third-party claimant upon a cause of 65317

action alleged to have arisen under an insurance policy or surety 65318
bond or by reason of the preparation and delivery of a document 65319
for use as proof of financial responsibility. 65320

(c) Whenever it is determined by a final judgment in a 65321
judicial proceeding that an insurer or surety, which has been 65322
named on a document accepted by a court or the registrar as proof 65323
of financial responsibility covering the operation of a motor 65324
vehicle at the time of an accident or offense, is not liable to 65325
pay a judgment for injuries or damages resulting from such 65326
operation, the registrar, notwithstanding any previous contrary 65327
finding, shall forthwith suspend the operating privileges and 65328
registration rights of the person against whom the judgment was 65329
rendered as provided in division (A)(2) of this section. 65330

(H) In order for any document described in division (G)(1)(b) 65331
of this section to be used for the demonstration of proof of 65332
financial responsibility under this section, the document shall 65333
state the name of the insured or obligor, the name of the insurer 65334
or surety company, and the effective and expiration dates of the 65335
financial responsibility, and designate by explicit description or 65336
by appropriate reference all motor vehicles covered which may 65337
include a reference to fleet insurance coverage. 65338

(I) For purposes of this section, "owner" does not include a 65339
licensed motor vehicle leasing dealer as defined in section 65340
4517.01 of the Revised Code, but does include a motor vehicle 65341
renting dealer as defined in section 4549.65 of the Revised Code. 65342
Nothing in this section or in section 4509.51 of the Revised Code 65343
shall be construed to prohibit a motor vehicle renting dealer from 65344
entering into a contractual agreement with a person whereby the 65345
person renting the motor vehicle agrees to be solely responsible 65346
for maintaining proof of financial responsibility, in accordance 65347
with this section, with respect to the operation, maintenance, or 65348
use of the motor vehicle during the period of the motor vehicle's 65349

rental. 65350

(J) The purpose of this section is to require the maintenance 65351
of proof of financial responsibility with respect to the operation 65352
of motor vehicles on the highways of this state, so as to minimize 65353
those situations in which persons are not compensated for injuries 65354
and damages sustained in motor vehicle accidents. The general 65355
assembly finds that this section contains reasonable civil 65356
penalties and procedures for achieving this purpose. 65357

(K) Nothing in this section shall be construed to be subject 65358
to section 4509.78 of the Revised Code. 65359

(L)(1) The registrar may terminate any suspension imposed 65360
under this section and not require the owner to comply with 65361
divisions (A)(5)(a), (b), and (c) of this section if the registrar 65362
with or without a hearing determines that the owner of the vehicle 65363
has established by clear and convincing evidence that all of the 65364
following apply: 65365

(a) The owner customarily maintains proof of financial 65366
responsibility. 65367

(b) Proof of financial responsibility was not in effect for 65368
the vehicle on the date in question for one of the following 65369
reasons: 65370

(i) The vehicle was inoperable. 65371

(ii) The vehicle is operated only seasonally, and the date in 65372
question was outside the season of operation. 65373

(iii) A person other than the vehicle owner or driver was at 65374
fault for the lapse of proof of financial responsibility through 65375
no fault of the owner or driver. 65376

(iv) The lapse of proof of financial responsibility was 65377
caused by excusable neglect under circumstances that are not 65378
likely to recur and do not suggest a purpose to evade the 65379

requirements of this chapter. 65380

(2) The registrar may grant an owner or driver relief for a 65381
reason specified in division (L)(1)(b)(i) or (ii) of this section 65382
whenever the owner or driver is randomly selected to verify the 65383
existence of proof of financial responsibility for such a vehicle. 65384
However, the registrar may grant an owner or driver relief for a 65385
reason specified in division (L)(1)(b)(iii) or (iv) of this 65386
section only if the owner or driver has not previously been 65387
granted relief under division (L)(1)(b)(iii) or (iv) of this 65388
section. 65389

(M) The registrar shall adopt rules in accordance with 65390
Chapter 119. of the Revised Code that are necessary to administer 65391
and enforce this section. The rules shall include procedures for 65392
the surrender of license plates upon failure to maintain proof of 65393
financial responsibility and provisions relating to reinstatement 65394
of registration rights, acceptable forms of proof of financial 65395
responsibility, and verification of the existence of financial 65396
responsibility during the period of registration. 65397

Sec. 4510.11. (A) No person whose driver's or commercial 65398
driver's license or permit or nonresident operating privilege has 65399
been suspended under any provision of the Revised Code, other than 65400
Chapter 4509. of the Revised Code, or under any applicable law in 65401
any other jurisdiction in which the person's license or permit was 65402
issued shall operate any motor vehicle upon the public roads and 65403
highways or upon any public or private property used by the public 65404
for purposes of vehicular travel or parking within this state 65405
during the period of suspension unless the person is granted 65406
limited driving privileges and is operating the vehicle in 65407
accordance with the terms of the limited driving privileges. 65408

(B) No person shall operate any motor vehicle upon a highway 65409
or any public or private property used by the public for purposes 65410

of vehicular travel or parking in this state in violation of any 65411
restriction of the person's driver's or commercial driver's 65412
license or permit imposed under division (D) of section 4506.10 or 65413
under section 4507.14 of the Revised Code. 65414

(C)(1) ~~Whoever~~ (a) Except as provided in division (C)(1)(b) 65415
of this section, whoever violates division (A) of this section is 65416
guilty of driving under suspension or in violation of a license 65417
restriction, a misdemeanor of the first degree. The court shall 65418
impose upon the offender a class seven suspension of the 65419
offender's driver's license, commercial driver's license, 65420
temporary instruction permit, probationary license, or nonresident 65421
operating privilege from the range specified in division (A)(7) of 65422
section 4510.02 of the Revised Code. 65423

(b) If the offender's driver's or commercial driver's license 65424
or permit or nonresident operating privilege has been suspended 65425
under section 3123.58 or 4510.22 of the Revised Code, a violation 65426
of division (A) of this section is an unclassified misdemeanor. 65427
The offender may be fined up to one thousand dollars and pursuant 65428
to division (B) of section 2929.27 of the Revised Code 65429
additionally may be ordered to serve a term of community service 65430
of up to five hundred hours. If the offender previously was 65431
convicted of or pleaded guilty to two or more violations of this 65432
section or a substantially equivalent municipal ordinance within 65433
the past three years, the offense is a misdemeanor of the first 65434
degree. 65435

(2) Whoever violates division (B) of this section is guilty 65436
of driving in violation of a license restriction, a misdemeanor of 65437
the first degree. 65438

(3) Except as provided in division (C)(~~3~~)(4) or (~~4~~)(5) of 65439
this section, the court, in addition to any other penalty that it 65440
imposes on the offender and if the vehicle is registered in the 65441
offender's name, shall order the immobilization of the vehicle 65442

involved in the offense for thirty days in accordance with section 65443
4503.233 of the Revised Code and the impoundment of that vehicle's 65444
license plates for thirty days. 65445

~~(3)~~(4) If the offender previously has been convicted of or 65446
pleaded guilty to one violation of this section or of a 65447
substantially similar municipal ordinance, the court, in addition 65448
to any other sentence that it imposes on the offender and if the 65449
vehicle is registered in the offender's name, shall order the 65450
immobilization of the vehicle involved in the offense for sixty 65451
days in accordance with section 4503.233 of the Revised Code and 65452
the impoundment of that vehicle's license plates for sixty days. 65453

~~(4)~~(5) If the offender previously has been convicted of or 65454
pleaded guilty to two or more violations of this section or of a 65455
substantially similar municipal ordinance, the court, in addition 65456
to any other sentence that it imposes on the offender and if the 65457
vehicle is registered in the offender's name, shall order the 65458
criminal forfeiture of the vehicle involved in the offense to the 65459
state. 65460

(D) Any order for immobilization and impoundment under this 65461
section shall be issued and enforced under section 4503.233 of the 65462
Revised Code. The court shall not release a vehicle from 65463
immobilization ordered under this section unless the court is 65464
presented with current proof of financial responsibility with 65465
respect to that vehicle. 65466

(E) Any order of criminal forfeiture under this section shall 65467
be issued and enforced under section 4503.234 of the Revised Code. 65468
Upon receipt of the copy of the order from the court, neither the 65469
registrar of motor vehicles nor a deputy registrar shall accept 65470
any application for the registration or transfer of registration 65471
of any motor vehicle owned or leased by the person named in the 65472
declaration of forfeiture. The period of registration denial shall 65473
be five years after the date of the order, unless, during that 65474

period, the court having jurisdiction of the offense that led to 65475
the order terminates the forfeiture and notifies the registrar of 65476
the termination. The registrar then shall take necessary measures 65477
to permit the person to register a vehicle owned or leased by the 65478
person or to transfer registration of the vehicle. 65479

Sec. 4510.12. (A)(1) No person, except those expressly 65480
exempted under sections 4507.03, 4507.04, and 4507.05 of the 65481
Revised Code, shall operate any motor vehicle upon a public road 65482
or highway or any public or private property used by the public 65483
for purposes of vehicular travel or parking in this state unless 65484
the person has a valid driver's license issued under Chapter 4507. 65485
of the Revised Code or a commercial driver's license issued under 65486
Chapter 4506. of the Revised Code. 65487

(2) No person, except a person expressly exempted under 65488
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 65489
operate any motorcycle upon a public road or highway or any public 65490
or private property used by the public for purposes of vehicular 65491
travel or parking in this state unless the person has a valid 65492
license as a motorcycle operator that was issued upon application 65493
by the registrar of motor vehicles under Chapter 4507. of the 65494
Revised Code. The license shall be in the form of an endorsement, 65495
as determined by the registrar, upon a driver's or commercial 65496
driver's license, if the person has a valid license to operate a 65497
motor vehicle or commercial motor vehicle, or in the form of a 65498
restricted license as provided in section 4507.14 of the Revised 65499
Code, if the person does not have a valid license to operate a 65500
motor vehicle or commercial motor vehicle. 65501

(B) Whoever violates this section is guilty of operating a 65502
motor vehicle without a valid license and shall be punished as 65503
follows: 65504

(1) If the trier of fact finds that the offender never has 65505

held a valid driver's or commercial driver's license issued by 65506
this state or any other jurisdiction, the offense is a an 65507
unclassified misdemeanor ~~of the first degree~~. The offender may be 65508
fined up to one thousand dollars and pursuant to division (B) of 65509
section 2929.27 of the Revised Code additionally may be ordered to 65510
serve a term of community service of up to five hundred hours. 65511

(2)(a) Subject to division (B)(2)(b) of this section, if the 65512
offender's driver's or commercial driver's license or permit was 65513
expired at the time of the offense ~~for no more than six months,~~ 65514
the offense is a minor misdemeanor ~~and if the offender's driver's~~ 65515
~~or commercial driver's license or permit was expired at the time~~ 65516
~~of the offense for more than six months, the offense is a~~ 65517
~~misdemeanor of the fourth degree.~~ 65518

~~(b)(i) If the offender previously was convicted of or pleaded~~ 65519
~~guilty to one violation of this section or a substantially~~ 65520
~~equivalent municipal ordinance within the past three years, the~~ 65521
~~offense is a misdemeanor of the third degree.~~ 65522

~~(ii) If the offender previously was convicted of or pleaded~~ 65523
~~guilty to two violations of this section or a substantially~~ 65524
~~equivalent municipal ordinance within the past three years, the~~ 65525
~~offense is a misdemeanor of the second degree.~~ 65526

~~(iii) If the offender previously was convicted of or pleaded~~ 65527
~~guilty to three or more violations of this section or a~~ 65528
~~substantially equivalent municipal ordinance within the past three~~ 65529
~~years, the offense is a misdemeanor of the first degree.~~ 65530

(C) The court shall not impose a license suspension for a 65531
first violation of this section or if more than three years have 65532
passed since the offender's last violation of this section or a 65533
substantially equivalent municipal ordinance. 65534

(D) If the offender was convicted of or pleaded guilty to one 65535
or more violations of this section or a substantially equivalent 65536

municipal ordinance within the past three years, and if the
offender's license was expired for more than six months at the
time of the offense, the court shall impose a class seven
suspension of the offender's driver license, commercial driver's
license, temporary instruction permit, probationary license, or
nonresident operating privilege from the range specified in
division (A)(7) of section 4510.02 of the Revised Code.

Sec. 4510.16. (A) No person, whose driver's or commercial
driver's license or temporary instruction permit or nonresident's
operating privilege has been suspended or canceled pursuant to
Chapter 4509. of the Revised Code, shall operate any motor vehicle
within this state, or knowingly permit any motor vehicle owned by
the person to be operated by another person in the state, during
the period of the suspension or cancellation, except as
specifically authorized by Chapter 4509. of the Revised Code. No
person shall operate a motor vehicle within this state, or
knowingly permit any motor vehicle owned by the person to be
operated by another person in the state, during the period in
which the person is required by section 4509.45 of the Revised
Code to file and maintain proof of financial responsibility for a
violation of section 4509.101 of the Revised Code, unless proof of
financial responsibility is maintained with respect to that
vehicle.

(B)(1) Whoever violates this section is guilty of driving
under financial responsibility law suspension or cancellation, a
an unclassified misdemeanor of the first degree. The offender may
be fined up to one thousand dollars and pursuant to division (B)
of section 2929.27 of the Revised Code additionally may be ordered
to serve a term of community service of up to five hundred hours.
If the offender previously was convicted of or pleaded guilty to
two or more violations of this section or a substantially
equivalent municipal ordinance within the past three years, the

offense is a misdemeanor of the first degree. The court shall 65569
impose a class seven suspension of the offender's driver's or 65570
commercial driver's license or permit or nonresident operating 65571
privilege for the period of time specified in division (A)(7) of 65572
section 4510.02 of the Revised Code. 65573

(2) If the vehicle is registered in the offender's name and 65574
division (B)(3) of this section does not apply, the court, in 65575
addition to or independent of any other sentence that it imposes 65576
upon the offender, may order the immobilization for no more than 65577
thirty days of the vehicle involved in the offense and the 65578
impoundment for no more than thirty days of the license plates of 65579
that vehicle. 65580

(3) If the vehicle is registered in the offender's name and 65581
if, within five years of the offense, the offender has been 65582
convicted of or pleaded guilty to one violation of this section or 65583
a substantially similar municipal ordinance, the court, in 65584
addition to or independent of any other sentence that it imposes 65585
on the offender, shall order the immobilization for sixty days of 65586
the vehicle involved in the offense and impoundment for sixty days 65587
of the license plates of that vehicle. 65588

If the vehicle is registered in the offender's name and if, 65589
within five years of the offense, the offender has been convicted 65590
of or pleaded guilty to two or more violations of this section or 65591
a substantially similar municipal ordinance, the court, in 65592
addition to or independent of any other sentence that it imposes 65593
upon the offender, shall order the criminal forfeiture to the 65594
state of the vehicle involved in the offense. If title to a motor 65595
vehicle that is subject to an order for criminal forfeiture under 65596
this division is assigned or transferred and division (B)(2) or 65597
(3) of section 4503.234 of the Revised Code applies, in addition 65598
to or independent of any other penalty established by law, the 65599
court may fine the offender the value of the vehicle as determined 65600

by publications of the national auto dealers association. The 65601
proceeds from any fine so imposed shall be distributed in 65602
accordance with division (C)(2) of that section. 65603

(C) Any order for immobilization and impoundment under this 65604
section shall be issued and enforced in accordance with sections 65605
4503.233 and 4507.02 of the Revised Code, as applicable. Any order 65606
of criminal forfeiture shall be issued and enforced in accordance 65607
with section 4503.234 of the Revised Code. The court shall not 65608
release a vehicle from immobilization orders under this section 65609
unless the court is presented with current proof of financial 65610
responsibility with respect to that vehicle. 65611

Sec. 4510.22. (A) If a person who has a current valid Ohio 65612
driver's, commercial driver's license, or temporary instruction 65613
permit is charged with a violation of any provision in sections 65614
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 65615
4549.65 of the Revised Code that is classified as a misdemeanor of 65616
the first, second, third, or fourth degree or with a violation of 65617
any substantially equivalent municipal ordinance and if the person 65618
either fails to appear in court at the required time and place to 65619
answer the charge or pleads guilty to or is found guilty of the 65620
violation and fails within the time allowed by the court to pay 65621
the fine imposed by the court, the court shall declare the 65622
forfeiture of the person's license. Thirty days after the 65623
declaration of forfeiture, the court shall inform the registrar of 65624
motor vehicles of the forfeiture by entering information relative 65625
to the of forfeiture on a form approved and furnished by the 65626
registrar and sending the form to the registrar. The court also 65627
shall forward the person's license, if it is in the possession of 65628
the court, to the registrar. 65629

The registrar shall impose a class F suspension of the 65630
person's driver's or commercial driver's license, or temporary 65631

instruction permit for the period of time specified in division 65632
(B)(6) of section 4510.02 of the Revised Code on any person who is 65633
named in a declaration received by the registrar under this 65634
section. The registrar shall send written notification of the 65635
suspension to the person at the person's last known address and, 65636
if the person is in possession of the license, order the person to 65637
surrender the person's license or permit to the registrar within 65638
forty-eight hours. 65639

No valid driver's or commercial driver's license shall be 65640
granted to the person after the suspension, unless the court 65641
having jurisdiction of the offense that led to the suspension 65642
orders that the forfeiture be terminated. The court shall order 65643
the termination of the forfeiture if the person thereafter appears 65644
to answer the charge and pays any fine imposed by the court or 65645
pays the fine originally imposed by the court. The court shall 65646
inform the registrar of the termination of the forfeiture by 65647
entering information relative to the termination on a form 65648
approved and furnished by the registrar and sending the form to 65649
the registrar. The person shall pay to the bureau of motor 65650
vehicles a ~~fifteen-dollar~~ twenty-five-dollar reinstatement fee ~~to~~ 65651
~~cover the costs of the bureau in administering this section.~~ The 65652
registrar shall deposit fifteen dollars of the fee into the state 65653
treasury to the credit of the state bureau of motor vehicles fund 65654
created by section 4501.25 of the Revised Code to cover the costs 65655
of the bureau in administering this section and shall deposit ten 65656
dollars of the fee into the state treasury to the credit of the 65657
indigent defense support fund created by section 120.08 of the 65658
Revised Code. 65659

(B) In addition to suspending the driver's or commercial 65660
driver's license or permit of the person named in a declaration of 65661
forfeiture, the registrar, upon receipt from the court of the copy 65662
of the declaration of forfeiture, shall take any measures that may 65663

be necessary to ensure that neither the registrar nor any deputy 65664
registrar accepts any application for the registration or transfer 65665
of registration of any motor vehicle owned or leased by the person 65666
named in the declaration of forfeiture. However, for a motor 65667
vehicle leased by a person named in a declaration of forfeiture, 65668
the registrar shall not implement the preceding sentence until the 65669
registrar adopts procedures for that implementation under section 65670
4503.39 of the Revised Code. The period of denial of registration 65671
or transfer shall continue until such time as the court having 65672
jurisdiction of the offense that led to the suspension orders the 65673
forfeiture be terminated. Upon receipt by the registrar of an 65674
order terminating the forfeiture, the registrar also shall take 65675
any measures that may be necessary to permit the person to 65676
register a motor vehicle owned or leased by the person or to 65677
transfer the registration of such a motor vehicle, if the person 65678
later makes application to take such action and otherwise is 65679
eligible to register the motor vehicle or to transfer its 65680
registration. 65681

The registrar shall not be required to give effect to any 65682
declaration of forfeiture or order terminating a forfeiture 65683
provided by a court under this section unless the information 65684
contained in the declaration or order is transmitted to the 65685
registrar by means of an electronic transfer system. The registrar 65686
shall not restore the person's driving or vehicle registration 65687
privileges until the person pays the reinstatement fee as provided 65688
in this section. 65689

The period of denial relating to the issuance or transfer of 65690
a certificate of registration for a motor vehicle imposed pursuant 65691
to this division remains in effect until the person pays any fine 65692
imposed by the court relative to the offense. 65693

Sec. 4511.191. (A)(1) As used in this section: 65694

(a) "Physical control" has the same meaning as in section 65695
4511.194 of the Revised Code. 65696

(b) "Alcohol monitoring device" means any device that 65697
provides for continuous alcohol monitoring, any ignition interlock 65698
device, any immobilizing or disabling device other than an 65699
ignition interlock device that is constantly available to monitor 65700
the concentration of alcohol in a person's system, or any other 65701
device that provides for the automatic testing and periodic 65702
reporting of alcohol consumption by a person and that a court 65703
orders a person to use as a sanction imposed as a result of the 65704
person's conviction of or plea of guilty to an offense. 65705

(2) Any person who operates a vehicle, streetcar, or 65706
trackless trolley upon a highway or any public or private property 65707
used by the public for vehicular travel or parking within this 65708
state or who is in physical control of a vehicle, streetcar, or 65709
trackless trolley shall be deemed to have given consent to a 65710
chemical test or tests of the person's whole blood, blood serum or 65711
plasma, breath, or urine to determine the alcohol, drug of abuse, 65712
controlled substance, metabolite of a controlled substance, or 65713
combination content of the person's whole blood, blood serum or 65714
plasma, breath, or urine if arrested for a violation of division 65715
(A) or (B) of section 4511.19 of the Revised Code, section 65716
4511.194 of the Revised Code or a substantially equivalent 65717
municipal ordinance, or a municipal OVI ordinance. 65718

(3) The chemical test or tests under division (A)(2) of this 65719
section shall be administered at the request of a law enforcement 65720
officer having reasonable grounds to believe the person was 65721
operating or in physical control of a vehicle, streetcar, or 65722
trackless trolley in violation of a division, section, or 65723
ordinance identified in division (A)(2) of this section. The law 65724
enforcement agency by which the officer is employed shall 65725
designate which of the tests shall be administered. 65726

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

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(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of

the Revised Code. 65792

(b) If the arrested person, within six years of the date on 65793
which the person refused the request to consent to the chemical 65794
test, had refused one previous request to consent to a chemical 65795
test or had been convicted of or pleaded guilty to one violation 65796
of division (A) or (B) of section 4511.19 of the Revised Code or 65797
one other equivalent offense, the suspension shall be a class B 65798
suspension imposed for the period of time specified in division 65799
(B)(2) of section 4510.02 of the Revised Code. 65800

(c) If the arrested person, within six years of the date on 65801
which the person refused the request to consent to the chemical 65802
test, had refused two previous requests to consent to a chemical 65803
test, had been convicted of or pleaded guilty to two violations of 65804
division (A) or (B) of section 4511.19 of the Revised Code or 65805
other equivalent offenses, or had refused one previous request to 65806
consent to a chemical test and also had been convicted of or 65807
pleaded guilty to one violation of division (A) or (B) of section 65808
4511.19 of the Revised Code or other equivalent offenses, which 65809
violation or offense arose from an incident other than the 65810
incident that led to the refusal, the suspension shall be a class 65811
A suspension imposed for the period of time specified in division 65812
(B)(1) of section 4510.02 of the Revised Code. 65813

(d) If the arrested person, within six years of the date on 65814
which the person refused the request to consent to the chemical 65815
test, had refused three or more previous requests to consent to a 65816
chemical test, had been convicted of or pleaded guilty to three or 65817
more violations of division (A) or (B) of section 4511.19 of the 65818
Revised Code or other equivalent offenses, or had refused a number 65819
of previous requests to consent to a chemical test and also had 65820
been convicted of or pleaded guilty to a number of violations of 65821
division (A) or (B) of section 4511.19 of the Revised Code or 65822
other equivalent offenses that cumulatively total three or more 65823

such refusals, convictions, and guilty pleas, the suspension shall 65824
be for five years. 65825

(2) The registrar shall terminate a suspension of the 65826
driver's or commercial driver's license or permit of a resident or 65827
of the operating privilege of a nonresident, or a denial of a 65828
driver's or commercial driver's license or permit, imposed 65829
pursuant to division (B)(1) of this section upon receipt of notice 65830
that the person has entered a plea of guilty to, or that the 65831
person has been convicted after entering a plea of no contest to, 65832
operating a vehicle in violation of section 4511.19 of the Revised 65833
Code or in violation of a municipal OVI ordinance, if the offense 65834
for which the conviction is had or the plea is entered arose from 65835
the same incident that led to the suspension or denial. 65836

The registrar shall credit against any judicial suspension of 65837
a person's driver's or commercial driver's license or permit or 65838
nonresident operating privilege imposed pursuant to section 65839
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 65840
Revised Code for a violation of a municipal OVI ordinance, any 65841
time during which the person serves a related suspension imposed 65842
pursuant to division (B)(1) of this section. 65843

(C)(1) Upon receipt of the sworn report of the law 65844
enforcement officer who arrested a person for a violation of 65845
division (A) or (B) of section 4511.19 of the Revised Code or a 65846
municipal OVI ordinance that was completed and sent to the 65847
registrar and a court pursuant to section 4511.192 of the Revised 65848
Code in regard to a person whose test results indicate that the 65849
person's whole blood, blood serum or plasma, breath, or urine 65850
contained at least the concentration of alcohol specified in 65851
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 65852
Revised Code or at least the concentration of a listed controlled 65853
substance or a listed metabolite of a controlled substance 65854
specified in division (A)(1)(j) of section 4511.19 of the Revised 65855

Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(d) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than

two violations of a statute or ordinance described in division 65888
(C)(1)(b) of this section, the suspension shall be a class A 65889
suspension imposed for the period of time specified in division 65890
(B)(1) of section 4510.02 of the Revised Code. 65891

(2) The registrar shall terminate a suspension of the 65892
driver's or commercial driver's license or permit of a resident or 65893
of the operating privilege of a nonresident, or a denial of a 65894
driver's or commercial driver's license or permit, imposed 65895
pursuant to division (C)(1) of this section upon receipt of notice 65896
that the person has entered a plea of guilty to, or that the 65897
person has been convicted after entering a plea of no contest to, 65898
operating a vehicle in violation of section 4511.19 of the Revised 65899
Code or in violation of a municipal OVI ordinance, if the offense 65900
for which the conviction is had or the plea is entered arose from 65901
the same incident that led to the suspension or denial. 65902

The registrar shall credit against any judicial suspension of 65903
a person's driver's or commercial driver's license or permit or 65904
nonresident operating privilege imposed pursuant to section 65905
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 65906
Revised Code for a violation of a municipal OVI ordinance, any 65907
time during which the person serves a related suspension imposed 65908
pursuant to division (C)(1) of this section. 65909

(D)(1) A suspension of a person's driver's or commercial 65910
driver's license or permit or nonresident operating privilege 65911
under this section for the time described in division (B) or (C) 65912
of this section is effective immediately from the time at which 65913
the arresting officer serves the notice of suspension upon the 65914
arrested person. Any subsequent finding that the person is not 65915
guilty of the charge that resulted in the person being requested 65916
to take the chemical test or tests under division (A) of this 65917
section does not affect the suspension. 65918

(2) If a person is arrested for operating a vehicle, 65919

streetcar, or trackless trolley in violation of division (A) or 65920
(B) of section 4511.19 of the Revised Code or a municipal OVI 65921
ordinance, or for being in physical control of a vehicle, 65922
streetcar, or trackless trolley in violation of section 4511.194 65923
of the Revised Code or a substantially equivalent municipal 65924
ordinance, regardless of whether the person's driver's or 65925
commercial driver's license or permit or nonresident operating 65926
privilege is or is not suspended under division (B) or (C) of this 65927
section or Chapter 4510. of the Revised Code, the person's initial 65928
appearance on the charge resulting from the arrest shall be held 65929
within five days of the person's arrest or the issuance of the 65930
citation to the person, subject to any continuance granted by the 65931
court pursuant to section 4511.197 of the Revised Code regarding 65932
the issues specified in that division. 65933

(E) When it finally has been determined under the procedures 65934
of this section and sections 4511.192 to 4511.197 of the Revised 65935
Code that a nonresident's privilege to operate a vehicle within 65936
this state has been suspended, the registrar shall give 65937
information in writing of the action taken to the motor vehicle 65938
administrator of the state of the person's residence and of any 65939
state in which the person has a license. 65940

(F) At the end of a suspension period under this section, 65941
under section 4511.194, section 4511.196, or division (G) of 65942
section 4511.19 of the Revised Code, or under section 4510.07 of 65943
the Revised Code for a violation of a municipal OVI ordinance and 65944
upon the request of the person whose driver's or commercial 65945
driver's license or permit was suspended and who is not otherwise 65946
subject to suspension, cancellation, or disqualification, the 65947
registrar shall return the driver's or commercial driver's license 65948
or permit to the person upon the occurrence of all of the 65949
conditions specified in divisions (F)(1) and (2) of this section: 65950

(1) A showing that the person has proof of financial 65951

responsibility, a policy of liability insurance in effect that 65952
meets the minimum standards set forth in section 4509.51 of the 65953
Revised Code, or proof, to the satisfaction of the registrar, that 65954
the person is able to respond in damages in an amount at least 65955
equal to the minimum amounts specified in section 4509.51 of the 65956
Revised Code. 65957

(2) Subject to the limitation contained in division (F)(3) of 65958
this section, payment by the person to the bureau of motor 65959
vehicles of a license reinstatement fee of four hundred 65960
seventy-five dollars, which fee shall be deposited in the state 65961
treasury and credited as follows: 65962

(a) One hundred twelve dollars and fifty cents shall be 65963
credited to the statewide treatment and prevention fund created by 65964
section 4301.30 of the Revised Code. The fund shall be used to pay 65965
the costs of driver treatment and intervention programs operated 65966
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 65967
director of alcohol and drug addiction services shall determine 65968
the share of the fund that is to be allocated to alcohol and drug 65969
addiction programs authorized by section 3793.02 of the Revised 65970
Code, and the share of the fund that is to be allocated to 65971
drivers' intervention programs authorized by section 3793.10 of 65972
the Revised Code. 65973

(b) Seventy-five dollars shall be credited to the reparations 65974
fund created by section 2743.191 of the Revised Code. 65975

(c) Thirty-seven dollars and fifty cents shall be credited to 65976
the indigent drivers alcohol treatment fund, which is hereby 65977
established in the state treasury. Except as otherwise provided in 65978
division (F)(2)(c) of this section, moneys in the fund shall be 65979
distributed by the department of alcohol and drug addiction 65980
services to the county indigent drivers alcohol treatment funds, 65981
the county juvenile indigent drivers alcohol treatment funds, and 65982
the municipal indigent drivers alcohol treatment funds that are 65983

required to be established by counties and municipal corporations 65984
pursuant to division (H) of this section, and shall be used only 65985
to pay the cost of an alcohol and drug addiction treatment program 65986
attended by an offender or juvenile traffic offender who is 65987
ordered to attend an alcohol and drug addiction treatment program 65988
by a county, juvenile, or municipal court judge and who is 65989
determined by the county, juvenile, or municipal court judge not 65990
to have the means to pay for the person's attendance at the 65991
program or to pay the costs specified in division (H)(4) of this 65992
section in accordance with that division. In addition, a county, 65993
juvenile, or municipal court judge may use moneys in the county 65994
indigent drivers alcohol treatment fund, county juvenile indigent 65995
drivers alcohol treatment fund, or municipal indigent drivers 65996
alcohol treatment fund to pay for the cost of the continued use of 65997
an alcohol monitoring device as described in divisions (H)(3) and 65998
(4) of this section. Moneys in the fund that are not distributed 65999
to a county indigent drivers alcohol treatment fund, a county 66000
juvenile indigent drivers alcohol treatment fund, or a municipal 66001
indigent drivers alcohol treatment fund under division (H) of this 66002
section because the director of alcohol and drug addiction 66003
services does not have the information necessary to identify the 66004
county or municipal corporation where the offender or juvenile 66005
offender was arrested may be transferred by the director of budget 66006
and management to the statewide treatment and prevention fund 66007
created by section 4301.30 of the Revised Code, upon certification 66008
of the amount by the director of alcohol and drug addiction 66009
services. 66010

(d) Seventy-five dollars shall be credited to the Ohio 66011
rehabilitation services commission established by section 3304.12 66012
of the Revised Code, to the services for rehabilitation fund, 66013
which is hereby established. The fund shall be used to match 66014
available federal matching funds where appropriate, and for any 66015
other purpose or program of the commission to rehabilitate people 66016

with disabilities to help them become employed and independent. 66017

(e) Seventy-five dollars shall be deposited into the state 66018
treasury and credited to the drug abuse resistance education 66019
programs fund, which is hereby established, to be used by the 66020
attorney general for the purposes specified in division (F)(4) of 66021
this section. 66022

(f) Thirty dollars shall be credited to the state bureau of 66023
motor vehicles fund created by section 4501.25 of the Revised 66024
Code. 66025

(g) Twenty dollars shall be credited to the trauma and 66026
emergency medical services grants fund created by section 4513.263 66027
of the Revised Code. 66028

(h) Fifty dollars shall be credited to the indigent drivers 66029
interlock and alcohol monitoring fund, which is hereby established 66030
in the state treasury. Monies in the fund shall be distributed by 66031
the department of public safety to the county indigent drivers 66032
interlock and alcohol monitoring funds, the county juvenile 66033
indigent drivers interlock and alcohol monitoring funds, and the 66034
municipal indigent drivers interlock and alcohol monitoring funds 66035
that are required to be established by counties and municipal 66036
corporations pursuant to this section, and shall be used only to 66037
pay the cost of an immobilizing or disabling device, including a 66038
certified ignition interlock device, or an alcohol monitoring 66039
device used by an offender or juvenile offender who is ordered to 66040
use the device by a county, juvenile, or municipal court judge and 66041
who is determined by the county, juvenile, or municipal court 66042
judge not to have the means to pay for the person's use of the 66043
device. 66044

(3) If a person's driver's or commercial driver's license or 66045
permit is suspended under this section, under section 4511.196 or 66046
division (G) of section 4511.19 of the Revised Code, under section 66047

4510.07 of the Revised Code for a violation of a municipal OVI 66048
ordinance or under any combination of the suspensions described in 66049
division (F)(3) of this section, and if the suspensions arise from 66050
a single incident or a single set of facts and circumstances, the 66051
person is liable for payment of, and shall be required to pay to 66052
the bureau, only one reinstatement fee of four hundred twenty-five 66053
dollars. The reinstatement fee shall be distributed by the bureau 66054
in accordance with division (F)(2) of this section. 66055

(4) The attorney general shall use amounts in the drug abuse 66056
resistance education programs fund to award grants to law 66057
enforcement agencies to establish and implement drug abuse 66058
resistance education programs in public schools. Grants awarded to 66059
a law enforcement agency under this section shall be used by the 66060
agency to pay for not more than fifty per cent of the amount of 66061
the salaries of law enforcement officers who conduct drug abuse 66062
resistance education programs in public schools. The attorney 66063
general shall not use more than six per cent of the amounts the 66064
attorney general's office receives under division (F)(2)(e) of 66065
this section to pay the costs it incurs in administering the grant 66066
program established by division (F)(2)(e) of this section and in 66067
providing training and materials relating to drug abuse resistance 66068
education programs. 66069

The attorney general shall report to the governor and the 66070
general assembly each fiscal year on the progress made in 66071
establishing and implementing drug abuse resistance education 66072
programs. These reports shall include an evaluation of the 66073
effectiveness of these programs. 66074

(G) Suspension of a commercial driver's license under 66075
division (B) or (C) of this section shall be concurrent with any 66076
period of disqualification under section 3123.611 or 4506.16 of 66077
the Revised Code or any period of suspension under section 3123.58 66078
of the Revised Code. No person who is disqualified for life from 66079

holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund, each county shall establish a juvenile indigent drivers alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (F) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of additional costs imposed under section 2949.094 of the Revised Code that are specified for deposit into a county, county juvenile, or municipal indigent drivers alcohol treatment fund by that section, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund. The portions of the fees paid under division (F) of this section that are to be so

deposited shall be determined in accordance with division (H)(2) 66113
of this section. Additionally, all portions of fines that are paid 66114
for a violation of section 4511.19 of the Revised Code or of any 66115
prohibition contained in Chapter 4510. of the Revised Code, and 66116
that are required under section 4511.19 or any provision of 66117
Chapter 4510. of the Revised Code to be deposited into a county 66118
indigent drivers alcohol treatment fund or municipal indigent 66119
drivers alcohol treatment fund shall be deposited into the 66120
appropriate fund in accordance with the applicable division of the 66121
section or provision. 66122

(2) That portion of the license reinstatement fee that is 66123
paid under division (F) of this section and that is credited under 66124
that division to the indigent drivers alcohol treatment fund shall 66125
be deposited into a county indigent drivers alcohol treatment 66126
fund, a county juvenile indigent drivers alcohol treatment fund, 66127
or a municipal indigent drivers alcohol treatment fund as follows: 66128
66129

(a) Regarding a suspension imposed under this section, that 66130
portion of the fee shall be deposited as follows: 66131

(i) If the fee is paid by a person who was charged in a 66132
county court with the violation that resulted in the suspension or 66133
in the imposition of the court costs, the portion shall be 66134
deposited into the county indigent drivers alcohol treatment fund 66135
under the control of that court; 66136

(ii) If the fee is paid by a person who was charged in a 66137
juvenile court with the violation that resulted in the suspension 66138
or in the imposition of the court costs, the portion shall be 66139
deposited into the county juvenile indigent drivers alcohol 66140
treatment fund established in the county served by the court; 66141

(iii) If the fee is paid by a person who was charged in a 66142
municipal court with the violation that resulted in the suspension 66143

or in the imposition of the court costs, the portion shall be 66144
deposited into the municipal indigent drivers alcohol treatment 66145
fund under the control of that court. 66146

(b) Regarding a suspension imposed under section 4511.19 of 66147
the Revised Code or under section 4510.07 of the Revised Code for 66148
a violation of a municipal OVI ordinance, that portion of the fee 66149
shall be deposited as follows: 66150

(i) If the fee is paid by a person whose license or permit 66151
was suspended by a county court, the portion shall be deposited 66152
into the county indigent drivers alcohol treatment fund under the 66153
control of that court; 66154

(ii) If the fee is paid by a person whose license or permit 66155
was suspended by a municipal court, the portion shall be deposited 66156
into the municipal indigent drivers alcohol treatment fund under 66157
the control of that court. 66158

(3) Expenditures from a county indigent drivers alcohol 66159
treatment fund, a county juvenile indigent drivers alcohol 66160
treatment fund, or a municipal indigent drivers alcohol treatment 66161
fund shall be made only upon the order of a county, juvenile, or 66162
municipal court judge and only for payment of the cost of an 66163
assessment or the cost of the attendance at an alcohol and drug 66164
addiction treatment program of a person who is convicted of, or 66165
found to be a juvenile traffic offender by reason of, a violation 66166
of division (A) of section 4511.19 of the Revised Code or a 66167
substantially similar municipal ordinance, who is ordered by the 66168
court to attend the alcohol and drug addiction treatment program, 66169
and who is determined by the court to be unable to pay the cost of 66170
the assessment or the cost of attendance at the treatment program 66171
or for payment of the costs specified in division (H)(4) of this 66172
section in accordance with that division. The alcohol and drug 66173
addiction services board or the board of alcohol, drug addiction, 66174
and mental health services established pursuant to section 340.02 66175

or 340.021 of the Revised Code and serving the alcohol, drug 66176
addiction, and mental health service district in which the court 66177
is located shall administer the indigent drivers alcohol treatment 66178
program of the court. When a court orders an offender or juvenile 66179
traffic offender to obtain an assessment or attend an alcohol and 66180
drug addiction treatment program, the board shall determine which 66181
program is suitable to meet the needs of the offender or juvenile 66182
traffic offender, and when a suitable program is located and space 66183
is available at the program, the offender or juvenile traffic 66184
offender shall attend the program designated by the board. A 66185
reasonable amount not to exceed five per cent of the amounts 66186
credited to and deposited into the county indigent drivers alcohol 66187
treatment fund, the county juvenile indigent drivers alcohol 66188
treatment fund, or the municipal indigent drivers alcohol 66189
treatment fund serving every court whose program is administered 66190
by that board shall be paid to the board to cover the costs it 66191
incurs in administering those indigent drivers alcohol treatment 66192
programs. 66193

In addition, upon exhaustion of moneys in the indigent 66194
drivers interlock and alcohol monitoring fund for the use of an 66195
alcohol monitoring device, a county, juvenile, or municipal court 66196
judge may use moneys in the county indigent drivers alcohol 66197
treatment fund, county juvenile indigent drivers alcohol treatment 66198
fund, or municipal indigent drivers alcohol treatment fund in the 66199
following manners: 66200

(a) If the source of the moneys was an appropriation of the 66201
general assembly, a portion of a fee that was paid under division 66202
(F) of this section, a portion of a fine that was specified for 66203
deposit into the fund by section 4511.193 of the Revised Code, or 66204
a portion of a fine that was paid for a violation of section 66205
4511.19 of the Revised Code or of a provision contained in Chapter 66206
4510. of the Revised Code that was required to be deposited into 66207

the fund, to pay for the continued use of an alcohol monitoring 66208
device by an offender or juvenile traffic offender, in conjunction 66209
with a treatment program approved by the department of alcohol and 66210
drug addiction services, when such use is determined clinically 66211
necessary by the treatment program and when the court determines 66212
that the offender or juvenile traffic offender is unable to pay 66213
all or part of the daily monitoring or cost of the device; 66214

66215

(b) If the source of the moneys was a portion of an 66216
additional court cost imposed under section 2949.094 of the 66217
Revised Code, to pay for the continued use of an alcohol 66218
monitoring device by an offender or juvenile traffic offender when 66219
the court determines that the offender or juvenile traffic 66220
offender is unable to pay all or part of the daily monitoring or 66221
cost of the device. The moneys may be used for a device as 66222
described in this division if the use of the device is in 66223
conjunction with a treatment program approved by the department of 66224
alcohol and drug addiction services, when the use of the device is 66225
determined clinically necessary by the treatment program, but the 66226
use of a device is not required to be in conjunction with a 66227
treatment program approved by the department in order for the 66228
moneys to be used for the device as described in this division. 66229

(4) If a county, juvenile, or municipal court determines, in 66230
consultation with the alcohol and drug addiction services board or 66231
the board of alcohol, drug addiction, and mental health services 66232
established pursuant to section 340.02 or 340.021 of the Revised 66233
Code and serving the alcohol, drug addiction, and mental health 66234
district in which the court is located, that the funds in the 66235
county indigent drivers alcohol treatment fund, the county 66236
juvenile indigent drivers alcohol treatment fund, or the municipal 66237
indigent drivers alcohol treatment fund under the control of the 66238
court are more than sufficient to satisfy the purpose for which 66239

the fund was established, as specified in divisions (H)(1) to (3) 66240
of this section, the court may declare a surplus in the fund. If 66241
the court declares a surplus in the fund, the court may expend the 66242
amount of the surplus in the fund for: 66243

66244

(a) Alcohol and drug abuse assessment and treatment of 66245
persons who are charged in the court with committing a criminal 66246
offense or with being a delinquent child or juvenile traffic 66247
offender and in relation to whom both of the following apply: 66248

(i) The court determines that substance abuse was a 66249
contributing factor leading to the criminal or delinquent activity 66250
or the juvenile traffic offense with which the person is charged. 66251

(ii) The court determines that the person is unable to pay 66252
the cost of the alcohol and drug abuse assessment and treatment 66253
for which the surplus money will be used. 66254

(b) All or part of the cost of purchasing alcohol monitoring 66255
devices to be used in conjunction with division (H)(3) of this 66256
section, upon exhaustion of moneys in the indigent drivers 66257
interlock and alcohol monitoring fund for the use of an alcohol 66258
monitoring device. 66259

(5) For the purpose of determining as described in division 66260
(F)(2)(c) of this section whether an offender does not have the 66261
means to pay for the offender's attendance at an alcohol and drug 66262
addiction treatment program or whether an alleged offender or 66263
delinquent child is unable to pay the costs specified in division 66264
(H)(4) of this section, the court shall use the indigent client 66265
eligibility guidelines and the standards of indigency established 66266
by the state public defender to make the determination. 66267

(6) The court shall identify and refer any alcohol and drug 66268
addiction program that is not certified under section 3793.06 of 66269
the Revised Code and that is interested in receiving amounts from 66270

the surplus in the fund declared under division (H)(4) of this 66271
section to the department of alcohol and drug addiction services 66272
in order for the program to become a certified alcohol and drug 66273
addiction program. The department shall keep a record of applicant 66274
referrals received pursuant to this division and shall submit a 66275
report on the referrals each year to the general assembly. If a 66276
program interested in becoming certified makes an application to 66277
become certified pursuant to section 3793.06 of the Revised Code, 66278
the program is eligible to receive surplus funds as long as the 66279
application is pending with the department. The department of 66280
alcohol and drug addiction services must offer technical 66281
assistance to the applicant. If the interested program withdraws 66282
the certification application, the department must notify the 66283
court, and the court shall not provide the interested program with 66284
any further surplus funds. 66285

(7)(a) Each alcohol and drug addiction services board and 66286
board of alcohol, drug addiction, and mental health services 66287
established pursuant to section 340.02 or 340.021 of the Revised 66288
Code shall submit to the department of alcohol and drug addiction 66289
services an annual report for each indigent drivers alcohol 66290
treatment fund in that board's area. 66291

(b) The report, which shall be submitted not later than sixty 66292
days after the end of the state fiscal year, shall provide the 66293
total payment that was made from the fund, including the number of 66294
indigent consumers that received treatment services and the number 66295
of indigent consumers that received an alcohol monitoring device. 66296
The report shall identify the treatment program and expenditure 66297
for an alcohol monitoring device for which that payment was made. 66298
The report shall include the fiscal year balance of each indigent 66299
drivers alcohol treatment fund located in that board's area. In 66300
the event that a surplus is declared in the fund pursuant to 66301
division (H)(4) of this section, the report also shall provide the 66302

total payment that was made from the surplus moneys and identify 66303
the treatment program and expenditure for an alcohol monitoring 66304
device for which that payment was made. The department may require 66305
additional information necessary to complete the comprehensive 66306
statewide alcohol and drug addiction services plan as required by 66307
section 3793.04 of the Revised Code. 66308

(c) If a board is unable to obtain adequate information to 66309
develop the report to submit to the department for a particular 66310
indigent drivers alcohol treatment fund, the board shall submit a 66311
report detailing the effort made in obtaining the information. 66312

(I)(1) Each county shall establish an indigent drivers 66313
interlock and alcohol monitoring fund and a juvenile indigent 66314
drivers interlock and alcohol treatment fund, and each municipal 66315
corporation in which there is a municipal court shall establish an 66316
indigent drivers interlock and alcohol monitoring fund. All 66317
revenue that the general assembly appropriates to the indigent 66318
drivers interlock and alcohol monitoring fund for transfer to a 66319
county indigent drivers interlock and alcohol monitoring fund, a 66320
county juvenile indigent drivers interlock and alcohol monitoring 66321
fund, or a municipal indigent drivers interlock and alcohol 66322
monitoring fund, all portions of license reinstatement fees that 66323
are paid under division (F)(2) of this section and that are 66324
credited under that division to the indigent drivers interlock and 66325
alcohol monitoring fund in the state treasury, and all portions of 66326
fines that are paid under division (G) of section 4511.19 of the 66327
Revised Code and that are credited by division (G)(5)(e) of that 66328
section to the indigent drivers interlock and alcohol monitoring 66329
fund in the state treasury shall be deposited in the appropriate 66330
fund in accordance with division (I)(2) of this section. 66331

(2) That portion of the license reinstatement fee that is 66332
paid under division (F) of this section and that portion of the 66333
fine paid under division (G) of section 4511.19 of the Revised 66334

Code and that is credited under either division to the indigent 66335
drivers interlock and alcohol monitoring fund shall be deposited 66336
into a county indigent drivers interlock and alcohol monitoring 66337
fund, a county juvenile indigent drivers interlock and alcohol 66338
monitoring fund, or a municipal indigent drivers interlock and 66339
alcohol monitoring fund as follows: 66340

(a) If the fee or fine is paid by a person who was charged in 66341
a county court with the violation that resulted in the suspension 66342
or fine, the portion shall be deposited into the county indigent 66343
drivers interlock and alcohol monitoring fund under the control of 66344
that court. 66345

(b) If the fee or fine is paid by a person who was charged in 66346
a juvenile court with the violation that resulted in the 66347
suspension or fine, the portion shall be deposited into the county 66348
juvenile indigent drivers interlock and alcohol monitoring fund 66349
established in the county served by the court. 66350

(c) If the fee or fine is paid by a person who was charged in 66351
a municipal court with the violation that resulted in the 66352
suspension, the portion shall be deposited into the municipal 66353
indigent drivers interlock and alcohol monitoring fund under the 66354
control of that court. 66355

Sec. 4511.69. (A)(1) Every vehicle stopped or parked upon a 66356
roadway where there is an adjacent curb shall be stopped or parked 66357
with the right-hand wheels of the vehicle parallel with and not 66358
more than twelve inches from the right-hand curb, unless it is 66359
impossible to approach so close to the curb; in such case the stop 66360
shall be made as close to the curb as possible and only for the 66361
time necessary to discharge and receive passengers or to load or 66362
unload merchandise. Local authorities by ordinance may permit 66363
angle parking on any roadway under their jurisdiction, except that 66364
angle parking shall not be permitted on a state route within a 66365

municipal corporation unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic, subject to division (A)(2) of this section.

(2)(a) On and after the effective date of this amendment, no angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space.

(b) Replacement, repainting, or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within twelve inches of the left-hand curb of a one-way roadway.

(C) No vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

(D) Notwithstanding any statute or any rule, resolution, or ordinance adopted by any local authority, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the director of transportation.

(E) Special parking locations and privileges for persons with

disabilities that limit or impair the ability to walk, also known 66396
as handicapped parking spaces or disability parking spaces, shall 66397
be provided and designated by all political subdivisions and by 66398
the state and all agencies and instrumentalities thereof at all 66399
offices and facilities, where parking is provided, whether owned, 66400
rented, or leased, and at all publicly owned parking garages. The 66401
locations shall be designated through the posting of an elevated 66402
sign, whether permanently affixed or movable, imprinted with the 66403
international symbol of access and shall be reasonably close to 66404
exits, entrances, elevators, and ramps. All elevated signs posted 66405
in accordance with this division and division (C) of section 66406
3781.111 of the Revised Code shall be mounted on a fixed or 66407
movable post, and the distance from the ground to the top edge of 66408
the sign shall measure five feet. If a new sign or a replacement 66409
sign designating a special parking location is posted on or after 66410
October 14, 1999, there also shall be affixed upon the surface of 66411
that sign or affixed next to the designating sign a notice that 66412
states the fine applicable for the offense of parking a motor 66413
vehicle in the special designated parking location if the motor 66414
vehicle is not legally entitled to be parked in that location. 66415

(F)(1) No person shall stop, stand, or park any motor vehicle 66416
at special parking locations provided under division (E) of this 66417
section or at special clearly marked parking locations provided in 66418
or on privately owned parking lots, parking garages, or other 66419
parking areas and designated in accordance with that division, 66420
unless one of the following applies: 66421

(a) The motor vehicle is being operated by or for the 66422
transport of a person with a disability that limits or impairs the 66423
ability to walk and is displaying a valid removable windshield 66424
placard or special license plates; 66425

(b) The motor vehicle is being operated by or for the 66426
transport of a handicapped person and is displaying a parking card 66427

or special handicapped license plates. 66428

(2) Any motor vehicle that is parked in a special marked 66429
parking location in violation of division (F)(1)(a) or (b) of this 66430
section may be towed or otherwise removed from the parking 66431
location by the law enforcement agency of the political 66432
subdivision in which the parking location is located. A motor 66433
vehicle that is so towed or removed shall not be released to its 66434
owner until the owner presents proof of ownership of the motor 66435
vehicle and pays all towing and storage fees normally imposed by 66436
that political subdivision for towing and storing motor vehicles. 66437
If the motor vehicle is a leased vehicle, it shall not be released 66438
to the lessee until the lessee presents proof that that person is 66439
the lessee of the motor vehicle and pays all towing and storage 66440
fees normally imposed by that political subdivision for towing and 66441
storing motor vehicles. 66442

(3) If a person is charged with a violation of division 66443
(F)(1)(a) or (b) of this section, it is an affirmative defense to 66444
the charge that the person suffered an injury not more than 66445
seventy-two hours prior to the time the person was issued the 66446
ticket or citation and that, because of the injury, the person 66447
meets at least one of the criteria contained in division (A)(1) of 66448
section 4503.44 of the Revised Code. 66449

(G) When a motor vehicle is being operated by or for the 66450
transport of a person with a disability that limits or impairs the 66451
ability to walk and is displaying a removable windshield placard 66452
or a temporary removable windshield placard or special license 66453
plates, or when a motor vehicle is being operated by or for the 66454
transport of a handicapped person and is displaying a parking card 66455
or special handicapped license plates, the motor vehicle is 66456
permitted to park for a period of two hours in excess of the legal 66457
parking period permitted by local authorities, except where local 66458
ordinances or police rules provide otherwise or where the vehicle 66459

is parked in such a manner as to be clearly a traffic hazard. 66460

(H) No owner of an office, facility, or parking garage where 66461
special parking locations are required to be designated in 66462
accordance with division (E) of this section shall fail to 66463
properly mark the special parking locations in accordance with 66464
that division or fail to maintain the markings of the special 66465
locations, including the erection and maintenance of the fixed or 66466
movable signs. 66467

(I) Nothing in this section shall be construed to require a 66468
person or organization to apply for a removable windshield placard 66469
or special license plates if the parking card or special license 66470
plates issued to the person or organization under prior law have 66471
not expired or been surrendered or revoked. 66472

(J)(1) Whoever violates division (A) or (C) of this section 66473
is guilty of a minor misdemeanor. 66474

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 66475
section is guilty of a misdemeanor and shall be punished as 66476
provided in division (J)(2)(a) and (b) of this section. Except as 66477
otherwise provided in division (J)(2)(a) of this section, an 66478
offender who violates division (F)(1)(a) or (b) of this section 66479
shall be fined not less than two hundred fifty nor more than five 66480
hundred dollars. An offender who violates division (F)(1)(a) or 66481
(b) of this section shall be fined not more than one hundred 66482
dollars if the offender, prior to sentencing, proves either of the 66483
following to the satisfaction of the court: 66484

(i) At the time of the violation of division (F)(1)(a) of 66485
this section, the offender or the person for whose transport the 66486
motor vehicle was being operated had been issued a removable 66487
windshield placard that then was valid or special license plates 66488
that then were valid but the offender or the person neglected to 66489
display the placard or license plates as described in division 66490

(F)(1)(a) of this section. 66491

(ii) At the time of the violation of division (F)(1)(b) of 66492
this section, the offender or the person for whose transport the 66493
motor vehicle was being operated had been issued a parking card 66494
that then was valid or special handicapped license plates that 66495
then were valid but the offender or the person neglected to 66496
display the card or license plates as described in division 66497
(F)(1)(b) of this section. 66498

(b) In no case shall an offender who violates division 66499
(F)(1)(a) or (b) of this section be sentenced to any term of 66500
imprisonment. 66501

An arrest or conviction for a violation of division (F)(1)(a) 66502
or (b) of this section does not constitute a criminal record and 66503
need not be reported by the person so arrested or convicted in 66504
response to any inquiries contained in any application for 66505
employment, license, or other right or privilege, or made in 66506
connection with the person's appearance as a witness. 66507

The clerk of the court shall pay every fine collected under 66508
division (J)(2) of this section to the political subdivision in 66509
which the violation occurred. Except as provided in division 66510
(J)(2) of this section, the political subdivision shall use the 66511
fine moneys it receives under division (J)(2) of this section to 66512
pay the expenses it incurs in complying with the signage and 66513
notice requirements contained in division (E) of this section. The 66514
political subdivision may use up to fifty per cent of each fine it 66515
receives under division (J)(2) of this section to pay the costs of 66516
educational, advocacy, support, and assistive technology programs 66517
for persons with disabilities, and for public improvements within 66518
the political subdivision that benefit or assist persons with 66519
disabilities, if governmental agencies or nonprofit organizations 66520
offer the programs. 66521

(3) Whoever violates division (H) of this section shall be 66522
punished as follows: 66523

(a) Except as otherwise provided in division (J)(3) of this 66524
section, the offender shall be issued a warning. 66525

(b) If the offender previously has been convicted of or 66526
pleaded guilty to a violation of division (H) of this section or 66527
of a municipal ordinance that is substantially similar to that 66528
division, the offender shall not be issued a warning but shall be 66529
fined not more than twenty-five dollars for each parking location 66530
that is not properly marked or whose markings are not properly 66531
maintained. 66532

(K) As used in this section: 66533

(1) "Handicapped person" means any person who has lost the 66534
use of one or both legs or one or both arms, who is blind, deaf, 66535
or so severely handicapped as to be unable to move without the aid 66536
of crutches or a wheelchair, or whose mobility is restricted by a 66537
permanent cardiovascular, pulmonary, or other handicapping 66538
condition. 66539

(2) "Person with a disability that limits or impairs the 66540
ability to walk" has the same meaning as in section 4503.44 of the 66541
Revised Code. 66542

(3) "Special license plates" and "removable windshield 66543
placard" mean any license plates or removable windshield placard 66544
or temporary removable windshield placard issued under section 66545
4503.41 or 4503.44 of the Revised Code, and also mean any 66546
substantially similar license plates or removable windshield 66547
placard or temporary removable windshield placard issued by a 66548
state, district, country, or sovereignty. 66549

Sec. 4513.021. (A) As used in this section: 66550

(1) "Passenger car" means any motor vehicle with motive 66551

power, designed for carrying ten persons or less, except a 66552
multipurpose passenger vehicle or motorcycle. 66553

(2) "Multipurpose passenger vehicle" means a motor vehicle 66554
with motive power, except a motorcycle, designed to carry ten 66555
persons or less, that is constructed either on a truck chassis or 66556
with special features for occasional off-road operation. 66557

(3) "Truck" means every motor vehicle, except trailers and 66558
semitrailers, designed and used to carry property and having a 66559
gross vehicle weight rating of ten thousand pounds or less. 66560

(4) "Manufacturer" has the same meaning as in section 4501.01 66561
of the Revised Code. 66562

(5) "Gross vehicle weight rating" means the manufacturer's 66563
gross vehicle weight rating established for that vehicle. 66564

(B) The director of public safety, in accordance with Chapter 66565
119. of the Revised Code, shall adopt rules in conformance with 66566
standards of the vehicle equipment safety commission, that shall 66567
govern the maximum bumper height or, in the absence of bumpers and 66568
in cases where bumper heights have been lowered or modified, the 66569
maximum height to the bottom of the frame rail, of any passenger 66570
car, multipurpose passenger vehicle, or truck. 66571

(C) No person shall operate upon a street or highway any 66572
passenger car, multipurpose passenger vehicle, or truck registered 66573
in this state that does not conform to the requirements of this 66574
section or to any applicable rule adopted pursuant to this 66575
section. 66576

(D) No person shall modify any motor vehicle registered in 66577
this state in such a manner as to cause the vehicle body or 66578
chassis to come in contact with the ground, expose the fuel tank 66579
to damage from collision, or cause the wheels to come in contact 66580
with the body under normal operation, and no person shall 66581
disconnect any part of the original suspension system of the 66582

vehicle to defeat the safe operation of that system. 66583

(E) Nothing contained in this section or in the rules adopted 66584
pursuant to this section shall be construed to prohibit either of 66585
the following: 66586

(1) The installation upon a passenger car, multipurpose 66587
passenger vehicle, or truck registered in this state of heavy duty 66588
equipment, including shock absorbers and overload springs; 66589

(2) The operation on a street or highway of a passenger car, 66590
multipurpose passenger vehicle, or truck registered in this state 66591
with normal wear to the suspension system if the normal wear does 66592
not adversely affect the control of the vehicle. 66593

(F) This section and the rules adopted pursuant to it do not 66594
apply to any specially designed or modified passenger car, 66595
multipurpose passenger vehicle, or truck when operated off a 66596
street or highway in races and similar events. 66597

(G) ~~Except as otherwise provided in this division, whoever~~ 66598
Whoever violates this section is guilty of a minor misdemeanor. ~~If~~ 66599
~~the offender previously has been convicted of a violation of this~~ 66600
~~section, whoever violates this section is guilty of a misdemeanor~~ 66601
~~of the third degree.~~ 66602

Sec. 4513.03. (A) Every vehicle upon a street or highway 66603
within this state during the time from sunset to sunrise, and at 66604
any other time when there are unfavorable atmospheric conditions 66605
or when there is not sufficient natural light to render 66606
discernible persons, vehicles, and substantial objects on the 66607
highway at a distance of one thousand feet ahead, shall display 66608
lighted lights and illuminating devices as required by sections 66609
4513.04 to 4513.37 of the Revised Code, for different classes of 66610
vehicles; except that every motorized bicycle shall display at 66611
such times lighted lights meeting the rules adopted by the 66612

director of public safety under section 4511.521 of the Revised Code. No motor vehicle, during such times, shall be operated upon a street or highway within this state using only parking lights as illumination.

Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, such distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.04. (A) Every motor vehicle, other than a motorcycle, and every trackless trolley shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle or trackless trolley.

Every motorcycle shall be equipped with at least one and not more than two headlights.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.05. (A) Every motor vehicle, trackless trolley, trailer, semitrailer, pole trailer, or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted,

shall emit a red light visible from a distance of five hundred 66643
feet to the rear, provided that in the case of a train of vehicles 66644
only the tail light on the rearmost vehicle need be visible from 66645
the distance specified. 66646

Either a tail light or a separate light shall be so 66647
constructed and placed as to illuminate with a white light the 66648
rear registration plate, when such registration plate is required, 66649
and render it legible from a distance of fifty feet to the rear. 66650
Any tail light, together with any separate light for illuminating 66651
the rear registration plate, shall be so wired as to be lighted 66652
whenever the headlights or auxiliary driving lights are lighted, 66653
except where separate lighting systems are provided for trailers 66654
for the purpose of illuminating such registration plate. 66655

(B) Whoever violates this section ~~shall be punished as~~ 66656
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66657
minor misdemeanor. 66658

Sec. 4513.06. (A) Every new motor vehicle sold after 66659
September 6, 1941, and operated on a highway, other than a 66660
commercial tractor, to which a trailer or semitrailer is attached 66661
shall carry at the rear, either as a part of the tail lamps or 66662
separately, two red reflectors meeting the requirements of this 66663
section, except that vehicles of the type mentioned in section 66664
4513.07 of the Revised Code shall be equipped with reflectors as 66665
required by the regulations provided for in said section. 66666

Every such reflector shall be of such size and 66667
characteristics and so maintained as to be visible at night from 66668
all distances within three hundred feet to fifty feet from such 66669
vehicle. 66670

(B) Whoever violates this section ~~shall be punished as~~ 66671
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66672

minor misdemeanor. 66673

Sec. 4513.07. (A) The director of public safety shall 66674
prescribe and promulgate regulations relating to clearance lights, 66675
marker lights, reflectors, and stop lights on buses, trackless 66676
trolleys, trucks, commercial tractors, trailers, semitrailers, and 66677
pole trailers, when operated upon any highway, and such vehicles 66678
shall be equipped as required by such regulations, and such 66679
equipment shall be lighted at all times mentioned in section 66680
4513.03 of the Revised Code, except that clearance lights and side 66681
marker lights need not be lighted on any such vehicle when it is 66682
operated within a municipal corporation where there is sufficient 66683
light to reveal any person or substantial object on the highway at 66684
a distance of five hundred feet. 66685

Such equipment shall be in addition to all other lights 66686
specifically required by sections 4513.03 to 4513.16 of the 66687
Revised Code. 66688

Vehicles operated under the jurisdiction of the public 66689
utilities commission are not subject to this section. 66690

(B) Whoever violates this section ~~shall be punished as~~ 66691
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66692
minor misdemeanor. 66693

Sec. 4513.071. (A) Every motor vehicle, trailer, semitrailer, 66694
and pole trailer when operated upon a highway shall be equipped 66695
with two or more stop lights, except that passenger cars 66696
manufactured or assembled prior to January 1, 1967, motorcycles, 66697
and motor-driven cycles shall be equipped with at least one stop 66698
light. Stop lights shall be mounted on the rear of the vehicle, 66699
actuated upon application of the service brake, and may be 66700
incorporated with other rear lights. Such stop lights when 66701
actuated shall emit a red light visible from a distance of five 66702

hundred feet to the rear, provided that in the case of a train of 66703
vehicles only the stop lights on the rear-most vehicle need be 66704
visible from the distance specified. 66705

Such stop lights when actuated shall give a steady warning 66706
light to the rear of a vehicle or train of vehicles to indicate 66707
the intention of the operator to diminish the speed of or stop a 66708
vehicle or train of vehicles. 66709

When stop lights are used as required by this section, they 66710
shall be constructed or installed so as to provide adequate and 66711
reliable illumination and shall conform to the appropriate rules 66712
and regulations established under section 4513.19 of the Revised 66713
Code. 66714

Historical motor vehicles as defined in section 4503.181 of 66715
the Revised Code, not originally manufactured with stop lights, 66716
are not subject to this section. 66717

(B) Whoever violates this section ~~shall be punished as~~ 66718
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66719
minor misdemeanor. 66720

Sec. 4513.09. (A) Whenever the load upon any vehicle extends 66721
to the rear four feet or more beyond the bed or body of such 66722
vehicle, there shall be displayed at the extreme rear end of the 66723
load, at the times specified in section 4513.03 of the Revised 66724
Code, a red light or lantern plainly visible from a distance of at 66725
least five hundred feet to the sides and rear. The red light or 66726
lantern required by this section is in addition to the red rear 66727
light required upon every vehicle. At any other time there shall 66728
be displayed at the extreme rear end of such load a red flag or 66729
cloth not less than sixteen inches square. 66730

(B) Whoever violates this section ~~shall be punished as~~ 66731
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66732

minor misdemeanor. 66733

Sec. 4513.11. (A) All vehicles other than bicycles, including 66734
animal-drawn vehicles and vehicles referred to in division (G) of 66735
section 4513.02 of the Revised Code, not specifically required to 66736
be equipped with lamps or other lighting devices by sections 66737
4513.03 to 4513.10 of the Revised Code, shall, at the times 66738
specified in section 4513.03 of the Revised Code, be equipped with 66739
at least one lamp displaying a white light visible from a distance 66740
of not less than one thousand feet to the front of the vehicle, 66741
and also shall be equipped with two lamps displaying red light 66742
visible from a distance of not less than one thousand feet to the 66743
rear of the vehicle, or as an alternative, one lamp displaying a 66744
red light visible from a distance of not less than one thousand 66745
feet to the rear and two red reflectors visible from all distances 66746
of six hundred feet to one hundred feet to the rear when 66747
illuminated by the lawful lower beams of headlamps. 66748

Lamps and reflectors required or authorized by this section 66749
shall meet standards adopted by the director of public safety. 66750

(B) All boat trailers, farm machinery, and other machinery, 66751
including all road construction machinery, upon a street or 66752
highway, except when being used in actual construction and 66753
maintenance work in an area guarded by a flagperson, or where 66754
flares are used, or when operating or traveling within the limits 66755
of a construction area designated by the director of 66756
transportation, a city engineer, or the county engineer of the 66757
several counties, when such construction area is marked in 66758
accordance with requirements of the director and the manual of 66759
uniform traffic control devices, as set forth in section 4511.09 66760
of the Revised Code, which is designed for operation at a speed of 66761
twenty-five miles per hour or less shall be operated at a speed 66762
not exceeding twenty-five miles per hour, and shall display a 66763

triangular slow-moving vehicle emblem (SMV). The emblem shall be 66764
mounted so as to be visible from a distance of not less than five 66765
hundred feet to the rear. The director of public safety shall 66766
adopt standards and specifications for the design and position of 66767
mounting the SMV emblem. The standards and specifications for SMV 66768
emblems referred to in this section shall correlate with and, so 66769
far as possible, conform with those approved by the American 66770
society of agricultural engineers. 66771

A unit of farm machinery that is designed by its manufacturer 66772
to operate at a speed greater than twenty-five miles per hour may 66773
be operated on a street or highway at a speed greater than 66774
twenty-five miles per hour provided it is operated in accordance 66775
with this section. 66776

As used in this division, "machinery" does not include any 66777
vehicle designed to be drawn by an animal. 66778

(C) The use of the SMV emblem shall be restricted to 66779
animal-drawn vehicles, and to the slow-moving vehicles specified 66780
in division (B) of this section operating or traveling within the 66781
limits of the highway. Its use on slow-moving vehicles being 66782
transported upon other types of vehicles or on any other type of 66783
vehicle or stationary object on the highway is prohibited. 66784

(D)(1) No person shall sell, lease, rent, or operate any boat 66785
trailer, farm machinery, or other machinery defined as a 66786
slow-moving vehicle in division (B) of this section, except those 66787
units designed to be completely mounted on a primary power unit, 66788
which is manufactured or assembled on or after April 1, 1966, 66789
unless the vehicle is equipped with a slow-moving vehicle emblem 66790
mounting device as specified in division (B) of this section. 66791

(2) No person shall sell, lease, rent, or operate on a street 66792
or highway any unit of farm machinery that is designed by its 66793
manufacturer to operate at a speed greater than twenty-five miles 66794

per hour unless the unit displays a slow-moving vehicle emblem as 66795
specified in division (B) of this section and a speed 66796
identification symbol that meets the specifications contained in 66797
the American society of agricultural engineers standard ANSI/ASAE 66798
S584 JAN2005, agricultural equipment: speed identification symbol 66799
(SIS). 66800

(E) Any boat trailer, farm machinery, or other machinery 66801
defined as a slow-moving vehicle in division (B) of this section, 66802
in addition to the use of the slow-moving vehicle emblem, and any 66803
unit of farm machinery that is designed by its manufacturer to 66804
operate at a speed greater than twenty-five miles per hour, in 66805
addition to the display of a speed identification symbol, may be 66806
equipped with a red flashing light that shall be visible from a 66807
distance of not less than one thousand feet to the rear at all 66808
times specified in section 4513.03 of the Revised Code. When a 66809
double-faced light is used, it shall display amber light to the 66810
front and red light to the rear. 66811

In addition to the lights described in this division, farm 66812
machinery and motor vehicles escorting farm machinery may display 66813
a flashing, oscillating, or rotating amber light, as permitted by 66814
section 4513.17 of the Revised Code, and also may display 66815
simultaneously flashing turn signals or warning lights, as 66816
permitted by that section. 66817

(F) Every animal-drawn vehicle upon a street or highway shall 66818
at all times be equipped in one of the following ways: 66819

(1) With a slow-moving vehicle emblem complying with division 66820
(B) of this section; 66821

(2) With alternate reflective material complying with rules 66822
adopted under this division; 66823

(3) With both a slow-moving vehicle emblem and alternate 66824
reflective material as specified in this division. 66825

The director of public safety, subject to Chapter 119. of the Revised Code, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. The rules shall permit, as a minimum, the alternate reflective material to be black, gray, or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in section 4513.03 of the Revised Code, from a distance of not less than five hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

(G) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(H) When an agricultural tractor that is designed by its

manufacturer to operate at a speed greater than twenty-five miles 66858
per hour is being operated on a street or highway at a speed 66859
greater than twenty-five miles per hour, the operator shall 66860
possess some documentation published or provided by the 66861
manufacturer indicating the maximum speed in miles per hour at 66862
which the manufacturer designed the agricultural tractor to 66863
operate. 66864

(I) Whoever violates this section ~~shall be punished as~~ 66865
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66866
minor misdemeanor. 66867

(J) As used in this section, "boat trailer" means any vehicle 66868
designed and used exclusively to transport a boat between a place 66869
of storage and a marina, or in and around a marina, when drawn or 66870
towed on a street or highway for a distance of no more than ten 66871
miles and at a speed of twenty-five miles per hour or less. 66872

Sec. 4513.111. (A)(1) Every multi-wheel agricultural tractor 66873
whose model year was 2001 or earlier, when being operated or 66874
traveling on a street or highway at the times specified in section 66875
4513.03 of the Revised Code, at a minimum shall be equipped with 66876
and display reflectors and illuminated amber lamps so that the 66877
extreme left and right projections of the tractor are indicated by 66878
flashing lamps displaying amber light, visible to the front and 66879
the rear, by amber reflectors, all visible to the front, and by 66880
red reflectors, all visible to the rear. 66881

(2) The lamps displaying amber light need not flash 66882
simultaneously and need not flash in conjunction with any 66883
directional signals of the tractor. 66884

(3) The lamps and reflectors required by division (A)(1) of 66885
this section and their placement shall meet standards and 66886
specifications contained in rules adopted by the director of 66887
public safety in accordance with Chapter 119. of the Revised Code. 66888

The rules governing the amber lamps, amber reflectors, and red reflectors and their placement shall correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 respectively of the American society of agricultural engineers standard ANSI/ASAE S279.10 OCT98, lighting and marking of agricultural equipment on highways.

(B) Every unit of farm machinery whose model year was 2002 or later, when being operated or traveling on a street or highway at the times specified in section 4513.03 of the Revised Code, shall be equipped with and display markings and illuminated lamps that meet or exceed the lighting, illumination, and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American society of agricultural engineers standard ANSI/ASAE S279.11 APR01, lighting and marking of agricultural equipment on highways, or any subsequent revisions of that standard.

(C) The lights and reflectors required by division (A) of this section are in addition to the slow-moving vehicle emblem and lights required or permitted by section 4513.11 or 4513.17 of the Revised Code to be displayed on farm machinery being operated or traveling on a street or highway.

(D) No person shall operate any unit of farm machinery on a street or highway or cause any unit of farm machinery to travel on a street or highway in violation of division (A) or (B) of this section.

(E) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.12. (A) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of

the high-intensity portion of the beam will be directed to the 66920
left of the prolongation of the extreme left side of the vehicle, 66921
nor more than one hundred feet ahead of the vehicle. 66922

Any motor vehicle may be equipped with not more than three 66923
auxiliary driving lights mounted on the front of the vehicle. The 66924
director of public safety shall prescribe specifications for 66925
auxiliary driving lights and regulations for their use, and any 66926
such lights which do not conform to said specifications and 66927
regulations shall not be used. 66928

(B) Whoever violates this section ~~shall be punished as~~ 66929
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66930
minor misdemeanor. 66931

Sec. 4513.13. (A) Any motor vehicle may be equipped with side 66932
cowl or fender lights which shall emit a white or amber light 66933
without glare. 66934

Any motor vehicle may be equipped with lights on each side 66935
thereof which shall emit a white or amber light without glare. 66936

Any motor vehicle may be equipped with back-up lights, either 66937
separately or in combination with another light. No back-up lights 66938
shall be continuously lighted when the motor vehicle is in forward 66939
motion. 66940

(B) Whoever violates this section ~~shall be punished as~~ 66941
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66942
minor misdemeanor. 66943

Sec. 4513.14. (A) At all times mentioned in section 4513.03 66944
of the Revised Code at least two lighted lights shall be 66945
displayed, one near each side of the front of every motor vehicle 66946
and trackless trolley, except when such vehicle or trackless 66947
trolley is parked subject to the regulations governing lights on 66948

parked vehicles and trackless trolleys. 66949

The director of public safety shall prescribe and promulgate 66950
regulations relating to the design and use of such lights and such 66951
regulations shall be in accordance with currently recognized 66952
standards. 66953

(B) Whoever violates this section ~~shall be punished as~~ 66954
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66955
minor misdemeanor. 66956

Sec. 4513.15. (A) Whenever a motor vehicle is being operated 66957
on a roadway or shoulder adjacent thereto during the times 66958
specified in section 4513.03 of the Revised Code, the driver shall 66959
use a distribution of light, or composite beam, directed high 66960
enough and of sufficient intensity to reveal persons, vehicles, 66961
and substantial objects at a safe distance in advance of the 66962
vehicle, subject to the following requirements; 66963

(1) Whenever the driver of a vehicle approaches an oncoming 66964
vehicle, such driver shall use a distribution of light, or 66965
composite beam, so aimed that the glaring rays are not projected 66966
into the eyes of the oncoming driver. 66967

(2) Every new motor vehicle registered in this state, which 66968
has multiple-beam road lighting equipment shall be equipped with a 66969
beam indicator, which shall be lighted whenever the uppermost 66970
distribution of light from the headlights is in use, and shall not 66971
otherwise be lighted. Said indicator shall be so designed and 66972
located that, when lighted, it will be readily visible without 66973
glare to the driver of the vehicle. 66974

(B) Whoever violates this section ~~shall be punished as~~ 66975
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66976
minor misdemeanor. 66977

Sec. 4513.16. (A) Any motor vehicle may be operated under the conditions specified in section 4513.03 of the Revised Code when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead, in lieu of lights required in section 4513.14 of the Revised Code, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.17. (A) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than three hundred candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(B) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, that projects a beam of light of an intensity greater than three hundred candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(C)(1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, vehicles as provided in section

4513.182 of the Revised Code, department of transportation 67008
maintenance vehicles, funeral hearses, funeral escort vehicles, 67009
and similar equipment operated by the department or local 67010
authorities, which shall be equipped with and display, when used 67011
on a street or highway for the special purpose necessitating such 67012
lights, a flashing, oscillating, or rotating amber light, but 67013
shall not display a flashing, oscillating, or rotating light of 67014
any other color, nor to vehicles or machinery permitted by section 67015
4513.11 of the Revised Code to have a flashing red light. 67016

(2) When used on a street or highway, farm machinery and 67017
vehicles escorting farm machinery may be equipped with and display 67018
a flashing, oscillating, or rotating amber light, and the 67019
prohibition contained in division (C)(1) of this section does not 67020
apply to such machinery or vehicles. Farm machinery also may 67021
display the lights described in section 4513.11 of the Revised 67022
Code. 67023

(D) Except a person operating a public safety vehicle, as 67024
defined in division (E) of section 4511.01 of the Revised Code, or 67025
a school bus, no person shall operate, move, or park upon, or 67026
permit to stand within the right-of-way of any public street or 67027
highway any vehicle or equipment that is equipped with and 67028
displaying a flashing red or a flashing combination red and white 67029
light, or an oscillating or rotating red light, or a combination 67030
red and white oscillating or rotating light; and except a public 67031
law enforcement officer, or other person sworn to enforce the 67032
criminal and traffic laws of the state, operating a public safety 67033
vehicle when on duty, no person shall operate, move, or park upon, 67034
or permit to stand within the right-of-way of any street or 67035
highway any vehicle or equipment that is equipped with, or upon 67036
which is mounted, and displaying a flashing blue or a flashing 67037
combination blue and white light, or an oscillating or rotating 67038
blue light, or a combination blue and white oscillating or 67039

rotating light. 67040

(E) This section does not prohibit the use of warning lights 67041
required by law or the simultaneous flashing of turn signals on 67042
disabled vehicles or on vehicles being operated in unfavorable 67043
atmospheric conditions in order to enhance their visibility. This 67044
section also does not prohibit the simultaneous flashing of turn 67045
signals or warning lights either on farm machinery or vehicles 67046
escorting farm machinery, when used on a street or highway. 67047

(F) Whoever violates this section ~~shall be punished as~~ 67048
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67049
minor misdemeanor. 67050

Sec. 4513.171. (A) Notwithstanding any other provision of 67051
law, a motor vehicle operated by a coroner, deputy coroner, or 67052
coroner's investigator may be equipped with a flashing, 67053
oscillating, or rotating red or blue light and a siren, whistle, 67054
or bell capable of emitting sound audible under normal conditions 67055
from a distance of not less than five hundred feet. Such a vehicle 67056
may display the flashing, oscillating, or rotating red or blue 67057
light and may give the audible signal of the siren, exhaust 67058
whistle, or bell only when responding to a fatality or a fatal 67059
motor vehicle accident on a street or highway and only at those 67060
locations where the stoppage of traffic impedes the ability of the 67061
coroner, deputy coroner, or coroner's investigator to arrive at 67062
the site of the fatality. 67063

This section does not relieve a coroner, deputy coroner, or 67064
coroner's investigator operating a motor vehicle from the duty to 67065
drive with due regard for the safety of all persons and property 67066
upon the highway. 67067

(B) Whoever violates this section ~~shall be punished as~~ 67068
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67069
minor misdemeanor. 67070

Sec. 4513.18. (A) The director of transportation shall adopt standards and specifications applicable to headlights, clearance lights, identification, and other lights, on snow removal equipment when operated on the highways, and on vehicles operating under special permits pursuant to section 4513.34 of the Revised Code, in lieu of the lights otherwise required on motor vehicles. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow removal equipment, and oversize vehicles when in service upon the highways. The standards and specifications for lights referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

It is unlawful to operate snow removal equipment on a highway unless the lights thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.19. (A) No person shall use any lights mentioned in sections 4513.03 to 4513.18 of the Revised Code upon any motor vehicle, trailer, or semitrailer unless said lights are equipped, mounted, and adjusted as to focus and aim in accordance with regulations which are prescribed by the director of public safety.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.21. (A) Every motor vehicle or trackless trolley when operated upon a highway shall be equipped with a horn which

is in good working order and capable of emitting sound audible, 67101
under normal conditions, from a distance of not less than two 67102
hundred feet. 67103

No motor vehicle or trackless trolley shall be equipped with, 67104
nor shall any person use upon a vehicle, any siren, whistle, or 67105
bell. Any vehicle may be equipped with a theft alarm signal device 67106
which shall be so arranged that it cannot be used as an ordinary 67107
warning signal. Every emergency vehicle shall be equipped with a 67108
siren, whistle, or bell, capable of emitting sound audible under 67109
normal conditions from a distance of not less than five hundred 67110
feet and of a type approved by the director of public safety. Such 67111
equipment shall not be used except when such vehicle is operated 67112
in response to an emergency call or is in the immediate pursuit of 67113
an actual or suspected violator of the law, in which case the 67114
driver of the emergency vehicle shall sound such equipment when it 67115
is necessary to warn pedestrians and other drivers of the approach 67116
thereof. 67117

(B) Whoever violates this section ~~shall be punished as~~ 67118
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67119
minor misdemeanor. 67120

Sec. 4513.22. (A) Every motor vehicle and motorcycle with an 67121
internal combustion engine shall at all times be equipped with a 67122
muffler which is in good working order and in constant operation 67123
to prevent excessive or unusual noise, and no person shall use a 67124
muffler cutout, by-pass, or similar device upon a motor vehicle on 67125
a highway. Every motorcycle muffler shall be equipped with baffle 67126
plates. 67127

No person shall own, operate, or have in the person's 67128
possession any motor vehicle or motorcycle equipped with a device 67129
for producing excessive smoke or gas, or so equipped as to permit 67130

oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.23. (A) Every motor vehicle, motorcycle, and trackless trolley shall be equipped with a mirror so located as to reflect to the operator a view of the highway to the rear of such vehicle, motorcycle, or trackless trolley. Operators of vehicles, motorcycles, streetcars, and trackless trolleys shall have a clear and unobstructed view to the front and to both sides of their vehicles, motorcycles, streetcars, or trackless trolleys and shall have a clear view to the rear of their vehicles, motorcycles, streetcars, or trackless trolleys by mirror.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.24. (A) No person shall drive any motor vehicle on a street or highway in this state, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(B) No person shall drive any motor vehicle, other than a bus, with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side, or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster, or decal not to exceed four inches in height by six inches in width. No

sign, poster, or decal shall be displayed in the front windshield 67161
in such a manner as to conceal the vehicle identification number 67162
for the motor vehicle when, in accordance with federal law, that 67163
number is located inside the vehicle passenger compartment and so 67164
placed as to be readable through the vehicle glazing without 67165
moving any part of the vehicle. 67166

(C) The windshield on every motor vehicle, streetcar, and 67167
trackless trolley shall be equipped with a device for cleaning 67168
rain, snow, or other moisture from the windshield. The device 67169
shall be maintained in good working order and so constructed as to 67170
be controlled or operated by the operator of the vehicle, 67171
streetcar, or trackless trolley. 67172

(D) Whoever violates this section ~~shall be punished as~~ 67173
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67174
minor misdemeanor. 67175

Sec. 4513.242. (A) Notwithstanding section 4513.24 and 67176
division (F) of section 4513.241 of the Revised Code or any rule 67177
adopted thereunder, a decal, whether reflectorized or not, may be 67178
displayed upon any side window or siding of a motor vehicle if 67179
all of the following are met: 67180

(1) The decal is necessary for public or private security 67181
arrangements to which the motor vehicle periodically is subjected; 67182

(2) The decal is no larger than is necessary to accomplish 67183
the security arrangements; 67184

(3) The decal does not obscure the vision of the motor 67185
vehicle operator or prevent a person looking into the motor 67186
vehicle from seeing or identifying persons or objects inside the 67187
motor vehicle. 67188

(B) Whoever violates this section ~~shall be punished as~~ 67189
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67190

minor misdemeanor. 67191

Sec. 4513.28. (A) Whenever any motor truck, trackless 67192
trolley, bus, commercial tractor, trailer, semi-trailer, or pole 67193
trailer is disabled upon the traveled portion of any highway or 67194
the shoulder thereof outside of any municipality, or upon any 67195
freeway, expressway, thruway and connecting, entering or exiting 67196
ramps within a municipality, at any time when lighted lamps are 67197
required on vehicles and trackless trolleys, the operator of such 67198
vehicle or trackless trolley shall display the following warning 67199
devices upon the highway during the time the vehicle or trackless 67200
trolley is so disabled on the highway except as provided in 67201
division (B) of this section: 67202

(1) A lighted fusee shall be immediately placed on the 67203
roadway at the traffic side of such vehicle or trackless trolley, 67204
unless red electric lanterns or red reflectors are displayed. 67205

(2) Within the burning period of the fusee and as promptly as 67206
possible, three lighted flares or pot torches, or three red 67207
reflectors or three red electric lanterns shall be placed on the 67208
roadway as follows: 67209

(a) One at a distance of forty paces or approximately one 67210
hundred feet in advance of the vehicle; 67211

(b) One at a distance of forty paces or approximately one 67212
hundred feet to the rear of the vehicle or trackless trolley 67213
except as provided in this section, each in the center of the lane 67214
of traffic occupied by the disabled vehicle or trackless trolley; 67215

(c) One at the traffic side of the vehicle or trackless 67216
trolley. 67217

(B) Whenever any vehicle used in transporting flammable 67218
liquids in bulk, or in transporting compressed flammable gases, is 67219
disabled upon a highway at any time or place mentioned in division 67220

(A) of this section, the driver of such vehicle shall display upon the roadway the following warning devices:

(1) One red electric lantern or one red reflector shall be immediately placed on the roadway at the traffic side of the vehicle;

(2) Two other red electric lanterns or two other red reflectors shall be placed to the front and rear of the vehicle in the same manner prescribed for flares in division (A) of this section.

(C) When a vehicle of a type specified in division (B) of this section is disabled, the use of flares, fusees, or any signal produced by flame as warning signals is prohibited.

(D) Whenever any vehicle or trackless trolley of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof, outside of any municipality, or upon any freeway, expressway, thruway and connecting, entering or exiting ramps within a municipality, at any time when the display of fusees, flares, red reflectors, or electric lanterns is not required, the operator of such vehicle or trackless trolley shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle or trackless trolley, one at a distance of forty paces or approximately one hundred feet in advance of the vehicle or trackless trolley, and one at a distance of forty paces or approximately one hundred feet to the rear of the vehicle or trackless trolley, except as provided in this section.

(E) The flares, fusees, lanterns, red reflectors, and flags to be displayed as required in this section shall conform with the requirements of section 4513.27 of the Revised Code applicable thereto.

(F) In the event the vehicle or trackless trolley is disabled

near a curve, crest of a hill, or other obstruction of view, the 67252
flare, flag, reflector, or lantern in that direction shall be 67253
placed as to afford ample warning to other users of the highway, 67254
but in no case shall it be placed less than forty paces or 67255
approximately one hundred feet nor more than one hundred twenty 67256
paces or approximately three hundred feet from the disabled 67257
vehicle or trackless trolley. 67258

(G) This section does not apply to the operator of any 67259
vehicle in a work area designated by protection equipment devices 67260
that are displayed and used in accordance with the manual adopted 67261
by the department of transportation under section 4511.09 of the 67262
Revised Code. 67263

(H) Whoever violates this section ~~shall be punished as~~ 67264
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67265
minor misdemeanor. 67266

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 67267
police of a municipal corporation, township, or township police 67268
district, within the sheriff's or chief's respective territorial 67269
jurisdiction, upon complaint of any person adversely affected, may 67270
order into storage any motor vehicle, other than an abandoned junk 67271
motor vehicle as defined in section 4513.63 of the Revised Code, 67272
that has been left on private residential or private agricultural 67273
property for at least four hours without the permission of the 67274
person having the right to the possession of the property. The 67275
sheriff or chief of police, upon complaint of the owner of a 67276
repair garage or place of storage, may order into storage any 67277
motor vehicle, other than an abandoned junk motor vehicle, that 67278
has been left at the garage or place of storage for a longer 67279
period than that agreed upon. The place of storage shall be 67280
designated by the sheriff or chief of police. When ordering a 67281
motor vehicle into storage pursuant to this division, a sheriff or 67282

chief of police, whenever possible, shall arrange for the removal 67283
of the motor vehicle by a private tow truck operator or towing 67284
company. Subject to division (C) of this section, the owner of a 67285
motor vehicle that has been removed pursuant to this division may 67286
recover the vehicle only in accordance with division (E) of this 67287
section. 67288

(2) Divisions (A)(1) to (3) of this section do not apply to 67289
any private residential or private agricultural property that is 67290
established as a private tow-away zone in accordance with division 67291
(B) of this section. 67292

(3) As used in divisions (A)(1) and (2) of this section, 67293
"private residential property" means private property on which is 67294
located one or more structures that are used as a home, residence, 67295
or sleeping place by one or more persons, if no more than three 67296
separate households are maintained in the structure or structures. 67297
"Private residential property" does not include any private 67298
property on which is located one or more structures that are used 67299
as a home, residence, or sleeping place by two or more persons, if 67300
more than three separate households are maintained in the 67301
structure or structures. 67302

(B)(1) The owner of private property may establish a private 67303
tow-away zone only if all of the following conditions are 67304
satisfied: 67305

(a) The owner posts on the owner's property a sign, that is 67306
at least eighteen inches by twenty-four inches in size, that is 67307
visible from all entrances to the property, and that contains at 67308
least all of the following information: 67309

(i) A notice that the property is a private tow-away zone and 67310
that vehicles not authorized to park on the property will be towed 67311
away; 67312

(ii) The telephone number of the person from whom a 67313

towed-away vehicle can be recovered, and the address of the place 67314
to which the vehicle will be taken and the place from which it may 67315
be recovered; 67316

(iii) A statement that the vehicle may be recovered at any 67317
time during the day or night upon the submission of proof of 67318
ownership and the payment of a towing charge, in an amount not to 67319
exceed ninety dollars, and a storage charge, in an amount not to 67320
exceed twelve dollars per twenty-four-hour period; except that the 67321
charge for towing shall not exceed one hundred fifty dollars, and 67322
the storage charge shall not exceed twenty dollars per 67323
twenty-four-hour period, if the vehicle has a manufacturer's gross 67324
vehicle weight rating in excess of ten thousand pounds and is a 67325
truck, bus, or a combination of a commercial tractor and trailer 67326
or semitrailer. 67327

(b) The place to which the towed vehicle is taken and from 67328
which it may be recovered is conveniently located, is well 67329
lighted, and is on or within a reasonable distance of a regularly 67330
scheduled route of one or more modes of public transportation, if 67331
any public transportation is available in the municipal 67332
corporation or township in which the private tow-away zone is 67333
located. 67334

(2) If a vehicle is parked on private property that is 67335
established as a private tow-away zone in accordance with division 67336
(B)(1) of this section, without the consent of the owner of the 67337
property or in violation of any posted parking condition or 67338
regulation, the owner or the owner's agent may remove, or cause 67339
the removal of, the vehicle, the owner and the operator of the 67340
vehicle shall be deemed to have consented to the removal and 67341
storage of the vehicle and to the payment of the towing and 67342
storage charges specified in division (B)(1)(a)(iii) of this 67343
section, and the owner, subject to division (C) of this section, 67344
may recover a vehicle that has been so removed only in accordance 67345

with division (E) of this section. 67346

(3) If a municipal corporation requires tow trucks and tow 67347
truck operators to be licensed, no owner of private property 67348
located within the municipal corporation shall remove, or shall 67349
cause the removal and storage of, any vehicle pursuant to division 67350
(B)(2) of this section by an unlicensed tow truck or unlicensed 67351
tow truck operator. 67352

(4) Divisions (B)(1) to (3) of this section do not affect or 67353
limit the operation of division (A) of this section or sections 67354
4513.61 to 4513.65 of the Revised Code as they relate to property 67355
other than private property that is established as a private 67356
tow-away zone under division (B)(1) of this section. 67357

(C) If the owner or operator of a motor vehicle that has been 67358
ordered into storage pursuant to division (A)(1) of this section 67359
or of a vehicle that is being removed under authority of division 67360
(B)(2) of this section arrives after the motor vehicle or vehicle 67361
has been prepared for removal, but prior to its actual removal 67362
from the property, the owner or operator shall be given the 67363
opportunity to pay a fee of not more than one-half of the charge 67364
for the removal of motor vehicles under division (A)(1) of this 67365
section or of vehicles under division (B)(2) of this section, 67366
whichever is applicable, that normally is assessed by the person 67367
who has prepared the motor vehicle or vehicle for removal, in 67368
order to obtain release of the motor vehicle or vehicle. Upon 67369
payment of that fee, the motor vehicle or vehicle shall be 67370
released to the owner or operator, and upon its release, the owner 67371
or operator immediately shall move it so that: 67372

(1) If the motor vehicle was ordered into storage pursuant to 67373
division (A)(1) of this section, it is not on the private 67374
residential or private agricultural property without the 67375
permission of the person having the right to possession of the 67376
property, or is not at the garage or place of storage without the 67377

permission of the owner, whichever is applicable. 67378

(2) If the vehicle was being removed under authority of 67379
division (B)(2) of this section, it is not parked on the private 67380
property established as a private tow-away zone without the 67381
consent of the owner or in violation of any posted parking 67382
condition or regulation. 67383

(D)(1) If an owner of private property that is established as 67384
a private tow-away zone in accordance with division (B)(1) of this 67385
section or the authorized agent of such an owner removes or causes 67386
the removal of a vehicle from that property under authority of 67387
division (B)(2) of this section, the owner or agent promptly shall 67388
notify the police department of the municipal corporation, 67389
township, or township police district in which the property is 67390
located, of the removal, the vehicle's license number, make, 67391
model, and color, the location from which it was removed, the date 67392
and time of its removal, the telephone number of the person from 67393
whom it may be recovered, and the address of the place to which it 67394
has been taken and from which it may be recovered. 67395

(2) Each county sheriff and each chief of police of a 67396
municipal corporation, township, or township police district shall 67397
maintain a record of motor vehicles that the sheriff or chief 67398
orders into storage pursuant to division (A)(1) of this section 67399
and of vehicles removed from private property in the sheriff's or 67400
chief's jurisdiction that is established as a private tow-away 67401
zone of which the sheriff or chief has received notice under 67402
division (D)(1) of this section. The record shall include an entry 67403
for each such motor vehicle or vehicle that identifies the motor 67404
vehicle's or vehicle's license number, make, model, and color, the 67405
location from which it was removed, the date and time of its 67406
removal, the telephone number of the person from whom it may be 67407
recovered, and the address of the place to which it has been taken 67408
and from which it may be recovered. Any information in the record 67409

that pertains to a particular motor vehicle or vehicle shall be 67410
provided to any person who, either in person or pursuant to a 67411
telephone call, identifies self as the owner or operator of the 67412
motor vehicle or vehicle and requests information pertaining to 67413
its location. 67414

(3) Any person who registers a complaint that is the basis of 67415
a sheriff's or police chief's order for the removal and storage of 67416
a motor vehicle under division (A)(1) of this section shall 67417
provide the identity of the law enforcement agency with which the 67418
complaint was registered to any person who identifies self as the 67419
owner or operator of the motor vehicle and requests information 67420
pertaining to its location. 67421

(E) The owner of a motor vehicle that is ordered into storage 67422
pursuant to division (A)(1) of this section or of a vehicle that 67423
is removed under authority of division (B)(2) of this section may 67424
reclaim it upon payment of any expenses or charges incurred in its 67425
removal, in an amount not to exceed ninety dollars, and storage, 67426
in an amount not to exceed twelve dollars per twenty-four-hour 67427
period; except that the charge for towing shall not exceed one 67428
hundred fifty dollars, and the storage charge shall not exceed 67429
twenty dollars per twenty-four-hour period, if the vehicle has a 67430
manufacturer's gross vehicle weight rating in excess of ten 67431
thousand pounds and is a truck, bus, or a combination of a 67432
commercial tractor and trailer or semitrailer. Presentation of 67433
proof of ownership, which may be evidenced by a certificate of 67434
title to the motor vehicle or vehicle also shall be required for 67435
reclamation of the vehicle. If a motor vehicle that is ordered 67436
into storage pursuant to division (A)(1) of this section remains 67437
unclaimed by the owner for thirty days, the procedures established 67438
by sections 4513.61 and 4513.62 of the Revised Code shall apply. 67439

(F) No person shall remove, or cause the removal of, any 67440
vehicle from private property that is established as a private 67441

tow-away zone under division (B)(1) of this section other than in 67442
accordance with division (B)(2) of this section, and no person 67443
shall remove, or cause the removal of, any motor vehicle from any 67444
other private property other than in accordance with division 67445
(A)(1) of this section or sections 4513.61 to 4513.65 of the 67446
Revised Code. 67447

(G)~~(1)~~ Whoever violates division (B)(3) or (F) of this 67448
section is guilty of a minor misdemeanor. 67449

~~(2) Except as otherwise provided in this division, whoever 67450
violates division (F) of this section is guilty of a minor 67451
misdemeanor. If the offender previously has been convicted of or 67452
pleaded guilty to a violation of division (F) of this section, 67453
whoever violates division (F) of this section is guilty of a 67454
misdemeanor of the third degree. 67455~~

Sec. 4513.65. (A) For purposes of this section, "junk motor 67456
vehicle" means any motor vehicle meeting the requirements of 67457
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 67458
Code that is left uncovered in the open on private property for 67459
more than seventy-two hours with the permission of the person 67460
having the right to the possession of the property, except if the 67461
person is operating a junk yard or scrap metal processing facility 67462
licensed under authority of sections 4737.05 to 4737.12 of the 67463
Revised Code, or regulated under authority of a political 67464
subdivision; or if the property on which the motor vehicle is left 67465
is not subject to licensure or regulation by any governmental 67466
authority, unless the person having the right to the possession of 67467
the property can establish that the motor vehicle is part of a 67468
bona fide commercial operation; or if the motor vehicle is a 67469
collector's vehicle. 67470

No political subdivision shall prevent a person from storing 67471
or keeping, or restrict a person in the method of storing or 67472

keeping, any collector's vehicle on private property with the 67473
permission of the person having the right to the possession of the 67474
property; except that a political subdivision may require a person 67475
having such permission to conceal, by means of buildings, fences, 67476
vegetation, terrain, or other suitable obstruction, any unlicensed 67477
collector's vehicle stored in the open. 67478

The sheriff of a county, or chief of police of a municipal 67479
corporation, within the sheriff's or chief's respective 67480
territorial jurisdiction, a state highway patrol trooper, a board 67481
of township trustees, the legislative authority of a municipal 67482
corporation, or the zoning authority of a township or a municipal 67483
corporation, may send notice, by certified mail with return 67484
receipt requested, to the person having the right to the 67485
possession of the property on which a junk motor vehicle is left, 67486
that within ten days of receipt of the notice, the junk motor 67487
vehicle either shall be covered by being housed in a garage or 67488
other suitable structure, or shall be removed from the property. 67489

No person shall willfully leave a junk motor vehicle 67490
uncovered in the open for more than ten days after receipt of a 67491
notice as provided in this section. The fact that a junk motor 67492
vehicle is so left is prima-facie evidence of willful failure to 67493
comply with the notice, and each subsequent period of thirty days 67494
that a junk motor vehicle continues to be so left constitutes a 67495
separate offense. 67496

(B) ~~Except as otherwise provided in this division, whoever~~ 67497
Whoever violates this section is guilty of a minor misdemeanor ~~on~~ 67498
~~a first offense. If the offender previously has been convicted of~~ 67499
~~or pleaded guilty to one violation of this section, whoever~~ 67500
~~violates this section is guilty of a misdemeanor of the fourth~~ 67501
~~degree. If the offender previously has been convicted of or~~ 67502
~~pleaded guilty to two or more violations of this section, whoever~~ 67503
~~violates this section is guilty of a misdemeanor of the third~~ 67504

degree. 67505

Sec. 4513.99. (A) Any violation of section ~~4513.03, 4513.04,~~ 67506
~~4513.05, 4513.06, 4513.07, 4513.071, 4513.09,~~ 4513.10, ~~4513.11~~ 67507
~~except for division (H) of that section, 4513.111, 4513.12,~~ 67508
~~4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171, 4513.18,~~ 67509
~~4513.182, 4513.19, 4513.20, 4513.201, 4513.202, 4513.21, 4513.22,~~ 67510
~~4513.23, 4513.24, 4513.242,~~ 4513.25, 4513.26, 4513.27, ~~4513.28,~~ 67511
4513.29, 4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code 67512
shall be punished under division (B) of this section. 67513

(B) Whoever violates the sections of this chapter that are 67514
specifically required to be punished under this division, or any 67515
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of 67516
the Revised Code for which violation no penalty is otherwise 67517
provided, is guilty of a minor misdemeanor on a first offense; on 67518
a second offense within one year after the first offense, the 67519
person is guilty of a misdemeanor of the fourth degree; on each 67520
subsequent offense within one year after the first offense, the 67521
person is guilty of a misdemeanor of the third degree. 67522

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 67523
Revised Code: 67524

(A) "Persons" includes individuals, firms, partnerships, 67525
associations, joint stock companies, corporations, and any 67526
combinations of individuals. 67527

(B) "Motor vehicle" means motor vehicle as defined in section 67528
4501.01 of the Revised Code and also includes "all-purpose 67529
vehicle" and "off-highway motorcycle" as those terms are defined 67530
in section 4519.01 of the Revised Code ~~and manufactured and mobile~~ 67531
~~homes~~. "Motor vehicle" does not include a snowmobile as defined in 67532
section 4519.01 of the Revised Code or manufactured and mobile 67533
homes. 67534

(C) "New motor vehicle" means a motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacturer, distributor, or dealer to an ultimate purchaser.

(D) "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a dealer purchasing in the capacity of a dealer, who in good faith purchases such new motor vehicle for purposes other than resale.

(E) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect.

(F) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business.

(G) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to an ultimate purchaser for use as a consumer.

(H) "Retail installment contract" includes any contract in the form of a note, chattel mortgage, conditional sales contract, lease, agreement, or other instrument payable in one or more installments over a period of time and arising out of the retail sale of a motor vehicle.

(I) "Farm machinery" means all machines and tools used in the production, harvesting, and care of farm products.

(J) "Dealer" or "motor vehicle dealer" means any new motor vehicle dealer, any motor vehicle leasing dealer, and any used motor vehicle dealer.

(K) "New motor vehicle dealer" means any person engaged in 67566
the business of selling at retail, displaying, offering for sale, 67567
or dealing in new motor vehicles pursuant to a contract or 67568
agreement entered into with the manufacturer, remanufacturer, or 67569
distributor of the motor vehicles. 67570

(L) "Used motor vehicle dealer" means any person engaged in 67571
the business of selling, displaying, offering for sale, or dealing 67572
in used motor vehicles, at retail or wholesale, but does not mean 67573
any new motor vehicle dealer selling, displaying, offering for 67574
sale, or dealing in used motor vehicles incidentally to engaging 67575
in the business of selling, displaying, offering for sale, or 67576
dealing in new motor vehicles, any person engaged in the business 67577
of dismantling, salvaging, or rebuilding motor vehicles by means 67578
of using used parts, or any public officer performing official 67579
duties. 67580

(M) "Motor vehicle leasing dealer" means any person engaged 67581
in the business of regularly making available, offering to make 67582
available, or arranging for another person to use a motor vehicle 67583
pursuant to a bailment, lease, sublease, or other contractual 67584
arrangement under which a charge is made for its use at a periodic 67585
rate for a term of thirty days or more, and title to the motor 67586
vehicle is in and remains in the motor vehicle leasing dealer who 67587
originally leases it, irrespective of whether or not the motor 67588
vehicle is the subject of a later sublease, and not in the user, 67589
but does not mean a manufacturer or its affiliate leasing to its 67590
employees or to dealers. 67591

(N) "Salesperson" means any person employed by a dealer or 67592
manufactured home broker to sell, display, and offer for sale, or 67593
deal in motor vehicles for a commission, compensation, or other 67594
valuable consideration, but does not mean any public officer 67595
performing official duties. 67596

(O) "Casual sale" means any transfer of a motor vehicle by a 67597

person other than a new motor vehicle dealer, used motor vehicle dealer, motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, salesperson, motor vehicle auction owner, manufacturer, or distributor acting in the capacity of a dealer, salesperson, auction owner, manufacturer, or distributor, to a person who purchases the motor vehicle for use as a consumer.

(P) "Motor vehicle show" means a display of current models of motor vehicles whereby the primary purpose is the exhibition of competitive makes and models in order to provide the general public the opportunity to review and inspect various makes and models of motor vehicles at a single location.

(Q) "Motor vehicle auction owner" means any person who is engaged wholly or in part in the business of auctioning motor vehicles.

(R) "Manufacturer" means a person who manufactures, assembles, or imports motor vehicles, including motor homes, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.

(S) "Tent-type fold-out camping trailer" means any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and that is subject to the following properties and limitations:

(1) A minimum of twenty-five per cent of the fold-out portion of the top and sidewalls combined must be constructed of canvas, vinyl, or other fabric, and form an integral part of the shelter.

(2) When folded, the unit must not exceed:

(a) Fifteen feet in length, exclusive of bumper and tongue;

(b) Sixty inches in height from the point of contact with the

ground; 67628

(c) Eight feet in width; 67629

(d) One ton gross weight at time of sale. 67630

(T) "Distributor" means any person authorized by a motor 67631
vehicle manufacturer to distribute new motor vehicles to licensed 67632
new motor vehicle dealers, but does not mean a person who only 67633
assembles or installs a body, special equipment unit, finishing 67634
trim, or accessories on a motor vehicle chassis supplied by a 67635
manufacturer or distributor. 67636

(U) "Flea market" means a market place, other than a dealer's 67637
location licensed under this chapter, where a space or location is 67638
provided for a fee or compensation to a seller to exhibit and 67639
offer for sale or trade, motor vehicles to the general public. 67640

(V) "Franchise" means any written agreement, contract, or 67641
understanding between any motor vehicle manufacturer or 67642
remanufacturer engaged in commerce and any motor vehicle dealer 67643
that purports to fix the legal rights and liabilities of the 67644
parties to such agreement, contract, or understanding. 67645

(W) "Franchisee" means a person who receives new motor 67646
vehicles from the franchisor under a franchise agreement and who 67647
offers, sells, and provides service for such new motor vehicles to 67648
the general public. 67649

(X) "Franchisor" means a new motor vehicle manufacturer, 67650
remanufacturer, or distributor who supplies new motor vehicles 67651
under a franchise agreement to a franchisee. 67652

(Y) "Dealer organization" means a state or local trade 67653
association the membership of which is comprised predominantly of 67654
new motor vehicle dealers. 67655

(Z) "Factory representative" means a representative employed 67656
by a manufacturer, remanufacturer, or by a factory branch 67657

primarily for the purpose of promoting the sale of its motor 67658
vehicles, parts, or accessories to dealers or for supervising or 67659
contacting its dealers or prospective dealers. 67660

(AA) "Administrative or executive management" means those 67661
individuals who are not subject to federal wage and hour laws. 67662

(BB) "Good faith" means honesty in the conduct or transaction 67663
concerned and the observance of reasonable commercial standards of 67664
fair dealing in the trade as is defined in division (S) of section 67665
1301.01 of the Revised Code, including, but not limited to, the 67666
duty to act in a fair and equitable manner so as to guarantee 67667
freedom from coercion, intimidation, or threats of coercion or 67668
intimidation; provided however, that recommendation, endorsement, 67669
exposition, persuasion, urging, or argument shall not be 67670
considered to constitute a lack of good faith. 67671

(CC) "Coerce" means to compel or attempt to compel by failing 67672
to act in good faith or by threat of economic harm, breach of 67673
contract, or other adverse consequences. Coerce does not mean to 67674
argue, urge, recommend, or persuade. 67675

(DD) "Relevant market area" means any area within a radius of 67676
ten miles from the site of a potential new dealership, except that 67677
for manufactured home or recreational vehicle dealerships the 67678
radius shall be twenty-five miles. The ten-mile radius shall be 67679
measured from the dealer's established place of business that is 67680
used exclusively for the purpose of selling, displaying, offering 67681
for sale, or dealing in motor vehicles. 67682

(EE) "Wholesale" or "at wholesale" means the act or attempted 67683
act of selling, bartering, exchanging, or otherwise disposing of a 67684
motor vehicle to a transferee for the purpose of resale and not 67685
for ultimate consumption by that transferee. 67686

(FF) "Motor vehicle wholesaler" means any person licensed as 67687
a dealer under the laws of another state and engaged in the 67688

business of selling, displaying, or offering for sale used motor vehicles, at wholesale, but does not mean any motor vehicle dealer as defined in this section.

(GG)(1) "Remanufacturer" means a person who assembles or installs passenger seating, walls, a roof elevation, or a body extension on a conversion van with the motor vehicle chassis supplied by a manufacturer or distributor, a person who modifies a truck chassis supplied by a manufacturer or distributor for use as a public safety or public service vehicle, a person who modifies a motor vehicle chassis supplied by a manufacturer or distributor for use as a limousine or hearse, or a person who modifies an incomplete motor vehicle cab and chassis supplied by a new motor vehicle dealer or distributor for use as a tow truck, but does not mean either of the following:

(a) A person who assembles or installs passenger seating, walls, a roof elevation, or a body extension on a ~~manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code, a mobile home as defined in division (O) and referred to in division (B) of section 4501.01 of the Revised Code, or~~ a recreational vehicle as defined in division (Q) and referred to in division (B) of section 4501.01 of the Revised Code;

(b) A person who assembles or installs special equipment or accessories for handicapped persons, as defined in section 4503.44 of the Revised Code, upon a motor vehicle chassis supplied by a manufacturer or distributor.

(2) For the purposes of division (GG)(1) of this section, "public safety vehicle or public service vehicle" means a fire truck, ambulance, school bus, street sweeper, garbage packing truck, or cement mixer, or a mobile self-contained facility vehicle.

(3) For the purposes of division (GG)(1) of this section, 67720
"limousine" means a motor vehicle, designed only for the purpose 67721
of carrying nine or fewer passengers, that a person modifies by 67722
cutting the original chassis, lengthening the wheelbase by forty 67723
inches or more, and reinforcing the chassis in such a way that all 67724
modifications comply with all applicable federal motor vehicle 67725
safety standards. No person shall qualify as or be deemed to be a 67726
remanufacturer who produces limousines unless the person has a 67727
written agreement with the manufacturer of the chassis the person 67728
utilizes to produce the limousines to complete properly the 67729
remanufacture of the chassis into limousines. 67730

(4) For the purposes of division (GG)(1) of this section, 67731
"hearse" means a motor vehicle, designed only for the purpose of 67732
transporting a single casket, that is equipped with a compartment 67733
designed specifically to carry a single casket that a person 67734
modifies by cutting the original chassis, lengthening the 67735
wheelbase by ten inches or more, and reinforcing the chassis in 67736
such a way that all modifications comply with all applicable 67737
federal motor vehicle safety standards. No person shall qualify as 67738
or be deemed to be a remanufacturer who produces hearses unless 67739
the person has a written agreement with the manufacturer of the 67740
chassis the person utilizes to produce the hearses to complete 67741
properly the remanufacture of the chassis into hearses. 67742

(5) For the purposes of division (GG)(1) of this section, 67743
"mobile self-contained facility vehicle" means a mobile classroom 67744
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 67745
testing laboratory, and mobile display vehicle, each of which is 67746
designed for purposes other than for passenger transportation and 67747
other than the transportation or displacement of cargo, freight, 67748
materials, or merchandise. A vehicle is remanufactured into a 67749
mobile self-contained facility vehicle in part by the addition of 67750
insulation to the body shell, and installation of all of the 67751

following: a generator, electrical wiring, plumbing, holding 67752
tanks, doors, windows, cabinets, shelving, and heating, 67753
ventilating, and air conditioning systems. 67754

(6) For the purposes of division (GG)(1) of this section, 67755
"tow truck" means both of the following: 67756

(a) An incomplete cab and chassis that are purchased by a 67757
remanufacturer from a new motor vehicle dealer or distributor of 67758
the cab and chassis and on which the remanufacturer then installs 67759
in a permanent manner a wrecker body it purchases from a 67760
manufacturer or distributor of wrecker bodies, installs an 67761
emergency flashing light pylon and emergency lights upon the mast 67762
of the wrecker body or rooftop, and installs such other related 67763
accessories and equipment, including push bumpers, front grille 67764
guards with pads and other custom-ordered items such as painting, 67765
special lettering, and safety striping so as to create a complete 67766
motor vehicle capable of lifting and towing another motor vehicle. 67767

(b) An incomplete cab and chassis that are purchased by a 67768
remanufacturer from a new motor vehicle dealer or distributor of 67769
the cab and chassis and on which the remanufacturer then installs 67770
in a permanent manner a car carrier body it purchases from a 67771
manufacturer or distributor of car carrier bodies, installs an 67772
emergency flashing light pylon and emergency lights upon the 67773
rooftop, and installs such other related accessories and 67774
equipment, including push bumpers, front grille guards with pads 67775
and other custom-ordered items such as painting, special 67776
lettering, and safety striping. 67777

As used in division (GG)(6)(b) of this section, "car carrier 67778
body" means a mechanical or hydraulic apparatus capable of lifting 67779
and holding a motor vehicle on a flat level surface so that one or 67780
more motor vehicles can be transported, once the car carrier is 67781
permanently installed upon an incomplete cab and chassis. 67782

(HH) "Operating as a new motor vehicle dealership" means 67783
engaging in activities such as displaying, offering for sale, and 67784
selling new motor vehicles at retail, operating a service facility 67785
to perform repairs and maintenance on motor vehicles, offering for 67786
sale and selling motor vehicle parts at retail, and conducting all 67787
other acts that are usual and customary to the operation of a new 67788
motor vehicle dealership. For the purposes of this chapter only, 67789
possession of either a valid new motor vehicle dealer franchise 67790
agreement or a new motor vehicle dealers license, or both of these 67791
items, is not evidence that a person is operating as a new motor 67792
vehicle dealership. 67793

(II) ~~"Manufactured home broker" means any person acting as a 67794
selling agent on behalf of an owner of a manufactured or mobile 67795
home that is subject to taxation under section 4503.06 of the 67796
Revised Code.~~ 67797

~~(JJ)~~ "Outdoor power equipment" means garden and small utility 67798
tractors, walk-behind and riding mowers, chainsaws, and tillers. 67799

~~(KK)~~(JJ) "Remote service facility" means premises that are 67800
separate from a licensed new motor vehicle dealer's sales facility 67801
by not more than one mile and that are used by the dealer to 67802
perform repairs, warranty work, recall work, and maintenance on 67803
motor vehicles pursuant to a franchise agreement entered into with 67804
a manufacturer of motor vehicles. A remote service facility shall 67805
be deemed to be part of the franchise agreement and is subject to 67806
all the rights, duties, obligations, and requirements of Chapter 67807
4517. of the Revised Code that relate to the performance of motor 67808
vehicle repairs, warranty work, recall work, and maintenance work 67809
by new motor vehicle dealers. 67810

Sec. 4517.02. (A) Except as otherwise provided in this 67811
section, no person shall do any of the following: 67812

(1) Engage in the business of displaying or selling at retail 67813

new motor vehicles or assume to engage in that business, unless 67814
the person is licensed as a new motor vehicle dealer under 67815
sections 4517.01 to 4517.45 of the Revised Code, or is a 67816
salesperson licensed under those sections and employed by a 67817
licensed new motor vehicle dealer; 67818

(2) Engage in the business of offering for sale, displaying 67819
for sale, or selling at retail or wholesale used motor vehicles or 67820
assume to engage in that business, unless the person is licensed 67821
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 67822
or is a salesperson licensed under those sections and employed by 67823
a licensed used motor vehicle dealer or licensed new motor vehicle 67824
dealer; 67825

(3) Engage in the business of regularly making available, 67826
offering to make available, or arranging for another person to use 67827
a motor vehicle, in the manner described in division (M) of 67828
section 4517.01 of the Revised Code, unless the person is licensed 67829
as a motor vehicle leasing dealer under sections 4517.01 to 67830
4517.45 of the Revised Code; 67831

(4) Engage in the business of motor vehicle auctioning or 67832
assume to engage in that business, unless the person is licensed 67833
as a motor vehicle auction owner under sections 4517.01 to 4517.45 67834
of the Revised Code and the person uses an auctioneer who is 67835
licensed under Chapter 4707. of the Revised Code to conduct the 67836
motor vehicle auctions; 67837

(5) Engage in the business of distributing motor vehicles or 67838
assume to engage in that business, unless the person is licensed 67839
as a distributor under sections 4517.01 to 4517.45 of the Revised 67840
Code; 67841

(6) Make more than five casual sales of motor vehicles in a 67842
twelve-month period, commencing with the day of the month in which 67843
the first such sale is made, nor provide a location or space for 67844

the sale of motor vehicles at a flea market, without obtaining a license as a dealer under sections 4517.01 to 4517.45 of the Revised Code, provided that nothing in this section shall be construed to prohibit the disposition without a license of a motor vehicle originally acquired and held for purposes other than sale, rental, or lease to an employee, retiree, officer, or director of the person making the disposition, to a corporation affiliated with the person making the disposition, or to a person licensed under sections 4517.01 to 4517.45 of the Revised Code+

~~(7) Engage in the business of brokering manufactured homes unless that person is licensed as a manufactured home broker under sections 4517.01 to 4517.45 of the Revised Code.~~

(B) Nothing in this section shall be construed to require an auctioneer licensed under sections 4707.01 to 4707.19 of the Revised Code, to obtain a motor vehicle salesperson's license under sections 4517.01 to 4517.45 of the Revised Code when conducting an auction sale for a licensed motor vehicle dealer on the dealer's premises, or when conducting an auction sale for a licensed motor vehicle auction owner; nor shall such an auctioneer be required to obtain a motor vehicle auction owner's license under sections 4517.01 to 4517.45 of the Revised Code when engaged in auctioning for a licensed motor vehicle auction owner.

(C) Sections 4517.01 to 4517.45 of the Revised Code do not apply to any of the following:

(1) Persons engaging in the business of selling commercial tractors, trailers, or semitrailers incidentally to engaging primarily in business other than the selling or leasing of motor vehicles;

(2) Mortgagees selling at retail only those motor vehicles that have come into their possession by a default in the terms of a mortgage contract;

(3) The leasing, rental, and interchange of motor vehicles used directly in the rendition of a public utility service by regulated motor carriers.

(D) When a partnership licensed under sections 4517.01 to 4517.45 of the Revised Code is dissolved by death, the surviving partners may operate under the license for a period of sixty days, and the heirs or representatives of deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the license of the person succeeded in possession by that heir, representative, receiver, or trustee in bankruptcy.

(E) No remanufacturer shall engage in the business of selling at retail any new motor vehicle without having written authority from the manufacturer or distributor of the vehicle to sell new motor vehicles and to perform repairs under the terms of the manufacturer's or distributor's new motor vehicle warranty, unless, at the time of the sale of the vehicle, each customer is furnished with a binding agreement ensuring that the customer has the right to have the vehicle serviced or repaired by a new motor vehicle dealer who is franchised to sell and service vehicles of the same line-make as the chassis of the remanufactured vehicle purchased by the customer and whose service or repair facility is located within either twenty miles of the remanufacturer's location and place of business or twenty miles of the customer's residence or place of business. If there is no such new motor vehicle dealer located within twenty miles of the remanufacturer's location and place of business or the customer's residence or place of business, the binding agreement furnished to the customer may be with the new motor vehicle dealer who is franchised to sell and service vehicles of the same line-make as the chassis of the remanufactured vehicle purchased by the customer and whose service or repair facility is located nearest to the remanufacturer's location and place of business or the customer's residence or

place of business. Additionally, at the time of sale of any 67908
vehicle, each customer of the remanufacturer shall be furnished 67909
with a warranty issued by the remanufacturer for a term of at 67910
least one year. 67911

(F) Except as otherwise provided in this division, whoever 67912
violates this section is guilty of a minor misdemeanor and shall 67913
be subject to a mandatory fine of one hundred dollars. If the 67914
offender previously has been convicted of or pleaded guilty to a 67915
violation of this section, whoever violates this section is guilty 67916
of a misdemeanor of the first degree and shall be subject to a 67917
mandatory fine of one thousand dollars. 67918

Sec. 4517.03. (A) A place of business that is used for 67919
selling, displaying, offering for sale, or dealing in motor 67920
vehicles shall be considered as used exclusively for those 67921
purposes even though snowmobiles, farm machinery, outdoor power 67922
equipment, watercraft and related products, or products 67923
manufactured or distributed by a motor vehicle manufacturer with 67924
which the motor vehicle dealer has a franchise agreement are sold 67925
or displayed there, or if repair, accessory, gasoline and oil, 67926
storage, parts, service, or paint departments are maintained 67927
there, or such products or services are provided there, if the 67928
departments are operated or the products or services are provided 67929
for the business of selling, displaying, offering for sale, or 67930
dealing in motor vehicles. Places of business or departments in a 67931
place of business used to dismantle, salvage, or rebuild motor 67932
vehicles by means of using used parts, are not considered as being 67933
maintained for the purpose of assisting or furthering the selling, 67934
displaying, offering for sale, or dealing in motor vehicles. A 67935
place of business shall be considered as used exclusively for 67936
selling, displaying, offering for sale, or dealing in motor 67937
vehicles even though a business owned by a motor vehicle leasing 67938
dealer or a motor vehicle renting dealer is located at the place 67939

of business. 67940

(B)(1) No new motor vehicle dealer shall sell, display, offer 67941
for sale, or deal in motor vehicles at any place except an 67942
established place of business that is used exclusively for the 67943
purpose of selling, displaying, offering for sale, or dealing in 67944
motor vehicles. The place of business shall have space, under 67945
roof, for the display of at least one new motor vehicle. The 67946
established place of business or, if the dealer operates a remote 67947
service facility, the dealer's remote service facility shall have 67948
facilities and space for the inspection, servicing, and repair of 67949
at least one motor vehicle. However a new motor vehicle dealer 67950
selling manufactured or mobile homes is exempt from the 67951
requirement that a place of business have space, under roof, for 67952
the display of at least one new motor vehicle and facilities and 67953
space for the inspection, servicing, and repair of at least one 67954
motor vehicle. 67955

(2) A licensed new motor vehicle dealer may operate a remote 67956
service facility with the consent of the manufacturer and only to 67957
perform repairs, warranty work, recall work, and maintenance on 67958
motor vehicles as part of the dealer's franchised and licensed new 67959
motor vehicle dealership. The remote service facility shall be 67960
included on the new motor vehicle dealer's license and be deemed 67961
to be part of the dealer's licensed location. 67962

(3) No person shall use a remote service facility for 67963
selling, displaying, or offering for sale motor vehicles. 67964

~~(4) Nothing in Chapter 4517. of the Revised Code shall be 67965
construed as prohibiting the sale of a new or used manufactured or 67966
mobile home located in a manufactured home park by a licensed new 67967
or used motor vehicle dealer. 67968~~

(C) No used motor vehicle dealer shall sell, display, offer 67969
for sale, or deal in motor vehicles at any place except an 67970

established place of business that is used exclusively for the 67971
purpose of selling, displaying, offering for sale, or dealing in 67972
motor vehicles. 67973

(D) No motor vehicle leasing dealer shall make a motor 67974
vehicle available for use by another, in the manner described in 67975
division (M) of section 4517.01 of the Revised Code, at any place 67976
except an established place of business that is used for leasing 67977
motor vehicles; except that a motor vehicle leasing dealer who is 67978
also a new motor vehicle dealer or used motor vehicle dealer may 67979
lease motor vehicles at the same place of business at which the 67980
dealer sells, offers for sale, or deals in new or used motor 67981
vehicles. 67982

(E) No motor vehicle leasing dealer or motor vehicle renting 67983
dealer shall sell a motor vehicle within ninety days after a 67984
certificate of title to the motor vehicle is issued to the dealer, 67985
except when a salvage certificate of title is issued to replace 67986
the original certificate of title and except when a motor vehicle 67987
leasing dealer sells a motor vehicle to another motor vehicle 67988
leasing dealer at the end of a sublease pursuant to that sublease. 67989

(F) No distributor shall distribute new motor vehicles to new 67990
motor vehicle dealers at any place except an established place of 67991
business that is used exclusively for the purpose of distributing 67992
new motor vehicles to new motor vehicle dealers; except that a 67993
distributor who is also a new motor vehicle dealer may distribute 67994
new motor vehicles at the same place of business at which the 67995
distributor sells, displays, offers for sale, or deals in new 67996
motor vehicles. 67997

(G) No person, firm, or corporation that sells, displays, or 67998
offers for sale tent-type fold-out camping trailers is subject to 67999
the requirement that the person's, firm's, or corporation's place 68000
of business be used exclusively for the purpose of selling, 68001
displaying, offering for sale, or dealing in motor vehicles. No 68002

person, firm, or corporation that sells, displays, or offers for 68003
sale tent-type fold-out camping trailers, trailers, semitrailers, 68004
or park trailers is subject to the requirement that the place of 68005
business have space, under roof, for the display of at least one 68006
new motor vehicle and facilities and space for the inspection, 68007
servicing, and repair of at least one motor vehicle. 68008

~~(H) No manufactured or mobile home broker shall engage in the 68009
business of brokering manufactured or mobile homes at any place 68010
except an established place of business that is used exclusively 68011
for the purpose of brokering manufactured or mobile homes. 68012~~

~~(I)~~ Nothing in this section shall be construed to prohibit 68013
persons licensed under this chapter from making sales calls. 68014

~~(J)~~(I) Whoever violates this section is guilty of a 68015
misdemeanor of the fourth degree. 68016

~~(K)~~(J) As used in this section: 68017

(1) "Motor vehicle leasing dealer" has the same meaning as in 68018
section 4517.01 of the Revised Code. 68019

(2) "Motor vehicle renting dealer" has the same meaning as in 68020
section 4549.65 of the Revised Code. 68021

(3) "Watercraft" has the same meaning as in section 1547.01 68022
of the Revised Code. 68023

Sec. 4517.30. The motor vehicle dealers board shall consist 68024
of eleven members. The registrar of motor vehicles or the 68025
registrar's designee shall be a member of the board, and the other 68026
ten members shall be appointed by the governor with the advice and 68027
consent of the senate. Not more than five of the ten members other 68028
than the registrar shall be of any one political party, and of the 68029
ten: 68030

(A) Three shall represent the public and shall not have 68031
engaged in the business of selling motor vehicles at retail in 68032

this state; 68033

(B) Five shall have been engaged in the business of selling 68034
motor vehicles at retail in this state for at least five years and 68035
have been engaged in such business within two years prior to the 68036
date of their appointment. Of these five: 68037

(1) Three shall have been engaged in the sale of new motor 68038
vehicles; 68039

(2) One shall have been engaged in the business of selling 68040
~~manufactured homes, mobile homes, or~~ recreational vehicles at 68041
retail; 68042

(3) One shall have been engaged in the sale of used motor 68043
vehicles. 68044

(C) Two shall have been engaged in the leasing of motor 68045
vehicles. 68046

Terms of office of the ten members appointed by the governor 68047
shall be for three years, commencing on the fifth day of October 68048
and ending on the fourth day of October. Each member shall hold 68049
office from the date of the member's appointment until the end of 68050
the term for which the member was appointed. Any member appointed 68051
to fill a vacancy occurring prior to the expiration of the term 68052
for which the member's predecessor was appointed shall hold office 68053
for the remainder of such term. Any appointed member shall 68054
continue in office subsequent to the expiration date of the 68055
member's term until a successor takes office, or until a period of 68056
sixty days has elapsed, whichever occurs first. Annually the board 68057
shall organize by selecting from its members a president. Each 68058
appointed member of the board shall receive an amount fixed in 68059
accordance with division (J) of section 124.15 of the Revised 68060
Code, and shall be reimbursed for the actual and necessary 68061
expenses incurred in the discharge of the member's official 68062
duties. 68063

Sec. 4517.33. The motor vehicle dealers board shall hear 68064
appeals which may be taken from an order of the registrar of motor 68065
vehicles, refusing to issue a license. All appeals from any order 68066
of the registrar refusing to issue any license upon proper 68067
application must be taken within thirty days from the date of the 68068
order, or the order is final and conclusive. All appeals from 68069
orders of the registrar must be by petition in writing and 68070
verified under oath by the applicant whose application for license 68071
has been denied, and must set forth the reason for the appeal and 68072
the reason why, in the petitioner's opinion, the order of the 68073
registrar is not correct. In such appeals the board may make 68074
investigation to determine the correctness and legality of the 68075
order of the registrar. 68076

The board may make rules governing its actions relative to 68077
the suspension and revocation of dealers', motor vehicle leasing 68078
dealers', ~~manufactured home brokers'~~, distributors', auction 68079
owners', and salespersons' licenses, and may, upon its own motion, 68080
and shall, upon the verified complaint in writing of any person, 68081
investigate the conduct of any licensee under sections 4517.01 to 68082
4517.65 of the Revised Code. The board shall suspend or revoke or 68083
notify the registrar to refuse to renew any dealer's, motor 68084
vehicle leasing dealer's, ~~manufactured home broker's,~~ 68085
distributor's, auction owner's, or salesperson's license, if any 68086
ground existed upon which the license might have been refused, or 68087
if a ground exists that would be cause for refusal to issue a 68088
license. 68089

The board may suspend or revoke any license if the licensee 68090
has in any manner violated the rules issued pursuant to sections 68091
4517.01 to 4517.65 of the Revised Code, or has violated section 68092
4501.02 of the Revised Code, or has been convicted of committing a 68093
felony or violating any law that in any way relates to the 68094
selling, taxing, licensing, or regulation of sales of motor 68095

vehicles. 68096

Sec. 4517.43. (A) The applications for licenses and the 68097
copies of contracts required by sections 4517.04, 4517.05, 68098
4517.051, ~~4517.052~~, 4517.06, 4517.07, 4517.08, and 4517.09 of the 68099
Revised Code are not part of the public records but are 68100
confidential information for the use of the registrar of motor 68101
vehicles and the motor vehicle dealers board. No person shall 68102
divulge any information contained in such applications and 68103
acquired by the person in the person's capacity as an official or 68104
employee of the bureau of motor vehicles or of the board, except 68105
in a report to the registrar, to the board, or when called upon to 68106
testify in any court or proceeding. 68107

(B) Whoever violates this section is guilty of a minor 68108
misdemeanor. 68109

Sec. 4519.02. (A) Except as provided in divisions (B), (C), 68110
and (D) of this section, no person shall operate any snowmobile, 68111
off-highway motorcycle, or all-purpose vehicle within this state 68112
unless the snowmobile, off-highway motorcycle, or all-purpose 68113
vehicle is registered and numbered in accordance with sections 68114
4519.03 and 4519.04 of the Revised Code. 68115

(B)(1) No registration is required for a snowmobile or 68116
off-highway motorcycle that is operated exclusively upon lands 68117
owned by the owner of the snowmobile or off-highway motorcycle, or 68118
on lands to which the owner of the snowmobile or off-highway 68119
motorcycle has a contractual right. 68120

(2) No registration is required for an all-purpose vehicle 68121
that is used primarily ~~on a farm as a farm implement for~~ 68122
agricultural purposes when the owner qualifies for the current 68123
agricultural use valuation tax credit, unless it is to be used on 68124
any public land, trail, or right-of-way. 68125

(3) Any all-purpose vehicle exempted from registration under division (B)(2) of this section and operated for agricultural purposes may use public roads and rights-of-way when traveling from one farm field to another, when such use does not violate section 4519.41 of the Revised Code.

(C) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of another state whenever that state has in effect a registration law similar to this chapter and the snowmobile, off-highway motorcycle, or all-purpose vehicle is properly registered under that state's law. Any snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of a state not having a registration law similar to this chapter shall comply with section 4519.09 of the Revised Code.

(D) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by the United States, another state, or a political subdivision thereof, but the snowmobile, off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon.

(E) The owner or operator of any all-purpose vehicle operated or used upon the waters in this state shall comply with Chapters 1547. and 1548. of the Revised Code relative to the operation of watercraft.

(F) Except as otherwise provided in this division, whoever violates division (A) of this section shall be fined not less than fifty dollars but not more than one hundred dollars.

Sec. 4519.04. (A) Upon the filing of an application for registration of a snowmobile, off-highway motorcycle, or all-purpose vehicle and the payment of the tax therefor, the registrar of motor vehicles or a deputy registrar shall assign to

the snowmobile, off-highway motorcycle, or all-purpose vehicle a 68157
distinctive number and issue and deliver to the owner in such 68158
manner as the registrar may select, a certificate of registration, 68159
in such form as the registrar shall prescribe. Any number so 68160
assigned to a snowmobile, off-highway motorcycle, or all-purpose 68161
vehicle shall be a permanent number, and shall not be issued to 68162
any other snowmobile, off-highway motorcycle, or all-purpose 68163
vehicle. 68164

(B)(1) In addition to the certificate of registration, the 68165
registrar or deputy registrar also shall issue to the owner of a 68166
snowmobile or off-highway motorcycle a two decal registration 68167
~~sticker~~ stickers. The registrar shall prescribe the color and size 68168
of the ~~sticker~~, stickers and the combination of numerals and 68169
letters displayed on ~~it, and them~~. The placement of the ~~sticker~~ 68170
decal stickers shall be one on ~~the snowmobile or off-highway~~ 68171
~~motorcycle~~. 68172

~~Upon receipt of a certificate of registration for a~~ 68173
~~snowmobile, the owner shall paint or otherwise attach upon each~~ 68174
either side of the forward cowling ~~of the snowmobile the~~ 68175
~~identifying registration number, in block characters of not less~~ 68176
~~than two inches in height and of such color as to be distinctly~~ 68177
~~visible and legible~~ or fuel tank. 68178

(2) The registrar or deputy registrar also shall issue to the 68179
owner of an all-purpose vehicle, in addition to the certificate of 68180
registration, one license plate and a validation sticker, or a 68181
validation sticker alone when applicable upon a registration 68182
renewal. The license plate and validation sticker shall be 68183
displayed on the all-purpose vehicle so that they are distinctly 68184
visible, in accordance with such rules as the registrar adopts. 68185
The validation sticker shall indicate the expiration date of the 68186
registration period of the all-purpose vehicle. During each 68187
succeeding registration period following the issuance of the 68188

license plate and validation sticker, upon the filing of an 68189
application for registration and payment of the fee specified in 68190
division (C) of this section, a validation sticker alone shall be 68191
issued. 68192

(C) Unless previously canceled, each certificate of 68193
registration issued for a snowmobile, off-highway motorcycle, or 68194
all-purpose vehicle expires upon the thirty-first day of December 68195
in the third year after the date it is issued. Application for 68196
renewal of a certificate may be made not earlier than ninety days 68197
preceding the expiration date, and shall be accompanied by a fee 68198
of thirty-one dollars and twenty-five cents. 68199

Notwithstanding section 4519.11 of the Revised Code, of each 68200
thirty-one dollar and twenty-five-cent fee collected for the 68201
registration of ~~an~~ a snowmobile, off-highway motorcycle, or 68202
all-purpose vehicle, the registrar shall retain not more than ~~five~~ 68203
six dollars to pay for the licensing and registration costs the 68204
bureau of motor vehicles incurs in registering the snowmobile, 68205
off-highway motorcycle, or all-purpose vehicle. The remainder of 68206
the fee shall be deposited into the state treasury to the credit 68207
of the state recreational vehicle fund created by section 4519.11 68208
of the Revised Code. 68209

Sec. 4519.59. (A)(1) The clerk of a court of common pleas 68210
shall charge and retain fees as follows: 68211

(a) Fifteen dollars for each certificate of title or 68212
duplicate certificate of title including the issuance of a 68213
memorandum certificate of title, authorization to print a 68214
non-negotiable evidence of ownership described in division (D) of 68215
section 4519.58 of the Revised Code, non-negotiable evidence of 68216
ownership printed by the clerk under division (E) of that section, 68217
and notation of any lien on a certificate of title that is applied 68218
for at the same time as the certificate of title. The clerk shall 68219

retain eleven dollars and fifty cents of that fee for each 68220
certificate of title when there is a notation of a lien or 68221
security interest on the certificate of title, twelve dollars and 68222
twenty-five cents when there is no lien or security interest noted 68223
on the certificate of title, and eleven dollars and fifty cents 68224
for each duplicate certificate of title. 68225

(b) Five dollars for each certificate of title with no 68226
security interest noted that is issued to a licensed motor vehicle 68227
dealer for resale purposes. The clerk shall retain two dollars and 68228
twenty-five cents of that fee. 68229

(c) Five dollars for each memorandum certificate of title or 68230
non-negotiable evidence of ownership that is applied for 68231
separately. The clerk shall retain that entire fee. 68232

(2) The fees that are not retained by the clerk shall be paid 68233
to the registrar of motor vehicles by monthly returns, which shall 68234
be forwarded to the registrar not later than the fifth day of the 68235
month next succeeding that in which the certificate is forwarded 68236
or that in which the registrar is notified of a lien or 68237
cancellation of a lien. 68238

(B)(1) The registrar shall pay twenty-five cents of the 68239
amount received for each certificate of title that is issued to a 68240
motor vehicle dealer for resale ~~and~~, one dollar for ~~all other~~ 68241
certificates of title issued with a lien or security interest 68242
noted on the certificate of title, and twenty-five cents for each 68243
certificate of title with no lien or security interest noted on 68244
the certificate of title into the state bureau of motor vehicles 68245
fund established in section 4501.25 of the Revised Code. 68246

(2) Fifty cents of the amount received for each certificate 68247
of title shall be paid by the registrar as follows: 68248

(a) Four cents shall be paid into the state treasury to the 68249
credit of the motor vehicle dealers board fund created in section 68250

4505.09 of the Revised Code, for use as described in division 68251
(B)(2)(a) of that section. 68252

(b) Twenty-one cents shall be paid into the highway operating 68253
fund. 68254

(c) Twenty-five cents shall be paid into the state treasury 68255
to the credit of the motor vehicle sales audit fund created in 68256
section 4505.09 of the Revised Code, for use as described in 68257
division (B)(2)(c) of that section. 68258

(3) Two dollars of the amount received by the registrar for 68259
each certificate of title shall be paid into the state treasury to 68260
the credit of the automated title processing fund created in 68261
section 4505.09 of the Revised Code, for use as described in 68262
divisions (B)(3)(a) and (c) of that section. 68263

Sec. 4549.10. (A) No person shall operate or cause to be 68264
operated upon a public road or highway a motor vehicle of a 68265
manufacturer or dealer unless the vehicle carries and displays two 68266
placards, except as provided in section 4503.21 of the Revised 68267
Code, issued by the director of public safety that bear the 68268
registration number of its manufacturer or dealer. 68269

(B) Whoever violates division (A) of this section is guilty 68270
of illegal operation of a manufacturer's or dealer's motor 68271
vehicle, a minor misdemeanor ~~on a first offense and a misdemeanor~~ 68272
~~of the fourth degree on each subsequent offense.~~ 68273

Sec. 4549.12. (A) No person who is the owner of a motor 68274
vehicle and a resident of this state shall operate or drive the 68275
motor vehicle upon the highways of this state, while it displays a 68276
distinctive number or identification mark issued by or under the 68277
authority of another state, without complying with the laws of 68278
this state relating to the registration and identification of 68279
motor vehicles. 68280

(B) Whoever violates division (A) of this section is guilty 68281
of illegal operation by a resident of this state of a motor 68282
vehicle bearing the distinctive number or identification mark 68283
issued by a foreign jurisdiction, a minor misdemeanor ~~on a first~~ 68284
~~offense and a misdemeanor of the fourth degree on each subsequent~~ 68285
~~offense.~~ 68286

Sec. 4582.07. (A) The board of directors of a port authority 68287
shall prepare or cause to be prepared a plan for ~~the~~ any future 68288
development, construction, and improvement of the ~~port and its~~ 68289
maritime facilities of the port authority, including such maps, 68290
profiles, and other data and descriptions as may be necessary to 68291
set forth the location and character of the work to be undertaken 68292
by the port authority and a then-current good faith estimate of 68293
the cost of the proposed facilities. The plan also shall contain a 68294
~~description of any and all financing under~~ the port authority's 68295
proposal for payment of the cost of such facilities, including 68296
revenues, grants, subsidies, loans, and financing; provided, that 68297
the plan and any such proposal and the contents thereof, and 68298
anything contained or not contained therein, shall not affect the 68299
legality, validity, or enforceability of any bonds, notes, leases, 68300
~~or otherwise, and a description of any and all~~ certificates, or 68301
other financing instruments, any real estate, operating or 68302
management contracts or instruments or any taxes, tax abatements 68303
or exemptions, tax credits, tax increment financing, emoluments, 68304
~~subsidies, grants, loans and assessments, or other~~ financial 68305
participation related to maritime facilities or such plan ~~or that~~ 68306
~~has been proposed by the port authority and its public and private~~ 68307
~~affiliates for such plan.~~ Upon the completion of such plan the 68308
board of directors shall cause notice by publication ~~as provided~~ 68309
~~in section 4582.01 of the Revised Code to be given in~~ as to each 68310
county in which there is a political subdivision ~~participating~~ 68311
that participated in the creation of the port authority, ~~and shall~~ 68312

~~likewise cause notice to be served upon the owners of the uplands~~ 68313
~~contiguous to any submerged lands affected by such plan in the~~ 68314
~~manner provided by law for service of notice in the levy of~~ 68315
~~special assessments by municipal corporations,~~ and shall permit 68316
the inspection of the plan at ~~their~~ the port authority office by 68317
all persons interested. The notice shall fix the time and place 68318
for the hearing of all ~~objections to~~ comments on the plan, which 68319
shall be not less than thirty nor more than sixty days after the 68320
~~last publication completion~~ of the notice ~~and after service of~~ 68321
~~notice upon the owners of such uplands.~~ Any interested person may 68322
file written ~~objections to~~ comments on the plan, provided the 68323
~~objections~~ comments are filed with the secretary of the board of 68324
directors at the secretary's office not less than five days prior 68325
to the date fixed for the hearing. After the hearing the board of 68326
directors may adopt the plan with any modifications or amendments 68327
to it as the official plan for the maritime facilities of the port 68328
authority. 68329

(B) For purposes of this section and section 4582.08 of the 68330
Revised Code: 68331

(1) "Maritime facilities" means docks, wharves, warehouses, 68332
piers, and other terminal and transportation buildings or 68333
structures used in connection with the transport, storage, or 68334
distribution of commercial goods on, over, or across the waterways 68335
or shorelines of this state, or buildings or structures for the 68336
construction, rehabilitation, maintenance, or repair of commercial 68337
vessels used for such purposes, which facilities are or are 68338
expected to be owned or leased by a port authority, operated by or 68339
on behalf of a port authority, or publicly owned and financed by a 68340
port authority. 68341

(2) "Notice by publication" means publication once in a 68342
newspaper of general circulation in the county or counties where 68343
such publication is required and the posting of the notice on the 68344

web site, if any, of the port authority. Notice is complete on the 68345
later of the date of posting or the date of newspaper publication. 68346

Sec. 4582.08. The board of directors, from time to time after 68347
the adoption of an official plan for the maritime facilities of 68348
the port authority, shall have the power to modify, amend, or 68349
extend the plan; provided, that upon prior to the making of any 68350
modification, amendment or extension of the plan, the board shall 68351
cause notice by publication to be given and shall conduct a 68352
hearing, all as provided in section 4582.07 of the Revised Code, 68353
and shall not adopt any such modification, amendment, or extension 68354
until the notice has been given and the hearing held as provided 68355
in ~~this~~ that section. The board, from time to time after the 68356
adoption of an official plan under section 4582.07 of the Revised 68357
Code, also shall have the power to ~~consider, implement,~~ modify, 68358
amend, or ~~extend~~ supplement any proposal for any type of financing 68359
related to the plan and shall do so prior to undertaking any 68360
financing not identified in the plan as described in section 68361
4582.07 of the Revised Code, then in effect; provided, that the 68362
board shall first cause notice to be given and shall conduct a 68363
hearing on ~~the~~ that proposal, all as provided in section 4582.07 68364
of the Revised Code, and provided further that the plan, and any 68365
such proposal and the contents thereof, and anything contained or 68366
not contained therein, shall not affect the legality, validity, or 68367
enforceability of any bonds, notes, leases, certificates, or other 68368
financing instruments, any real estate, operating or management 68369
contracts or instruments or any taxes, tax abatements or 68370
exemptions, tax credits, tax increment financing, assessments, or 68371
other financial participation related to maritime facilities, the 68372
plan, or such proposal. Nothing in this section or in section 68373
4582.07 of the Revised Code shall require a port authority to 68374
amend a plan, publish a notice, or hold a public hearing except to 68375
add or delete maritime facilities to the plan, to describe changes 68376

or deletions in the location or character of the maritime 68377
facilities covered by the plan, or to add, change, or delete 68378
financings not previously identified in the plan or cost 68379
projection changes not previously identified in the plan. 68380

Sec. 4582.32. (A) The board of directors of a port authority 68381
shall prepare, or cause to be prepared, a plan for ~~the~~ any future 68382
development, construction, and improvement of the ~~port authority~~ 68383
~~and its~~ maritime facilities of the port authority, including such 68384
maps, profiles, and other data and descriptions as may be 68385
necessary to set forth the location and character of the work to 68386
be undertaken by the port authority and a then-current good faith 68387
estimate of the cost of the proposed facilities. The plan also 68388
shall contain ~~a description of any and all financing under the~~ 68389
port authority's proposal for payment of the cost of such 68390
facilities, including revenues, grants, subsidies, loans, and 68391
financing; provided, that the plan and any such proposal and the 68392
contents thereof, and anything contained or not contained therein, 68393
shall not affect the legality, validity, or enforceability of any 68394
bonds, notes, leases, or otherwise, and a description of any and 68395
all certificates, or other financing instruments, any real estate, 68396
operating or management contracts or instruments or any taxes, tax 68397
abatements or exemptions, tax credits, tax increment financing, 68398
emoluments, subsidies, grants, loans and assessments, or other 68399
financial participation related to maritime facilities or such 68400
~~plan or that has been proposed by the port authority and its~~ 68401
~~public and private affiliates for such plan.~~ Upon the completion 68402
of such plan the board of directors shall cause notice by 68403
publication to be given ~~in~~ as to each county in which there is a 68404
political subdivision ~~participating~~ that participated in the 68405
creation of the port authority, ~~and, in the case of a water port,~~ 68406
~~shall likewise cause notice to be served upon the owners of the~~ 68407
~~uplands contiguous to any submerged lands affected by such plan in~~ 68408

~~the manner provided by law for service of notice in the levy of~~ 68409
~~special assessments by municipal corporations,~~ and shall permit 68410
the inspection of the plan at ~~their~~ the port authority office by 68411
all persons interested. The notice shall fix the time and place 68412
for the hearing of all ~~objections to~~ comments on the plan, which 68413
shall be not less than thirty nor more than sixty days after the 68414
~~last publication completion~~ of the notice ~~and after service of~~ 68415
~~notice upon the owners of such uplands.~~ Any interested person may 68416
file written ~~objections to~~ comments on the plan, provided the 68417
~~objections~~ comments are filed with the secretary of the board of 68418
directors at the secretary's office not less than five days prior 68419
to the date fixed for the hearing. After the hearing the board of 68420
directors may adopt the plan with any modifications or amendments 68421
thereto as the official plan for the maritime facilities of the 68422
port authority. 68423

(B) For purposes of this section and section 4582.33 of the 68424
Revised Code: 68425

(1) "Maritime facilities" means docks, wharves, warehouses, 68426
piers, and other terminal and transportation buildings or 68427
structures used in connection with the transport, storage, or 68428
distribution of commercial goods on, over, or across the waterways 68429
or shorelines of this state, or buildings or structures for the 68430
construction, rehabilitation, maintenance, or repair of commercial 68431
vessels used for such purposes, which facilities are or are 68432
expected to be owned or leased by a port authority, operated by or 68433
on behalf of a port authority, or publicly owned and financed by a 68434
port authority. 68435

(2) "Notice by publication" means publication once in a 68436
newspaper of general circulation in the county or counties where 68437
such publication is required and the posting of the notice on the 68438
web site, if any, of the port authority. Notice is complete on the 68439
later of the date of posting or the date of newspaper publication. 68440

Sec. 4582.33. The board of directors, from time to time after 68441
the adoption of an official plan ~~under section 4582.32 of the~~ 68442
~~Revised Code for the maritime facilities of the port authority,~~ 68443
shall have the power to modify, amend, or extend the plan, 68444
provided that ~~upon~~ prior to the making of any modification, 68445
amendment, or extension of the plan, the board shall cause notice 68446
by publication to be given and shall conduct a hearing, all as 68447
provided in section 4582.32 of the Revised Code, and shall not 68448
adopt any such modification, amendment, or extension until the 68449
notice has been given and the hearing held as provided in ~~this~~ 68450
that section. The board, from time to time after the adoption of 68451
an official plan under section 4582.32 of the Revised Code, also 68452
shall have the power to ~~consider, implement,~~ modify, amend, or 68453
~~extend~~ supplement any proposal for any type of financing related 68454
to the plan and shall do so prior to undertaking any financing not 68455
identified in or pursuant to the plan as described in section 68456
4582.07 of the Revised Code, then in effect; provided, that the 68457
board shall first cause notice to be given and shall conduct a 68458
hearing on ~~the~~ that proposal, all as provided in section ~~4582.07~~ 68459
4582.32 of the Revised Code, and provided further that the plan, 68460
and any such proposal and the contents thereof, and anything 68461
contained or not contained therein, shall not affect the legality, 68462
validity, or enforceability of any bonds, notes, leases, 68463
certificates, or other financing instruments, any real estate, 68464
operating or management contracts or instruments or any taxes, tax 68465
abatements or exemptions, tax credits, tax increment financing, 68466
assessments or other financial participation related to maritime 68467
facilities, the plan, or such proposal. Nothing in this section or 68468
in section 4582.32 of the Revised Code shall require a port 68469
authority to amend a plan, publish a notice, or hold a public 68470
hearing except to add or delete maritime facilities to the plan, 68471
to describe changes or deletions in the location or character of 68472

the maritime facilities covered by the plan, or to add, change, or 68473
delete financings not previously identified in the plan or cost 68474
projection changes not previously identified in the plan. 68475

Sec. 4582.71. (A) As used in this section: 68476

(1) "Bond proceedings" means, with respect to obligations 68477
authorized under this section, the resolutions, certifications and 68478
agreements, including without limitation a venture capital 68479
agreement, the loan documents and any trust agreements, and any 68480
authorized credit enhancement facilities or swaps or other hedging 68481
instruments, and amendments or supplements thereto, or to any one 68482
or more or combination of them, authorizing, awarding, or 68483
providing for the terms and conditions applicable to or providing 68484
for the security or liquidity of, the particular obligations, and 68485
the provisions contained in those obligations. 68486

(2) "Issuing authority" means a port authority that, pursuant 68487
to a venture capital agreement, issues or issued obligations to 68488
fund one or more loans to the program fund. 68489

(3) "Loan" means an extension of credit to or in aid of the 68490
program fund in any form, including loans to lenders or the 68491
purchase of loans, including the purchase for cancellation of any 68492
loan, and evidenced in any manner including, without limitation, 68493
by a loan agreement, a promissory note, a bond, note, certificate 68494
of participation or other security, a letter of credit and 68495
reimbursement agreement or other credit facility, or a standby 68496
bond or note purchase agreement, line of credit or other liquidity 68497
facility, and including, in any event, any related swap or other 68498
hedging instrument. 68499

(4) "Obligations" means, as applicable to the issuing 68500
authority, bonds, notes, or other forms or evidences of obligation 68501
constituting revenue bonds as that term is used in division (A)(4) 68502
of section 4582.06 of the Revised Code, or port authority revenue 68503

bonds as that term is used in section 4582.48 and division (A)(8) 68504
of section 4582.31 of the Revised Code, which obligations are 68505
issued by the issuing authority pursuant to the bond proceedings 68506
and this section. 68507

(5) "Port authority" means a port authority organized and 68508
existing under Chapter 4582. of the Revised Code. 68509

(6) "Research and development costs" means costs of or in 68510
support of or related to the implementation of research and 68511
development purposes including, without limitation, capital 68512
formation, direct operating costs, costs of research and 68513
facilities, including interests in real property therefor, and 68514
other support, and costs of making grants, loans, including loans 68515
to lenders or the purchase of loans, subsidies, contributions, 68516
advances or guarantees, or direct investments in, or payment, or 68517
reimbursement from available moneys for, implementing research and 68518
development purposes consistent with Section 2p of Article VIII, 68519
Ohio Constitution, and the investment policy adopted by the 68520
venture capital authority pursuant to section 150.03 of the 68521
Revised Code, and includes financing charges, amounts necessary to 68522
establish the reserves required pursuant to the bond proceedings, 68523
interest on loans including loans purchased for cancellation, 68524
interest on the obligations from their date until the time 68525
determined in the bond proceedings when interest is to be paid 68526
from sources other than the proceeds of obligations, legal 68527
expenses and other costs of or related to the issuance of 68528
obligations, estimates of costs and revenues or other expenses 68529
necessary or incident to determining the feasibility or 68530
practicability of the financing of any research and development 68531
costs with proceeds of obligations or other sources, 68532
administrative expenses related to obligations, and the 68533
application of the proceeds of obligations, including fees of the 68534
issuing authority, any trustee, and any other costs and expenses 68535

reasonably necessary or incident thereto or to the financing of 68536
research and development costs, and costs described in this 68537
division incurred prior to the issuance of obligations and paid, 68538
advanced, or borrowed by an issuing authority, the venture capital 68539
authority, the program fund or other public or private person or 68540
entity, which costs may be reimbursed from the proceeds of such 68541
obligations. "Research and development costs" does not include any 68542
otherwise qualifying costs that are in support of the purposes 68543
provided for in Section 15 of Article VIII, Ohio Constitution. 68544

(7) "Tax credits" means the refundable tax credits authorized 68545
by section 150.07 of the Revised Code and to be issued by the 68546
venture capital authority to any lender. 68547

(8) "Venture capital agreement" means an agreement between 68548
the venture capital authority and an issuing authority entered 68549
into under division (E) of section 150.02 of the Revised Code. 68550

(9) "Venture capital authority" means the Ohio venture 68551
capital authority established under section 150.02 of the Revised 68552
Code. 68553

(10) "Lender," "program fund," and "research and development 68554
purposes" have the same meanings as in section 150.01 of the 68555
Revised Code. 68556

(B) In addition to other authorized purposes of a port 68557
authority, activities authorized by Section 2p of Article VIII, 68558
Ohio Constitution, shall be authorized purposes of port 68559
authorities. 68560

(C) An issuing authority may issue obligations pursuant to 68561
this section and Section 2p of Article VIII, Ohio Constitution, to 68562
make loans to the program fund to provide for research and 68563
development costs. The proceeds of the obligations shall be used 68564
to make loans to provide for research and development costs and 68565
all such proceeds shall be so used in accordance with the bond 68566

proceedings. 68567

(D) Except to any extent inconsistent with this section, all 68568
terms, provisions, and authorizations in Chapter 4582. of the 68569
Revised Code as applicable to the issuing authority, and the 68570
terms, provisions, and authorizations of sections 9.96, 9.98, 68571
9.981, 9.982, and 9.983 of the Revised Code apply to the 68572
obligations and the bond proceedings except as otherwise provided 68573
or provided for in those obligations and bond proceedings. The 68574
obligations shall be secured by a trust agreement between the 68575
issuing authority and a trustee, and such trust agreement, and the 68576
establishment, deposit, investment and application of special 68577
funds, and the safeguarding of moneys shall be governed by the 68578
bond proceedings and by Chapter 4582. of the Revised Code, as 68579
applicable to the issuing authority. Pursuant to the trust 68580
agreement and other bond proceedings, there shall be established, 68581
in addition to any other special funds in the custody of the 68582
trustee, one or more funds into which shall be deposited the 68583
proceeds of the obligations and the revenues pledged to the 68584
payment of the obligations, including a reserve fund in an amount 68585
established in, and to be funded as provided in, the bond 68586
proceedings. 68587

(E) The issuing authority, the trustee, or both shall be 68588
authorized under the venture capital agreement to receive and 68589
claim tax credits in accordance with division (E) of section 68590
150.07 of the Revised Code, and the holders of the obligations, or 68591
any book-entry interests therein, shall have no rights with 68592
respect to the tax credits except any right established under the 68593
applicable trust agreement to direct the trustee to take, or 68594
require the issuing authority to take, the actions necessary to 68595
receive and claim any available tax credits. Upon receipt of any 68596
tax credits issued by the venture capital authority, the issuing 68597
authority or the trustee shall, within the times required by law, 68598

file an appropriate tax return to claim the applicable tax credits 68599
and, upon receipt of the proceeds of any such tax credits, an 68600
issuing authority shall promptly deliver to the trustee for 68601
deposit, and the trustee shall upon receipt deposit, such proceeds 68602
into the funds established in accordance with division (D) of this 68603
section. 68604

(F) The venture capital authority, the director of 68605
development, or the tax commissioner may covenant in the bond 68606
proceedings, and such covenants shall be controlling 68607
notwithstanding any other provision of law, that the state and 68608
applicable officers and state agencies, including the general 68609
assembly, so long as any obligations issued under this section are 68610
outstanding, shall maintain statutory authority for and shall 68611
authorize, issue, and deliver fully refundable tax credits in such 68612
amounts and for such periods, subject to the limitation in section 68613
150.07 of the Revised Code on the date of such covenant, so that 68614
the tax credits will be sufficient, subject to such limits, in 68615
time and amount to meet debt service on the obligations and for 68616
the establishment and maintenance of any reserves and other 68617
requirements provided for in the bond proceedings. The general 68618
assembly may from time to time repeal any of the taxes against 68619
which the tax credits may be claimed, and may authorize the tax 68620
credits to be claimed with respect to any new tax to meet any such 68621
covenant made in the bond proceedings, provided that, so long as 68622
any obligations issued under this section are outstanding, nothing 68623
in this division authorizes any impairment of a covenant to 68624
maintain statutory authority for and to authorize, issue, and 68625
deliver fully refundable tax credits sufficient, subject to 68626
applicable limits, to meet the commitments made in any such 68627
covenant. 68628

(G) The obligations do not constitute a debt, or a pledge of 68629
the faith and credit, of the state, the issuing authority or any 68630

political subdivision of the state, and the holders or owners of 68631
the obligations have no right to have taxes levied by the general 68632
assembly or the taxing authority of the issuing authority or any 68633
political subdivision of the state for the payment of the 68634
principal of or interest on the obligations, but the obligations 68635
are payable solely from the revenues and funds pledged for their 68636
payment as authorized in or pursuant to this section and the bond 68637
proceedings, and the obligations shall contain on the face thereof 68638
a statement to the effect that the obligations, as to both 68639
principal and interest, are not debts of the state, the issuing 68640
authority, or any political subdivision of the state, but are 68641
payable solely from the revenues and funds pledged for their 68642
payment. 68643

(H) This section is intended to implement Section 2p of 68644
Article VIII, Ohio Constitution, including provision for 68645
procedures for incurring and issuing obligations of local public 68646
entities and agencies authorized by that section, and shall be 68647
liberally construed to effect the purposes of that section. The 68648
powers and authorizations granted in this section may be exercised 68649
jointly or separately by one or more issuing authorities and are 68650
in addition to and supplemental to the powers and authorizations 68651
otherwise granted to port authorities under applicable provisions 68652
of Chapter 4582. of the Revised Code and shall not be construed as 68653
a limitation on any such powers or authorizations. 68654

Sec. 4713.63. A practicing license, managing license, or 68655
instructor license that has not been renewed for any reason other 68656
than because it has been revoked, suspended, or classified 68657
inactive, or because the license holder has been given a waiver or 68658
extension under section 4713.60 of the Revised Code, is expired. 68659
An expired license may be restored if the person who held the 68660
license meets all of the following applicable conditions: 68661

(A) Pays to the state board of cosmetology the restoration fee, the current renewal fee, and any applicable late fees; 68662
68663

(B) Pays ~~all a~~ a lapsed renewal fees fee of forty-five dollars 68664
per license renewal period that has elapsed since the license was 68665
last issued or renewed; 68666

(C) ~~Submits proof satisfactory to the state board of~~ 68667
~~cosmetology that the person has completed all applicable~~ 68668
~~continuing education requirements;~~ 68669

~~(D)~~ In the case of a practicing license or managing license 68670
that has been expired for more than two ~~years, retakes and passes~~ 68671
~~an examination conducted under section 4713.24 of the Revised Code~~ 68672
~~for the branch of cosmetology that the person seeks to practice or~~ 68673
~~type of salon the person seeks to manage~~ consecutive license 68674
renewal periods, completes eight hours of continuing education for 68675
each license renewal period that has elapsed since the license was 68676
last issued or renewed, up to a maximum of twenty-four hours. At 68677
least four of those hours shall include a course pertaining to 68678
sanitation and safety methods. 68679

The board shall deposit all fees it receives under division 68680
(B) of this section into the general revenue fund. 68681

Sec. 4713.64. (A) In accordance with Chapter 119. of the 68682
Revised Code, the state board of cosmetology may deny, revoke, or 68683
suspend a license or permit issued by the board or impose a fine 68684
for any of the following: 68685

(1) Failure to comply with the requirements of this chapter 68686
or rules adopted under it; 68687

(2) Continued practice by a person knowingly having an 68688
infectious or contagious disease; 68689

(3) Habitual drunkenness or addiction to any habit-forming 68690
drug; 68691

(4) Willful false and fraudulent or deceptive advertising; 68692

(5) Falsification of any record or application required to be 68693
filed with the board; 68694

(6) Failure to pay a fine or abide by a suspension order 68695
issued by the board. 68696

(B) The board may impose a separate fine for each offense 68697
listed in division (A) of this section. The amount of a fine shall 68698
be not more than ~~one~~ five hundred dollars if the violator has not 68699
previously been fined for that offense. The fine shall be not more 68700
than ~~five hundred~~ one thousand dollars if the violator has been 68701
fined for the same offense once before. The fine shall be not more 68702
than one thousand five hundred dollars if the violator has been 68703
fined for the same offense two or more times before. 68704

(C) If a person fails to request a hearing within thirty days 68705
of the date the board, in accordance with section 119.07 of the 68706
Revised Code, notifies the person of the board's intent to act 68707
against the person under division (A) of this section, the board 68708
by a majority vote of a quorum of the board members may take the 68709
action against the person without holding an adjudication hearing. 68710

(D) The board, after a hearing in accordance with Chapter 68711
119. of the Revised Code, may suspend a tanning facility permit if 68712
the owner or operator fails to correct an unsafe condition that 68713
exists in violation of the board's rules or fails to cooperate in 68714
an inspection of the tanning facility. If a violation has resulted 68715
in a condition reasonably believed by an inspector to create an 68716
immediate danger to the health and safety of any person using the 68717
tanning facility, the inspector may suspend the permit without a 68718
prior hearing until the condition is corrected or until a hearing 68719
in accordance with Chapter 119. of the Revised Code is held and 68720
the board either upholds the suspension or reinstates the permit. 68721

Sec. 4717.31. (A) Only a funeral director licensed pursuant 68722
to this chapter may sell a preneed funeral contract that includes 68723
funeral services. Sections 4717.31 to 4717.38 of the Revised Code 68724
do not prohibit a person who is not a licensed funeral director 68725
from selling funeral goods pursuant to a preneed funeral contract; 68726
however, when a seller sells funeral goods pursuant to a preneed 68727
funeral contract, that seller shall comply with those sections 68728
unless the seller is specifically exempt from compliance under 68729
section 4717.38 of the Revised Code. 68730

(B) An insurance agent licensed pursuant to Chapter 3905. of 68731
the Revised Code may sell, solicit, or negotiate the sale of an 68732
insurance policy or annuity that will be used to fund a preneed 68733
funeral contract, but in so doing the insurance agent may not 68734
offer advice or make recommendations about funeral services and 68735
may not discuss the advantages or disadvantages of any funeral 68736
service. In selling, soliciting, or negotiating the sale of an 68737
insurance policy or annuity that will be used to fund a preneed 68738
funeral contract, the insurance agent may do any of the following: 68739

(1) Provide the person purchasing the insurance policy or 68740
annuity with price lists from one or more funeral homes and other 68741
materials that may assist the person in determining the cost of 68742
funeral goods and services; 68743

(2) Discuss the cost of funeral goods and services with the 68744
person in order to assist the person in selecting the appropriate 68745
amount of life insurance or annuity coverage; 68746

(3) Complete a worksheet or other record to calculate the 68747
estimated cost of a funeral. 68748

(C) Activities conducted pursuant to division (B) of this 68749
section by an insurance agent licensed pursuant to Chapter 3905. 68750
of the Revised Code do not constitute funeral directing, funeral 68751
arranging, the business of directing and supervising funerals for 68752

profit, or the sale of a preneed funeral contract. 68753

(D) No seller shall fail to comply with the requirements and 68754
duties specified in this section and sections 4717.32 to 4717.38 68755
of the Revised Code. 68756

(E) No trustee of a preneed funeral contract trust shall fail 68757
to comply with sections 4717.33, 4717.34, 4717.36, and 4717.37 of 68758
the Revised Code. 68759

(F) No insurance agent or insurance company that sells or 68760
offers life insurance policies or annuities used to fund a preneed 68761
funeral contract shall fail to comply with this section and 68762
sections 4717.33, 4717.34, 4717.35, and 4717.37 of the Revised 68763
Code. To the extent this section and sections 4717.33, 4717.34, 68764
4717.35, and 4717.37 of the Revised Code apply to insurance 68765
companies or insurance agents, those sections constitute laws of 68766
this state relating to insurance for purposes of sections 3901.03 68767
and 3901.04 of the Revised Code and the superintendent of 68768
insurance shall enforce those sections with respect to insurance 68769
companies and insurance agents. The superintendent may adopt rules 68770
in accordance with Chapter 119. of the Revised Code for purposes 68771
of administering and enforcing this section and sections 4717.33, 68772
4717.34, 4717.35, and 4717.37 of the Revised Code as those 68773
sections apply to insurance companies or insurance agents. 68774
68775

(G) A preneed funeral contract may be funded by the purchase 68776
or assignment of an insurance policy or annuity in accordance with 68777
section 3905.45 of the Revised Code. A preneed funeral contract 68778
that is funded by the purchase or assignment of an insurance 68779
policy or annuity in accordance with section 3905.45 of the 68780
Revised Code is not subject to section 4717.36 of the Revised 68781
Code. 68782

(H) The board of embalmers and funeral directors shall 68783

administer and enforce the provisions of sections 4717.31 to 68784
4717.38 of the Revised Code concerning the requirements for and 68785
sale of preneed funeral contracts. The superintendent of insurance 68786
shall enforce sections 4717.31, 4717.33, 4717.34, 4717.35, and 68787
4717.37 of the Revised Code to the extent those sections apply to 68788
insurance companies and insurance agents. Payments from a trust, 68789
insurance policy, or annuity, including any fraudulent activities 68790
in which a person engages to obtain payments from a trust, 68791
insurance policy, or annuity, shall be regulated in accordance 68792
with Chapter 1111. or Title XXXIX of the Revised Code, as 68793
applicable. 68794

(I) A Except as provided in division (K) of this section, a 68795
seller of a preneed funeral contract that is funded by insurance 68796
or otherwise annually shall submit to the board the reports the 68797
board requires pursuant to division (J) of this section. 68798

(J) The Except as provided in division (K) of this section, 68799
the board shall adopt rules specifying the procedures and 68800
requirements for annual reporting of the sales of all preneed 68801
funeral contracts sold by every seller who is subject to sections 68802
4717.31 to 4717.38 of the Revised Code. 68803

(K) A cemetery company or cemetery association that sells 68804
merchandise or services pursuant to a preneed cemetery merchandise 68805
and services contract and that also sells funeral goods pursuant 68806
to a preneed funeral contract shall be deemed to have met the 68807
requirements in divisions (I) and (J) of this section by 68808
submitting the annual preneed funeral contract report to the 68809
division of real estate of the department of commerce along with 68810
or as part of the annual cemetery merchandise and services 68811
contract affidavit required under division (F)(1) of section 68812
1721.211 of the Revised Code. 68813

Sec. 4729.42. (A) As used in this section, "qualified 68814

pharmacy technician" means a person who is under the personal supervision of a pharmacist and to whom all of the following apply:

(1) The person is eighteen years of age or older.

(2) The person possesses a high school diploma, possesses a certificate of high school equivalence, or was employed prior to April 8, 2009, as a pharmacy technician without a high school diploma or a certificate of high school equivalence.

(3) The person has passed an examination approved by the state board of pharmacy to determine a person's competency to perform services as a pharmacy technician.

(4) Except as otherwise provided in this section, the person has submitted to a criminal records check in accordance with section 4776.02 of the Revised Code as if the person was an applicant for an initial license who is subject to that section, and the results of the criminal records check provided as described in that section and section 4776.04 of the Revised Code do not show that the person previously has been convicted of or pleaded guilty to any felony in this state, any other state, or the United States.

(B) Except as provided in division (F) of this section, no person who is not a pharmacist, pharmacy intern, or qualified pharmacy technician shall do any of the following in a pharmacy or while performing a function of a pharmacy:

(1) Engage in the compounding of any drug;

(2) Package or label any drug;

(3) Prepare or mix any intravenous drug to be injected into a human being.

(C) No pharmacist shall allow any person employed or otherwise under the control of the pharmacist to violate division

(B) of this section. 68845

(D) No person who owns, manages, or conducts a pharmacy shall 68846
allow any person employed or otherwise under the control of the 68847
person who owns, manages, or conducts the pharmacy to violate 68848
division (B) of this section. 68849

(E) No person who submits to a criminal records check in 68850
accordance with section 4776.02 of the Revised Code for the 68851
purpose of satisfying the criterion set forth in division (A)(4) 68852
of this section and who obtains a report pursuant to section 68853
4776.02 or 4776.04 of the Revised Code containing the results of 68854
the criminal records check and any information provided by the 68855
federal bureau of investigation shall modify or alter, or allow 68856
any other person to modify or alter, any item, record, or 68857
information contained in the report and thereafter use the 68858
modified or altered report for the purpose of satisfying the 68859
criterion set forth in division (A)(4) of this section or 68860
otherwise submit or use it for any purpose or in any manner 68861
identified in division (A) of section 2921.13 of the Revised Code. 68862

(F)(1) Division (B) of this section does not prohibit a 68863
health care professional authorized to engage in the activities 68864
specified in division (B)(1), (2), or (3) of this section while 68865
acting in the course of the professional's practice. 68866

(2) Division (B) of this section does not prohibit the 68867
activities performed by a student as an integral part of a 68868
pharmacy technician training program that is operated by a 68869
vocational school district or joint vocational school district, 68870
certified by the department of education, or approved by the Ohio 68871
board of regents. 68872

(3) In the case of a person employed after April 8, 2009, 68873
division (B) of this section does not prohibit the person's 68874
activities for the first ~~two hundred ten days~~ twelve months 68875

following the initial date of employment, if both of the following 68876
apply: 68877

(a) The person is participating in or has completed a 68878
pharmacy technician training program that meets the board's 68879
standards for those programs and is making substantial progress in 68880
preparation to take a pharmacy technician examination approved by 68881
the board. 68882

(b) The results of the person's criminal records check 68883
provided as described in sections 4776.02 and 4776.04 of the 68884
Revised Code show that the person previously has not been 68885
convicted of or has not pleaded guilty to any felony in this 68886
state, any other state, or the United States. 68887

(4) In the case of a person who completes a pharmacy 68888
technician training program that is operated by a vocational 68889
school district or joint vocational school district, division (B) 68890
of this section does not prohibit the person's activities for the 68891
first ~~two hundred ten days~~ twelve months following the date of 68892
completing the program, if both of the following apply: 68893

(a) The person is making substantial progress in preparation 68894
to take a pharmacy technician examination approved by the board. 68895

(b) The results of the person's criminal records check show 68896
that the person previously has not been convicted of or has not 68897
pleaded guilty to any felony in this state, any other state, or 68898
the United States. 68899

(5) In the case of a person employed on April 8, 2009, in the 68900
capacity of a pharmacy technician, division (B) of this section 68901
does not do either of the following: 68902

(a) Require the person to undergo a criminal records check if 68903
the person has been employed for five years or longer; 68904

(b) Prohibit the person's activities until the earlier of 68905

either of the following: 68906

(i) If the person has not passed an examination described in 68907
division (A)(3) of this section, ~~one-year~~ eighteen months after 68908
April 8, 2009; 68909

(ii) If a criminal records check is required because the 68910
person has not been employed for five years or longer, the date on 68911
which the person and the employer receive the results of a 68912
criminal records check provided as described in sections 4776.02 68913
and 4776.04 of the Revised Code that show the person previously 68914
has been convicted of or pleaded guilty to any felony in this 68915
state, any other state, or the United States. 68916

(G) If, pursuant to rules adopted under section 4729.26 of 68917
the Revised Code, the board requires a person that develops or 68918
administers a pharmacy technician examination to submit 68919
examination materials to the board for approval, any examination 68920
materials that are submitted shall not be public records for 68921
purposes of section 149.43 of the Revised Code. 68922

Sec. 4729.99. (A) Whoever violates section 4729.16, division 68923
(A) or (B) of section 4729.38, or section 4729.57 of the Revised 68924
Code is guilty of a minor misdemeanor. Each day's violation 68925
constitutes a separate offense. 68926

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of 68927
the Revised Code is guilty of a misdemeanor of the third degree. 68928
Each day's violation constitutes a separate offense. If the 68929
offender previously has been convicted of or pleaded guilty to a 68930
violation of this chapter, that person is guilty of a misdemeanor 68931
of the second degree. 68932

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of 68933
the Revised Code is guilty of a misdemeanor. 68934

(D) Whoever violates division (A), (B), (D), or (E) of 68935

section 4729.51 of the Revised Code is guilty of a misdemeanor of 68936
the first degree. 68937

(E)(1) Whoever violates section 4729.37, division (C)(2) of 68938
section 4729.51, division (J) of section 4729.54, or section 68939
4729.61 of the Revised Code is guilty of a felony of the fifth 68940
degree. If the offender previously has been convicted of or 68941
pleaded guilty to a violation of this chapter or a violation of 68942
Chapter 2925. or 3719. of the Revised Code, that person is guilty 68943
of a felony of the fourth degree. 68944

(2) If an offender is convicted of or pleads guilty to a 68945
violation of section 4729.37, division (C) of section 4729.51, 68946
division (J) of section 4729.54, or section 4729.61 of the Revised 68947
Code, if the violation involves the sale, offer to sell, or 68948
possession of a schedule I or II controlled substance, with the 68949
exception of marihuana, and if the court imposing sentence upon 68950
the offender finds that the offender as a result of the violation 68951
is a major drug offender, as defined in section 2929.01 of the 68952
Revised Code, and is guilty of a specification of the type 68953
described in section 2941.1410 of the Revised Code, the court, in 68954
lieu of the prison term authorized or required by division (E)(1) 68955
of this section and sections 2929.13 and 2929.14 of the Revised 68956
Code and in addition to any other sanction imposed for the offense 68957
under sections 2929.11 to 2929.18 of the Revised Code, shall 68958
impose upon the offender, in accordance with division (D)(3)(a) of 68959
section 2929.14 of the Revised Code, the mandatory prison term 68960
specified in that division and may impose an additional prison 68961
term under division (D)(3)(b) of that section. 68962

(3) Notwithstanding any contrary provision of section 3719.21 68963
of the Revised Code, the clerk of court shall pay any fine imposed 68964
for a violation of section 4729.37, division (C) of section 68965
4729.51, division (J) of section 4729.54, or section 4729.61 of 68966
the Revised Code pursuant to division (A) of section 2929.18 of 68967

the Revised Code in accordance with and subject to the 68968
requirements of division (F) of section 2925.03 of the Revised 68969
Code. The agency that receives the fine shall use the fine as 68970
specified in division (F) of section 2925.03 of the Revised Code. 68971

(F) Whoever violates section 4729.531 of the Revised Code or 68972
any rule adopted thereunder or section 4729.532 of the Revised 68973
Code is guilty of a misdemeanor of the first degree. 68974

(G) Whoever violates division (C)(1) of section 4729.51 of 68975
the Revised Code is guilty of a felony of the fourth degree. If 68976
the offender has previously been convicted of or pleaded guilty to 68977
a violation of this chapter, or of a violation of Chapter 2925. or 68978
3719. of the Revised Code, that person is guilty of a felony of 68979
the third degree. 68980

(H) Whoever violates division (C)(3) of section 4729.51 of 68981
the Revised Code is guilty of a misdemeanor of the first degree. 68982
If the offender has previously been convicted of or pleaded guilty 68983
to a violation of this chapter, or of a violation of Chapter 2925. 68984
or 3719. of the Revised Code, that person is guilty of a felony of 68985
the fifth degree. 68986

(I)(1) Whoever violates division (B) of section 4729.42 of 68987
the Revised Code is guilty of unauthorized pharmacy-related drug 68988
conduct. Except as otherwise provided in this section, 68989
unauthorized pharmacy-related drug conduct is a misdemeanor of the 68990
second degree. If the offender previously has been convicted of or 68991
pleaded guilty to a violation of division (B), (C), (D), or (E) of 68992
that section, unauthorized pharmacy-related drug conduct is a 68993
misdemeanor of the first degree on a second offense and a felony 68994
of the fifth degree on a third or subsequent offense. 68995

(2) Whoever violates division (C) or (D) of section 4729.42 68996
of the Revised Code is guilty of permitting unauthorized 68997
pharmacy-related drug conduct. Except as otherwise provided in 68998

this section, permitting unauthorized pharmacy-related drug 68999
conduct is a misdemeanor of the second degree. If the offender 69000
previously has been convicted of or pleaded guilty to a violation 69001
of division (B), (C), (D), or (E) of that section, permitting 69002
unauthorized pharmacy-related drug conduct is a misdemeanor of the 69003
first degree on a second offense and a felony of the fifth degree 69004
on a third or subsequent offense. 69005

(3) Whoever violates division (E) of section ~~4749.02~~ 4729.42 69006
of the Revised Code is guilty of the offense of falsification 69007
under section 2921.13 of the Revised Code. In addition to any 69008
other sanction imposed for the violation, the offender is forever 69009
disqualified from engaging in any activity specified in division 69010
(B)(1), (2), or (3) of section ~~4749.02~~ 4729.42 of the Revised Code 69011
and from performing any function as a health care professional or 69012
health care worker. As used in this division, "health care 69013
professional" and "health care worker" have the same meanings as 69014
in section 2305.234 of the Revised Code. 69015

(4) Notwithstanding any contrary provision of section 3719.21 69016
of the Revised Code or any other provision of law that governs the 69017
distribution of fines, the clerk of the court shall pay any fine 69018
imposed pursuant to division (I)(1), (2), or (3) of this section 69019
to the state board of pharmacy if the board has adopted a written 69020
internal control policy under division (F)(2) of section 2925.03 69021
of the Revised Code that addresses fine moneys that it receives 69022
under Chapter 2925. of the Revised Code and if the policy also 69023
addresses fine moneys paid under this division. The state board of 69024
pharmacy shall use the fines so paid in accordance with the 69025
written internal control policy to subsidize the board's law 69026
enforcement efforts that pertain to drug offenses. 69027

69028

Sec. 4731.10. Upon the request of a person ~~licensed~~ who holds 69029

a certificate to practice in this state pursuant to Chapter 4731. 69030
of the Revised Code and is seeking licensure in another state, the 69031
state medical board shall ~~certify an application for licensure in~~ 69032
~~another~~ provide verification of the person's certificate to 69033
practice in this state. The fee for such ~~certification~~ 69034
verification shall be fifty dollars. 69035

Sec. 4731.26. Upon application by the holder of a certificate 69036
to practice or certificate of registration issued under this 69037
chapter, the state medical board shall issue a duplicate 69038
certificate to replace one missing or damaged, to reflect a name 69039
change, or for any other reasonable cause. The fee for ~~such a~~ 69040
duplicate certificate to practice or duplicate certificate of 69041
registration shall be thirty-five dollars. 69042

Sec. 4731.38. All vouchers of the state medical board shall 69043
be approved by the ~~board~~ board's president or, the board's 69044
executive ~~secretary~~ director, or ~~both~~, as another person 69045
authorized by the board. 69046

Sec. 4733.10. The state board of registration for 69047
professional engineers and surveyors shall prepare annually a 69048
listing of all registered professional engineers, registered 69049
professional surveyors, and firms that possess a certificate of 69050
authorization. The board shall provide a copy of this listing upon 69051
request to registrants of the board and to firms possessing a 69052
certificate of authorization without charge and to the public upon 69053
request and payment of copy costs. 69054

Additionally, the board shall issue an official verification 69055
of the status of any person registered as a professional engineer 69056
or professional surveyor in this state upon receipt of a 69057
verification form and the payment of a fee established by the 69058
board. 69059

Sec. 4734.25. A license to practice chiropractic from the 69060
state chiropractic board expires ~~annually on the first day of~~ 69061
~~January~~ biennially in accordance with the schedule established in 69062
rules adopted under this section and may be renewed. The renewal 69063
process shall be conducted in accordance with the standard renewal 69064
procedures of Chapter 4745. of the Revised Code, except that the 69065
board's executive director shall notify each license holder of the 69066
license renewal requirements of this section not later than sixty 69067
days prior to the license's expiration date. When an application 69068
for renewal is submitted, the applicant shall provide the 69069
information necessary to process the application and pay a renewal 69070
fee ~~of two hundred fifty dollars~~ in an amount the board specifies 69071
in rules adopted under this section. 69072

Before a renewal of license is issued by the board, the 69073
licensee shall furnish the board with satisfactory evidence that 69074
the licensee has completed during the current licensing period not 69075
less than the number of hours of continuing education that the 69076
board requires in rules adopted under this section. For an 69077
activity to be applied toward the continuing education 69078
requirement, the activity must meet the board's approval as a 69079
continuing education activity, as specified in rules adopted under 69080
this section. Any exception from the continuing education 69081
requirement must be approved by the board. 69082

Failure of a licensee to comply with this section, ~~including~~ 69083
~~failure to pay the renewal fee on or before the first day of~~ 69084
~~January of each year,~~ shall operate as an automatic forfeiture of 69085
the right of the licensee to practice chiropractic in this state. 69086
A forfeited license may be reinstated by the board upon payment of 69087
all fees due and a penalty fee ~~of one hundred fifty dollars~~ in an 69088
amount the board specifies in rules adopted under this section for 69089
reinstatement, in addition to satisfying the board of having 69090
complied with the continuing education requirements of this 69091

section. If an individual's license has been forfeited for two or 69092
more years, the board may also require as a condition of 69093
reinstatement that the individual complete training or testing as 69094
specified by the board. 69095

The board shall adopt any rules it considers necessary to 69096
implement this section, including standards for approval of 69097
continuing education in the practice of chiropractic. All rules 69098
adopted under this section shall be adopted in accordance with 69099
Chapter 119. of the Revised Code. 69100

Sec. 4735.06. (A) Application for a license as a real estate 69101
broker shall be made to the superintendent of real estate on forms 69102
furnished by the superintendent and filed with the superintendent 69103
and shall be signed by the applicant or its members or officers. 69104
Each application shall state the name of the person applying and 69105
the location of the place of business for which the license is 69106
desired, and give such other information as the superintendent 69107
requires in the form of application prescribed by the 69108
superintendent. 69109

If the applicant is a partnership, limited liability company, 69110
limited liability partnership, or association, the names of all 69111
the members also shall be stated, and, if the applicant is a 69112
corporation, the names of its president and of each of its 69113
officers also shall be stated. The superintendent has the right to 69114
reject the application of any partnership, association, limited 69115
liability company, limited liability partnership, or corporation 69116
if the name proposed to be used by such partnership, association, 69117
limited liability company, limited liability partnership, or 69118
corporation is likely to mislead the public or if the name is not 69119
such as to distinguish it from the name of any existing 69120
partnership, association, limited liability company, limited 69121
liability partnership, or corporation licensed under this chapter, 69122

unless there is filed with the application the written consent of 69123
such existing partnership, association, limited liability company, 69124
limited liability partnership, or corporation, executed by a duly 69125
authorized representative of it, permitting the use of the name of 69126
such existing partnership, association, limited liability company, 69127
limited liability partnership, or corporation. 69128

(B) A fee of ~~sixty-nine~~ one hundred dollars shall accompany 69129
the application for a real estate broker's license, which fee 69130
includes the fee for the initial year of the licensing period, if 69131
a license is issued. The application fee shall be retained by the 69132
superintendent if the applicant is admitted to the examination for 69133
the license or the examination requirement is waived, but, if an 69134
applicant is not so admitted and a waiver is not involved, 69135
one-half of the fee shall be retained by the superintendent to 69136
cover the expenses of processing the application and the other 69137
one-half shall be returned to the applicant. A fee of ~~sixty-nine~~ 69138
one hundred dollars shall be charged by the superintendent for 69139
each successive application made by an applicant. In the case of 69140
issuance of a three-year license, upon passing the examination, or 69141
upon waiver of the examination requirement, if the superintendent 69142
determines it is necessary, the applicant shall submit an 69143
additional fee determined by the superintendent based upon the 69144
number of years remaining in a real estate salesperson's licensing 69145
period. 69146

(C) ~~Four dollars~~ One dollar of each application fee for a 69147
real estate broker's license shall be credited to the real estate 69148
education and research fund, which is hereby created in the state 69149
treasury. The Ohio real estate commission may use the fund in 69150
discharging the duties prescribed in divisions (E), (F), (G), and 69151
(H) of section 4735.03 of the Revised Code and shall use it in the 69152
advancement of education and research in real estate at any 69153
institution of higher education in the state, or in contracting 69154

with any such institution or a trade organization for a particular 69155
research or educational project in the field of real estate, or in 69156
advancing loans, not exceeding eight hundred dollars, to 69157
applicants for salesperson licenses, to defray the costs of 69158
satisfying the educational requirements of division (F) of section 69159
4735.09 of the Revised Code. Such loans shall be made according to 69160
rules established by the commission under the procedures of 69161
Chapter 119. of the Revised Code, and they shall be repaid to the 69162
fund within three years of the time they are made. No more than 69163
ten thousand dollars shall be lent from the fund in any one year. 69164

The governor may appoint a representative from the executive 69165
branch to be a member ex officio of the commission for the purpose 69166
of advising on research requests or educational projects. The 69167
commission shall report to the general assembly on the third 69168
Tuesday after the third Monday in January of each year setting 69169
forth the total amount contained in the fund and the amount of 69170
each research grant that it has authorized and the amount of each 69171
research grant requested. A copy of all research reports shall be 69172
submitted to the state library of Ohio and the library of the 69173
legislative service commission. 69174

(D) If the superintendent, with the consent of the 69175
commission, enters into an agreement with a national testing 69176
service to administer the real estate broker's examination, 69177
pursuant to division (A) of section 4735.07 of the Revised Code, 69178
the superintendent may require an applicant to pay the testing 69179
service's examination fee directly to the testing service. If the 69180
superintendent requires the payment of the examination fee 69181
directly to the testing service, each applicant shall submit to 69182
the superintendent a processing fee in an amount determined by the 69183
Ohio real estate commission pursuant to division (A)(2) of section 69184
4735.10 of the Revised Code. 69185

Sec. 4735.09. (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest, truthful, and of good reputation, has not been convicted of a felony or a crime involving moral turpitude, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of ~~forty-nine~~ sixty dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The application fee shall be retained by the superintendent if the applicant is admitted to the examination for the license or the examination requirement is waived, but, if an applicant is not so admitted and a waiver is not involved, one-half of the fee shall be retained by the superintendent to cover the expenses of processing the application and the other one-half shall be returned to the applicant. A fee of ~~forty-nine~~ sixty dollars shall be charged by the superintendent for each successive application made by the applicant. ~~Four dollars~~ One dollar of each application fee shall be credited to the real estate education and research fund.

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the commission, 69218
may enter into an agreement with a recognized national testing 69219
service to administer the real estate salesperson's examination 69220
under the superintendent's supervision and control, consistent 69221
with the requirements of this chapter as to the contents of the 69222
examination. 69223

If the superintendent, with the consent of the commission, 69224
enters into an agreement with a national testing service to 69225
administer the real estate salesperson's examination, the 69226
superintendent may require an applicant to pay the testing 69227
service's examination fee directly to the testing service. If the 69228
superintendent requires the payment of the examination fee 69229
directly to the testing service, each applicant shall submit to 69230
the superintendent a processing fee in an amount determined by the 69231
Ohio real estate commission pursuant to division (A)(1) of section 69232
4735.10 of the Revised Code. 69233

(E) The superintendent shall issue a real estate 69234
salesperson's license when satisfied that the applicant has 69235
received a passing score on each portion of the salesperson's 69236
examination as determined by rule by the real estate commission, 69237
except that the superintendent may waive one or more of the 69238
requirements of this section in the case of an applicant who is a 69239
licensed real estate salesperson in another state pursuant to a 69240
reciprocity agreement with the licensing authority of the state 69241
from which the applicant holds a valid real estate salesperson's 69242
license. 69243

(F) No applicant for a salesperson's license shall take the 69244
salesperson's examination who has not established to the 69245
satisfaction of the superintendent that the applicant: 69246

(1) Is honest, truthful, and of good reputation; 69247

(2)(a) Has not been convicted of a felony or crime of moral 69248

turpitude or, if the applicant has been so convicted, the 69249
superintendent has disregarded the conviction because the 69250
applicant has proven to the superintendent, by a preponderance of 69251
the evidence, that the applicant's activities and employment 69252
record since the conviction show that the applicant is honest, 69253
truthful, and of good reputation, and there is no basis in fact 69254
for believing that the applicant again will violate the laws 69255
involved; 69256

(b) Has not been finally adjudged by a court to have violated 69257
any municipal, state, or federal civil rights laws relevant to the 69258
protection of purchasers or sellers of real estate or, if the 69259
applicant has been so adjudged, at least two years have passed 69260
since the court decision and the superintendent has disregarded 69261
the adjudication because the applicant has proven, by a 69262
preponderance of the evidence, that the applicant is honest, 69263
truthful, and of good reputation, and there is no basis in fact 69264
for believing that the applicant again will violate the laws 69265
involved. 69266

(3) Has not, during any period in which the applicant was 69267
licensed under this chapter, violated any provision of, or any 69268
rule adopted pursuant to this chapter, or, if the applicant has 69269
violated such provision or rule, has established to the 69270
satisfaction of the superintendent that the applicant will not 69271
again violate such provision or rule; 69272

(4) Is at least eighteen years of age; 69273

(5) If born after the year 1950, has a high school diploma or 69274
its equivalent as recognized by the state department of education; 69275

(6)(a) If beginning instruction prior to August 1, 2001, has 69276
successfully completed at an institution of higher education all 69277
of the following: 69278

(i) Thirty hours of classroom instruction in real estate 69279

practice; 69280

(ii) Thirty hours of classroom instruction that includes the 69281
subjects of Ohio real estate law, municipal, state, and federal 69282
civil rights law, new case law on housing discrimination, 69283
desegregation issues, and methods of eliminating the effects of 69284
prior discrimination. If feasible, the classroom instruction in 69285
Ohio real estate law shall be taught by a member of the faculty of 69286
an accredited law school. If feasible, the classroom instruction 69287
in municipal, state, and federal civil rights law, new case law on 69288
housing discrimination, desegregation issues, and methods of 69289
eliminating the effects of prior discrimination shall be taught by 69290
a staff member of the Ohio civil rights commission who is 69291
knowledgeable with respect to those subjects. The requirements of 69292
this division do not apply to an applicant who is admitted to 69293
practice before the supreme court. 69294

(iii) Thirty hours of classroom instruction in real estate 69295
appraisal; 69296

(iv) Thirty hours of classroom instruction in real estate 69297
finance. 69298

(b) Any person who has not been licensed as a real estate 69299
salesperson or broker within a four-year period immediately 69300
preceding the person's current application for the salesperson's 69301
examination shall have successfully completed the classroom 69302
instruction required by division (F)(6)(a) of this section within 69303
a ten-year period immediately preceding the person's current 69304
application for the salesperson's examination. 69305

(7) If beginning instruction, as determined by the 69306
superintendent, on or after August 1, 2001, has successfully 69307
completed at an institution of higher education all of the 69308
following: 69309

(a) Forty hours of classroom instruction in real estate 69310

practice; 69311

(b) Forty hours of classroom instruction that includes the 69312
subjects of Ohio real estate law, municipal, state, and federal 69313
civil rights law, new case law on housing discrimination, 69314
desegregation issues, and methods of eliminating the effects of 69315
prior discrimination. If feasible, the classroom instruction in 69316
Ohio real estate law shall be taught by a member of the faculty of 69317
an accredited law school. If feasible, the classroom instruction 69318
in municipal, state, and federal civil rights law, new case law on 69319
housing discrimination, desegregation issues, and methods of 69320
eliminating the effects of prior discrimination shall be taught by 69321
a staff member of the Ohio civil rights commission who is 69322
knowledgeable with respect to those subjects. The requirements of 69323
this division do not apply to an applicant who is admitted to 69324
practice before the supreme court. 69325

(c) Twenty hours of classroom instruction in real estate 69326
appraisal; 69327

(d) Twenty hours of classroom instruction in real estate 69328
finance. 69329

(G) No later than twelve months after the date of issue of a 69330
real estate salesperson license to a licensee, the licensee shall 69331
submit proof satisfactory to the superintendent, on forms made 69332
available by the superintendent, of completion, at an institution 69333
of higher education or any other institution approved by the 69334
commission, of ten hours of classroom instruction in real estate 69335
courses that cover current issues regarding consumers, real estate 69336
practice, ethics, and real estate law. 69337

If proof of completion of the required instruction is not 69338
submitted within twelve months of the date a license is issued 69339
under this section, the licensee's license is suspended 69340
automatically without the taking of any action by the 69341

superintendent. The superintendent immediately shall notify the 69342
broker with whom such salesperson is associated of the suspension 69343
of the salesperson's license. A salesperson whose license has been 69344
suspended under this division shall have twelve months after the 69345
date of the suspension of the salesperson's license to submit 69346
proof of successful completion of the instruction required under 69347
this division. No such license shall be reactivated by the 69348
superintendent until it is established, to the satisfaction of the 69349
superintendent, that the requirements of this division have been 69350
met and that the licensee is in compliance with this chapter. A 69351
licensee's license is revoked automatically without the taking of 69352
any action by the superintendent when the licensee fails to submit 69353
the required proof of completion of the education requirements 69354
under division (G) of this section within twelve months of the 69355
date the license is suspended. 69356

(H) Examinations shall be administered with reasonable 69357
accommodations in accordance with the requirements of the 69358
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 69359
U.S.C. 12101. The contents of an examination shall be consistent 69360
with the classroom instructional requirements of division (F)(6) 69361
or (7) of this section. An applicant who has completed the 69362
classroom instructional requirements of division (F)(6) or (7) of 69363
this section at the time of application shall be examined no later 69364
than twelve months after the applicant is notified of the 69365
applicant's admission to the examination. 69366

Sec. 4735.12. (A) The real estate recovery fund is hereby 69367
created in the state treasury, to be administered by the 69368
superintendent of real estate. Amounts collected by the 69369
superintendent as prescribed in this section and interest earned 69370
on the assets of the fund shall be credited by the treasurer of 69371
state to the fund. The amount of money in the fund shall be 69372
ascertained by the superintendent as of the first day of July of 69373

each year. 69374

The commission, in accordance with rules adopted under 69375
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 69376
impose a special assessment not to exceed ten dollars per year for 69377
each year of a licensing period on each licensee filing a notice 69378
of renewal under section 4735.14 of the Revised Code if the amount 69379
available in the fund is less than ~~one million~~ five hundred 69380
thousand dollars on the first day of July preceding that filing. 69381
The commission may impose a special assessment not to exceed five 69382
dollars per year for each year of a licensing period if the amount 69383
available in the fund is greater than one million dollars, but 69384
less than two million dollars on the first day of July preceding 69385
that filing. The commission shall not impose a special assessment 69386
if the amount available in the fund exceeds two million dollars on 69387
the first day of July preceding that filing. 69388

(B)(1) Any person who obtains a final judgment in any court 69389
of competent jurisdiction against any broker or salesperson 69390
licensed under this chapter, on the grounds of conduct that is in 69391
violation of this chapter or the rules adopted under it, and that 69392
is associated with an act or transaction that only a licensed real 69393
estate broker or licensed real estate salesperson is authorized to 69394
perform as specified in division (A) or (C) of section 4735.01 of 69395
the Revised Code, may file a verified application, as described in 69396
division (B)(3) of this section, in ~~any~~ the court of common pleas 69397
of Franklin county for an order directing payment out of the real 69398
estate recovery fund of the portion of the judgment that remains 69399
unpaid and that represents the actual and direct loss sustained by 69400
the applicant. 69401

(2) Punitive damages, attorney's fees, and interest on a 69402
judgment are not recoverable from the fund. In the discretion of 69403
the superintendent of real estate, court costs may be recovered 69404
from the fund, and, if the superintendent authorizes the recovery 69405

of court costs, the order of the court of common pleas then may 69406
direct their payment from the fund. 69407

(3) The application shall specify the nature of the act or 69408
transaction upon which the underlying judgment was based, the 69409
activities of the applicant in pursuit of remedies available under 69410
law for the collection of judgments, and the actual and direct 69411
losses, attorney's fees, and the court costs sustained or incurred 69412
by the applicant. The applicant shall attach to the application a 69413
copy of each pleading and order in the underlying court action. 69414

(4) The court shall order the superintendent to make such 69415
payments out of the fund when the person seeking the order has 69416
shown all of the following: 69417

(a) The person has obtained a judgment, as provided in this 69418
division; 69419

(b) All appeals from the judgment have been exhausted and the 69420
person has given notice to the superintendent, as required by 69421
division (C) of this section; 69422

(c) The person is not a spouse of the judgment debtor, or the 69423
personal representative of such spouse; 69424

(d) The person has diligently pursued the person's remedies 69425
against all the judgment debtors and all other persons liable to 69426
the person in the transaction for which the person seeks recovery 69427
from the fund; 69428

(e) The person is making the person's application not more 69429
than one year after termination of all proceedings, including 69430
appeals, in connection with the judgment. 69431

(5) Divisions (B)(1) to (4) of this section do not apply to 69432
any of the following: 69433

(a) Actions arising from property management accounts 69434
maintained in the name of the property owner; 69435

(b) A bonding company when it is not a principal in a real estate transaction; 69436
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(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code; 69438
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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment. 69442
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(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that the superintendent shall give written notice to the applicant at least ten days before such motion. The superintendent may, subject to court approval, compromise a claim based upon the application of an aggrieved party. The superintendent shall not be bound by any prior compromise or stipulation of the judgment debtor. 69444
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(D) Notwithstanding any other provision of this section, the liability of the fund shall not exceed forty thousand dollars for any one licensee. If a licensee's license is reactivated as 69465
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provided in division (E) of this section, the liability of the 69468
fund for the licensee under this section shall again be forty 69469
thousand dollars, but only for transactions that occur subsequent 69470
to the time of reactivation. 69471

If the forty-thousand-dollar liability of the fund is 69472
insufficient to pay in full the valid claims of all aggrieved 69473
persons by whom claims have been filed against any one licensee, 69474
the forty thousand dollars shall be distributed among them in the 69475
ratio that their respective claims bear to the aggregate of valid 69476
claims or in such other manner as the court finds equitable. 69477
Distribution of moneys shall be among the persons entitled to 69478
share in it, without regard to the order of priority in which 69479
their respective judgments may have been obtained or their claims 69480
have been filed. Upon petition of the superintendent, the court 69481
may require all claimants and prospective claimants against one 69482
licensee to be joined in one action, to the end that the 69483
respective rights of all such claimants to the fund may be 69484
equitably adjudicated and settled. 69485

(E) If the superintendent pays from the fund any amount in 69486
settlement of a claim or toward satisfaction of a judgment against 69487
a licensed broker or salesperson, the license of the broker or 69488
salesperson shall be automatically suspended upon the date of 69489
payment from the fund. The superintendent shall not reactivate the 69490
suspended license of that broker or salesperson until the broker 69491
or salesperson has repaid in full, plus interest per annum at the 69492
rate specified in division (A) of section 1343.03 of the Revised 69493
Code, the amount paid from the fund on the broker's or 69494
salesperson's account. A discharge in bankruptcy does not relieve 69495
a person from the suspension and requirements for reactivation 69496
provided in this section unless the underlying judgment has been 69497
included in the discharge and has not been reaffirmed by the 69498
debtor. 69499

(F) If, at any time, the money deposited in the fund is 69500
insufficient to satisfy any duly authorized claim or portion of a 69501
claim, the superintendent shall, when sufficient money has been 69502
deposited in the fund, satisfy such unpaid claims or portions, in 69503
the order that such claims or portions were originally filed, plus 69504
accumulated interest per annum at the rate specified in division 69505
(A) of section 1343.03 of the Revised Code. 69506

(G) When, upon the order of the court, the superintendent has 69507
paid from the fund any sum to the judgment creditor, the 69508
superintendent shall be subrogated to all of the rights of the 69509
judgment creditor to the extent of the amount so paid, and the 69510
judgment creditor shall assign all the judgment creditor's right, 69511
title, and interest in the judgment to the superintendent to the 69512
extent of the amount so paid. Any amount and interest so recovered 69513
by the superintendent on the judgment shall be deposited in the 69514
fund. 69515

(H) Nothing contained in this section shall limit the 69516
authority of the superintendent to take disciplinary action 69517
against any licensee under other provisions of this chapter; nor 69518
shall the repayment in full of all obligations to the fund by any 69519
licensee nullify or modify the effect of any other disciplinary 69520
proceeding brought pursuant to this chapter. 69521

(I) The superintendent shall collect from the fund a service 69522
fee in an amount equivalent to the interest rate specified in 69523
division (A) of section 1343.03 of the Revised Code multiplied by 69524
the annual interest earned on the assets of the fund, to defray 69525
the expenses incurred in the administration of the fund. 69526

Sec. 4735.13. (A) The license of a real estate broker shall 69527
be prominently displayed in the office or place of business of the 69528
broker, and no license shall authorize the licensee to do business 69529
except from the location specified in it. If the broker maintains 69530

more than one place of business within the state, the broker shall 69531
apply for and procure a duplicate license for each branch office 69532
maintained by the broker. Each branch office shall be in the 69533
charge of a licensed broker or salesperson. The branch office 69534
license shall be prominently displayed at the branch office 69535
location. 69536

(B) The license of each real estate salesperson shall be 69537
mailed to and remain in the possession of the licensed broker with 69538
whom the salesperson is or is to be associated until the licensee 69539
places the license on inactive, voluntary hold, or resigned status 69540
or until the salesperson leaves the brokerage or is terminated. 69541
The broker shall keep each salesperson's license in a way that it 69542
can, and shall on request, be made immediately available for 69543
public inspection at the office or place of business of the 69544
broker. Except as provided in divisions (G) and (H) of this 69545
section, immediately upon the salesperson's leaving the 69546
association or termination of the association of a real estate 69547
salesperson with the broker, the broker shall return the 69548
salesperson's license to the superintendent of real estate. 69549

The failure of a broker to return the license of a real 69550
estate salesperson or broker who leaves or who is terminated, via 69551
certified mail return receipt requested, within three business 69552
days of the receipt of a written request from the superintendent 69553
for the return of the license, is prima-facie evidence of 69554
misconduct under division (A)(6) of section 4735.18 of the Revised 69555
Code. 69556

(C) Any licensee who is convicted of a felony or a crime 69557
involving moral turpitude or of violating any federal, state, or 69558
municipal civil rights law pertaining to discrimination in 69559
housing, or any court that issues a finding of an unlawful 69560
discriminatory practice pertaining to housing accommodations 69561
described in division (H) of section 4112.02 of the Revised Code 69562

or that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination, shall notify the superintendent of the conviction or finding within fifteen days. If a licensee fails to notify the superintendent within the required time, the superintendent immediately may revoke the license of the licensee.

Any court that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination also shall notify the Ohio civil rights commission within fifteen days of the conviction.

(D) In case of any change of business location, a broker shall give notice in writing to the superintendent, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of twenty-five dollars for the real estate salesperson's license. ~~Four dollars~~ One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest, truthful, and of good reputation, has not been convicted of a felony or a crime involving moral turpitude, and has not been finally adjudged by a court to have violated any municipal, state,

or federal civil rights laws relevant to the protection of 69595
purchasers or sellers of real estate, and that the association of 69596
the real estate broker and the applicant will be in the public 69597
interest, the superintendent shall grant the application and issue 69598
a real estate salesperson's license to the applicant. Any license 69599
so deposited with the superintendent shall be subject to this 69600
chapter. A broker who intends to deposit the broker's license with 69601
the superintendent, as provided in this section, shall give 69602
written notice of this fact in a format prescribed by the 69603
superintendent to all salespersons associated with the broker when 69604
applying to place the broker's license on deposit. 69605

(F) If a real estate broker desires to become a member or 69606
officer of a partnership, association, limited liability company, 69607
limited liability partnership, or corporation that is or intends 69608
to become a licensed real estate broker, the broker shall notify 69609
the superintendent of the broker's intentions. The notice of 69610
intention shall be on a form prescribed by the superintendent and 69611
shall be accompanied by a fee of twenty-five dollars. ~~Four dollars~~ 69612
One dollar of the fee shall be credited to the real estate 69613
education and research fund. 69614

No real estate broker who is a member or officer of a 69615
partnership, association, limited liability company, limited 69616
liability partnership, or corporation that is a licensed real 69617
estate broker shall perform any acts as a real estate broker other 69618
than as the agent of the partnership, association, limited 69619
liability company, limited liability partnership, or corporation, 69620
and such broker shall not have any real estate salespersons 69621
associated with the broker. 69622

(G) If a real estate broker or salesperson enters the armed 69623
forces, the broker or salesperson may place the broker's or 69624
salesperson's license on deposit with the Ohio real estate 69625
commission. The licensee shall not be required to renew the 69626

license until the renewal date that follows the date of discharge 69627
from the armed forces. Any license deposited with the commission 69628
shall be subject to this chapter. Any licensee whose license is on 69629
deposit under this division and who fails to meet the continuing 69630
education requirements of section 4735.141 of the Revised Code 69631
because the licensee is in the armed forces shall satisfy the 69632
commission that the licensee has complied with the continuing 69633
education requirements within twelve months of the licensee's 69634
discharge. The commission shall notify the licensee of the 69635
licensee's obligations under section 4735.141 of the Revised Code 69636
at the time the licensee applies for reactivation of the 69637
licensee's license. 69638

(H) If a licensed real estate salesperson submits an 69639
application to the superintendent to leave the association of one 69640
broker to associate with a different broker, the broker possessing 69641
the licensee's license need not return the salesperson's license 69642
to the superintendent. The superintendent may process the 69643
application regardless of whether the licensee's license is 69644
returned to the superintendent. 69645

Sec. 4735.15. (A) The fees for reactivation or transfer of a 69646
license shall be as follows: 69647

(1) Reactivation or transfer of a broker's license into or 69648
out of a partnership, association, limited liability company, 69649
limited liability partnership, or corporation or from one 69650
partnership, association, limited liability company, limited 69651
liability partnership, or corporation to another partnership, 69652
association, limited liability company, limited liability 69653
partnership, or corporation, twenty-five dollars. An application 69654
for such transfer shall be made to the superintendent of real 69655
estate on forms provided by the superintendent. 69656

(2) Reactivation or transfer of a license by a real estate 69657

salesperson, ~~twenty~~ twenty-five dollars. 69658

(B) Except as may otherwise be specified pursuant to division 69659
(F) of this section, the nonrefundable fees for a branch office 69660
license, license renewal, late filing, and foreign real estate 69661
dealer and salesperson license are as follows per year for each 69662
year of a licensing period: 69663

(1) Branch office license, ~~eight~~ fifteen dollars; 69664

(2) Renewal of a real estate broker's license, ~~forty-nine~~ 69665
sixty dollars. If the licensee is a partnership, association, 69666
limited liability company, limited liability partnership, or 69667
corporation, the full broker's renewal fee shall be required for 69668
each member of such partnership, association, limited liability 69669
company, limited liability partnership, or corporation that is a 69670
real estate broker. If the real estate broker has not less than 69671
eleven nor more than twenty real estate salespersons associated 69672
with the broker, an additional fee of sixty-four dollars shall be 69673
assessed to the brokerage. For every additional ten real estate 69674
salespersons or fraction of that number, the brokerage assessment 69675
fee shall be increased in the amount of thirty-seven dollars. 69676

(3) Renewal of a real estate salesperson's license, 69677
~~thirty-nine~~ forty-five dollars; 69678

(4) Renewal of a real estate broker's or salesperson's 69679
license filed within twelve months after the licensee's renewal 69680
date, an additional late filing penalty of fifty per cent of the 69681
required fee; 69682

(5) Foreign real estate dealer's license and each renewal of 69683
the license, thirty dollars per salesperson employed by the 69684
dealer, but not less than one hundred fifty dollars; 69685

(6) Foreign real estate salesperson's license and each 69686
renewal of the license, fifty dollars. 69687

(C) All fees collected under this section shall be paid to 69688
the treasurer of state. ~~Four dollars~~ One dollar of each such fee 69689
shall be credited to the real estate education and research fund, 69690
except that for fees that are assessed only once every three 69691
years, ~~twelve~~ three dollars of each triennial fee shall be 69692
credited to the real estate education and research fund. 69693

(D) In all cases, the fee and any penalty shall accompany the 69694
application for the license, license transfer, or license 69695
reactivation or shall accompany the filing of the renewal. 69696

(E) The commission may establish by rule reasonable fees for 69697
services not otherwise established by this chapter. 69698

(F) The commission may adopt rules that provide for a 69699
reduction in the fees established in divisions (B)(2) and (3) of 69700
this section. 69701

Sec. 4736.01. As used in this chapter: 69702

(A) "Environmental health science" means the aspect of public 69703
health science that includes, but is not limited to, the following 69704
bodies of knowledge: air quality, food quality and protection, 69705
hazardous and toxic substances, consumer product safety, housing, 69706
institutional health and safety, community noise control, 69707
radiation protection, recreational facilities, solid and liquid 69708
waste management, vector control, drinking water quality, milk 69709
sanitation, and rabies control. 69710

(B) "Sanitarian" means a person who performs for compensation 69711
educational, investigational, technical, or administrative duties 69712
requiring specialized knowledge and skills in the field of 69713
environmental health science. 69714

(C) "Registered sanitarian" means a person who is registered 69715
as a sanitarian in accordance with this chapter. 69716

(D) "Sanitarian-in-training" means a person who is registered 69717

as a sanitarian-in-training in accordance with this chapter. 69718

(E) "Practice of environmental health" means consultation, 69719
instruction, investigation, inspection, or evaluation by an 69720
employee of a city health district, a general health district, the 69721
environmental protection agency, the department of health, or the 69722
department of agriculture requiring specialized knowledge, 69723
training, and experience in the field of environmental health 69724
science, with the primary purpose of improving or conducting 69725
administration or enforcement under any of the following: 69726

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 69727
3733. of the Revised Code; 69728

(2) Chapter 3734. of the Revised Code as it pertains to solid 69729
waste; 69730

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 69731
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 69732

(4) Rules adopted under section 3701.34 of the Revised Code 69733
pertaining to rabies control or swimming pools; 69734

~~(5) Rules adopted under section 3701.935 of the Revised Code 69735
for school health and safety network inspections and rules adopted 69736
under section 3707.26 of the Revised Code for sanitary 69737
inspections. 69738~~

"Practice of environmental health" does not include sampling, 69739
testing, controlling of vectors, reporting of observations, or 69740
other duties that do not require application of specialized 69741
knowledge and skills in environmental health science performed 69742
under the supervision of a registered sanitarian. 69743

The state board of sanitarian registration may further define 69744
environmental health science in relation to specific functions in 69745
the practice of environmental health through rules adopted by the 69746
board under Chapter 119. of the Revised Code. 69747

Sec. 4740.14. (A) There is hereby created within the 69748
department of commerce the residential construction advisory 69749
committee consisting of nine persons ~~the director of commerce~~ 69750
~~appoints. Of the advisory committee's members, three~~ appointed in 69751
accordance with division (B) of this section. The advisory 69752
committee shall consist of the following members: 69753

(1) Three shall be general contractors who have recognized 69754
ability and experience in the construction of residential 69755
buildings, ~~two~~; 69756

(2) Two shall be building officials who have experience 69757
administering and enforcing a residential building code, ~~one,~~ 69758
~~chosen from a list of three names the Ohio fire chief's~~ 69759
~~association submits;~~ 69760

(3) One shall be from the fire service certified as a fire 69761
safety inspector who has at least ten years of experience 69762
enforcing fire or building codes, ~~one~~; 69763

(4) One shall be a residential contractor who has recognized 69764
ability and experience in the remodeling and construction of 69765
residential buildings, ~~one~~; 69766

(5) One shall be an architect registered pursuant to Chapter 69767
4703. of the Revised Code, with recognized ability and experience 69768
in the architecture of residential buildings, ~~and one, chosen from~~ 69769
~~a list of three names the Ohio municipal league submits to the~~ 69770
~~director;~~ 69771

(6) One shall be a mayor of a municipal corporation in which 69772
the Ohio residential building code is being enforced in the 69773
municipal corporation by a certified building department. 69774

(B) ~~The director shall make appointments to the advisory~~ 69775
~~committee within ninety days after May 27, 2005. The speaker of~~ 69776
the house of representatives shall appoint two of the members 69777

described in division (A)(1) of this section. The president of the senate shall appoint one of the members described in division (A)(1) and the member described in division (A)(4) of this section. The director of commerce shall appoint the members described in division (A)(2) of this section, chosen from a list of five names the Ohio building officials association submits to the director; the member described in division (A)(3) of this section, chosen from a list of three names the Ohio fire chief's association submits to the director; the member described in division (A)(5) of this section, chosen from a list of three names the Ohio society of the American institute of architects submits to the director; and the member described in division (A)(6) of this section, chosen from a list of three names the Ohio municipal league submits to the director.

(C) Terms of office shall be for three years, with each term ending on the date three years after the date of appointment. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. ~~The director shall fill a~~ A vacancy shall be filled in the manner provided for initial appointments. Any member appointed to fill a vacancy in an unexpired term shall hold office for the remainder of that term.

~~(C)~~(D) The advisory committee shall do all of the following:

(1) Recommend to the board of building standards a building code for residential buildings. The committee shall recommend a code that it ~~models~~ may model on a residential building code a national model code organization issues, with adaptations necessary to implement the code in this state. If the board of building standards decides not to adopt a code the committee recommends, the committee shall revise the code and resubmit it until the board adopts a code the committee recommends as the state residential building code;

(2) Provide the board with any rule the committee recommends to update or amend the state residential building code or to update or amend rules that the board adopts pursuant to division (E) of section 3781.10 of the Revised Code that relate to the certification of entities that enforce the state residential building code; 69810
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(3) Advise the board regarding the establishment of standards for certification of building officials who enforce the state residential building code; 69816
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~~(3)~~(4) Assist the board in providing information and guidance to residential contractors and building officials who enforce the state residential building code; 69819
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~~(4)~~(5) Advise the board regarding the interpretation of the state residential building code; 69822
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~~(5)~~(6) Provide other assistance the committee considers necessary; 69824
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(7) Provide the board with a written report of the committee's findings for each consideration required by division (E) of this section; 69826
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(8) Provide the board with any rule the committee recommends regarding the state residential building code or relating to the certification of entities that enforce the state residential building code after receiving a petition as described in division (A)(2) of section 3781.12 of the Revised Code. 69829
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~~(D) In making (E) The committee shall not make its recommendation to the board pursuant to division (C) divisions (D)(1), (2), (3), (5), and (8) of this section, until the advisory committee shall consider~~ has considered all of the following: 69834
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(1) The impact that the state residential building code may 69839

have upon the health, safety, and welfare of the public; 69840

(2) The economic reasonableness of the residential building 69841
code; 69842

(3) The technical feasibility of the residential building 69843
code; 69844

(4) The financial impact that the residential building code 69845
may have on the public's ability to purchase affordable housing. 69846

~~(E)~~(F) Members of the advisory committee shall receive no 69847
salary for the performance of their duties as members, but shall 69848
receive their actual and necessary expenses incurred in the 69849
performance of their duties as members of the advisory committee 69850
and shall receive a per diem for each day in attendance at an 69851
official meeting of the committee, to be paid from the industrial 69852
compliance operating fund in the state treasury, using fees 69853
collected in connection with residential buildings pursuant to 69854
division (F)(2) of section 3781.102 of the Revised Code and 69855
deposited in that fund. 69856

~~(F)~~(G) The advisory committee is not subject to divisions (A) 69857
and (B) of section 101.84 of the Revised Code. 69858

Sec. 4741.41. There is hereby created the veterinarian loan 69859
repayment program. Under the program, the ~~Ohio board of regents~~ 69860
state veterinary medical licensing board, by means of a contract 69861
entered into under section 4741.44 of the Revised Code, may agree 69862
to repay all or part of the principal and interest of a government 69863
or other educational loan taken out by a veterinarian for the 69864
following expenses if the expenses were incurred while the 69865
veterinarian was enrolled, for a maximum of four years, in a 69866
veterinary college in the United States that, during the time of 69867
enrollment, was approved by the ~~state veterinary medical licensing~~ 69868
board or accredited by the American veterinary medical 69869

association: 69870

(A) Tuition; 69871

(B) Other educational expenses, such as fees, books, and 69872
laboratory expenses, for specific purposes and in amounts 69873
determined to be reasonable by the ~~state veterinary medical~~ 69874
~~licensing~~ board; 69875

(C) Room and board, in an amount determined to be reasonable 69876
by the ~~state veterinary medical licensing~~ board. 69877

No repayment shall exceed twenty thousand dollars in any 69878
year. If, however, a repayment results in an increase in the 69879
veterinarian's federal, state, or local income tax liability, the 69880
~~Ohio board of regents~~ board, at the veterinarian's request ~~and~~ 69881
~~with the approval of the state veterinary medical licensing board~~, 69882
may reimburse the veterinarian for the increased tax liability 69883
regardless of the amount of the repayment made to the veterinarian 69884
in that year. 69885

Sec. 4741.44. (A) A veterinarian who has signed a letter of 69886
intent under section 4741.43 of the Revised Code, and the state 69887
veterinary medical licensing board, ~~and the Ohio board of regents~~ 69888
may enter into a contract for the veterinarian's participation in 69889
the veterinarian loan repayment program. A lending institution 69890
also may be a party to the contract. 69891

(B) The contract shall include all of the following 69892
obligations: 69893

(1) The veterinarian agrees to provide large animal 69894
veterinary services or to provide veterinary services necessary to 69895
implement or enforce the law or to protect public health, as 69896
applicable, in a veterinary resource shortage area identified in 69897
the letter of intent for at least two years or one year per ten 69898
thousand dollars of repayment agreed to under division (B)(3) of 69899

this section, whichever is greater. 69900

(2) When providing veterinary services in the veterinary 69901
resource shortage area, the veterinarian agrees to do both of the 69902
following: 69903

(a) Provide veterinary services for a minimum of forty hours 69904
per week; 69905

(b) Devote not less than sixty per cent of total monthly 69906
veterinary services to large animal veterinary services or 69907
veterinary services necessary to implement or enforce the law or 69908
to protect public health, as applicable. 69909

(3) The ~~Ohio board of regents~~ state veterinary medical 69910
licensing board agrees, as provided in section 4741.41 of the 69911
Revised Code, to repay, so long as the veterinarian performs the 69912
service obligation agreed to under division (B)(1) of this 69913
section, all or part of the principal and interest of a government 69914
or other educational loan taken by the veterinarian for expenses 69915
described in section 4741.41 of the Revised Code. 69916

(4) The veterinarian agrees to pay the ~~Ohio board of regents~~ 69917
state veterinary medical licensing board the following as damages 69918
if the veterinarian fails to complete the service obligation 69919
agreed to under division (B)(1) of this section: 69920

(a) If the failure occurs during the first two years of the 69921
service obligation, two times the total amount the board has 69922
agreed to pay under division (B)(3) of this section; 69923

(b) If the failure occurs after the first two years of the 69924
service obligation, two times the total amount the board is still 69925
obligated to repay under division (B)(3) of this section. 69926

(C) The contract may include any other terms agreed upon by 69927
the parties, including an assignment to the ~~Ohio board of regents~~ 69928
state veterinary medical licensing board of the veterinarian's 69929

duty to pay the principal and interest of a government or other 69930
educational loan taken by the veterinarian for expenses described 69931
in section 4741.41 of the Revised Code. If the ~~Ohio board of~~ 69932
~~regents~~ state veterinary medical licensing board assumes the 69933
veterinarian's duty to pay a loan, the contract shall set forth 69934
the total amount of principal and interest to be paid, an 69935
amortization schedule, and the amount of each payment to be made 69936
under the schedule. 69937

(D) Not later than the thirty-first day of January each year, 69938
the ~~Ohio board of regents~~ board shall mail to each veterinarian to 69939
whom or on whose behalf repayment is made under section 4741.41 of 69940
the Revised Code a statement showing the amount of principal and 69941
interest repaid by the ~~Ohio board of regents~~ board in the 69942
preceding year pursuant to the contract. The statement shall be 69943
sent by ordinary mail with address correction and forwarding 69944
requested in the manner prescribed by the United States postal 69945
service. 69946

Sec. 4741.45. The state veterinary medical licensing board, 69947
in accordance with Chapter 119. of the Revised Code, shall adopt 69948
rules that do all of the following: 69949

(A) Define "large animal veterinary services," "veterinary 69950
services necessary to implement or enforce the law," and 69951
"veterinary services necessary to protect public health"; 69952

(B) Designate veterinary resource shortage areas comprised of 69953
areas in this state that have limited access to each of the 69954
following: 69955

(1) Large animal veterinary services; 69956

(2) Veterinary services necessary to implement or enforce the 69957
law; 69958

(3) Veterinary services necessary to protect public health. 69959

The designations may apply to a geographic area, one or more facilities within a particular area, or a population group of animals within a particular area.

(C) Establish priorities among veterinary resource shortage areas for use in recruiting veterinarians under the veterinarian loan repayment program;

(D) Establish priorities for use in determining eligibility among applicants for participation in the veterinarian loan repayment program;

(E) Establish any other requirement or procedure that is necessary to implement and administer sections 4741.40 to 4741.47 of the Revised Code.

In adopting the rules, the board shall consult with the state veterinarian ~~and the Ohio board of regents.~~

Sec. 4741.46. (A) The state veterinary medical licensing board may accept gifts of money from any source for the implementation and administration of sections 4741.40 to 4741.45 of the Revised Code. The board shall deposit all gifts so accepted into the state treasury to the credit of the veterinary resource shortage area fund, which is hereby created. The board shall use the fund for the implementation and administration of sections 4741.40 to 4741.45 of the Revised Code.

(B) The ~~Ohio board of regents~~ board may accept gifts of money from any source for the ~~implementation and administration of sections~~ purposes of providing loans under the veterinarian loan repayment program created in section 4741.41 and 4741.44 of the Revised Code. The board shall deposit all gifts so accepted together with all damages collected under division (B)(4) of section 4741.44 of the Revised Code into the state treasury to the credit of the veterinarian loan repayment fund, which is hereby

created. The fund also shall consist of the portion of biennial 69990
renewal fees that is credited to the fund under section 4741.17 of 69991
the Revised Code. The board shall use the fund for the 69992
implementation and administration of the veterinarian loan 69993
repayment program ~~created in section 4741.41 of the Revised Code.~~ 69994

Sec. 4753.02. No person shall practice, offer to practice, or 69995
aid and abet the practice of the profession of speech-language 69996
pathology or audiology, or use in connection with the person's 69997
name, or otherwise assume, use, or advertise any title or 69998
description tending to convey the impression that the person is a 69999
speech-language pathologist or audiologist unless the person is 70000
licensed ~~or permitted~~ under this chapter or section 3319.227 of 70001
the Revised Code. 70002

Sec. 4753.05. (A) The board of speech-language pathology and 70003
audiology may make reasonable rules necessary for the 70004
administration of this chapter. The board shall adopt rules to 70005
ensure ethical standards of practice by speech-language 70006
pathologists and audiologists licensed ~~or permitted~~ pursuant to 70007
this chapter or section 3319.227 of the Revised Code. All rules 70008
adopted under this chapter shall be adopted in accordance with 70009
Chapter 119. of the Revised Code. 70010

(B) The board shall determine the nature and scope of 70011
examinations to be administered to applicants for licensure 70012
pursuant to this chapter in the practices of speech-language 70013
pathology and audiology, and shall evaluate the qualifications of 70014
all applicants. Written examinations may be supplemented by such 70015
practical and oral examinations as the board shall determine by 70016
rule. The board shall determine by rule the minimum examination 70017
score for licensure. Licensure shall be granted independently in 70018
speech-language pathology and audiology. The board shall maintain 70019
a current public record of all persons licensed, to be made 70020

available upon request. 70021

(C) The board shall publish and make available, upon request, 70022
the licensure ~~and permit~~ standards prescribed by this chapter or 70023
section 3319.227 of the Revised Code and rules adopted pursuant 70024
thereto. 70025

(D) The board shall submit to the governor each year a report 70026
of all its official actions during the preceding year together 70027
with any recommendations and findings with regard to the 70028
improvement of the professions of audiology and speech-language 70029
pathology. 70030

(E) The board shall investigate all alleged irregularities in 70031
the practices of speech-language pathology and audiology by 70032
persons licensed ~~or permitted~~ pursuant to this chapter or section 70033
3319.227 of the Revised Code, and shall investigate any violations 70034
of this chapter or rules adopted by the board or violations of 70035
section 3319.227 of the Revised Code or rules adopted under that 70036
section. The board shall not investigate the practice of any 70037
person specifically exempted from licensure under this chapter by 70038
section 4753.12 of the Revised Code, as long as the person is 70039
practicing within the scope of the person's license or is carrying 70040
out responsibilities as described in division (G) or (H) of 70041
section 4753.12 of the Revised Code and does not claim to be a 70042
speech-language pathologist or audiologist. 70043

In conducting investigations under this division, the board 70044
may administer oaths, order the taking of depositions, issue 70045
subpoenas, and compel the attendance of witnesses and the 70046
production of books, accounts, papers, records, documents, and 70047
testimony. In any case of disobedience or neglect of any subpoena 70048
served on any person or the refusal of any witness to testify to 70049
any matter regarding which the witness may lawfully be 70050
interrogated, the court of common pleas of any county where such 70051
disobedience, neglect, or refusal occurs or any judge thereof, on 70052

application by the board, shall compel obedience by attachment 70053
proceedings for contempt, as in the case of disobedience of the 70054
requirements of a subpoena issued from such court, or a refusal to 70055
testify therein. 70056

(F) The board shall conduct such hearings and keep such 70057
records and minutes as are necessary to carry out this chapter. 70058

(G) The board shall adopt a seal by which it shall 70059
authenticate its proceedings. Copies of the proceedings, records, 70060
and acts signed by the chairperson or executive director and 70061
authenticated by such seal shall be prima-facie evidence thereof 70062
in all courts of this state. 70063

Sec. 4753.11. (A) For all types of licenses ~~and permits,~~ 70064
issued by the board of speech-language pathology and audiology, 70065
the board shall charge a nonrefundable licensure ~~or permit~~ fee, to 70066
be determined by board rule, which shall be paid at the time the 70067
application is filed with the board. 70068

(B) On or before the thirty-first day of January of every 70069
other year, the board shall charge a biennial licensure renewal 70070
fee which shall be determined by board rule and used to defray 70071
costs of the board. 70072

(C) The board may, by rule, provide for the waiver of all or 70073
part of such fees when the license is issued less than one hundred 70074
days before the date on which it will expire. 70075

(D) After the last day of the month designated by the board 70076
for renewal, the board shall charge a late fee to be determined by 70077
board rule in addition to the biennial licensure renewal fee. 70078

(E) No municipal corporation shall levy an occupational or 70079
similar excise tax on any person licensed under this chapter. 70080

(F) All fees collected under this section and section 4753.09 70081
of the Revised Code shall be paid into the state treasury to the 70082

credit of the occupational licensing and regulatory fund. 70083

Sec. 4755.06. The occupational therapy section of the Ohio 70084
occupational therapy, physical therapy, and athletic trainers 70085
board may make reasonable rules in accordance with Chapter 119. of 70086
the Revised Code relating to, but not limited to, the following: 70087

(A) The form and manner for filing applications for licensure 70088
under sections 4755.04 to 4755.13 of the Revised Code; 70089

(B) The issuance, suspension, and revocation of the licenses 70090
and the conducting of investigations and hearings; 70091

(C) Standards for approval of courses of study relative to 70092
the practice of occupational therapy; 70093

(D) The time and form of examination for the licensure; 70094

(E) Standards of ethical conduct in the practice of 70095
occupational therapy; 70096

(F) The form and manner for filing applications for renewal 70097
and a schedule of deadlines for renewal; 70098

(G) ~~Late fees and the~~ The conditions under which a license of 70099
a licensee who files a late application for renewal will be 70100
reinstated; 70101

(H) Placing an existing license in escrow; 70102

(I) The amount, scope, and nature of continuing education 70103
activities required for license renewal, including waivers ~~and the~~ 70104
~~establishment of appropriate fees to be charged for the~~ 70105
~~administrative costs associated with the review of~~ the continuing 70106
education ~~activities~~ requirements; 70107

(J) ~~Limited permit guidelines~~ Guidelines for limited permits; 70108

(K) Requirements for criminal records checks of applicants 70109
under section 4776.03 of the Revised Code; 70110

(L) Subject to section 4755.061 of the Revised Code, the amount for each fee specified in section 4755.12 of the Revised Code that the section charges. 70111
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The section may hear testimony in matters relating to the 70114
duties imposed upon it, and the chairperson and secretary of the 70115
section may administer oaths. The section may require proof, 70116
beyond the evidence found in the application, of the honesty, 70117
truthfulness, and good reputation of any person named in an 70118
application for ~~such~~ licensure, before admitting the applicant to 70119
an examination or issuing a license. 70120

Sec. 4755.061. If the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board adopts rules pursuant to section 4755.06 of the Revised Code relating to the amounts of the fees that the section may charge for the late renewal of licenses and the review of continuing education activities, as provided in divisions (A)(5) and (A)(6) of section 4755.12 of the Revised Code, the section shall not establish fee amounts for those services that exceed the actual costs the section incurs in providing the services to a licensee. 70121
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Sec. 4755.12. (A) The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall may charge a any or all of the following fees: 70130
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(1) A nonrefundable examination fee, established pursuant to section 4755.03 of the Revised Code, which is to be paid at the time of application for licensure- 70133
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The section shall charge an; 70136

(2) An application fee for an initial license; 70137

(3) An initial licensure fee, established pursuant to section 4755.03 of the Revised Code. 70138
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The section shall charge a;	70140
(4) A fee for biennial renewal fee and shall charge a of a	70141
license;	70142
(5) A fee for late renewal of a license;	70143
(6) A fee for the review of continuing education activities;	70144
(7) A fee for a limited permit, established pursuant to	70145
section 4755.03 of the Revised Code;	70146
(8) A fee for verification of a license.	70147
(B) Any person who is qualified to practice occupational	70148
therapy as certified by the section, but who is not in the active	70149
practice, as defined by section rule, may register with the	70150
section as a nonactive licensee at a biennial fee, established	70151
pursuant to section 4755.03 of the Revised Code.	70152
(C) The section may, by rule, provide for the waiver of all	70153
or part of a fee when the license is issued less than one hundred	70154
days before the date on which it will expire.	70155
(D) Except when all or part of a fee is waived under division	70156
(C) of this section, the amount charged by the occupational	70157
therapy section for each of its fees shall be the applicable	70158
amount established in rules adopted under section 4755.06 of the	70159
Revised Code.	70160
Sec. 4757.10. The counselor, social worker, and marriage and	70161
family therapist board may adopt any rules necessary to carry out	70162
this chapter.	70163
The board shall adopt rules that do all of the following:	70164
(A) Concern intervention for and treatment of any impaired	70165
person holding a license or certificate of registration issued	70166
under this chapter;	70167
(B) Establish standards for training and experience of	70168

supervisors described in division (C) of section 4757.30 of the Revised Code; 70169
70170

(C) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter; 70171
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(D) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 70174
70175

(E) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code. 70176
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All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy. 70181
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Sec. 4757.31. (A) Subject to division (B) of this section, the counselor, social worker, and marriage and family therapist board shall establish, and may from time to time adjust, fees to be charged for the following: 70188
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(1) Examination for licensure as a professional clinical counselor, professional counselor, marriage and family therapist, independent marriage and family therapist, social worker, or independent social worker; 70192
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(2) Initial licenses of professional clinical counselors, professional counselors, marriage and family therapists, independent marriage and family therapists, social workers, and 70196
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70198

independent social workers, except that the board shall charge 70199
only one fee to a person who fulfills all requirements for more 70200
than one of the following initial licenses: an initial license as 70201
a social worker or independent social worker, an initial license 70202
as a professional counselor or professional clinical counselor, 70203
and an initial license as a marriage and family therapist or 70204
independent marriage and family therapist; 70205

(3) Initial certificates of registration of social work 70206
assistants; 70207

(4) Renewal and late renewal of licenses of professional 70208
clinical counselors, professional counselors, marriage and family 70209
therapists, independent marriage and family therapists, social 70210
workers, and independent social workers and renewal and late 70211
renewal of certificates of registration of social work assistants; 70212

(5) Verification, to another jurisdiction, of a license or 70213
registration issued by the board; 70214

(6) Continuing education programs offered by the board to 70215
licensees or registrants. 70216

(B) The fees charged under division (A)(1) of this section 70217
shall be established in amounts sufficient to cover the direct 70218
expenses incurred in examining applicants for licensure. The fees 70219
charged under divisions (A)(2), ~~(3), and (4)~~ to (6) of this 70220
section shall be nonrefundable and shall be established in amounts 70221
sufficient to cover the necessary expenses in administering this 70222
chapter and rules adopted under it that are not covered by fees 70223
charged under division (A)(1) or (C) of this section. The renewal 70224
fee for a license or certificate of registration shall not be less 70225
than the initial fee for that license or certificate. The fees 70226
charged for licensure and registration and the renewal of 70227
licensure and registration may differ for the various types of 70228
licensure and registration, but shall not exceed one hundred 70229

twenty-five dollars each, unless the board determines that amounts 70230
in excess of one hundred twenty-five dollars are needed to cover 70231
its necessary expenses in administering this chapter and rules 70232
adopted under it and the amounts in excess of one hundred 70233
twenty-five dollars are approved by the controlling board. 70234

(C) All receipts of the board shall be deposited in the state 70235
treasury to the credit of the occupational licensing and 70236
regulatory fund. All vouchers of the board shall be approved by 70237
the chairperson or executive director of the board, or both, as 70238
authorized by the board. 70239

Sec. 4757.36. (A) The appropriate professional standards 70240
~~committees~~ committee of the counselor, social worker, and marriage 70241
and family therapist board may, in accordance with Chapter 119. of 70242
the Revised Code, ~~may refuse to issue a license or certificate of~~ 70243
~~registration applied for under this chapter; refuse to renew a~~ 70244
~~license or certificate of registration issued under this chapter;~~ 70245
~~suspend, revoke, or otherwise restrict a license or certificate of~~ 70246
~~registration issued under this chapter; or reprimand a person~~ 70247
~~holding a license or certificate of registration issued under this~~ 70248
~~chapter. Such actions may be taken by the appropriate committee if~~ 70249
~~the applicant for a license or certificate of registration or the~~ 70250
~~person holding a license or certificate of registration has take~~ 70251
any action specified in division (B) of this section against an 70252
individual who has applied for or holds a license to practice as a 70253
professional clinical counselor, professional counselor, 70254
independent marriage and family therapist, marriage and family 70255
therapist, social worker, or independent social worker, or a 70256
certificate of registration to practice as a social work 70257
assistant, for any reason described in division (C) of this 70258
section. 70259

(B) In its imposition of sanctions against an individual, the 70260

<u>board may do any of the following:</u>	70261
<u>(1) Refuse to issue or refuse to renew a license or certificate of registration;</u>	70262
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<u>(2) Suspend, revoke, or otherwise restrict a license or certificate of registration;</u>	70264
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<u>(3) Reprimand an individual holding a license or certificate of registration;</u>	70266
	70267
<u>(4) Impose a fine in accordance with the graduated system of fines established by the board in rules adopted under section 4757.10 of the Revised Code.</u>	70268
	70269
	70270
<u>(C) The appropriate professional standards committee of the board may take an action specified in division (B) of this section for any of the following reasons:</u>	70271
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	70273
<u>(1) Committed a violation of Commission of an act that violates any provision of this chapter or rules adopted under it;</u>	70274
	70275
(2) Knowingly made <u>making</u> a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;	70276
	70277
	70278
(3) Accepted <u>Accepting</u> a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;	70279
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	70285
(4) Failed <u>A failure</u> to comply with section 4757.12 of the Revised Code;	70286
	70287
(5) Been convicted <u>A conviction</u> in this or any other state of any <u>a</u> crime that is a felony in this state;	70288
	70289
(6) Had the ability <u>A failure</u> to perform properly as a	70290

professional clinical counselor, professional counselor, 70291
independent marriage and family therapist, marriage and family 70292
therapist, social work assistant, social worker, or independent 70293
social worker ~~impaired~~ due to the use of alcohol or other drugs or 70294
any other physical or mental condition; 70295

(7) ~~Been convicted~~ A conviction in this state or in any other 70296
state of a misdemeanor committed in the course of practice as a 70297
professional clinical counselor, professional counselor, 70298
independent marriage and family therapist, marriage and family 70299
therapist, social work assistant, social worker, or independent 70300
social worker; 70301

(8) ~~Practiced~~ Practicing outside the scope of practice 70302
applicable to that person; 70303

(9) ~~Practiced without complying with~~ Practicing in violation 70304
of the supervision requirements specified under sections 4757.21 70305
and 4757.26, and division (F) of section 4757.30, of the Revised 70306
Code; 70307

(10) ~~Violated~~ A violation of the person's code of ethical 70308
practice adopted by rule of the board pursuant to section 4757.11 70309
of the Revised Code; 70310

(11) ~~Had~~ Revocation or suspension of a license or certificate 70311
of registration ~~revoked or suspended~~, or ~~voluntarily surrendered~~ 70312
the voluntary surrender of a license or certificate of 70313
registration in another state or jurisdiction for an offense that 70314
would be a violation of this chapter. 70315

~~(B)~~(D) One year or more after the date of suspension or 70316
revocation of a license or certificate of registration under this 70317
section, application may be made to the appropriate professional 70318
standards committee for reinstatement. The committee may accept or 70319
refuse an application for reinstatement. If a license has been 70320
suspended or revoked, the committee may require an examination for 70321

reinstatement. 70322

(E) On request of the board, the attorney general shall bring 70323
and prosecute to judgment a civil action to collect any fine 70324
imposed under division (B)(4) of this section that remains unpaid. 70325

(F) All fines collected under division (B)(4) of this section 70326
shall be deposited into the state treasury to the credit of the 70327
occupational licensing and regulatory fund. 70328

Sec. 4763.01. As used in this chapter: 70329

(A) "Real estate appraisal" or "appraisal" means an analysis, 70330
opinion, or conclusion relating to the nature, quality, value, or 70331
utility of specified interests in, or aspects of identified real 70332
estate that is classified as either a valuation or an analysis. 70333

(B) "Valuation" means an estimate of the value of real 70334
estate. 70335

(C) "Analysis" means a study of real estate for purposes 70336
other than valuation. 70337

(D) "Appraisal report" means a written communication of a 70338
real estate appraisal, appraisal review, or appraisal consulting 70339
service or an oral communication of a real estate appraisal 70340
accompanied, appraisal review, or appraisal consulting service 70341
that is documented by a writing that supports the oral 70342
communication. 70343

(E) "Appraisal assignment" means an engagement for which a 70344
person licensed or certified under this chapter is employed ~~or~~, 70345
retained, or engaged to act, or would be perceived by third 70346
parties or the public as acting, as a disinterested third party in 70347
rendering an unbiased real estate appraisal. 70348

(F) "Specialized services" means all appraisal services, 70349
other than appraisal assignments, including, but not limited to, 70350
valuation and analysis given in connection with activities such as 70351

real estate brokerage, mortgage banking, real estate counseling, 70352
and real estate tax counseling, and specialized marketing, 70353
financing, and feasibility studies. 70354

(G) "Real estate" has the same meaning as in section 4735.01 70355
of the Revised Code. 70356

(H) "Appraisal foundation" means a nonprofit corporation 70357
incorporated under the laws of the state of Illinois on November 70358
30, 1987, for the purposes of establishing and improving uniform 70359
appraisal standards by defining, issuing, and promoting those 70360
standards; establishing appropriate criteria for the certification 70361
and recertification of qualified appraisers by defining, issuing, 70362
and promoting the qualification criteria and disseminating the 70363
qualification criteria to others; and developing or assisting in 70364
development of appropriate examinations for qualified appraisers. 70365

(I) "Prepare" means to develop and communicate, whether 70366
through a personal physical inspection or through the act or 70367
process of critically studying a report prepared by another who 70368
made the physical inspection, an appraisal, analysis, or opinion, 70369
or specialized service and to report the results. If the person 70370
who develops and communicates the appraisal or specialized service 70371
does not make the personal inspection, the name of the person who 70372
does make the personal inspection shall be identified on the 70373
appraisal or specialized service reported. 70374

(J) "Report" means any communication, written, oral, or by 70375
any other means of transmission of information, of a real estate 70376
appraisal, appraisal review, appraisal consulting service, or 70377
specialized service that is transmitted to a client or employer 70378
upon completion of the appraisal or service. 70379

(K) "State-certified general real estate appraiser" means any 70380
person who satisfies the certification requirements of this 70381
chapter relating to the appraisal of all types of real property 70382

and who holds a current and valid certificate or renewal 70383
certificate issued to the person pursuant to this chapter. 70384

(L) "State-certified residential real estate appraiser" means 70385
any person who satisfies the certification requirements only 70386
relating to the appraisal of one to four units of single-family 70387
residential real estate without regard to transaction value or 70388
complexity and who holds a current and valid certificate or 70389
renewal certificate issued to the person pursuant to this chapter. 70390

(M) "State-licensed residential real estate appraiser" means 70391
any person who satisfies the licensure requirements of this 70392
chapter relating to the appraisal of noncomplex one-to-four unit 70393
single-family residential real estate having a transaction value 70394
of less than one million dollars and complex one-to-four unit 70395
single-family residential real estate having a transaction value 70396
of less than two hundred fifty thousand dollars and who holds a 70397
current and valid license or renewal license issued to the person 70398
pursuant to this chapter. 70399

(N) "Certified or licensed real estate appraisal" means an 70400
appraisal prepared and reported by a certificate holder or 70401
licensee under this chapter acting within the scope of 70402
certification or licensure and as a disinterested third party. 70403

(O) "State-registered real estate appraiser assistant" means 70404
any person, other than a state-certified general real estate 70405
appraiser, state-certified residential real estate appraiser, or a 70406
state-licensed residential real estate appraiser, who satisfies 70407
the registration requirements of this chapter for participating in 70408
the development and preparation of real estate appraisals and who 70409
holds a current and valid registration or renewal registration 70410
issued to the person pursuant to this chapter. 70411

(P) "Institution of higher education" means a state 70412
university or college, a private college or university located in 70413

this state that possesses a certificate of authorization issued by 70414
the Ohio board of regents pursuant to Chapter 1713. of the Revised 70415
Code, or an accredited college or university located outside this 70416
state that is accredited by an accrediting organization or 70417
professional accrediting association recognized by the Ohio board 70418
of regents. 70419

(Q) "Division of real estate" may be used interchangeably 70420
with, and for all purposes has the same meaning as, "division of 70421
real estate and professional licensing." 70422

(R) "Superintendent" or "superintendent of real estate" means 70423
the superintendent of the division of real estate and professional 70424
licensing of this state. Whenever the division or superintendent 70425
of real estate is referred to or designated in any statute, rule, 70426
contract, or other document, the reference or designation shall be 70427
deemed to refer to the division or superintendent of real estate 70428
and professional licensing, as the case may be. 70429

(S) "Appraisal review" means the act or process of developing 70430
and communicating an opinion about the quality of another 70431
appraiser's work that was performed as part of an appraisal, 70432
appraisal review, or appraisal consulting assignment. 70433

(T) "Appraisal consulting" means the act or process of 70434
developing an analysis, recommendation, or opinion to solve a 70435
problem related to real estate. 70436

(U) "Work file" means documentation used during the 70437
preparation of an appraisal report or necessary to support an 70438
appraiser's analyses, opinions, or conclusions. 70439

Sec. 4763.03. (A) In addition to any other duties imposed on 70440
the real estate appraiser board under this chapter, the board 70441
shall: 70442

(1) Adopt rules, in accordance with Chapter 119. of the 70443

Revised Code, in furtherance of this chapter, including, but not limited to, all of the following:

(a) Defining, with respect to state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed residential real estate appraisers, the type of educational experience, appraisal experience, and other equivalent experience that satisfy the requirements of this chapter. The rules shall require that all appraisal experience performed after January 1, 1996, meet the uniform standards of professional practice established by the appraisal foundation.

(b) Establishing the examination specifications for state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed residential real estate appraisers;

(c) Relating to disciplinary proceedings conducted in accordance with section 4763.11 of the Revised Code, including rules governing the reinstatement of certificates, registrations, and licenses that have been suspended pursuant to those proceedings;

(d) Identifying any additional information to be included on the forms specified in division (C) of section 4763.12 of the Revised Code, provided that the rules shall not require any less information than is required in that division;

(e) Establishing the fees set forth in section 4763.09 of the Revised Code;

(f) Establishing the amount of the assessment required by division (A)(2) of section 4763.05 of the Revised Code. The board annually shall determine the amount due from each applicant for an initial certificate, registration, and license in an amount that will maintain the real estate appraiser recovery fund at the level specified in division (A) of section 4763.16 of the Revised Code.

The board may, if the fund falls below that amount, require	70475
current certificate holders, registrants, and licensees to pay an	70476
additional assessment.	70477
(g) Defining the educational requirements pursuant to	70478
division (C) of section 4763.05 of the Revised Code;	70479
(h) Establishing a real estate appraiser assistant program	70480
for the registration of real estate appraiser assistants.	70481
(2) Prescribe by rule the requirements for the examinations	70482
required by division (D) of section 4763.05 of the Revised Code;	70483
(3) Periodically review the standards for preparation and	70484
reporting of real estate appraisals <u>the development and reporting</u>	70485
<u>of appraisal reports</u> provided in this chapter and adopt rules	70486
explaining and interpreting those standards;	70487
(4) Hear appeals, pursuant to Chapter 119. of the Revised	70488
Code, from decisions and orders the superintendent of real estate	70489
issues pursuant to this chapter;	70490
(5) Request the initiation by the superintendent of	70491
investigations of violations of this chapter or the rules adopted	70492
pursuant thereto, as the board determines appropriate;	70493
(6) Determine the appropriate disciplinary actions to be	70494
taken against certificate holders, registrants, and licensees	70495
under this chapter as provided in section 4763.11 of the Revised	70496
Code.	70497
(B) In addition to any other duties imposed on the	70498
superintendent of real estate under this chapter, the	70499
superintendent shall:	70500
(1) Prescribe the form and content of all applications	70501
required by this chapter;	70502
(2) Receive applications for certifications, registrations,	70503
and licenses and renewal thereof under this chapter and establish	70504

the procedures for processing, approving, and disapproving those applications; 70505
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(3) Retain records and all application materials submitted to the superintendent; 70507
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(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code; 70509
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(5) Issue certificates, registrations, and licenses and maintain a register of the names and addresses of all persons issued a certificate, registration, or license under this chapter; 70512
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(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter; 70515
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(7) Administer this chapter; 70517

(8) Issue all orders necessary to implement this chapter; 70518

(9) Investigate complaints, upon the superintendent's own motion or upon receipt of a complaint or upon a request of the board, concerning any violation of this chapter or the rules adopted pursuant thereto or the conduct of any person holding a certificate, registration, or license issued pursuant to this chapter; 70519
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(10) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators and auditors have the right to review and audit the business records of certificate holders, registrants, and licensees during normal business hours. The superintendent may utilize the investigators and auditors employed pursuant to division (B)(4) of section 4735.05 of the Revised Code or currently licensed certificate holders or licensees to assist in performing the duties of this 70525
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division. 70535

(11) Appoint a referee or examiner for any proceeding 70536
involving the ~~revocation or suspension of a certificate,~~ 70537
~~registration, or license under section 3123.47 or disciplinary~~ 70538
action of a certificate holder, licensee, or registrant under 70539
section 4763.11 of the Revised Code; 70540

(12) Administer the real estate appraiser recovery fund; 70541

(13) Conduct the examinations required by division (D) of 70542
section 4763.05 of the Revised Code at least four times per year. 70543

(C) The superintendent may do all of the following: 70544

(1) In connection with investigations and audits under 70545
division (B) of this section, subpoena witnesses as provided in 70546
section 4763.04 of the Revised Code; 70547

(2) Apply to the appropriate court to enjoin any violation of 70548
this chapter. Upon a showing by the superintendent that any person 70549
has violated or is about to violate this chapter, the court shall 70550
grant an injunction, restraining order, or other appropriate 70551
relief, or any combination thereof. 70552

(D) All information that is obtained by investigators and 70553
auditors performing investigations or conducting inspections, 70554
audits, and other inquiries pursuant to division (B)(10) of this 70555
section, from certificate holders, registrants, licensees, 70556
complainants, or other persons, and all reports, documents, and 70557
other work products that arise from that information and that are 70558
prepared by the investigators, auditors, or other personnel of the 70559
department of commerce, shall be held in confidence by the 70560
superintendent, the investigators and auditors, and other 70561
personnel of the department. 70562

(E) This section does not prevent the division of real estate 70563
and professional licensing from releasing information relating to 70564

certificate holders, registrants, and licensees to the 70565
superintendent of financial institutions for purposes relating to 70566
the administration of sections 1322.01 to 1322.12 of the Revised 70567
Code, to the superintendent of insurance for purposes relating to 70568
the administration of Chapter 3953. of the Revised Code, to the 70569
attorney general, or to local law enforcement agencies and local 70570
prosecutors. Information released by the division pursuant to this 70571
section remains confidential. 70572

(F) Any rule the board adopts shall not exceed the 70573
requirements specified in federal law or regulations. 70574

Sec. 4763.04. The real estate appraiser board or the 70575
superintendent ~~or~~ of real estate may compel, by order or subpoena, 70576
the attendance of witnesses to testify in relation to any matter 70577
over which the board or the superintendent has jurisdiction and 70578
which is the subject of the inquiry and investigation by the board 70579
or superintendent, and require the production of any book, paper, 70580
or document pertaining to such matter. For such purpose, the board 70581
or the superintendent has the same power as judges of county 70582
courts to administer oaths, compel the attendance of witnesses, 70583
and punish witnesses for refusal to testify. ~~Sheriffs and service~~ 70584
of the subpoena may be made by constables or by certified mail, 70585
return receipt requested, and the subpoena shall be deemed served 70586
on the date delivery is made or the date the person refuses to 70587
accept delivery. Sheriffs or constables shall ~~serve and~~ return 70588
such process and shall receive the same fees for doing so as are 70589
allowed for like service if service of the subpoena is made by 70590
sheriffs or constables. Witnesses shall receive, after their 70591
appearance before the board or the superintendent, the fees and 70592
mileage provided for under section 119.094 of the Revised Code. If 70593
two or more witnesses travel together in the same vehicle, the 70594
mileage fee shall be paid to only one of those witnesses, but the 70595
witnesses may agree to divide the fee among themselves in any 70596

manner. 70597

In addition to the powers and duties granted to the board and 70598
the superintendent under this section, in case any person fails to 70599
file any statement or report, obey any subpoena, give testimony, 70600
answer questions, or produce books, records, or papers as required 70601
by the board or the superintendent under this chapter, the court 70602
of common pleas of any county in the state, upon application made 70603
to it by the board or the superintendent setting forth the 70604
failure, may make an order awarding process of subpoena or 70605
subpoena duces tecum for the person to appear and testify before 70606
the board or the superintendent, and may order any person to give 70607
testimony and answer questions, and to produce books, records, or 70608
papers, as required by the board or the superintendent. Upon the 70609
filing of such order in the office of the clerk of the court of 70610
common pleas, the clerk, under the seal of the court, shall issue 70611
process or subpoena, and each day thereafter until the examination 70612
of the person is completed. The subpoena may contain a direction 70613
that the witness bring with the witness to the examination any 70614
books, records, or papers mentioned in the subpoena. The clerk 70615
also shall issue, under the seal of the court, such other orders, 70616
in reference to the examination, appearance, and production of 70617
books, records, or papers, as the court directs. If any person 70618
summoned by subpoena fails to obey the subpoena, to give 70619
testimony, to answer questions as required, or to obey an order of 70620
the court, the court, on motion supported by proof, may order an 70621
attachment for contempt to be issued against the person charged 70622
with disobedience of any order or injunction issued by the court 70623
under this chapter. If the person is brought before the court by 70624
virtue of the attachment, and if upon a hearing the disobedience 70625
appears, the court may order the offender to be committed and kept 70626
in close custody. 70627

Sec. 4763.05. (A)(1)(a) A person shall make application for 70628

an initial state-certified general real estate appraiser 70629
certificate, an initial state-certified residential real estate 70630
appraiser certificate, an initial state-licensed residential real 70631
estate appraiser license, or an initial state-registered real 70632
estate appraiser assistant registration in writing to the 70633
superintendent of real estate on a form the superintendent 70634
prescribes. The application shall include the address of the 70635
applicant's principal place of business and all other addresses at 70636
which the applicant currently engages in the business of preparing 70637
real estate appraisals and the address of the applicant's current 70638
residence. The superintendent shall retain the applicant's current 70639
residence address in a separate record which shall not constitute 70640
a public record for purposes of section 149.03 of the Revised 70641
Code. The application shall indicate whether the applicant seeks 70642
certification as a general real estate appraiser or as a 70643
residential real estate appraiser, licensure as a residential real 70644
estate appraiser, or registration as a real estate appraiser 70645
assistant and be accompanied by the prescribed examination and 70646
certification, registration, or licensure fees set forth in 70647
section 4763.09 of the Revised Code. The application also shall 70648
include ~~a fingerprint of the applicant;~~ a pledge, signed by the 70649
applicant, that the applicant will comply with the standards set 70650
forth in this chapter; and a statement that the applicant 70651
understands the types of misconduct for which disciplinary 70652
proceedings may be initiated against the applicant pursuant to 70653
this chapter. 70654

(b) Upon the filing of an application and payment of any 70655
examination and certification, registration, or licensure fees, 70656
the superintendent of real estate shall request the superintendent 70657
of the bureau of criminal identification and investigation, or a 70658
vendor approved by the bureau, to conduct a criminal records check 70659
based on the applicant's fingerprints in accordance with division 70660
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 70661

division (K) of section 121.08 of the Revised Code, the 70662
superintendent of real estate shall request that criminal record 70663
information from the federal bureau of investigation be obtained 70664
as part of the criminal records check. Any fee required under 70665
division (C)(3) of section 109.572 of the Revised Code shall be 70666
paid by the applicant. 70667

(2) For purposes of providing funding for the real estate 70668
appraiser recovery fund established by section 4763.16 of the 70669
Revised Code, the real estate appraiser board shall levy an 70670
assessment against each person issued an initial certificate, 70671
registration, or license and against current licensees, 70672
registrants, and certificate holders, as required by board rule. 70673
The assessment is in addition to the application and examination 70674
fees for initial applicants required by division (A)(1) of this 70675
section and the renewal fees required for current certificate 70676
holders, registrants, and licensees. The superintendent of real 70677
estate shall deposit the assessment into the state treasury to the 70678
credit of the real estate appraiser recovery fund. The assessment 70679
for initial certificate holders, registrants, and licensees shall 70680
be paid prior to the issuance of a certificate, registration, or 70681
license, and for current certificate holders, registrants, and 70682
licensees, at the time of renewal. 70683

(B) An applicant for an initial general real estate appraiser 70684
certificate, residential real estate appraiser certificate, or 70685
residential real estate appraiser license shall possess experience 70686
in real estate appraisal as the board prescribes by rule. In 70687
addition to any other information required by the board, the 70688
applicant shall furnish, under oath, a detailed listing of the 70689
appraisal reports or file memoranda for each year for which 70690
experience is claimed and, upon request of the superintendent or 70691
the board, shall make available for examination a sample of the 70692
appraisal reports prepared by the applicant in the course of the 70693

applicant's practice. 70694

(C) An applicant for an initial certificate, registration, or 70695
license shall be at least eighteen years of age, honest, truthful, 70696
and of good reputation and shall present satisfactory evidence to 70697
the superintendent that the applicant has successfully completed 70698
any education requirements the board prescribes by rule. 70699

(D) An applicant for an initial general real estate appraiser 70700
or residential real estate appraiser certificate or residential 70701
real estate appraiser license shall take and successfully complete 70702
a written examination in order to qualify for the certificate or 70703
license. 70704

The board shall prescribe the examination requirements by 70705
rule. 70706

(E)(1) A nonresident, natural person of this state who has 70707
complied with this section may obtain a certificate, registration, 70708
or license. The board shall adopt rules relating to the 70709
certification, registration, and licensure of a nonresident 70710
applicant whose state of residence the board determines to have 70711
certification, registration, or licensure requirements that are 70712
substantially similar to those set forth in this chapter and the 70713
rules adopted thereunder. 70714

(2) The board shall recognize on a temporary basis a 70715
certification or license issued in another state and shall 70716
register on a temporary basis an appraiser who is certified or 70717
licensed in another state if all of the following apply: 70718

(a) The temporary registration is to perform an appraisal 70719
assignment that is part of a federally related transaction. 70720

(b) The appraiser's business in this state is of a temporary 70721
nature. 70722

(c) The appraiser registers with the board pursuant to this 70723

division. 70724

An appraiser who is certified or licensed in another state 70725
shall register with the board for temporary practice before 70726
performing an appraisal assignment in this state in connection 70727
with a federally related transaction. 70728

The board shall adopt rules relating to registration for the 70729
temporary recognition of certification and licensure of appraisers 70730
from another state. The registration for temporary recognition of 70731
certified or licensed appraisers from another state shall not 70732
authorize completion of more than one appraisal assignment in this 70733
state. The board shall not issue more than two registrations for 70734
temporary practice to any one applicant in any calendar year. 70735

(3) In addition to any other information required to be 70736
submitted with the nonresident applicant's or appraiser's 70737
application for a certificate, registration, license, or temporary 70738
recognition of a certificate or license, each nonresident 70739
applicant or appraiser shall submit a statement consenting to the 70740
service of process upon the nonresident applicant or appraiser by 70741
means of delivering that process to the secretary of state if, in 70742
an action against the applicant, certificate holder, registrant, 70743
or licensee arising from the applicant's, certificate holder's, 70744
registrant's, or licensee's activities as a certificate holder, 70745
registrant, or licensee, the plaintiff, in the exercise of due 70746
diligence, cannot effect personal service upon the applicant, 70747
certificate holder, registrant, or licensee. 70748

(F) The superintendent shall not issue a certificate, 70749
registration, or license to, or recognize on a temporary basis an 70750
appraiser from another state that is a corporation, partnership, 70751
or association. This prohibition shall not be construed to prevent 70752
a certificate holder or licensee from signing an appraisal report 70753
on behalf of a corporation, partnership, or association. 70754

(G) Every person licensed, registered, or certified under this chapter shall notify the superintendent, on a form provided by the superintendent, of a change in the address of the licensee's, registrant's, or certificate holder's principal place of business or residence within thirty days of the change. If a licensee's, registrant's, or certificate holder's license, registration, or certificate is revoked or not renewed, the licensee, registrant, or certificate holder immediately shall return the annual and any renewal certificate, registration, or license to the superintendent.

(H)(1) The superintendent shall not issue a certificate, registration, or license to any person, or recognize on a temporary basis an appraiser from another state, who does not meet applicable minimum criteria for state certification, registration, or licensure prescribed by federal law or rule.

(2) The superintendent shall not issue a general real estate appraiser certificate, residential real estate appraiser certificate, residential real estate appraiser license, or real estate appraiser assistant registration to any person who has been convicted of or pleaded guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, including a violation of an existing or former law of this state, any other state, or the United States that substantially is equivalent to such an offense. However, if the applicant has pleaded guilty to or been convicted of such an offense, the superintendent shall not consider the offense if the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the

applicant will commit such an offense again. 70787

Sec. 4763.06. (A) A person licensed, registered, or certified 70788
under this chapter may obtain a renewal certificate, registration, 70789
or license by filing a renewal application with and paying the 70790
renewal fee set forth in section 4763.09 of the Revised Code and 70791
any amount assessed pursuant to division (A)(2) of section 4763.05 70792
of the Revised Code to the superintendent of real estate. The 70793
renewal application shall include a statement, signed by the 70794
certificate holder, registrant, or licensee, that the certificate 70795
holder, registrant, or licensee has not, during the immediately 70796
preceding twelve-month period, been convicted of or pleaded guilty 70797
to any criminal offense described in division (H)(2) of section 70798
4763.05 of the Revised Code. The certificate holder, registrant, 70799
or licensee shall file the renewal application at least thirty 70800
days, but no earlier than one hundred twenty days, prior to 70801
expiration of the certificate holder's, registrant's, or 70802
licensee's current certificate, registration, or license. 70803

(B) A certificate holder, registrant, or licensee who fails 70804
to renew a certificate, registration, or license prior to its 70805
expiration is ineligible to obtain a renewal certificate, 70806
registration, or license and shall comply with section 4763.05 of 70807
the Revised Code in order to regain certification or licensure, 70808
except that a certificate holder, registrant, or licensee may, 70809
within ~~three~~ twelve months after the expiration of the certificate 70810
holder's, registrant's, or licensee's certificate, registration, 70811
or license, renew the certificate, registration, or license 70812
without having to comply with section 4763.05 of the Revised Code 70813
by payment of all fees for renewal and payment of the late filing 70814
fee set forth in section 4763.09 of the Revised Code. A 70815
certificate holder, registrant, or licensee who applies for late 70816
renewal of the certificate holder's, registrant's, or licensee's 70817
certificate, registration, or license may not engage in ~~all~~ any 70818

activities permitted by the certification, registration, or 70819
license being renewed ~~for~~ during the ~~three-month~~ twelve-month 70820
period following the certificate's, registration's, or license's 70821
normal expiration date until all renewal fees and the late filing 70822
fee have been paid. 70823

Sec. 4763.07. (A) Every state-certified general real estate 70824
appraiser, state-certified residential real estate appraiser, and 70825
state-licensed residential real estate appraiser, ~~and~~ 70826
~~state-registered real estate appraiser assistant~~ shall submit 70827
proof of successfully completing a minimum of fourteen classroom 70828
hours of continuing education instruction in courses or seminars 70829
approved by the real estate appraiser board. The certificate 70830
holder and licensee shall have satisfied the fourteen-hour 70831
continuing education requirements within the one-year period 70832
immediately following the issuance of the initial certificate or 70833
license and shall satisfy those requirements annually thereafter. 70834
A state-registered real estate appraiser assistant who remains in 70835
this classification for more than two years shall satisfy in the 70836
third and successive years this section's requirements. If the 70837
certificate holder ~~or~~, licensee, or registrant fails to submit 70838
proof to the superintendent of meeting these requirements, the 70839
certificate holder's, registrant's, or licensee's certificate ~~or~~, 70840
license, or registration automatically is suspended. The 70841
superintendent shall notify the certificate holder ~~or~~, licensee, 70842
or registrant of the suspension and if the certificate holder ~~or~~, 70843
licensee, or registrant fails to submit proof to the 70844
superintendent of meeting those requirements within three months 70845
from the date of suspension, the superintendent shall revoke the 70846
certificate ~~or~~, license, or registration. If a certificate holder 70847
~~or~~, licensee, or registrant whose certificate ~~or~~, license, or 70848
registration has been revoked under this division desires to be 70849
certified ~~or~~, licensed, or registered under this chapter the 70850

certificate holder ~~or~~, licensee, or registrant shall apply for an 70851
initial certificate ~~or~~, license, or registration and shall meet 70852
all of the requirements of section 4763.05 of the Revised Code for 70853
the issuance of a certificate ~~or~~, license, or registration. 70854

A certificate holder ~~and~~, licensee, or registrant may satisfy 70855
all or a portion of the required hours of classroom instruction in 70856
the following manner: 70857

(1) Completion of an educational program of study determined 70858
by the board to be equivalent, for continuing education purposes, 70859
to courses or seminars approved by the board; 70860

(2) Participation, other than as a student, in educational 70861
processes or programs approved by the board that relate to real 70862
estate appraisal theory, practices, or techniques. 70863

A certificate holder and a licensee shall present to the 70864
superintendent of real estate evidence of the manner in which the 70865
certificate holder and licensee satisfied the requirements of 70866
division (A) of this section. 70867

(B) The board shall adopt rules for implementing a continuing 70868
education program for state-certified general real estate 70869
appraisers, state-certified residential real estate appraisers, 70870
state-licensed residential real estate appraisers, and 70871
state-registered real estate appraiser assistants for the purpose 70872
of assuring that certificate holders ~~and~~, licensees, and 70873
registrants have current knowledge of real estate appraisal 70874
theories, practices, and techniques that will provide a high 70875
degree of service and protection to members of the public. In 70876
addition to any other provisions the board considers appropriate, 70877
the rules adopted by the board shall prescribe the following: 70878

(1) Policies and procedures for obtaining board approval of 70879
courses of instruction and seminars; 70880

(2) Standards, policies, and procedures to be applied in 70881

evaluating the alternative methods of complying with continuing 70882
education requirements set forth in divisions (A)(1) and (2) of 70883
this section; 70884

(3) Standards, monitoring methods, and systems for recording 70885
attendance to be employed by course sponsors as a prerequisite to 70886
approval of courses for continuing education credit. 70887

(C) No amendment or rescission of a rule the board adopts 70888
pursuant to division (B) of this section shall operate to deprive 70889
a certificate holder or licensee of credit toward renewal of 70890
certification or licensure for any course of instruction completed 70891
by the certificate holder or licensee prior to the effective date 70892
of the amendment or rescission that would have qualified for 70893
credit under the rule as it existed prior to amendment or 70894
rescission. 70895

(D) The superintendent of real estate shall not issue a 70896
renewal certificate, registration, or license to any person who 70897
does not meet applicable minimum criteria for state certification, 70898
registration, or licensure prescribed by federal law or rule. 70899

Sec. 4763.09. (A) The real estate appraiser board shall adopt 70900
rules, in accordance with Chapter 119. of the Revised Code, for 70901
the establishment of the following fees: 70902

(1) The examination fee required under division (A) of 70903
section 4763.05 of the Revised Code, up to a maximum of one 70904
hundred fifty dollars, which fee shall be nonrefundable; 70905

(2) The initial state-certified general real estate appraiser 70906
and state-certified residential real estate appraiser 70907
certification and state-licensed residential real estate appraiser 70908
license fees, and the annual renewal thereof, up to a maximum of 70909
one hundred ~~twenty-five~~ seventy-five dollars each; 70910

(3) The initial real estate appraiser assistant registration 70911

fee, and the annual renewal thereof, up to a maximum of ~~fifty one~~ one hundred dollars; 70912
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(4) The late filing fee for renewal of a certification, registration, or license, which shall be one-half of the certification, registration, and licensure fees established pursuant to divisions (A)(2) and (3) of this section; 70914
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(5) The amount to be charged to cover the cost of the issuance of a temporary certificate or license under division (E)(2) of section 4763.05 of the Revised Code; 70918
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(6) Other reasonable fees as needed, including any annual pass-through charges imposed by the federal government. 70921
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(B) An applicant for certification or licensure under this chapter shall pay the examination fee directly to a testing service if so prescribed and in such amount as the superintendent of real estate prescribes. The balance, if any, of the examination fee shall accompany the application. 70923
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Sec. 4763.11. (A) Within ~~five ten~~ ten business days after a person files a ~~signed~~ written complaint against a person certified, registered, or licensed under this chapter with the division of real estate, the superintendent of real estate shall acknowledge receipt of the complaint ~~or request and send a by~~ sending notice to the certificate holder, registrant, or licensee ~~describing the acts of which there is a that includes a copy of~~ the complaint. The acknowledgement to the complainant and the notice to the certificate holder, registrant, or licensee ~~shall~~ may state that an informal mediation meeting will be held with the complainant, the certificate holder, registrant, or licensee, and an investigator from the investigation and audit section of the division, if the complainant and certificate holder, registrant, or licensee both file a request for such a meeting within ~~ten~~ twenty calendar days thereafter ~~on a form the~~ 70928
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~~superintendent provides after the acknowledgment and notice are~~ 70943
~~mailed.~~ 70944

(B) If the complainant and certificate holder, registrant, or 70945
licensee both file with the division requests for an informal 70946
mediation meeting, the superintendent shall notify the complainant 70947
and certificate holder, registrant, or licensee of the date of the 70948
meeting, ~~which shall be within twenty business days thereafter,~~ 70949
~~except that the complainant, certificate holder, registrant, or~~ 70950
~~licensee may request an extension of up to fifteen business days~~ 70951
~~for good cause shown by regular mail.~~ If the complainant and 70952
certificate holder, registrant, or licensee reach an accommodation 70953
at an informal mediation meeting, the investigator shall ~~so~~ report 70954
the accommodation to the superintendent ~~and to,~~ the complainant, 70955
and the certificate holder, registrant, or licensee and the 70956
complaint file shall be closed, ~~unless, based upon the~~ 70957
~~investigator's report, the superintendent finds evidence that the~~ 70958
~~certificate holder, registrant, or licensee has violated division~~ 70959
~~(G) of this section upon the superintendent receiving satisfactory~~ 70960
notice that the accommodation has been fulfilled. 70961

(C) If the complainant and certificate holder, registrant, or 70962
licensee fail to agree to an informal mediation meeting or fail to 70963
reach an accommodation, ~~or if the superintendent finds evidence of~~ 70964
~~a violation of division (G) of this section pursuant to an~~ 70965
~~investigation conducted pursuant to division (B)(9) of section~~ 70966
~~4763.03 of the Revised Code agreement, or fail to fulfill an~~ 70967
accommodation agreement, the superintendent shall, ~~within five~~ 70968
~~business days of such determination, notify the complainant and~~ 70969
~~certificate holder, registrant, or licensee and investigate assign~~ 70970
the complaint to an investigator for an investigation into the 70971
conduct of the certificate holder, registrant, or licensee against 70972
whom the complaint is filed. 70973

(D) ~~Within sixty business days after receipt of the~~ 70974

~~complaint, or, if an informal meeting is held, within sixty days~~ 70975
~~after such meeting~~ Upon the conclusion of the investigation, the 70976
investigator shall file a written report of the results of the 70977
investigation with the superintendent. ~~Within ten business days~~ 70978
~~thereafter, the~~ The superintendent shall review the report and 70979
determine whether there exists reasonable and substantial evidence 70980
of a violation of division (G) of this section by the certificate 70981
holder, registrant, or licensee. If the superintendent finds such 70982
evidence exists, ~~within five business days of that determination,~~ 70983
the superintendent shall notify the complainant and certificate 70984
holder, registrant, or licensee of the determination. The 70985
certificate holder, registrant, or licensee may request a hearing 70986
pursuant to Chapter 119. of the Revised Code. If a formal hearing 70987
is conducted, the hearing examiner shall file a report of findings 70988
of fact and conclusions of law with the superintendent, the board, 70989
the complainant and the certificate holder, licensee, or 70990
registrant after the conclusion of the formal hearing. Within ten 70991
calendar days of receipt of the copy of the hearing examiner's 70992
finding of fact and conclusions of law, the certificate holder, 70993
licensee, or registrant or the division may file with the board 70994
written objections to the hearing examiner's report, which shall 70995
be considered by the board before approving, modifying, or 70996
rejecting the hearing examiner's report. If the superintendent 70997
finds that such evidence does not exist, ~~within five business days~~ 70998
~~thereafter,~~ the superintendent shall notify the complainant and 70999
certificate holder, registrant, or licensee of that determination 71000
and the basis for the determination. Within fifteen business days 71001
after the superintendent notifies the complainant and certificate 71002
holder, registrant, or licensee that such evidence does not exist, 71003
the complainant may file with the division a request that the real 71004
estate appraiser board review the determination. If the 71005
complainant files such request, the board shall review the 71006
determination at the next regularly scheduled meeting held at 71007

least fifteen business days after the request is filed but no longer than six months after the request is filed. The board may hear the testimony of the complainant, certificate holder, registrant, or licensee at the meeting upon the request of that party. If the board affirms the determination of the superintendent, the superintendent shall notify the complainant and the certificate holder, registrant, or licensee within five business days thereafter. If the board reverses the determination of the superintendent, a hearing before a hearing examiner shall be held and the complainant and certificate holder, registrant, or licensee notified as provided in this division.

(E) The board shall review the referee's or hearing examiner's report and the evidence at the next regularly scheduled board meeting held at least fifteen business days after receipt of the referee's or examiner's report. The board may hear the testimony of the complainant, certificate holder, registrant, or licensee upon request. If the complainant is the Ohio civil rights commission, the board shall review the complaint

(F) If the board determines that a licensee, registrant, or certificate holder has violated this chapter for which disciplinary action may be taken under division (G) of this section, after review of the referee's or examiner's report and the evidence as provided in division (E) of this section, the board shall order the disciplinary action the board considers appropriate, which may include, but is not limited to, any of the following:

(1) Reprimand of the certificate holder, registrant, or licensee;

(2) Imposition of a fine, not exceeding, two thousand five hundred dollars per violation;

(3) Requirement of the completion of additional education

courses. Any course work imposed pursuant to this section shall 71039
not count toward continuing education requirements or prelicense 71040
or precertification requirements set forth in section 4763.05 of 71041
the Revised Code. 71042

(4) Suspension of the certificate, registration, or license 71043
for a specific period of time; 71044

~~(3) Suspension of the certificate, registration, or license~~ 71045
~~until the certificate holder, registrant, or licensee complies~~ 71046
~~with conditions the board sets, including but not limited to,~~ 71047
~~successful completion of the real estate appraiser examination~~ 71048
~~described in division (D) of section 4763.05 of the Revised Code~~ 71049
~~or completion of a specific number of hours of continuing~~ 71050
~~education instruction in courses or seminars approved by the~~ 71051
~~board;~~ 71052

~~(4)~~(5) Revocation of the certificate, registration, or 71053
license. 71054

The decision and order of the board is final, subject to 71055
review in the manner provided for in Chapter 119. of the Revised 71056
Code and appeal to any court of common pleas. 71057

(G) The board shall take any disciplinary action authorized 71058
by this section against a certificate holder, registrant, or 71059
licensee who is found to have committed any of the following acts, 71060
omissions, or violations during the appraiser's certification, 71061
registration, or licensure: 71062

(1) Procuring or attempting to procure a certificate, 71063
registration, or license pursuant to this chapter by knowingly 71064
making a false statement, submitting false information, refusing 71065
to provide complete information in response to a question in an 71066
application for certification, registration, or licensure, or by 71067
any means of fraud or misrepresentation; 71068

(2) Paying, or attempting to pay, anything of value, other 71069

than the fees or assessments required by this chapter, to any member or employee of the board for the purpose of procuring a certificate, registration, or license; 71070
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(3) Being convicted in a criminal proceeding for a felony or a crime involving moral turpitude; 71073
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(4) Dishonesty, fraud, or misrepresentation, with the intent to either benefit the certificate holder, registrant, or licensee or another person or injure another person; 71075
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(5) Violation of any of the standards for the development ~~or~~, preparation, communication, or reporting of ~~real estate appraisals~~ an appraisal report set forth in this chapter and rules of the board; 71078
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(6) Failure or refusal to exercise reasonable diligence in developing ~~an appraisal, preparing, or communicating~~ an appraisal report, ~~or communicating an appraisal;~~ 71082
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(7) Negligence or incompetence in developing ~~an appraisal, in preparing, communicating, or reporting~~ an appraisal report, ~~or in communicating an appraisal;~~ 71085
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(8) ~~Willfully~~ Violating or willfully disregarding ~~or violating this~~ chapter or the rules adopted thereunder; 71088
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(9) Accepting an appraisal assignment where the employment is contingent upon the appraiser preparing or reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid for the appraisal is contingent upon the opinion, conclusion, or valuation attained or upon the consequences resulting from the appraisal assignment; 71090
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(10) Violating the confidential nature of governmental records to which the certificate holder, registrant, or licensee gained access through employment or engagement as an appraiser by a governmental agency; 71096
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(11) Entry of final judgment against the certificate holder, 71100
registrant, or licensee on the grounds of fraud, deceit, 71101
misrepresentation, or gross negligence in the making of any 71102
appraisal of real estate; 71103

(12) Violating any federal or state civil rights law; 71104

(13) Having published advertising, whether printed, radio, 71105
display, or of any other nature, which was misleading or 71106
inaccurate in any material particular, or in any way having 71107
misrepresented any appraisal or specialized service; 71108

(14) Failing to provide copies of records to the 71109
superintendent or failing to maintain records for five years as 71110
required by section 4763.14 of the Revised Code. Failure of a 71111
certificate holder, licensee, or registrant to comply with a 71112
subpoena issued under division (C)(1) of section 4763.03 of the 71113
Revised Code is prima-facie evidence of a violation of division 71114
(G)(14) of section 4763.11 of the Revised Code. 71115

(15) Failing to provide notice to the board as required in 71116
division (I) of this section. 71117

(H) The board immediately shall notify the superintendent of 71118
real estate of any disciplinary action taken under this section 71119
against a certificate holder, registrant, or licensee who also is 71120
licensed under Chapter 4735. of the Revised Code, and also shall 71121
notify any other federal, state, or local agency and any other 71122
public or private association that the board determines is 71123
responsible for licensing or otherwise regulating the professional 71124
or business activity of the appraiser. Additionally, the board 71125
shall notify the complainant and any other party who may have 71126
suffered financial loss because of the certificate holder's, 71127
registrant's, or licensee's violations, that the complainant or 71128
other party may sue for recovery under section 4763.16 of the 71129
Revised Code. The notice provided under this division shall 71130

specify the conduct for which the certificate holder, registrant, 71131
or licensee was disciplined and the disciplinary action taken by 71132
the board and the result of that conduct. 71133

(I) A certificate holder, registrant, or licensee shall 71134
notify the board ~~of the existence of a criminal conviction of the~~ 71135
type within fifteen days of the agency's issuance of an order 71136
revoking or permanently surrendering any professional license, 71137
certificate, or registration by any public entity other than the 71138
division of real estate. A certificate holder, registrant, or 71139
licensee who is convicted of a felony or crime of moral turpitude 71140
as described in division (G)(3) of this section shall notify the 71141
board of the conviction within fifteen days of the conviction. 71142

(J) If the board determines that a certificate holder, 71143
registrant, or licensee has violated this chapter for which 71144
disciplinary action may be taken under division (G) of this 71145
section as a result of an investigation conducted by the 71146
superintendent upon the superintendent's own motion or upon the 71147
request of the board, the superintendent shall notify the 71148
certificate holder, registrant, or licensee of the certificate 71149
holder's, registrant's, or licensee's right to a hearing pursuant 71150
to Chapter 119. of the Revised Code and to an appeal of a final 71151
determination of such administrative proceedings to any court of 71152
common pleas. 71153

(K) All notices, written reports, and determinations issued 71154
pursuant to this section shall be mailed via certified mail, 71155
return receipt requested. If the certified notice is returned 71156
because of failure of delivery or was unclaimed, the notice, 71157
written reports, or determinations are deemed served if the 71158
superintendent sends the notice, written reports, or determination 71159
via regular mail and obtains a certificate of mailing of the 71160
notice, written reports, or determination. Refusal of delivery by 71161
personal service or by mail is not failure of delivery and service 71162

is deemed to be complete. 71163

Sec. 4763.13. (A) In engaging in appraisal activities, a 71164
person certified, registered, or licensed under this chapter shall 71165
comply with the applicable standards prescribed by the board of 71166
governors of the federal reserve system, the federal deposit 71167
insurance corporation, the comptroller of the currency, the office 71168
of thrift supervision, the national credit union administration, 71169
and the resolution trust corporation in connection with federally 71170
related transactions under the jurisdiction of the applicable 71171
agency or instrumentality. A certificate holder, registrant, and 71172
licensee also shall comply with the uniform standards of 71173
professional appraisal practice, as adopted by the appraisal 71174
standards board of the appraisal foundation and such other 71175
standards adopted by the real estate appraiser board, to the 71176
extent that those standards do not conflict with applicable 71177
federal standards in connection with a particular federally 71178
related transaction. 71179

(B) The terms "state-licensed residential real estate 71180
appraiser," "state-certified residential real estate appraiser," 71181
"state-certified general real estate appraiser," and 71182
"state-registered real estate appraiser assistant" shall be used 71183
to refer only to those persons who have been issued the applicable 71184
certificate, registration, or license or renewal certificate, 71185
registration, or license pursuant to this chapter. None of these 71186
terms shall be used following or in connection with the name or 71187
signature of a partnership, corporation, or association or in a 71188
manner that could be interpreted as referring to a person other 71189
than the person to whom the certificate, registration, or license 71190
has been issued. No person shall fail to comply with this 71191
division. 71192

(C) No person, other than a certificate holder, a registrant, 71193

or a licensee, shall assume or use a title, designation, or 71194
abbreviation that is likely to create the impression that the 71195
person possesses certification, registration, or licensure under 71196
this chapter, provided that professional designations containing 71197
the term "certified appraiser" and being used on or before July 71198
26, 1989, shall not be construed as being misleading under this 71199
division. No person other than a person certified or licensed 71200
under this chapter shall describe or refer to an appraisal or 71201
other evaluation of real estate located in this state as being 71202
certified. 71203

(D) The terms "state-certified or state-licensed real estate 71204
appraisal report," "state-certified or state-licensed appraisal 71205
report," or "state-certified or state-licensed appraisal" shall be 71206
used to refer only to those real estate appraisals conducted by a 71207
certificate holder or licensee as a disinterested and unbiased 71208
third party provided that the certificate holder or licensee 71209
provides certification with the appraisal and provided further 71210
that if a licensee is providing the appraisal, such terms shall 71211
only be used if the licensee is acting within the scope of the 71212
licensee's license. No person shall fail to comply with this 71213
division. 71214

(E) Nothing in this chapter shall preclude a partnership, 71215
corporation, or association which employs ~~or~~, retains, or engages 71216
the services of a certificate holder or licensee to advertise that 71217
the partnership, corporation, or association offers 71218
state-certified or state-licensed appraisals through a certificate 71219
holder or licensee if the advertisement clearly states such fact 71220
in accordance with guidelines for such advertisements established 71221
by rule of the real estate appraiser board. 71222

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(F) Except as otherwise provided in section 4763.19 of the 71224
Revised Code, nothing in this chapter shall preclude a person who 71225

is not licensed or certified under this chapter from appraising 71226
real estate for compensation. 71227

Sec. 4763.14. A person licensed, registered, or certified 71228
under this chapter shall retain for a period of five years the 71229
original or a true copy of each written contract for the person's 71230
services relating to real estate appraisal work ~~and~~, all appraisal 71231
reports, and all work file documentation and ~~supporting~~ data 71232
assembled ~~and formulated by the person~~ in preparing those reports. 71233
The retention period begins on the date the appraisal is submitted 71234
to the client unless, prior to expiration of the retention period, 71235
the certificate holder, registrant, or licensee is notified that 71236
the appraisal or report is the subject of or is otherwise involved 71237
in pending litigation, in which case the retention period begins 71238
on the date of final disposition of the litigation. 71239

A certificate holder, registrant, and a licensee shall make 71240
available all records required to be maintained under this section 71241
for inspection and copying by the superintendent of real estate or 71242
the real estate appraiser board, or both, upon reasonable notice 71243
to the certificate holder, registrant, or licensee. 71244

Sec. 4763.17. Every partnership, corporation, or association 71245
which employs ~~or~~, retains, or engages the services of a person 71246
licensed, registered, or certified under this chapter, whether the 71247
certificate holder, registrant, or licensee is an independent 71248
contractor or under the supervision or control of the partnership, 71249
corporation, or association, is jointly and severally liable for 71250
any damages incurred by any person as a result of an act or 71251
omission concerning a state-certified or state-licensed real 71252
estate appraisal prepared or facilitated in the preparation by a 71253
certificate holder, registrant, or licensee while employed ~~or~~, 71254
retained, or engaged by the partnership, corporation, or 71255
association. 71256

Sec. 4765.11. (A) The state board of emergency medical services shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and division (C) of this section that establish all of the following:

(1) Procedures for its governance and the control of its actions and business affairs;

(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;

(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;

(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;

(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) of section 4765.30 of the Revised Code;

(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;

(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder,

EMT-basic, EMT-I, or paramedic;	71287
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	71288
(9) Standards for certificates of accreditation and certificates of approval;	71289
(10) Qualifications for certificates to teach;	71290
(11) Requirements for a certificate to practice;	71291
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	71292
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	71293
(14) Examinations for certificates to practice;	71294
(15) Procedures for administering examinations for certificates to practice;	71295
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	71296
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	71297
(18) Procedures for approving the additional emergency medical services first responders are authorized by division (C) of section 4765.35 of the Revised Code to perform, EMTs-basic are authorized by division (C) of section 4765.37 of the Revised Code	71298

to perform, EMTs-I are authorized by division (B)(5) of section 71317
4765.38 of the Revised Code to perform, and paramedics are 71318
authorized by division (B)(6) of section 4765.39 of the Revised 71319
Code to perform; 71320

(19) Standards and procedures for implementing the 71321
requirements of section 4765.06 of the Revised Code, including 71322
designations of the persons who are required to report information 71323
to the board and the types of information to be reported; 71324

(20) Procedures for administering the emergency medical 71325
services grant program established under section 4765.07 of the 71326
Revised Code; 71327

(21) Procedures consistent with Chapter 119. of the Revised 71328
Code for appealing decisions of the board; 71329

(22) Minimum qualifications and peer review and quality 71330
improvement requirements for persons who provide medical direction 71331
to emergency medical service personnel; 71332

(23) The manner in which a patient, or a patient's parent, 71333
guardian, or custodian may consent to the board releasing 71334
identifying information about the patient under division (D) of 71335
section 4765.102 of the Revised Code; 71336

(24) Circumstances under which a training program or 71337
continuing education program, or portion of either type of 71338
program, may be taught by a person who does not hold a certificate 71339
to teach issued under section 4765.23 of the Revised Code; 71340

(25) Certification cycles for certificates issued under 71341
sections 4765.23 and 4765.30 of the Revised Code and certificates 71342
issued by the executive director of the state board of emergency 71343
medical services under section 4765.55 of the Revised Code that 71344
establish a common expiration date for all certificates. 71345

(B) The board may adopt, and may amend and rescind, rules in 71346

accordance with Chapter 119. of the Revised Code and division (C) 71347
of this section that establish the following: 71348

(1) Specifications of information that may be collected under 71349
the trauma system registry and incidence reporting system created 71350
under section 4765.06 of the Revised Code; 71351

(2) Standards and procedures for implementing any of the 71352
recommendations made by any committees of the board or under 71353
section 4765.04 of the Revised Code; 71354

(3) Requirements that a person must meet to receive a 71355
certificate to practice as a first responder pursuant to division 71356
(A)(2) of section 4765.30 of the Revised Code; 71357

(4) Any other rules necessary to implement this chapter. 71358

(C) In developing and administering rules adopted under this 71359
chapter, the state board of emergency medical services shall 71360
consult with regional directors and regional physician advisory 71361
boards created by section 4765.05 of the Revised Code and 71362
emphasize the special needs of pediatric and geriatric patients. 71363

(D) Except as otherwise provided in this division, before 71364
adopting, amending, or rescinding any rule under this chapter, the 71365
board shall submit the proposed rule to the director of public 71366
safety for review. The director may review the proposed rule for 71367
not more than sixty days after the date it is submitted. If, 71368
within this sixty-day period, the director approves the proposed 71369
rule or does not notify the board that the rule is disapproved, 71370
the board may adopt, amend, or rescind the rule as proposed. If, 71371
within this sixty-day period, the director notifies the board that 71372
the proposed rule is disapproved, the board shall not adopt, 71373
amend, or rescind the rule as proposed unless at least twelve 71374
members of the board vote to adopt, amend, or rescind it. 71375

This division does not apply to an emergency rule adopted in 71376
accordance with section 119.03 of the Revised Code. 71377

Sec. 4765.17. (A) The state board of emergency medical 71378
services shall issue the appropriate certificate of accreditation 71379
or certificate of approval to an applicant who is of good 71380
reputation and meets the requirements of section 4765.16 of the 71381
Revised Code. The board shall grant or deny a certificate of 71382
accreditation or certificate of approval within one hundred twenty 71383
days of receipt of the application. The board may issue or renew a 71384
certificate of accreditation or certificate of approval on a 71385
provisional basis to an applicant who is of good reputation and is 71386
in substantial compliance with the requirements of section 4765.16 71387
of the Revised Code. The board shall inform an applicant receiving 71388
such a certificate of the conditions ~~he~~ that must ~~meet~~ be met to 71389
complete compliance with section 4765.16 of the Revised Code. 71390

(B) Except as provided in division (C) of this section, a 71391
certificate of accreditation or certificate of approval is valid 71392
for ~~three~~ up to five years and may be renewed by the board 71393
pursuant to procedures and standards established in rules adopted 71394
under section 4765.11 of the Revised Code. An application for 71395
renewal shall be accompanied by the appropriate renewal fee 71396
established in rules adopted under section 4765.11 of the Revised 71397
Code. 71398

(C) A certificate of accreditation or certificate of approval 71399
issued on a provisional basis is valid for ~~one year and shall not~~ 71400
~~be renewed~~ the length of time established by the board. If the 71401
board finds that the holder of such a certificate has met the 71402
conditions it specifies under division (A) of this section, the 71403
board shall issue the appropriate certificate of accreditation or 71404
certificate of approval. 71405

(D) A certificate of accreditation is valid only for the 71406
emergency medical services training program or programs for which 71407
it is issued. The holder of a certificate of accreditation may 71408

apply to operate additional training programs in accordance with 71409
rules adopted by the board under section 4765.11 of the Revised 71410
Code. Any additional training programs shall expire on the 71411
expiration date of the applicant's current certificate. A 71412
certificate of approval is valid only for the emergency medical 71413
services continuing education program for which it is issued. 71414
Neither is transferable. 71415

(E) The ~~operator holder of an accredited~~ a certificate of 71416
accreditation or approved program a certificate of approval may 71417
offer courses ~~from the program~~ at more than one location in 71418
accordance with rules adopted under section 4765.11 of the Revised 71419
Code. 71420

Sec. 4765.23. The state board of emergency medical services 71421
shall issue a certificate to teach in an emergency medical 71422
services training program or an emergency medical services 71423
continuing education program to any applicant who it determines 71424
meets the qualifications established in rules adopted under 71425
section 4765.11 of the Revised Code. The certificate shall 71426
indicate each type of instruction and training the certificate 71427
holder may teach under the certificate. 71428

A certificate to teach ~~is valid for two years~~ shall have a 71429
certification cycle established by the board and may be renewed by 71430
the board pursuant to ~~procedures established in~~ rules adopted 71431
under section 4765.11 of the Revised Code. An application for 71432
renewal shall be accompanied by the appropriate renewal fee 71433
established in rules adopted under section 4765.11 of the Revised 71434
Code. 71435

The board may suspend or revoke a certificate to teach 71436
pursuant to rules adopted under section 4765.11 of the Revised 71437
Code. 71438

Sec. 4765.30. (A)(1) The state board of emergency medical 71439
services shall issue a certificate to practice as a first 71440
responder to an applicant who meets all of the following 71441
conditions: 71442

(a) Except as provided in division (A)(2) of this section, is 71443
a volunteer for a nonprofit emergency medical service organization 71444
or a nonprofit fire department; 71445

(b) Holds the appropriate certificate of completion issued in 71446
accordance with section 4765.24 of the Revised Code; 71447

(c) Passes the appropriate examination conducted under 71448
section 4765.29 of the Revised Code; 71449

(d) Is not in violation of any provision of this chapter or 71450
the rules adopted under it; 71451

(e) Meets any other certification requirements established in 71452
rules adopted under section 4765.11 of the Revised Code. 71453

(2) The board may waive the requirement to be a volunteer for 71454
a nonprofit entity if the applicant meets other requirements 71455
established in rules adopted under division (B)(3) of section 71456
4765.11 of the Revised Code relative to a person's eligibility to 71457
practice as a first responder. 71458

(B) The state board of emergency medical services shall issue 71459
a certificate to practice as an emergency medical technician-basic 71460
to an applicant who meets all of the following conditions: 71461

(1) Holds a certificate of completion in emergency medical 71462
services training-basic issued in accordance with section 4765.24 71463
of the Revised Code; 71464

(2) Passes the examination for emergency medical 71465
technicians-basic conducted under section 4765.29 of the Revised 71466
Code; 71467

(3) Is not in violation of any provision of this chapter or the rules adopted under it; 71468
71469

(4) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code. 71470
71471

(C) The state board of emergency medical services shall issue a certificate to practice as an emergency medical technician-intermediate or emergency medical technician-paramedic to an applicant who meets all of the following conditions: 71472
71473
71474

(1) Holds a certificate to practice as an emergency medical technician-basic; 71475
71476
71477

(2) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code; 71478
71479

(3) Passes the appropriate examination conducted under section 4765.29 of the Revised Code; 71480
71481

(4) Is not in violation of any provision of this chapter or the rules adopted under it; 71482
71483

(5) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code. 71484
71485

(D) A certificate to practice ~~is valid for three years~~ shall have a certification cycle established by the board and may be renewed by the board pursuant to ~~procedures established in~~ rules adopted under section 4765.11 of the Revised Code. Not later than sixty days prior to the expiration date of an individual's certificate to practice, the board shall notify the individual of the scheduled expiration ~~and furnish an application for renewal.~~ 71486
71487
71488
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An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section 4765.11 of the Revised Code, unless the board waives the fee on determining pursuant to those rules that the applicant cannot afford to pay the fee. Except as provided in division (B) of 71493
71494
71495
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71497

section 4765.31 of the Revised Code, the application shall include 71498
evidence of either of the following: 71499

(1) That the applicant received a certificate of completion 71500
from the appropriate emergency medical services continuing 71501
education program pursuant to section 4765.24 of the Revised Code; 71502

(2) That the applicant has successfully passed an examination 71503
that demonstrates the competence to have a certificate renewed 71504
without completing an emergency medical services continuing 71505
education program. The board shall approve such examinations in 71506
accordance with rules adopted under section 4765.11 of the Revised 71507
Code. 71508

(E) The board shall not require an applicant for renewal of a 71509
certificate to practice to take an examination as a condition of 71510
renewing the certificate. This division does not preclude the use 71511
of examinations by operators of approved emergency medical 71512
services continuing education programs as a condition for issuance 71513
of a certificate of completion in emergency medical services 71514
continuing education. 71515

Sec. 4766.09. This chapter does not apply to any of the 71516
following: 71517

(A) A person rendering services with an ambulance in the 71518
event of a disaster situation when licensees' vehicles based in 71519
the locality of the disaster situation are incapacitated or 71520
insufficient in number to render the services needed; 71521

(B) Any person operating an ambulance, ambulette, rotorcraft 71522
air ambulance, or fixed wing air ambulance outside this state 71523
unless receiving a person within this state for transport to a 71524
location within this state; 71525

(C) A publicly owned or operated emergency medical service 71526
organization and the vehicles it owns or leases and operates, 71527

except as provided in section 307.051, division (G) of section 71528
307.055, division (F) of section 505.37, division (B) of section 71529
505.375, and division (B)(3) of section 505.72 of the Revised 71530
Code; 71531

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed 71532
wing air ambulance, or nontransport vehicle owned or leased and 71533
operated by the federal government; 71534

(E) A publicly owned and operated fire department vehicle; 71535

(F) Emergency vehicles owned by a corporation and operating 71536
only on the corporation's premises, for the sole use by that 71537
corporation; 71538

(G) An ambulance, nontransport vehicle, or other emergency 71539
medical service organization vehicle owned and operated by a 71540
municipal corporation; 71541

(H) A motor vehicle titled in the name of a volunteer rescue 71542
service organization, as defined in section 4503.172 of the 71543
Revised Code; 71544

(I) A public emergency medical service organization; 71545

(J) A fire department, rescue squad, or life squad comprised 71546
of volunteers who provide services without expectation of 71547
remuneration and do not receive payment for services other than 71548
reimbursement for expenses; 71549

(K) A private, nonprofit emergency medical service 71550
organization when fifty per cent or more of its personnel are 71551
volunteers, as defined in section 4765.01 of the Revised Code; 71552

(L) Emergency medical service personnel who are regulated by 71553
the state board of emergency medical services under Chapter 4765. 71554
of the Revised Code; 71555

(M) Any of the following that operates a transit bus, as that 71556
term is defined in division (Q) of section 5735.01 of the Revised 71557

Code, unless the entity provides ambulette services that are 71558
reimbursed under the state medicaid plan: 71559

(1) A public nonemergency medical service organization; 71560

(2) An urban or rural public transit system; 71561

(3) A private nonprofit organization that receives grants 71562
under section 5501.07 of the Revised Code. 71563

(N)(1) An entity ~~or vehicle owned by an entity that~~, to the 71564
extent it provides ambulette services, if the entity meets all of 71565
the following conditions: 71566

(a) The entity is certified by the department of aging or the 71567
department's designee ~~under in accordance with~~ section 173.391 of 71568
the Revised Code ~~and or operates under a contract or grant~~ 71569
~~agreement with the department or the department's designee in~~ 71570
~~accordance with section 173.392 of the Revised Code.~~ 71571

(b) The entity meets the requirements of section 4766.14 of 71572
the Revised Code, ~~unless the entity or.~~ 71573

(c) The entity does not provide ambulette services that are 71574
reimbursed under the state medicaid plan. 71575

(2) A vehicle, to the extent it is used to provide ambulette 71576
services, if the vehicle meets both of the following conditions: 71577

(a) The vehicle is owned by an entity that meets the 71578
conditions specified in division (N)(1) of this section. 71579

(b) The vehicle ~~provides~~ ~~does not provide~~ ambulette services 71580
that are reimbursed under the state medicaid plan~~+~~. 71581

(O) A vehicle that meets both of the following criteria, 71582
unless the vehicle provides services that are reimbursed under the 71583
state medicaid plan: 71584

(1) The vehicle was purchased with funds from a grant made by 71585
the United States secretary of transportation under 49 U.S.C. 71586

5310; 71587

(2) The department of transportation holds a lien on the 71588
vehicle. 71589

Sec. 4767.05. (A) There is hereby created the Ohio cemetery 71590
dispute resolution commission, which shall consist of nine members 71591
to be appointed by the governor with the advice and consent of the 71592
senate as follows: 71593

(1) One member shall be the management authority of a 71594
municipal, township, or union cemetery and shall be selected from 71595
a list of four names submitted to the governor. Two of the four 71596
names shall be submitted by the Ohio township association and two 71597
names shall be submitted by the Ohio municipal league. 71598

(2) Four members shall be individuals employed in a 71599
management position by a cemetery company or cemetery association. 71600
Two of the four members shall be selected from a list of four 71601
names submitted to the governor by the Ohio association of 71602
cemeteries and two shall be selected from a list of four names 71603
submitted by the Ohio association of cemetery superintendents and 71604
officials. 71605

(3) Two members shall be employed in a management position by 71606
a cemetery that is owned or operated by a religious, fraternal, or 71607
benevolent society and shall be selected from a list of four names 71608
submitted by the Ohio association of cemetery superintendents and 71609
officials. 71610

(4) Two members, at least one of whom shall be at least 71611
sixty-five years of age, shall be representatives of the public 71612
with no financial interest in the death care industry. 71613

Each member of the commission, except for the two members who 71614
represent the public, shall, at the time of appointment, have had 71615
a minimum of five consecutive years of experience in the active 71616

administration and management of a cemetery in this state. 71617

(B) Within ninety days after the effective date of this 71618
section, the governor shall make initial appointments to the 71619
commission. Of the initial appointments, two shall be for terms 71620
ending one year after the effective date of this section, two 71621
shall be for terms ending two years after that date, two shall be 71622
for terms ending three years after that date, and three shall be 71623
for terms ending four years after that date. Thereafter, terms of 71624
office shall be for four years, with each term ending on the same 71625
day of the same month as did the term that it succeeds. Each 71626
member shall hold office from the date of appointment until the 71627
end of the term for which the member was appointed. Vacancies 71628
shall be filled in the manner provided for original appointments, 71629
with each appointee, other than a representative of the public, 71630
being appointed from a list of two names submitted to the governor 71631
by the association or organization that was required to nominate 71632
candidates for initial appointment to the position that has become 71633
vacant. Any member appointed to fill a vacancy occurring prior to 71634
the expiration date of the term for which the member's predecessor 71635
was appointed shall hold office for the remainder of that term. A 71636
member shall continue in office subsequent to the expiration date 71637
of the member's term until the member's successor takes office or 71638
until a period of sixty days has elapsed, whichever occurs first. 71639
No person shall serve as a member of the commission for more than 71640
two consecutive terms, excluding any term served to fill an 71641
initial appointment to a term of less than four years or an 71642
unexpired term caused by a vacancy. 71643

(C) The commission annually shall elect from among its 71644
members a chairperson, vice-chairperson, and secretary, each of 71645
whom shall serve a term of one year in that office. The commission 71646
shall meet at least four times a year. Additional meetings may be 71647
called by the chairperson, or by the vice-chairperson when the 71648

chairperson is disabled, or by a majority of the members of the 71649
commission. A majority of the members constitutes a quorum to 71650
transact and vote on business of the commission. 71651

The chairperson or vice-chairperson may: 71652

(1) Administer oaths; 71653

(2) Issue subpoenas; 71654

(3) Summon witnesses; 71655

(4) Compel the production of books, papers, records, and 71656
other forms of evidence; 71657

(5) Fix the time and place for hearing any matter related to 71658
compliance with sections 1721.19, 1721.20, 1721.21, 1721.211, 71659
4735.02, ~~4735.22~~, and 4767.02 of the Revised Code. 71660

The chairperson shall designate three members of the 71661
commission to serve on the crematory review board in accordance 71662
with section 4717.03 of the Revised Code for such time as the 71663
chairperson finds appropriate. Members designated to serve on the 71664
crematory review board shall perform all functions necessary to 71665
carry out the duties of the board as described in section 4717.03 71666
of the Revised Code. Members who serve on the crematory review 71667
board shall receive no compensation for such service. 71668

(D) Before entering upon the duties of office, each member of 71669
the commission shall take the oath pursuant to section 3.22 of the 71670
Revised Code. The governor may remove any member for misconduct, 71671
neglect of duty, incapacity, or malfeasance in accordance with 71672
section 3.04 of the Revised Code. 71673

(E) Members of the commission shall receive no compensation 71674
but shall be reimbursed for their actual and necessary expenses 71675
incurred in the performance of their duties as members of the 71676
commission. 71677

(F) The division of real estate in the department of commerce 71678

shall provide the commission with meeting space, staff services, 71679
and other technical assistance required by the commission in 71680
carrying out its duties pursuant to sections 4767.05 to 4767.08 of 71681
the Revised Code. 71682

Sec. 4767.07. (A) Any person may file a complaint regarding 71683
the activity, practice, policy, or procedure of, or regarding an 71684
alleged violation of section 1721.19, 1721.20, 1721.21, 1721.211, 71685
4735.02, ~~4735.22~~, or 4767.02 of the Revised Code by, any person 71686
operating or maintaining a cemetery registered pursuant to section 71687
4767.03 of the Revised Code that adversely affects or may 71688
adversely affect the interest of an owner or family member of the 71689
owner of a cemetery lot or burial, entombment, or columbarium 71690
right. All complaints shall be in writing and submitted to the 71691
division of real estate in the department of commerce on forms 71692
provided by the division. 71693

(B) With respect to complaints filed pursuant to division (A) 71694
of this section, the division of real estate shall do all of the 71695
following: 71696

(1) Acknowledge receipt of the complaint by sending written 71697
notice to the person who filed the complaint not more than twenty 71698
days after receipt of the complaint; 71699

(2) Send written notice of the complaint within seven days 71700
after receipt of the complaint to the person responsible for the 71701
operation and maintenance of the cemetery that is the subject of 71702
the complaint; 71703

(3) Before taking further action, allow the owner or the 71704
person responsible for the operation and maintenance of the 71705
cemetery that is the subject of a complaint thirty days after the 71706
date the division sends notice of the complaint to respond to the 71707
division with respect to the complaint. 71708

(C) The cemetery dispute resolution commission shall hear 71709
each complaint filed pursuant to division (A) of this section 71710
within one hundred eighty days after its filing, unless it has 71711
been resolved by the parties to the complaint. 71712

Sec. 4767.08. (A) The Ohio cemetery dispute resolution 71713
commission, on its own motion or as a result of a complaint 71714
received pursuant to section 4767.07 of the Revised Code and with 71715
good cause shown, shall investigate or cause to be investigated 71716
alleged violations of sections 1721.19, 1721.20, 1721.21, 71717
1721.211, 4735.02, ~~4735.22, and 4767.03~~ 4767.02, and 4767.03 of 71718
the Revised Code. If the commission or the superintendent of the 71719
division of real estate in the department of commerce believes 71720
that a violation has occurred, the commission or superintendent 71721
shall do all of the following: 71722

(1) Review the financial records of the cemetery to ensure 71723
compliance with sections 1721.21 and 1721.211 of the Revised Code; 71724

(2) Request the prosecuting attorney of the county in which 71725
the alleged violation occurred to initiate such proceedings as are 71726
appropriate. 71727

(B) If, as a result of an investigation, the commission or 71728
the superintendent believes that a person has violated Chapter 71729
1345. of the Revised Code, the commission or superintendent shall 71730
report the findings to the attorney general. 71731

(C) The commission, at any time, may dismiss a complaint if 71732
it determines there is not good cause shown for the complaint. If 71733
the commission dismisses a complaint, it shall notify the person 71734
who filed the complaint within twenty days of reaching its 71735
decision and identify the reason why the complaint was dismissed. 71736

(D) When necessary for the division of real estate to perform 71737
the duties required by sections 4767.07 and 4767.08 of the Revised 71738

Code, the superintendent of the division, after consultation with 71739
at least a majority of the members of the cemetery dispute 71740
resolution commission, may issue subpoenas and compel the 71741
production of books, papers, records, and other forms of evidence. 71742

Sec. 4774.02. (A)(1) Except as provided in division (B) of 71743
this section, no person shall practice as a radiologist assistant 71744
unless the person holds a current, valid certificate to practice 71745
as a radiologist assistant issued under this chapter. 71746

(2) No person shall use the title "radiologist assistant" or 71747
otherwise hold the person out as a radiologist assistant, unless 71748
the person holds a current, valid certificate to practice as a 71749
radiologist assistant issued under this chapter. 71750

(B) Division (A)(1) of this section does not apply to ~~either~~ 71751
any of the following: 71752

(1) A student participating in an advanced academic program 71753
that must be completed to receive a certificate to practice as a 71754
radiologist assistant, as those programs are described in division 71755
(B)(3) of section 4774.03 of the Revised Code; 71756

(2) A person who is otherwise authorized to perform any of 71757
the activities that a radiologist assistant is authorized to 71758
perform, either pursuant to another provision of the Revised Code 71759
or pursuant to the rules adopted by the state medical board under 71760
section 4731.053 of the Revised Code governing physician 71761
delegation of medical tasks. 71762

(3) An individual who, on or before the effective date of 71763
this amendment, has passed the national certifying examination for 71764
radiology practitioner assistants administered by the 71765
certification board for radiology practitioner assistants. 71766

Sec. 4776.01. As used in this chapter: 71767

- (A) "License" means any of the following: 71768
- (1) An authorization evidenced by a license, certificate, 71769
registration, permit, card, or other authority that is issued or 71770
conferred by a licensing agency described in division (C)(1) of 71771
this section to a licensee or to an applicant for an initial 71772
license by which the licensee or initial license applicant has or 71773
claims the privilege to engage in a profession, occupation, or 71774
occupational activity, or to have control of and operate certain 71775
specific equipment, machinery, or premises, over which the 71776
licensing agency has jurisdiction. 71777
- (2) An authorization evidenced by a license or certificate 71778
that is issued by a licensing agency described in division (C)(2) 71779
of this section pursuant to section 4715.12, 4715.16, 4715.21, or 71780
4715.27 of the Revised Code to a licensee or to an applicant for 71781
an initial license by which the licensee or initial license 71782
applicant has or claims the privilege to engage in a profession, 71783
occupation, or occupational activity over which the licensing 71784
agency has jurisdiction. 71785
- (B) "Licensee" means the person to whom the license is issued 71786
by a licensing agency. 71787
- (C) "Licensing agency" means any of the following: 71788
- (1) The board authorized by Chapters 4701., 4717., 4725., 71789
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 71790
4759., 4760., 4761., 4762., and 4779. of the Revised Code to issue 71791
a license to engage in a specific profession, occupation, or 71792
occupational activity, or to have charge of and operate certain 71793
specified equipment, machinery, or premises. 71794
- (2) The state dental board, relative to its authority to 71795
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 71796
4715.27 of the Revised Code. 71797
- (D) "Applicant for an initial license" includes persons 71798

seeking a license for the first time and persons seeking a license 71799
by reciprocity, endorsement, or similar manner of a license issued 71800
in another state. 71801

(E) "Applicant for a restored license" includes persons 71802
seeking restoration of a certificate under section 4730.14, 71803
4731.281, 4760.06, or 4762.06 of the Revised Code. 71804

(F) "Criminal records check" has the same meaning as in 71805
division ~~(E)~~(F) of section 109.572 of the Revised Code. 71806

Sec. 4776.02. (A) An applicant for an initial license or 71807
restored license from a licensing agency, or a person seeking to 71808
satisfy the criteria for being a qualified pharmacy technician 71809
that are specified in section 4729.42 of the Revised Code, shall 71810
submit a request to the bureau of criminal identification and 71811
investigation for a criminal records check of the applicant or 71812
person. The request shall be accompanied by a completed copy of 71813
the form prescribed under division (C)(1) of section 109.572 of 71814
the Revised Code, a set of fingerprint impressions obtained as 71815
described in division (C)(2) of that section, and the fee 71816
prescribed under division (C)(3) of that section. The applicant or 71817
person shall ask the superintendent of the bureau of criminal 71818
identification and investigation in the request to obtain from the 71819
federal bureau of investigation any information it has pertaining 71820
to the applicant or person. 71821

An applicant or person requesting a criminal records check 71822
shall provide the bureau of criminal identification and 71823
investigation with the applicant's or person's name and address 71824
and, regarding an applicant, with the licensing agency's name and 71825
address. 71826

(B) Upon receipt of the completed form, the set of 71827
fingerprint impressions, and the fee provided for in division (A) 71828
of this section, the superintendent of the bureau of criminal 71829

identification and investigation shall conduct a criminal records 71830
check of the applicant or person under division (B) of section 71831
109.572 of the Revised Code. Upon completion of the criminal 71832
records check, the superintendent shall do whichever of the 71833
following is applicable: 71834

(1) If the request was submitted by an applicant for an 71835
initial license or restored license, report the results of the 71836
criminal records check and any information the federal bureau of 71837
investigation provides to the licensing agency identified in the 71838
request for a criminal records check; 71839

(2) If the request was submitted by a person seeking to 71840
satisfy the criteria for being a qualified pharmacy technician 71841
that are specified in section 4729.42 of the Revised Code, do both 71842
of the following: 71843

(a) Report the results of the criminal records check and any 71844
information the federal bureau of investigation provides to the 71845
person who submitted the request; 71846

(b) Report the results of the portion of the criminal records 71847
check performed by the bureau of criminal identification and 71848
investigation under division (B)(1) of section 109.572 of the 71849
Revised Code to the employer or potential employer specified in 71850
the request of the person who submitted the request and send a 71851
letter to that employer or potential employer regarding the 71852
information provided by the federal bureau of investigation that 71853
states either that based on that information there is no record of 71854
any conviction or that based on that information the person who 71855
submitted the request may not meet the criteria that are specified 71856
in section ~~4729.02~~ 4729.42 of the Revised Code, whichever is 71857
applicable. 71858

Sec. 4781.01. As used in this chapter: 71859

(A) "Industrialized unit" has the same meaning as in division	71860
(C)(3) of section 3781.06 of the Revised Code.	71861
(B) "Installation" means any of the following:	71862
(1) The temporary or permanent construction of stabilization,	71863
support, and anchoring systems for manufactured housing;	71864
(2) The placement and erection of a manufactured housing unit	71865
or components of a unit on a structural support system;	71866
(3) The supporting, blocking, leveling, securing, anchoring,	71867
underpinning, or adjusting of any section or component of a	71868
manufactured housing unit;	71869
(4) The joining or connecting of all sections or components	71870
of a manufactured housing unit.	71871
(C) "Manufactured home" has the same meaning as in division	71872
(C)(4) of section 3781.06 of the Revised Code.	71873
(D) "Manufactured home park" has the same meaning as in	71874
division (A) of section 3733.01 of the Revised Code.	71875
(E) "Manufactured housing" means manufactured homes and	71876
mobile homes.	71877
(F) "Manufactured housing installer" means an individual who	71878
installs manufactured housing.	71879
(G) "Mobile home" has the same meaning as in division (O) of	71880
section 4501.01 of the Revised Code.	71881
(H) "Model standards" means the federal manufactured home	71882
installation standards established pursuant to 42 U.S.C. 5404.	71883
(I) "Permanent foundation" has the same meaning as in	71884
division (C)(5) of section 3781.06 of the Revised Code.	71885
(J) <u>"Business" includes any activities engaged in by any</u>	71886
<u>person for the object of gain, benefit, or advantage either direct</u>	71887
<u>or indirect.</u>	71888

(K) "Casual sale" means any transfer of a manufactured home or mobile home by a person other than a manufactured housing dealer, manufactured housing salesperson, or manufacturer to an ultimate consumer or a person who purchases the home for use as a residence. 71889
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(L) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business. 71894
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(M) "Manufactured home park operator" has the same meaning as "operator" in section 3733.01 of the Revised Code. 71901
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(N) "Manufactured housing broker" means any person acting as a selling agent on behalf of an owner of a manufactured home or mobile home that is subject to taxation under section 4503.06 of the Revised Code. 71903
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(O) "Manufactured housing dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in manufactured homes or mobile homes. 71907
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(P) "Manufacturer" means a person who manufactures, assembles, or imports manufactured homes or mobile homes. 71910
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(O) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a manufactured home or mobile home to an ultimate purchaser for use as a residence. 71912
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(R) "Salesperson" means any individual employed by a manufactured housing dealer or manufactured housing broker to sell, display, and offer for sale, or deal in manufactured homes or mobile homes for a commission, compensation, or other valuable 71916
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consideration, but does not mean any public officer performing 71920
official duties. 71921

(S) "Ultimate purchaser" means, with respect to any new 71922
manufactured home, the first person, other than a manufactured 71923
housing dealer purchasing in the capacity of a manufactured 71924
housing dealer, who purchases such new manufactured home for 71925
purposes other than resale. 71926

Sec. 4781.02. (A) There is hereby created the manufactured 71927
homes commission which consists of nine members, with three 71928
members appointed by the governor, three members appointed by the 71929
president of the senate, and three members appointed by the 71930
speaker of the house of representatives. 71931

(B)(1) Commission members shall be residents of this state, 71932
except for members appointed pursuant to divisions (B)(3)(b) and 71933
(B)(4)(a) of this section. Members shall be selected from a list 71934
of persons the Ohio manufactured homes association, or any 71935
successor entity, recommends, except for appointments made 71936
pursuant to division (B)(2) of this section. 71937

(2) The governor shall appoint the following members: 71938

(a) One member to represent the board of building standards, 71939
who may be a member of the board or a board employee not in the 71940
classified civil service, with an initial term ending December 31, 71941
2007; 71942

(b) One member to represent the department of health, who may 71943
be a department employee not in the classified civil service, with 71944
an initial term ending December 31, 2005; 71945

(c) One member whose primary residence is a manufactured 71946
home, with an initial term ending December 31, 2006. 71947

(3) The president of the senate shall appoint the following 71948
members: 71949

(a) Two members who are manufactured housing installers who 71950
have been actively engaged in the installation of manufactured 71951
housing for the five years immediately prior to appointment, with 71952
the initial term of one installer ending December 31, 2007, and 71953
the initial term of the other installer ending December 31, 2005. 71954

(b) One member who manufactures manufactured homes in this 71955
state or who manufactures manufactured homes in another state and 71956
ships homes into this state, to represent manufactured home 71957
manufacturers, with an initial term ending December 31, 2006. 71958

(4) The speaker of the house of representatives shall appoint 71959
the following members: 71960

(a) One member who operates a manufactured or mobile home 71961
retail business in this state to represent manufactured ~~and mobile~~ 71962
~~home retailers~~ housing dealers, with an initial term ending 71963
December 31, 2007; 71964

(b) One member who is a manufactured home park operator or is 71965
employed by an operator, with an initial term ending December 31, 71966
2005; 71967

(c) One member to represent the Ohio manufactured home 71968
association, or any successor entity, who may be the president or 71969
executive director of the association or the successor entity, 71970
with an initial term ending December 31, 2006. 71971

(C)(1) After the initial term, each term of office is for 71972
four years ending on the thirty-first day of December. A member 71973
holds office from the date of appointment until the end of the 71974
term. No member may serve more than two consecutive four-year 71975
terms. 71976

(2) Any member appointed to fill a vacancy that occurs prior 71977
to the expiration of a term continues in office for the remainder 71978
of that term. Any member continues in office subsequent to the 71979
expiration date of the term until the member's successor takes 71980

office or until sixty days have elapsed, which ever occurs first. 71981

(3) A vacancy on the commission does not impair the authority 71982
of the remaining members to exercise all of the commission's 71983
powers. 71984

(D)(1) The governor may remove any member from office for 71985
incompetence, neglect of duty, misfeasance, nonfeasance, 71986
malfeasance, or unprofessional conduct in office. 71987

(2) Vacancies shall be filled in the manner of the original 71988
appointment. 71989

Sec. 4781.04. (A) The manufactured homes commission shall 71990
adopt rules pursuant to Chapter 119. of the Revised Code to do all 71991
of the following: 71992

(1) Establish uniform standards that govern the installation 71993
of manufactured housing. Not later than one hundred eighty days 71994
after the secretary of the United States department of housing and 71995
urban development adopts model standards for the installation of 71996
manufactured housing or amends those standards, the commission 71997
shall amend its standards as necessary to be consistent with, and 71998
not less stringent than, the model standards for the design and 71999
installation of manufactured housing the secretary adopts or any 72000
manufacturers' standards that the secretary determines are equal 72001
to or not less stringent than the model standards. 72002

(2) Govern the inspection of the installation of manufactured 72003
housing. The rules shall specify that the ~~department of health or~~ 72004
~~a licenser, as determined by the director of health, commission,~~ 72005
any building department or personnel of any department, any 72006
licenser or personnel of any licenser, or any private third party, 72007
certified pursuant to section 4781.07 of the Revised Code shall 72008
conduct all inspections of the installation of manufactured 72009
housing located in manufactured home parks to determine compliance 72010

with the uniform installation standards the commission establishes 72011
pursuant to this section. ~~The rules shall specify that all~~ 72012
~~installation inspections in a manufactured home park the~~ 72013
~~department of health or the licensor conducts shall be conducted~~ 72014
~~by a person who has completed an installation training course~~ 72015
~~approved by the commission pursuant to division (B) of section~~ 72016
~~4781.04 of the Revised Code.~~ 72017

As used in division (A)(2) of this section, "licensor" has 72018
the same meaning as in section 3733.01 of the Revised Code. 72019

(3) Govern the design, construction, installation, approval, 72020
and inspection of foundations and the base support systems for 72021
manufactured housing. The rules shall specify that the ~~department~~ 72022
~~of health or the licensor, as determined by the director of~~ 72023
~~health, commission, any building department or personnel of any~~ 72024
~~department, any licensor or personnel of any licensor, or any~~ 72025
~~private third party, certified pursuant to section 4781.07 of the~~ 72026
~~Revised Code~~ shall conduct all inspections of the installation, 72027
foundations, and base support systems of manufactured housing 72028
located in manufactured home parks to determine compliance with 72029
the uniform installation standards and foundation and base support 72030
system design the commission establishes pursuant to this section. 72031
~~The rules shall specify that all foundation and base support~~ 72032
~~system inspections in a manufactured home park the department of~~ 72033
~~health or the licensor conducts shall be conducted by a person who~~ 72034
~~has completed an installation training course approved by the~~ 72035
~~commission pursuant to division (B) of section 4781.04 of the~~ 72036
~~Revised Code.~~ 72037

As used in division (A)(3) of this section, "licensor" has 72038
the same meaning as in section 3733.01 of the Revised Code. 72039

(4) Govern the training, experience, and education 72040
requirements for manufactured housing installers, manufactured 72041
housing dealers, manufactured housing brokers, and manufactured 72042

<u>housing salespersons;</u>	72043
(5) Establish a code of ethics for manufactured housing installers;	72044 72045
(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;	72046 72047
(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the commission's expenses incurred in implementing this chapter;	72048 72049 72050 72051
(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities;	72052 72053
(9) Govern the investigation of complaints concerning any violation of this chapter or the rules adopted pursuant to it or complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license, <u>licensed manufactured housing dealer, licensed manufactured housing broker, or manufactured housing salesperson;</u>	72054 72055 72056 72057 72058 72059
(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, retailers <u>manufactured housing dealers</u> , and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and	72060 72061 72062 72063 72064 72065 72066 72067 72068 72069 72070 72071 72072 72073

delivers to the program within ten business days after the 72074
decision is issued. 72075

(11) Establish the requirements and procedures for the 72076
certification of building departments and building department 72077
personnel pursuant to section 4781.07 of the Revised Code; 72078

(12) Establish fees to be charged to building departments and 72079
building department personnel applying for certification and 72080
renewal of certification pursuant to section 4781.07 of the 72081
Revised Code; 72082

(13) Carry out any other provision of this chapter. 72083

(B) The manufactured homes commission shall do all of the 72084
following: 72085

(1) Prepare and administer a licensure examination to 72086
determine an applicant's knowledge of manufactured housing 72087
installation and other aspects of installation the commission 72088
determines appropriate; 72089

(2) Select, provide, or procure appropriate examination 72090
questions and answers for the licensure examination and establish 72091
the criteria for successful completion of the examination; 72092

(3) Prepare and distribute any application form this chapter 72093
requires; 72094

(4) Receive applications for licenses and renewal of licenses 72095
and issue licenses to qualified applicants; 72096

(5) Establish procedures for processing, approving, and 72097
disapproving applications for licensure; 72098

(6) Retain records of applications for licensure, including 72099
all application materials submitted and a written record of the 72100
action taken on each application; 72101

(7) Review the design and plans for manufactured housing 72102
installations, foundations, and support systems; 72103

(8) Inspect a sample of homes at a percentage the commission determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the commission adopts; 72104
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(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, manufactured housing dealer, manufactured housing broker, or manufactured housing salesperson; 72109
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(10) Determine appropriate disciplinary actions for violations of this chapter; 72113
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(11) Conduct audits and inquiries of manufactured housing installers, manufactured housing dealers, and manufactured housing brokers as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer, dealer, or broker during normal business hours. 72115
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(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity; 72121
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(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it. 72124
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Sec. 4781.05. The executive director of the manufactured homes commission shall do all of the following: 72126
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(A) With commission approval, secure and manage office space, supplies, and the professional and clerical staff necessary to effectively perform the executive director's and commission's duties; 72128
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(B) Pursuant to rules the commission adopts, review applications for manufactured housing installer licenses, 72132
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manufactured housing dealer licenses, manufactured housing broker licenses, and manufactured housing salesperson licenses and on behalf of the commission, issue licenses to qualified persons; 72134
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(C) Administer the dispute resolution program the commission develops if the commission does not contract with the Ohio manufactured homes association or another entity to administer the program; 72137
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(D) Administer any continuing education program the commission develops; 72141
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(E) Collect fees the commission establishes; 72143

(F) Except as provided in divisions (A)(2) and (3) of section 4781.04 of the Revised Code, employ installation inspectors and investigators to serve at the executive director's pleasure to assist in carrying out the executive director's duties under this chapter or the duties the commission delegates to the executive director; 72144
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(G) Serve as secretary of the commission and maintain a written record of the commission's meetings and proceedings; 72150
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(H) Notify manufactured housing installers, manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons of changes in this chapter and the rules adopted pursuant to it; 72152
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(I) Do all things the commission requests or delegates for the administration and enforcement of this chapter. 72156
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Sec. 4781.06. (A) The manufactured homes commission may delegate to the executive director any of its duties set forth in division (B) of section 4781.04 of the Revised Code. 72158
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(B) The commission may enter into a contract with the Ohio manufactured homes association or another entity to administer the dispute resolution program created pursuant to section 4781.04 of 72161
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the Revised Code. The contract shall specify the terms for the 72164
administration of the program. 72165

(C)(1) The commission may enter into a contract with any 72166
private third party, municipal corporation, township, county, 72167
state agency, or the Ohio manufactured homes association, or any 72168
successor entity, to perform any of the commission's functions set 72169
forth in division (B) of section 4781.04 of the Revised Code that 72170
the commission has not delegated to the executive director. Each 72171
contract shall specify the compensation to be paid to the private 72172
third party, municipal corporation, township, county, state 72173
agency, or the Ohio manufactured homes association, or successor 72174
entity, for the performance of the commission's functions. 72175

(2) Except as provided in this division, the commission shall 72176
not enter into any contract with any person or building department 72177
to accept and approve plans and specifications or to inspect 72178
manufactured housing foundations and the installation of 72179
manufactured housing unless that person or building department is 72180
certified pursuant to section 4781.07 of the Revised Code. The 72181
commission shall ~~not~~ require inspectors the Ohio department of 72182
health employs to obtain certification pursuant to section 4781.07 72183
of the Revised Code, ~~but shall require inspectors to complete an~~ 72184
~~installation training course approved by the commission pursuant~~ 72185
~~to division (B) of section 4781.04 of the Revised Code.~~ 72186

Sec. 4781.07. (A) Pursuant to rules the manufactured homes 72187
commission adopts, the commission may certify municipal, township, 72188
and county building departments and the personnel of those 72189
departments, licensors as defined in section 3733.01 of the 72190
Revised Code and the personnel of those licensors, or any private 72191
third party, to exercise the commission's enforcement authority, 72192
accept and approve plans and specifications for foundations, 72193
support systems and installations, and inspect manufactured 72194

housing foundations, support systems, and manufactured housing 72195
installations. Any certification is effective for three years. 72196

(B) Following an investigation and finding of facts that 72197
support its action, the commission may revoke or suspend 72198
certification. The commission may initiate an investigation on its 72199
own motion or the petition of a person affected by the enforcement 72200
or approval of plans. 72201

Sec. 4781.16. (A) Except as provided in division (E) of this 72202
section, no person shall do any of the following: 72203

(1) Engage in the business of displaying or selling at retail 72204
manufactured homes or mobile homes or assume to engage in that 72205
business, unless the person is licensed as a manufactured housing 72206
dealer under this chapter, or is a salesperson licensed under this 72207
chapter and employed by a licensed manufactured housing dealer; 72208

(2) Make more than five casual sales of manufactured homes or 72209
mobile homes in a twelve-month period without obtaining a license 72210
as a manufactured housing dealer under this chapter; 72211

(3) Engage in the business of brokering manufactured homes 72212
unless that person is licensed as a manufactured housing broker 72213
under this chapter. 72214

(B)(1) Except as provided in this division, no manufactured 72215
housing dealer shall sell, display, offer for sale, or deal in 72216
manufactured homes or mobile homes at any place except an 72217
established place of business that is used exclusively for the 72218
purpose of selling, displaying, offering for sale, or dealing in 72219
manufactured homes or mobile homes. 72220

(2) No manufactured housing broker shall engage in the 72221
business of brokering manufactured or mobile homes at any place 72222
except an established place of business that is used exclusively 72223
for the purpose of brokering manufactured and mobile homes. 72224

(3) A place of business used for the brokering or sale of manufactured homes or mobile homes is considered to be used exclusively for brokering, selling, displaying, offering for sale, or dealing in manufactured or mobile homes even though industrialized units, as defined by section 3781.06 of the Revised Code, are brokered, sold, displayed, offered for sale, or dealt at the same place of business. 72225
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(4) If the licensed manufactured housing dealer is a manufactured home park operator, then all of the following apply: 72232
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(a) An established place of business that is located in the operator's manufactured home park and that is used for selling, leasing, and renting manufactured homes and mobile homes in that manufactured home park is considered to be used exclusively for that purpose even though rent and other activities related to the operation of the manufactured home park take place at the same location or office. 72234
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(b) The dealer's established place of business in the manufactured home park shall be staffed by someone licensed and regulated under this chapter who could reasonably assist any retail customer with or without an appointment, but such established place of business need not satisfy office size, display lot size, and physical barrier requirements applicable to other used motor vehicle dealers. 72241
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(c) The manufactured and mobile homes being offered for sale, lease, or rental by the dealer may be located on individual rental lots inside the operator's manufactured home park. 72248
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(C) Nothing in this chapter shall be construed as prohibiting the sale of a new or used manufactured or mobile home located in a manufactured home park by a licensed manufactured housing dealer. 72251
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(D) Nothing in this section shall be construed to prohibit persons licensed under this chapter from making sales calls. 72254
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(E)(1) This chapter does not apply to mortgagees selling at retail only those manufactured homes or mobile homes that have come into their possession by a default in the terms of a mortgage contract. 72256
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(2) When a partnership licensed under this chapter is dissolved by death, the surviving partners may operate under the manufactured housing dealer license for a period of sixty days, and the heirs or representatives of deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the license of the person succeeded in possession by that heir, representative, receiver, or trustee in bankruptcy. 72260
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Sec. 4781.17. (A) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the manufactured homes commission, before the first day of April, a separate application for license for each county in which the business of selling or brokering manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the commission and accompanied by the fee established by the commission. The applicant shall sign and swear to the application that shall include all of the following: 72268
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(1) Name of applicant and location of principal place of business; 72278
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(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation; 72280
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(3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors; 72282
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(4) The county in which the business is to be conducted and the address of each place of business therein; 72284
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(5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the commission the reputation in business of the applicant; 72286
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(6) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended; 72290
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(7) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended; 72298
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(8) Any other information required by the commission. 72306

(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the manufactured homes commission before the first day of July an application for license. The application shall be in the form prescribed by the commission and shall be accompanied by the fee established by the commission. The applicant shall sign and swear to the application that shall include all of the following: 72307
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(1) Name and post-office address of the applicant; 72314

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant 72315
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intends to act as salesperson; 72317

(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the commission the applicant's reputation in business; 72318
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(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson; 72322
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(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended; 72325
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(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked; 72331
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(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson; 72335
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(8) Any other information required by the commission. 72338

(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the commission under this section also shall be accompanied by a photograph, as prescribed by the commission, of each place of business operated, or to be operated, by the applicant. 72339
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(D) The manufactured homes commission shall deposit all license fees into the state treasury to the credit of the occupational licensing and regulatory fund. 72344
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Sec. 4781.18. (A) The manufactured homes commission shall 72347
deny the application of any person for a license as a manufactured 72348
housing dealer or manufactured housing broker and refuse to issue 72349
the license if the commission finds that any of the following is 72350
true of the applicant: 72351

(1) The applicant has made any false statement of a material 72352
fact in the application. 72353

(2) The applicant has not complied with this chapter or the 72354
rules adopted by the commission under this chapter. 72355

(3) The applicant is of bad business repute or has habitually 72356
defaulted on financial obligations. 72357

(4) The applicant has been guilty of a fraudulent act in 72358
connection with selling or otherwise dealing in manufactured 72359
housing or in connection with brokering manufactured housing. 72360

(5) The applicant has entered into or is about to enter into 72361
a contract or agreement with a manufacturer or distributor of 72362
manufactured homes that is contrary to the requirements of this 72363
chapter. 72364

(6) The applicant is insolvent. 72365

(7) The applicant is of insufficient responsibility to ensure 72366
the prompt payment of any final judgments that might reasonably be 72367
entered against the applicant because of the transaction of 72368
business as a manufactured housing dealer or manufactured housing 72369
broker during the period of the license applied for, or has failed 72370
to satisfy any such judgment. 72371

(8) The applicant has no established place of business that, 72372
where applicable, is used or will be used for the purpose of 72373
selling, displaying, offering for sale or dealing in manufactured 72374
housing at the location for which application is made. 72375

(9) Within less than twelve months prior to making 72376

application, the applicant has been denied a manufactured housing dealer's license or manufactured housing broker's license, or has any such license revoked. 72377
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(B) The commission shall deny the application of any person for a license as a salesperson and refuse to issue the license if the commission finds that any of the following is true of the applicant: 72380
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(1) The applicant has made any false statement of a material fact in the application. 72384
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(2) The applicant has not complied with this chapter or the rules adopted by the commission under this chapter. 72386
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(3) The applicant is of bad business repute or has habitually defaulted on financial obligations. 72388
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(4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing. 72390
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(5) The applicant has not been designated to act as salesperson for a manufactured housing dealer or manufactured housing broker licensed to do business in this state under this chapter, or intends to act as salesperson for more than one licensed manufactured housing dealer or manufactured housing broker at the same time, unless the licensed dealership is owned or operated by the same corporation, regardless of the county in which the dealership's facility is located. 72393
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(6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under this chapter, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker. 72401
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(7) Within less than twelve months prior to making 72406

application, the applicant has been denied a salesperson's license 72407
or had a salesperson's license revoked. 72408

(8) The applicant was salesperson for, or in the employ of, a 72409
manufactured housing dealer or manufactured housing broker at the 72410
time the dealer's or broker's license was revoked. 72411

(C) If an applicant for a manufactured housing dealer or 72412
manufactured housing broker's license is a corporation or 72413
partnership, the commission may refuse to issue a license if any 72414
officer, director, or partner of the applicant has been guilty of 72415
any act or omission that would be cause for refusing or revoking a 72416
license issued to such officer, director, or partner as an 72417
individual. The commission's finding may be based upon facts 72418
contained in the application or upon any other information the 72419
commission may have. 72420

(D) Notwithstanding division (A)(4) of this section, the 72421
commission shall not deny the application of any person and refuse 72422
to issue a license if the commission finds that the applicant is 72423
engaged or will engage in the business of selling at retail any 72424
new manufactured homes and demonstrates that the applicant has 72425
posted a bond, surety, or certificate of deposit with the 72426
commission in an amount not less than one hundred thousand dollars 72427
for the protection and benefit of the applicant's customers. 72428

(E) A decision made by the commission under this section may 72429
be based upon any statement contained in the application or upon 72430
any facts within the commission's knowledge. 72431

(F) Immediately upon denying an application for any of the 72432
reasons in this section, the commission shall enter a final order 72433
together with the commission's findings. If the application is 72434
denied by the executive director of the commission under authority 72435
of section 4781.05 of the Revised Code, the executive director 72436
shall enter a final order together with the director's findings 72437

and certify the same to the commission. The commission shall issue 72438
to the applicant a written notice of refusal to grant a license 72439
that shall disclose the reason for refusal. 72440

Sec. 4781.19. (A) At the time the manufactured homes 72441
commission grants the application of any person for a license as a 72442
manufactured housing dealer, manufactured housing broker, or 72443
manufactured housing salesperson, the commission shall issue to 72444
the person a license that includes the name and post-office 72445
address of the person licensed. If a manufactured housing dealer 72446
or manufactured housing broker has more than one place of business 72447
in a county, the dealer or broker shall make application, in such 72448
form as the commission prescribes, for a certified copy of the 72449
license issued to the dealer or broker for each place of business 72450
in the county. 72451

(B) The commission may require each applicant for a 72452
manufactured housing dealer's license, manufactured housing 72453
broker's license, and manufactured housing salesperson's license 72454
issued under this chapter to pay an additional fee, which shall be 72455
used by the commission to pay the costs of obtaining a record of 72456
any arrests and convictions of the applicant from the bureau of 72457
identification and investigation. The amount of the fee shall be 72458
equal to that paid by the commission to obtain such record. 72459

(C) In the event of the loss, mutilation, or destruction of a 72460
manufactured housing dealer's license, manufactured housing 72461
broker's license, or manufactured housing salesperson's license, 72462
any licensee may make application to the commission, in the form 72463
prescribed by the commission, for a duplicate copy thereof and pay 72464
a fee established by the commission. 72465

(D) All manufactured housing dealers' licenses, all 72466
manufactured housing brokers' licenses, and all manufactured 72467
housing salespersons' licenses issued or renewed shall expire 72468

biennially on a day within the two-year cycle that is prescribed 72469
by the manufactured homes commission, unless sooner suspended or 72470
revoked. Before the first day after the day prescribed by the 72471
commission in the year that the license expires, each licensed 72472
manufactured housing dealer, manufactured housing broker, and 72473
manufactured housing salesperson, in the year in which the license 72474
will expire, shall file an application, in such form as the 72475
commission prescribes, for the renewal of such license. The fee 72476
required by this section for the original license shall accompany 72477
the application. 72478

(E) Each manufactured housing dealer and manufactured housing 72479
broker shall keep the license or a certified copy thereof and a 72480
current list of the dealer's or the broker's licensed 72481
salespersons, showing the names, addresses, and serial numbers of 72482
their licenses, posted in a conspicuous place in each place of 72483
business. Each salesperson shall carry the salesperson's license 72484
or a certified copy thereof and shall exhibit such license or copy 72485
upon demand to any inspector of the commission, state highway 72486
patrol trooper, police officer, or person with whom the 72487
salesperson seeks to transact business as a manufactured housing 72488
salesperson. 72489

Sec. 4781.20. The applications for licenses submitted under 72490
section 4781.17 of the Revised Code are not part of the public 72491
records but are confidential information for the use of the 72492
manufactured homes commission. No person shall divulge any 72493
information contained in such applications and acquired by the 72494
person in the person's capacity as an official or employee of the 72495
manufactured homes commission, except in a report to the 72496
commission, or when called upon to testify in any court or 72497
proceeding. 72498

Sec. 4781.21. (A) The manufactured homes commission may make 72499

rules governing its actions relative to the suspension and 72500
revocation of manufactured housing dealers', manufactured housing 72501
brokers', and manufactured housing salespersons' licenses, and 72502
may, upon its own motion, and shall, upon the verified complaint 72503
in writing of any person, investigate the conduct of any licensee 72504
under this chapter. The commission shall suspend, revoke, or 72505
refuse to renew any manufactured housing dealer's, manufactured 72506
housing broker's, or manufactured housing salesperson's license, 72507
if any ground existed upon which the license might have been 72508
refused, or if a ground exists that would be cause for refusal to 72509
issue a license. 72510

The commission may suspend or revoke any license if the 72511
licensee has in any manner violated the rules adopted by the 72512
commission under this chapter, or has been convicted of committing 72513
a felony or violating any law that in any way relates to the 72514
selling, taxing, licensing, or regulation of sales of manufactured 72515
or mobile homes. 72516

(B) Any salesperson's license shall be suspended upon the 72517
termination, suspension, or revocation of the license of the 72518
manufactured housing dealer or manufactured housing broker for 72519
whom the salesperson is acting, or upon the salesperson leaving 72520
the service of the manufactured housing dealer or manufactured 72521
housing broker. Upon the termination, suspension, or revocation of 72522
the license of the manufactured housing dealer or manufactured 72523
housing broker for whom the salesperson is acting, or upon the 72524
salesperson leaving the service of a licensed manufactured housing 72525
or manufactured housing broker, the licensed salesperson may make 72526
application to the commission, in such form as the commission 72527
prescribes, to have the salesperson's license reinstated, 72528
transferred, and registered as a salesperson for another dealer or 72529
broker. If the information contained in the application is 72530
satisfactory to the commission, the commission shall reinstate, 72531

transfer, or register the salesperson's license as a salesperson 72532
for other dealer or broker. The commission shall establish the fee 72533
for the reinstatement and transfer of license. No license issued 72534
to a dealer, broker, or salesperson under this chapter may be 72535
transferred to any other person. 72536

(C) Any person whose manufactured housing dealer's license, 72537
manufactured housing broker's license, or manufactured housing 72538
salesperson's license is revoked, suspended, denied, or not 72539
renewed may request an adjudication hearing on the matter within 72540
thirty days after receipt of the notice of the action. If no 72541
appeal is taken within thirty days after receipt of the order, the 72542
order is final and conclusive. All appeals must be by petition in 72543
writing and verified under oath by the applicant whose application 72544
for license has been revoked, suspended, denied, or not renewed 72545
and must set forth the reason for the appeal and the reason why, 72546
in the petitioner's opinion, the order is not correct. In such 72547
appeals the board may make investigation to determine the 72548
correctness and legality of the appealed order. The hearing shall 72549
be held in accordance with Chapter 119. of the Revised Code. 72550

Sec. 4781.22. No manufactured housing dealer licensed under 72551
this chapter shall do any of the following: 72552

(A) Directly or indirectly, solicit the sale of a 72553
manufactured home or mobile home through an interested person 72554
other than a salesperson licensed in the employ of a licensed 72555
dealer; 72556

(B) Pay any commission or compensation in any form to any 72557
person in connection with the sale of a manufactured home or 72558
mobile home unless the person is licensed as a salesperson in the 72559
employ of the dealer; 72560

(C) Fail to immediately notify the manufactured homes 72561
commission upon termination of the employment of any person 72562

licensed as a salesperson to sell, display, offer for sale, or 72563
deal in manufactured homes or mobile homes for the dealer. 72564

Sec. 4781.23. (A) Each licensed manufactured housing dealer 72565
and manufactured housing broker shall notify the manufactured 72566
homes commission of any change in status as a manufactured housing 72567
dealer or manufactured housing broker during the period for which 72568
the dealer or broker is licensed, if the change of status concerns 72569
either of the following: 72570

(1) Personnel of owners, partners, officers, or directors; 72571

(2) Location of an office or principal place of business. 72572

(B) The notification required by division (A) of this section 72573
shall be made by filing with the commission, within fifteen days 72574
after the change of status, a supplemental statement in a form 72575
prescribed by the commission showing in what respect the status 72576
has been changed. 72577

The commission may adopt a rule exempting from the 72578
notification requirement of division (A)(1) of this section any 72579
dealer if stock in the dealer or its parent company is publicly 72580
traded and if there are public records filed with and in the 72581
possession of state or federal agencies that provide the 72582
information required by division (A)(1) of this section. 72583

Sec. 4781.24. (A) Every retail sale of a manufactured home or 72584
mobile home shall be preceded by a written contract that shall 72585
contain all of the agreements of the parties and shall be signed 72586
by the buyer and the seller. The seller, upon execution of the 72587
contract and before the delivery of the manufactured or mobile 72588
home, shall deliver to the buyer a copy of the contract that shall 72589
clearly describe all of the following: 72590

(1) The home sold to the buyer, including, where applicable, 72591
its vehicle identification number; 72592

<u>(2) The sale price of the home, and, if applicable, the amount paid down by the buyer;</u>	72593 72594
<u>(3) The amount credited to the buyer for any trade-in and a description thereof;</u>	72595 72596
<u>(4) The amount of any finance charge;</u>	72597
<u>(5) The amount charged for any home insurance and a statement of the types of insurance provided by the policy or policies;</u>	72598 72599
<u>(6) The amount of any other charge and a specification of its purpose;</u>	72600 72601
<u>(7) The net balance of payment due from the buyer including the terms of the payment of the net balance.</u>	72602 72603
<u>(B) A manufactured housing dealer may contract for and receive a documentary service charge for a retail sale of a manufactured home or mobile home. The documentary service charge shall be specified in writing without itemization of the individual services provided and shall not be more than the lesser of the following:</u>	72604 72605 72606 72607 72608 72609
<u>(1) The amount allowed in a retail installment contract;</u>	72610
<u>(2) Ten per cent of the amount the buyer is required to pay pursuant to the contract, excluding tax, title, and registration fees, and any negative equity adjustment.</u>	72611 72612 72613
<u>(C) This section does not apply to a casual sale of a manufactured home or mobile home.</u>	72614 72615
<u>Sec. 4781.25. The manufactured homes commission shall adopt rules for the regulation of manufactured housing brokers in accordance with Chapter 119. of the Revised Code. The rules shall require that a manufactured housing broker maintain a bond of a surety company authorized to transact business in this state in an amount determined by the commission. The rules also shall require</u>	72616 72617 72618 72619 72620 72621

each person licensed as a manufactured housing broker to maintain 72622
at all times a special or trust bank account that is 72623
noninterest-bearing, is separate and distinct from any personal or 72624
other account of the broker, and into which shall be deposited and 72625
maintained all escrow funds, security deposits, and other moneys 72626
received by the broker in a fiduciary capacity. In a form 72627
determined by the commission, a manufactured housing broker shall 72628
submit written proof to the commission of the continued 72629
maintenance of the special or trust account. A depository where 72630
special or trust accounts are maintained in accordance with this 72631
section shall be located in this state. 72632

Sec. 4781.99. (A) Whoever violates division (A) of section 72633
4781.16 of the Revised Code is guilty of a minor misdemeanor on a 72634
first offense and shall be subject to a mandatory fine of one 72635
hundred dollars. On a second offense, the person is guilty of a 72636
misdemeanor of the first degree and shall be subject to a 72637
mandatory fine of one thousand dollars. 72638

(B) Whoever violates section 4781.20 of the Revised Code is 72639
guilty of a minor misdemeanor. 72640

(C) Whoever violates any of the following is guilty of a 72641
misdemeanor of the fourth degree: 72642

(1) Division (B) or (C) of section 4781.16 of the Revised 72643
Code; 72644

(2) Section 4781.22 of the Revised Code; 72645

(3) Section 4781.23 of the Revised Code; 72646

(4) Division (A) of section 4781.24 of the Revised Code; 72647

(5) Section 4781.25 of the Revised Code. 72648

Sec. 4928.01. (A) As used in this chapter: 72649

(1) "Ancillary service" means any function necessary to the provision of electric transmission or distribution service to a retail customer and includes, but is not limited to, scheduling, system control, and dispatch services; reactive supply from generation resources and voltage control service; reactive supply from transmission resources service; regulation service; frequency response service; energy imbalance service; operating reserve-spinning reserve service; operating reserve-supplemental reserve service; load following; back-up supply service; real-power loss replacement service; dynamic scheduling; system black start capability; and network stability service.

(2) "Billing and collection agent" means a fully independent agent, not affiliated with or otherwise controlled by an electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent that the agent is under contract with such utility, company, cooperative, or aggregator solely to provide billing and collection for retail electric service on behalf of the utility company, cooperative, or aggregator.

(3) "Certified territory" means the certified territory established for an electric supplier under sections 4933.81 to 4933.90 of the Revised Code.

(4) "Competitive retail electric service" means a component of retail electric service that is competitive as provided under division (B) of this section.

(5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company.

- (6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service. 72682
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- (7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent that it consumes electricity it so produces, sells that electricity for resale, or obtains electricity from a generating facility it hosts on its premises. 72684
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- (8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code. 72690
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- (9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent. 72692
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- (10) "Electric supplier" has the same meaning as in section 4933.81 of the Revised Code. 72700
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- (11) "Electric utility" means an electric light company that has a certified territory and is engaged on a for-profit basis either in the business of supplying a noncompetitive retail electric service in this state or in the businesses of supplying both a noncompetitive and a competitive retail electric service in this state. "Electric utility" excludes a municipal electric utility or a billing and collection agent. 72702
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- (12) "Firm electric service" means electric service other than nonfirm electric service. 72709
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- (13) "Governmental aggregator" means a legislative authority of a municipal corporation, a board of township trustees, or a 72711
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board of county commissioners acting as an aggregator for the 72713
provision of a competitive retail electric service under authority 72714
conferred under section 4928.20 of the Revised Code. 72715

(14) A person acts "knowingly," regardless of the person's 72716
purpose, when the person is aware that the person's conduct will 72717
probably cause a certain result or will probably be of a certain 72718
nature. A person has knowledge of circumstances when the person is 72719
aware that such circumstances probably exist. 72720

(15) "Level of funding for low-income customer energy 72721
efficiency programs provided through electric utility rates" means 72722
the level of funds specifically included in an electric utility's 72723
rates on October 5, 1999, pursuant to an order of the public 72724
utilities commission issued under Chapter 4905. or 4909. of the 72725
Revised Code and in effect on October 4, 1999, for the purpose of 72726
improving the energy efficiency of housing for the utility's 72727
low-income customers. The term excludes the level of any such 72728
funds committed to a specific nonprofit organization or 72729
organizations pursuant to a stipulation or contract. 72730

(16) "Low-income customer assistance programs" means the 72731
percentage of income payment plan program, the home energy 72732
assistance program, the home weatherization assistance program, 72733
and the targeted energy efficiency and weatherization program. 72734

(17) "Market development period" for an electric utility 72735
means the period of time beginning on the starting date of 72736
competitive retail electric service and ending on the applicable 72737
date for that utility as specified in section 4928.40 of the 72738
Revised Code, irrespective of whether the utility applies to 72739
receive transition revenues under this chapter. 72740

(18) "Market power" means the ability to impose on customers 72741
a sustained price for a product or service above the price that 72742
would prevail in a competitive market. 72743

(19) "Mercantile customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.

(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.

(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.

(23) "Percentage of income payment plan arrears" means funds eligible for collection through the percentage of income payment plan rider, but uncollected as of July 1, 2000.

(24) "Person" has the same meaning as in section 1.59 of the Revised Code.

(25) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity or energy and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users, including, but not limited to, advanced energy resources and renewable energy

resources. "Advanced energy project" also includes any project 72775
described in division (A), (B), or (C) of section 4928.621 of the 72776
Revised Code. 72777

(26) "Regulatory assets" means the unamortized net regulatory 72778
assets that are capitalized or deferred on the regulatory books of 72779
the electric utility, pursuant to an order or practice of the 72780
public utilities commission or pursuant to generally accepted 72781
accounting principles as a result of a prior commission 72782
rate-making decision, and that would otherwise have been charged 72783
to expense as incurred or would not have been capitalized or 72784
otherwise deferred for future regulatory consideration absent 72785
commission action. "Regulatory assets" includes, but is not 72786
limited to, all deferred demand-side management costs; all 72787
deferred percentage of income payment plan arrears; 72788
post-in-service capitalized charges and assets recognized in 72789
connection with statement of financial accounting standards no. 72790
109 (receivables from customers for income taxes); future nuclear 72791
decommissioning costs and fuel disposal costs as those costs have 72792
been determined by the commission in the electric utility's most 72793
recent rate or accounting application proceeding addressing such 72794
costs; the undepreciated costs of safety and radiation control 72795
equipment on nuclear generating plants owned or leased by an 72796
electric utility; and fuel costs currently deferred pursuant to 72797
the terms of one or more settlement agreements approved by the 72798
commission. 72799

(27) "Retail electric service" means any service involved in 72800
supplying or arranging for the supply of electricity to ultimate 72801
consumers in this state, from the point of generation to the point 72802
of consumption. For the purposes of this chapter, retail electric 72803
service includes one or more of the following "service 72804
components": generation service, aggregation service, power 72805
marketing service, power brokerage service, transmission service, 72806

distribution service, ancillary service, metering service, and 72807
billing and collection service. 72808

(28) "Starting date of competitive retail electric service" 72809
means January 1, 2001. 72810

(29) "Customer-generator" means a user of a net metering 72811
system. 72812

(30) "Net metering" means measuring the difference in an 72813
applicable billing period between the electricity supplied by an 72814
electric service provider and the electricity generated by a 72815
customer-generator that is fed back to the electric service 72816
provider. 72817

(31) "Net metering system" means a facility for the 72818
production of electrical energy that does all of the following: 72819

(a) Uses as its fuel either solar, wind, biomass, landfill 72820
gas, or hydropower, or uses a microturbine or a fuel cell; 72821

(b) Is located on a customer-generator's premises; 72822

(c) Operates in parallel with the electric utility's 72823
transmission and distribution facilities; 72824

(d) Is intended primarily to offset part or all of the 72825
customer-generator's requirements for electricity. 72826

(32) "Self-generator" means an entity in this state that owns 72827
or hosts on its premises an electric generation facility that 72828
produces electricity primarily for the owner's consumption and 72829
that may provide any such excess electricity to another entity, 72830
whether the facility is installed or operated by the owner or by 72831
an agent under a contract. 72832

(33) "Rate plan" means the standard service offer in effect 72833
on the effective date of the amendment of this section by S.B. 221 72834
of the 127th general assembly, July 31, 2008. 72835

(34) "Advanced energy resource" means any of the following: 72836

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(b) Any distributed generation system consisting of customer cogeneration of electricity and thermal output simultaneously, primarily to meet the energy needs of the customer's facilities;

(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing and materials standard D1757A or a reduction of metal oxide emissions in accordance with standard D5142 of that society, or clean coal technology that includes the design capability to control or prevent the emission of carbon dioxide, which design capability the commission shall adopt by rule and shall be based on economically feasible best available technology or, in the absence of a determined best available technology, shall be of the highest level of economically feasible design capability for which there exists generally accepted scientific opinion;

(d) Advanced nuclear energy technology consisting of generation III technology as defined by the nuclear regulatory commission; other, later technology; or significant improvements to existing facilities;

(e) Any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell;

(f) Advanced solid waste or construction and demolition

debris conversion technology, including, but not limited to, 72868
advanced stoker technology, and advanced fluidized bed 72869
gasification technology, that results in measurable greenhouse gas 72870
emissions reductions as calculated pursuant to the United States 72871
environmental protection agency's waste reduction model (WARM). 72872
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(g) Demand-side management and any energy efficiency 72874
improvement; 72875

(h) Methane gas emitted from an operating or abandoned coal 72876
mine. 72877

(35) "Renewable energy resource" means solar photovoltaic or 72878
solar thermal energy, wind energy, power produced by a 72879
hydroelectric facility, geothermal energy, solid wastes, as 72880
defined in section 3734.01 of the Revised Code, fuel derived from 72881
such solid wastes, ~~as defined in section 3734.01 of the Revised~~ 72882
~~Code,~~ through fractionation, biological decomposition, or other 72883
process that does not principally involve combustion, biomass 72884
energy, biologically derived methane gas, or energy derived from 72885
nontreated by-products of the pulping process or wood 72886
manufacturing process, including bark, wood chips, sawdust, and 72887
lignin in spent pulping liquors. "Renewable energy resource" 72888
includes, but is not limited to, any fuel cell used in the 72889
generation of electricity, including, but not limited to, a proton 72890
exchange membrane fuel cell, phosphoric acid fuel cell, molten 72891
carbonate fuel cell, or solid oxide fuel cell; wind turbine 72892
located in the state's territorial waters of Lake Erie; storage 72893
facility that will promote the better utilization of a renewable 72894
energy resource that primarily generates off peak; or distributed 72895
generation system used by a customer to generate electricity from 72896
any such energy. As used in division (A)(35) of this section, 72897
"hydroelectric facility" means a hydroelectric generating facility 72898
that is located at a dam on a river, or on any water discharged to 72899

a river, that is within or bordering this state or within or
bordering an adjoining state and meets all of the following
standards:

(a) The facility provides for river flows that are not
detrimental for fish, wildlife, and water quality, including
seasonal flow fluctuations as defined by the applicable licensing
agency for the facility.

(b) The facility demonstrates that it complies with the water
quality standards of this state, which compliance may consist of
certification under Section 401 of the "Clean Water Act of 1977,"
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has
not contributed to a finding by this state that the river has
impaired water quality under Section 303(d) of the "Clean Water
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.

(c) The facility complies with mandatory prescriptions
regarding fish passage as required by the federal energy
regulatory commission license issued for the project, regarding
fish protection for riverine, anadromous, and catadromus fish.

(d) The facility complies with the recommendations of the
Ohio environmental protection agency and with the terms of its
federal energy regulatory commission license regarding watershed
protection, mitigation, or enhancement, to the extent of each
agency's respective jurisdiction over the facility.

(e) The facility complies with provisions of the "Endangered
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as
amended.

(f) The facility does not harm cultural resources of the
area. This can be shown through compliance with the terms of its
federal energy regulatory commission license or, if the facility
is not regulated by that commission, through development of a plan

approved by the Ohio historic preservation office, to the extent 72931
it has jurisdiction over the facility. 72932

(g) The facility complies with the terms of its federal 72933
energy regulatory commission license or exemption that are related 72934
to recreational access, accommodation, and facilities or, if the 72935
facility is not regulated by that commission, the facility 72936
complies with similar requirements as are recommended by resource 72937
agencies, to the extent they have jurisdiction over the facility; 72938
and the facility provides access to water to the public without 72939
fee or charge. 72940

(h) The facility is not recommended for removal by any 72941
federal agency or agency of any state, to the extent the 72942
particular agency has jurisdiction over the facility. 72943

(B) For the purposes of this chapter, a retail electric 72944
service component shall be deemed a competitive retail electric 72945
service if the service component is competitive pursuant to a 72946
declaration by a provision of the Revised Code or pursuant to an 72947
order of the public utilities commission authorized under division 72948
(A) of section 4928.04 of the Revised Code. Otherwise, the service 72949
component shall be deemed a noncompetitive retail electric 72950
service. 72951

Sec. 4928.201. No governmental aggregator under section 72952
4928.20 of the Revised Code shall fail to distribute in accordance 72953
with this section any monetary award it receives as a result of a 72954
legal action to which it is a party and that was initiated before, 72955
on, or after the effective date of this section and brought in the 72956
interest of the customers of the governmental aggregation or, if 72957
applicable, in the interest of any political subdivisions jointly 72958
participating in the governmental aggregation pursuant to 72959
ordinances adopted under section 4928.20 of the Revised Code. The 72960
governmental aggregator shall distribute such money immediately to 72961

the then current customers of the governmental aggregation or, in 72962
the case of a governmental aggregation in which political 72963
subdivisions so jointly participate, to such then current 72964
governmental participants. 72965

Sec. 4928.64. (A)(1) As used in sections 4928.64 and 4928.65 72966
of the Revised Code, "alternative energy resource" means an 72967
advanced energy resource or renewable energy resource, as defined 72968
in section 4928.01 of the Revised Code, that has a 72969
placed-in-service date of January 1, 1998, or after, or that is 72970
eligible to receive a renewable energy credit through a renewable 72971
energy certificate pursuant to the laws of any state served by a 72972
regional transmission organization that also serves this state 72973
provided such eligibility occurred on or after January 1, 1998; a 72974
renewable energy resource created on or after January 1, 1998, by 72975
the modification or retrofit of any facility placed in service 72976
prior to January 1, 1998; or a mercantile customer-sited advanced 72977
energy resource or renewable energy resource, whether new or 72978
existing, that the mercantile customer commits for integration 72979
into the electric distribution utility's demand-response, energy 72980
efficiency, or peak demand reduction programs as provided under 72981
division (A)(2)(c) of section 4928.66 of the Revised Code, 72982
including, but not limited to, any of the following: 72983

(a) A resource that has the effect of improving the 72984
relationship between real and reactive power; 72985
72986

(b) A resource that makes efficient use of waste heat or 72987
other thermal capabilities owned or controlled by a mercantile 72988
customer; 72989

(c) Storage technology that allows a mercantile customer more 72990
flexibility to modify its demand or load and usage 72991

characteristics; 72992

(d) Electric generation equipment owned or controlled by a 72993
mercantile customer that uses an advanced energy resource or 72994
renewable energy resource; 72995

(e) Any advanced energy resource or renewable energy resource 72996
of the mercantile customer that can be utilized effectively as 72997
part of any advanced energy resource plan of an electric 72998
distribution utility and would otherwise qualify as an alternative 72999
energy resource if it were utilized directly by an electric 73000
distribution utility. 73001

(2) For the purpose of this section and as it considers 73002
appropriate, the public utilities commission may classify any new 73003
technology as such an advanced energy resource or a renewable 73004
energy resource. 73005

(B) By 2025 and thereafter, an electric distribution utility 73006
shall provide from alternative energy resources, including, at its 73007
discretion, alternative energy resources obtained pursuant to an 73008
electricity supply contract, a portion of the electricity supply 73009
required for its standard service offer under section 4928.141 of 73010
the Revised Code, and an electric services company shall provide a 73011
portion of its electricity supply for retail consumers in this 73012
state from alternative energy resources, including, at its 73013
discretion, alternative energy resources obtained pursuant to an 73014
electricity supply contract. That portion shall equal twenty-five 73015
per cent of the total number of kilowatt hours of electricity sold 73016
by the subject utility or company to any and all retail electric 73017
consumers whose electric load centers are served by that utility 73018
and are located within the utility's certified territory or, in 73019
the case of an electric services company, are served by the 73020
company and are located within this state. However, nothing in 73021
this section precludes a utility or company from providing a 73022
greater percentage. The baseline for a utility's or company's 73023

compliance with the alternative energy resource requirements of 73024
 this section shall be the average of such total kilowatt hours it 73025
 sold in the preceding three calendar years, except that the 73026
 commission may reduce a utility's or company's baseline to adjust 73027
 for new economic growth in the utility's certified territory or, 73028
 in the case of an electric services company, in the company's 73029
 service area in this state. 73030

Of the alternative energy resources implemented by the 73032
 subject utility or company by 2025 and thereafter: 73033

(1) Half may be generated from advanced energy resources; 73034

(2) At least half shall be generated from renewable energy 73035
 resources, including one-half per cent from solar energy 73036
 resources, in accordance with the following benchmarks: 73037

By end of year	Renewable energy resources	Solar energy resources	
2009	0.25%	0.004%	73039
2010	0.50%	0.010%	73040
2011	1%	0.030%	73041
2012	1.5%	0.060%	73042
2013	2%	0.090%	73043
2014	2.5%	0.12%	73044
2015	3.5%	0.15%	73045
2016	4.5%	0.18%	73046
2017	5.5%	0.22%	73047
2018	6.5%	0.26%	73048
2019	7.5%	0.3%	73049
2020	8.5%	0.34%	73050
2021	9.5%	0.38%	73051
2022	10.5%	0.42%	73052
2023	11.5%	0.46%	73053
2024 and each calendar	12.5%	0.5%	73054

year thereafter

(3) At least one-half of the renewable energy resources 73055
implemented by the utility or company shall be met through 73056
facilities located in this state; the remainder shall be met with 73057
resources that can be shown to be deliverable into this state. 73058

(C)(1) The commission annually shall review an electric 73059
distribution utility's or electric services company's compliance 73060
with the most recent applicable benchmark under division (B)(2) of 73061
this section and, in the course of that review, shall identify any 73062
undercompliance or noncompliance of the utility or company that it 73063
determines is weather-related, related to equipment or resource 73064
shortages for advanced energy or renewable energy resources as 73065
applicable, or is otherwise outside the utility's or company's 73066
control. 73067

(2) Subject to the cost cap provisions of division (C)(3) of 73068
this section, if the commission determines, after notice and 73069
opportunity for hearing, and based upon its findings in that 73070
review regarding avoidable undercompliance or noncompliance, but 73071
subject to division (C)(4) of this section, that the utility or 73072
company has failed to comply with any such benchmark, the 73073
commission shall impose a renewable energy compliance payment on 73074
the utility or company. 73075

(a) The compliance payment pertaining to the solar energy 73076
resource benchmarks under division (B)(2) of this section shall be 73077
an amount per megawatt hour of undercompliance or noncompliance in 73078
the period under review, starting at four hundred fifty dollars 73079
for 2009, four hundred dollars for 2010 and 2011, and similarly 73080
reduced every two years thereafter through 2024 by fifty dollars, 73081
to a minimum of fifty dollars. 73082

(b) The compliance payment pertaining to the renewable energy 73083
resource benchmarks under division (B)(2) of this section shall 73084
equal the number of additional renewable energy credits that the 73085

electric distribution utility or electric services company would 73086
have needed to comply with the applicable benchmark in the period 73087
under review times an amount that shall begin at forty-five 73088
dollars and shall be adjusted annually by the commission to 73089
reflect any change in the consumer price index as defined in 73090
section 101.27 of the Revised Code, but shall not be less than 73091
forty-five dollars. 73092

(c) The compliance payment shall not be passed through by the 73093
electric distribution utility or electric services company to 73094
consumers. The compliance payment shall be remitted to the 73095
commission, for deposit to the credit of the advanced energy fund 73096
created under section 4928.61 of the Revised Code. Payment of the 73097
compliance payment shall be subject to such collection and 73098
enforcement procedures as apply to the collection of a forfeiture 73099
under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code. 73100
73101

(3) An electric distribution utility or an electric services 73102
company need not comply with a benchmark under division (B)(1) or 73103
(2) of this section to the extent that its reasonably expected 73104
cost of that compliance exceeds its reasonably expected cost of 73105
otherwise producing or acquiring the requisite electricity by 73106
three per cent or more. 73107

(4)(a) An electric distribution utility or electric services 73108
company may request the commission to make a force majeure 73109
determination pursuant to this division regarding all or part of 73110
the utility's or company's compliance with any minimum benchmark 73111
under division (B)(2) of this section during the period of review 73112
occurring pursuant to division (C)(2) of this section. The 73113
commission may require the electric distribution utility or 73114
electric services company to make solicitations for renewable 73115
energy resource credits as part of its default service before the 73116
utility's or company's request of force majeure under this 73117

division can be made. 73118

(b) Within ninety days after the filing of a request by an 73119
electric distribution utility or electric services company under 73120
division (C)(4)(a) of this section, the commission shall determine 73121
if renewable energy resources are reasonably available in the 73122
marketplace in sufficient quantities for the utility or company to 73123
comply with the subject minimum benchmark during the review 73124
period. In making this determination, the commission shall 73125
consider whether the electric distribution utility or electric 73126
services company has made a good faith effort to acquire 73127
sufficient renewable energy or, as applicable, solar energy 73128
resources to so comply, including, but not limited to, by banking 73129
or seeking renewable energy resource credits or by seeking the 73130
resources through long-term contracts. Additionally, the 73131
commission shall consider the availability of renewable energy or 73132
solar energy resources in this state and other jurisdictions in 73133
the PJM interconnection regional transmission organization or its 73134
successor and the midwest system operator or its successor. 73135

(c) If, pursuant to division (C)(4)(b) of this section, the 73136
commission determines that renewable energy or solar energy 73137
resources are not reasonably available to permit the electric 73138
distribution utility or electric services company to comply, 73139
during the period of review, with the subject minimum benchmark 73140
prescribed under division (B)(2) of this section, the commission 73141
shall modify that compliance obligation of the utility or company 73142
as it determines appropriate to accommodate the finding. 73143
Commission modification shall not automatically reduce the 73144
obligation for the electric distribution utility's or electric 73145
services company's compliance in subsequent years. If it modifies 73146
the electric distribution utility or electric services company 73147
obligation under division (C)(4)(c) of this section, the 73148
commission may require the utility or company, if sufficient 73149

renewable energy resource credits exist in the marketplace, to 73150
acquire additional renewable energy resource credits in subsequent 73151
years equivalent to the utility's or company's modified obligation 73152
under division (C)(4)(c) of this section. 73153

(5) The commission shall establish a process to provide for 73154
at least an annual review of the alternative energy resource 73155
market in this state and in the service territories of the 73156
regional transmission organizations that manage transmission 73157
systems located in this state. The commission shall use the 73158
results of this study to identify any needed changes to the amount 73159
of the renewable energy compliance payment specified under 73160
divisions (C)(2)(a) and (b) of this section. Specifically, the 73161
commission may increase the amount to ensure that payment of 73162
compliance payments is not used to achieve compliance with this 73163
section in lieu of actually acquiring or realizing energy derived 73164
from renewable energy resources. However, if the commission finds 73165
that the amount of the compliance payment should be otherwise 73166
changed, the commission shall present this finding to the general 73167
assembly for legislative enactment. 73168

(D)(1) The commission annually shall submit to the general 73170
assembly in accordance with section 101.68 of the Revised Code a 73171
report describing the compliance of electric distribution 73172
utilities and electric services companies with division (B) of 73173
this section and any strategy for utility and company compliance 73174
or for encouraging the use of alternative energy resources in 73175
supplying this state's electricity needs in a manner that 73176
considers available technology, costs, job creation, and economic 73177
impacts. The commission shall allow and consider public comments 73178
on the report prior to its submission to the general assembly. 73179
Nothing in the report shall be binding on any person, including 73180
any utility or company for the purpose of its compliance with any 73181

benchmark under division (B) of this section, or the enforcement 73182
of that provision under division (C) of this section. 73183

73184

(2) The governor, in consultation with the commission 73185
chairperson, shall appoint an alternative energy advisory 73186
committee. The committee shall examine available technology for 73187
and related timetables, goals, and costs of the alternative energy 73188
resource requirements under division (B) of this section and shall 73189
submit to the commission a semiannual report of its 73190
recommendations. 73191

(E) All costs incurred by an electric distribution utility in 73192
complying with the requirements of this section shall be 73193
bypassable by any consumer that has exercised choice of supplier 73194
under section 4928.03 of the Revised Code. 73195

Sec. 4929.261. Section 4928.201 of the Revised Code shall 73196
apply also to a governmental aggregator under section 4929.26 or 73197
4929.27 of the Revised Code. 73198

Sec. 5101.073. There is hereby created in the state treasury 73199
the ODJFS general services administration and operating fund. The 73200
director of job and family services may submit a deposit 73201
modification and payment detail report to the treasurer of state 73202
after the completion of the reconciliation of all final 73203
transactions with the federal government regarding a federal grant 73204
for a program the department of job and family services 73205
administers and a final closeout for the grant. On receipt of the 73206
report, the treasurer of state shall transfer the money in the 73207
refunds and audit settlements fund that is the subject of the 73208
report to the ODJFS general services administration and operating 73209
fund. Money in the ODJFS general services administration and 73210
operating fund shall be used to pay for the expenses of the 73211

programs the department administers and the department's 73212
administrative expenses, including the costs of state hearings 73213
under section 5101.35 of the Revised Code, required audit 73214
adjustments, and other related expenses. 73215

Sec. 5101.11. This section does not apply to contracts 73216
entered into under section 5111.90 or 5111.91 of the Revised Code. 73217

(A) As used in this section: 73218

(1) "Entity" includes an agency, board, commission, or 73219
department of the state or a political subdivision of the state; a 73220
private, nonprofit entity; a school district; a private school; or 73221
a public or private institution of higher education. 73222

(2) "Federal financial participation" means the federal 73223
government's share of expenditures made by an entity in 73224
implementing a program administered by the department of job and 73225
family services. 73226

(B) At the request of any public entity having authority to 73227
implement a program administered by the department of job and 73228
family services or any private entity under contract with a public 73229
entity to implement a program administered by the department, the 73230
department may seek to obtain federal financial participation for 73231
costs incurred by the entity. Federal financial participation may 73232
be sought from programs operated pursuant to Title IV-A, Title 73233
IV-E, and Title XIX of the "Social Security Act," 49 Stat. 620 73234
(1935), 42 U.S.C. 301, as amended; the "~~Food Stamp~~ and Nutrition 73235
Act of 1964," ~~78 Stat. 703, 2008 (7 U.S.C. 2011,~~ ~~as amended et~~ 73236
seq.); and any other statute or regulation under which federal 73237
financial participation may be available, except that federal 73238
financial participation may be sought only for expenditures made 73239
with funds for which federal financial participation is available 73240
under federal law. 73241

(C) All funds collected by the department of job and family services pursuant to division (B) of this section shall be distributed to the entities that incurred the costs, except for any amounts retained by the department pursuant to division (D)(3) of this section.

(D) In distributing federal financial participation pursuant to this section, the department may either enter into an agreement with the entity that is to receive the funds or distribute the funds in accordance with rules adopted under division (F) of this section. If the department decides to enter into an agreement to distribute the funds, the agreement may include terms that do any of the following:

(1) Provide for the whole or partial reimbursement of any cost incurred by the entity in implementing the program;

(2) In the event that federal financial participation is disallowed or otherwise unavailable for any expenditure, require the department of job and family services or the entity, whichever party caused the disallowance or unavailability of federal financial participation, to assume responsibility for the expenditures;

(3) Permit the department to retain not more than five per cent of the amount of the federal financial participation to be distributed to the entity;

(4) Require the public entity to certify the availability of sufficient unencumbered funds to match the federal financial participation it receives under this section;

(5) Establish the length of the agreement, which may be for a fixed or a continuing period of time;

(6) Establish any other requirements determined by the department to be necessary for the efficient administration of the agreement.

(E) An entity that receives federal financial participation pursuant to this section for a program aiding children and their families shall establish a process for collaborative planning with the department of job and family services for the use of the funds to improve and expand the program.

(F) The director of job and family services shall adopt rules as necessary to implement this section, including rules for the distribution of federal financial participation pursuant to this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The director may adopt or amend any statewide plan required by the federal government for a program administered by the department, as necessary to implement this section.

(G) Federal financial participation received pursuant to this section shall not be included in any calculation made under section 5101.16 or 5101.161 of the Revised Code.

Sec. 5101.16. (A) As used in this section and sections 5101.161 and 5101.162 of the Revised Code:

(1) "Disability financial assistance" means the financial assistance program established under Chapter 5115. of the Revised Code.

(2) "Disability medical assistance" means the medical assistance program established under Chapter 5115. of the Revised Code.

(3) "~~Food stamps~~ Supplemental nutrition assistance program" means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.

(4) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.

- (5) "Ohio works first" means the program established by Chapter 5107. of the Revised Code. 73303
73304
- (6) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code. 73305
73306
- (7) "Public assistance expenditures" means expenditures for all of the following: 73307
73308
- (a) Ohio works first; 73309
 - (b) County administration of Ohio works first; 73310
 - (c) Prevention, retention, and contingency; 73311
 - (d) County administration of prevention, retention, and contingency; 73312
73313
 - (e) Disability financial assistance; 73314
 - (f) Disability medical assistance; 73315
 - (g) County administration of disability financial assistance; 73316
73317
 - (h) County administration of disability medical assistance; 73318
 - (i) County administration of ~~food stamps~~ the supplemental nutrition assistance program; 73319
73320
 - (j) County administration of medicaid. 73321
- (8) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code. 73322
73323
- (B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter: 73324
73325
73326
73327
73328
73329
- (1) The amount that is twenty-five per cent of the county's 73330

total expenditures for disability financial assistance and 73331
disability medical assistance and county administration of those 73332
programs during the state fiscal year ending in the previous 73333
calendar year that the department of job and family services 73334
determines are allowable. 73335

(2) The amount that is ten per cent, or other percentage 73336
determined under division (D) of this section, of the county's 73337
total expenditures for county administration of ~~feed-stamps~~ the 73338
supplemental nutrition assistance program and medicaid during the 73339
state fiscal year ending in the previous calendar year that the 73340
department determines are allowable, less the amount of federal 73341
reimbursement credited to the county under division (E) of this 73342
section for the state fiscal year ending in the previous calendar 73343
year; 73344

(3) A percentage of the actual amount of the county share of 73345
program and administrative expenditures during federal fiscal year 73346
1994 for assistance and services, other than child care, provided 73347
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 73348
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 73349
enactment of the "Personal Responsibility and Work Opportunity 73350
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 73351
and family services shall determine the actual amount of the 73352
county share from expenditure reports submitted to the United 73353
States department of health and human services. The percentage 73354
shall be the percentage established in rules adopted under 73355
division (F) of this section. 73356

(C)(1) If a county's share of public assistance expenditures 73357
determined under division (B) of this section for a state fiscal 73358
year exceeds one hundred ten per cent of the county's share for 73359
those expenditures for the immediately preceding state fiscal 73360
year, the department of job and family services shall reduce the 73361
county's share for expenditures under divisions (B)(1) and (2) of 73362

this section so that the total of the county's share for 73363
expenditures under division (B) of this section equals one hundred 73364
ten per cent of the county's share of those expenditures for the 73365
immediately preceding state fiscal year. 73366

(2) A county's share of public assistance expenditures 73367
determined under division (B) of this section may be increased 73368
pursuant to section 5101.163 of the Revised Code and a sanction 73369
under section 5101.24 of the Revised Code. An increase made 73370
pursuant to section 5101.163 of the Revised Code may cause the 73371
county's share to exceed the limit established by division (C)(1) 73372
of this section. 73373

(D)(1) If the per capita tax duplicate of a county is less 73374
than the per capita tax duplicate of the state as a whole and 73375
division (D)(2) of this section does not apply to the county, the 73376
percentage to be used for the purpose of division (B)(2) of this 73377
section is the product of ten multiplied by a fraction of which 73378
the numerator is the per capita tax duplicate of the county and 73379
the denominator is the per capita tax duplicate of the state as a 73380
whole. The department of job and family services shall compute the 73381
per capita tax duplicate for the state and for each county by 73382
dividing the tax duplicate for the most recent available year by 73383
the current estimate of population prepared by the department of 73384
development. 73385

(2) If the percentage of families in a county with an annual 73386
income of less than three thousand dollars is greater than the 73387
percentage of such families in the state and division (D)(1) of 73388
this section does not apply to the county, the percentage to be 73389
used for the purpose of division (B)(2) of this section is the 73390
product of ten multiplied by a fraction of which the numerator is 73391
the percentage of families in the state with an annual income of 73392
less than three thousand dollars a year and the denominator is the 73393
percentage of such families in the county. The department of job 73394

and family services shall compute the percentage of families with 73395
an annual income of less than three thousand dollars for the state 73396
and for each county by multiplying the most recent estimate of 73397
such families published by the department of development, by a 73398
fraction, the numerator of which is the estimate of average annual 73399
personal income published by the bureau of economic analysis of 73400
the United States department of commerce for the year on which the 73401
census estimate is based and the denominator of which is the most 73402
recent such estimate published by the bureau. 73403

(3) If the per capita tax duplicate of a county is less than 73404
the per capita tax duplicate of the state as a whole and the 73405
percentage of families in the county with an annual income of less 73406
than three thousand dollars is greater than the percentage of such 73407
families in the state, the percentage to be used for the purpose 73408
of division (B)(2) of this section shall be determined as follows: 73409

(a) Multiply ten by the fraction determined under division 73410
(D)(1) of this section; 73411

(b) Multiply the product determined under division (D)(3)(a) 73412
of this section by the fraction determined under division (D)(2) 73413
of this section. 73414

(4) The department of job and family services shall 73415
determine, for each county, the percentage to be used for the 73416
purpose of division (B)(2) of this section not later than the 73417
first day of July of the year preceding the state fiscal year for 73418
which the percentage is used. 73419

(E) The department of job and family services shall credit to 73420
a county the amount of federal reimbursement the department 73421
receives from the United States departments of agriculture and 73422
health and human services for the county's expenditures for 73423
administration of ~~food stamps~~ the supplemental nutrition 73424
assistance program and medicaid that the department determines are 73425

allowable administrative expenditures. 73426

(F)(1) The director of job and family services shall adopt 73427
rules in accordance with section 111.15 of the Revised Code to 73428
establish all of the following: 73429

(a) The method the department is to use to change a county's 73430
share of public assistance expenditures determined under division 73431
(B) of this section as provided in division (C) of this section; 73432

(b) The allocation methodology and formula the department 73433
will use to determine the amount of funds to credit to a county 73434
under this section; 73435

(c) The method the department will use to change the payment 73436
of the county share of public assistance expenditures from a 73437
calendar-year basis to a state fiscal year basis; 73438

(d) The percentage to be used for the purpose of division 73439
(B)(3) of this section, which shall, except as provided in section 73440
5101.163 of the Revised Code, meet both of the following 73441
requirements: 73442

(i) The percentage shall not be less than seventy-five per 73443
cent nor more than eighty-two per cent; 73444

(ii) The percentage shall not exceed the percentage that the 73445
state's qualified state expenditures is of the state's historic 73446
state expenditures as those terms are defined in 42 U.S.C. 73447
609(a)(7). 73448

(e) Other procedures and requirements necessary to implement 73449
this section. 73450

(2) The director of job and family services may amend the 73451
rule adopted under division (F)(1)(d) of this section to modify 73452
the percentage on determination that the amount the general 73453
assembly appropriates for Title IV-A programs makes the 73454
modification necessary. The rule shall be adopted and amended as 73455

if an internal management rule and in consultation with the 73456
director of budget and management. 73457

Sec. 5101.162. Subject to available federal funds and 73458
appropriations made by the general assembly, the department of job 73459
and family services may, at its sole discretion, use available 73460
federal funds to reimburse county expenditures for county 73461
administration of ~~food stamps~~ the supplemental nutrition 73462
assistance program or medicaid even though the county expenditures 73463
meet or exceed the maximum allowable reimbursement amount 73464
established by rules adopted under section 5101.161 of the Revised 73465
Code. The director may adopt internal management rules in 73466
accordance with section 111.15 of the Revised Code to implement 73467
this section. 73468

Sec. 5101.26. As used in this section and in sections 5101.27 73469
to 5101.30 of the Revised Code: 73470

(A) "County agency" means a county department of job and 73471
family services or a public children services agency. 73472

(B) "Fugitive felon" means an individual who is fleeing to 73473
avoid prosecution, or custody or confinement after conviction, 73474
under the laws of the place from which the individual is fleeing, 73475
for a crime or an attempt to commit a crime that is a felony under 73476
the laws of the place from which the individual is fleeing or, in 73477
the case of New Jersey, a high misdemeanor, regardless of whether 73478
the individual has departed from the individual's usual place of 73479
residence. 73480

(C) "Information" means records as defined in section 149.011 73481
of the Revised Code, any other documents in any format, and data 73482
derived from records and documents that are generated, acquired, 73483
or maintained by the department of job and family services, a 73484
county agency, or an entity performing duties on behalf of the 73485

department or a county agency. 73486

(D) "Law enforcement agency" means the state highway patrol, 73487
an agency that employs peace officers as defined in section 109.71 73488
of the Revised Code, the adult parole authority, a county 73489
department of probation, a prosecuting attorney, the attorney 73490
general, similar agencies of other states, federal law enforcement 73491
agencies, and postal inspectors. "Law enforcement agency" includes 73492
the peace officers and other law enforcement officers employed by 73493
the agency. 73494

(E) "Medical assistance provided under a public assistance 73495
program" means medical assistance provided under the programs 73496
established under sections 5101.49, 5101.50 ~~to 5101.503~~, 5101.51 73497
~~to 5101.5110~~, 5101.52 ~~to 5101.529~~, and 5101.5211 to 5101.5216, 73498
Chapters 5111. and 5115., or any other provision of the Revised 73499
Code. 73500

(F) "Public assistance" means financial assistance, medical 73501
assistance, or social services provided under a program 73502
administered by the department of job and family services or a 73503
county agency pursuant to Chapter 329., 5101., 5104., 5107., 73504
5108., 5111., or 5115. of the Revised Code or an executive order 73505
issued under section 107.17 of the Revised Code. 73506

(G) "Public assistance recipient" means an applicant for or 73507
recipient or former recipient of public assistance. 73508

Sec. 5101.33. (A) As used in this section, "benefits" means 73509
any of the following: 73510

(1) Cash assistance paid under Chapter 5107. or 5115. of the 73511
Revised Code; 73512

(2) ~~Food stamp~~ Supplemental nutrition assistance program 73513
benefits provided under section 5101.54 of the Revised Code; 73514

(3) Any other program administered by the department of job 73515

and family services under which assistance is provided or service rendered; 73516
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(4) Any other program, service, or assistance administered by a person or government entity that the department determines may be delivered through the medium of electronic benefit transfer. 73518
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(B) The department of job and family services may make any payment or delivery of benefits to eligible individuals through the medium of electronic benefit transfer by doing all of the following: 73521
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(1) Contracting with an agent to supply debit cards to the department of job and family services for use by such individuals in accessing their benefits and to credit such cards electronically with the amounts specified by the director of job and family services pursuant to law; 73525
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(2) Informing such individuals about the use of the electronic benefit transfer system and furnishing them with debit cards and information that will enable them to access their benefits through the system; 73530
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(3) Arranging with specific financial institutions or vendors, county departments of job and family services, or persons or government entities for individuals to have their cards credited electronically with the proper amounts at their facilities; 73534
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(4) Periodically preparing vouchers for the payment of such benefits by electronic benefit transfer; 73539
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(5) Satisfying any applicable requirements of federal and state law. 73541
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(C) The department may enter into a written agreement with any person or government entity to provide benefits administered by that person or entity through the medium of electronic benefit 73543
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transfer. A written agreement may require the person or government 73546
entity to pay to the department either or both of the following: 73547

(1) A charge that reimburses the department for all costs the 73548
department incurs in having the benefits administered by the 73549
person or entity provided through the electronic benefit transfer 73550
system; 73551

(2) A fee for having the benefits provided through the 73552
electronic benefit transfer system. 73553

(D) The department may designate which counties will 73554
participate in the medium of electronic benefit transfer, specify 73555
the date a designated county will begin participation, and specify 73556
which benefits will be provided through the medium of electronic 73557
benefit transfer in a designated county. 73558

(E) The department may adopt rules in accordance with Chapter 73559
119. of the Revised Code for the efficient administration of this 73560
section. 73561

Sec. 5101.34. (A) There is hereby created in the department 73562
of job and family services the Ohio commission on fatherhood. The 73563
commission shall consist of the following members: 73564

(1)(a) Four members of the house of representatives appointed 73565
by the speaker of the house, not more than two of whom are members 73566
of the same political party. Two of the members must be from 73567
legislative districts that include a county or part of a county 73568
that is among the one-third of counties in this state with the 73569
highest number per capita of households headed by females. 73570

(b) Two members of the senate appointed by the president of 73571
the senate, each from a different political party. One of the 73572
members must be from a legislative district that includes a county 73573
or part of a county that is among the one-third of counties in 73574
this state with the highest number per capita of households headed 73575

by females. 73576

(2) The governor, or the governor's designee; 73577

(3) One representative of the judicial branch of government 73578
appointed by the chief justice of the supreme court; 73579

(4) The directors of health, job and family services, 73580
rehabilitation and correction, alcohol and drug addiction 73581
services, and youth services and the superintendent of public 73582
instruction, or their designees; 73583

(5) One representative of the Ohio family and children first 73584
cabinet council created under section 121.37 of the Revised Code 73585
appointed by the chairperson of the council; 73586

(6) Five representatives of the general public appointed by 73587
the governor. These members shall have extensive experience in 73588
issues related to fatherhood. 73589

(B) The appointing authorities of the Ohio commission on 73590
fatherhood shall make initial appointments to the commission 73591
within thirty days after ~~the effective date of this section~~ 73592
September 29, 1999. Of the initial appointments to the commission 73593
made pursuant to divisions (A)(3), (5), and (6) of this section, 73594
three of the members shall serve a term of one year and four shall 73595
serve a term of two years. Members so appointed subsequently shall 73596
serve two-year terms. A member appointed pursuant to division 73597
(A)(1) of this section shall serve on the commission until the end 73598
of the general assembly from which the member was appointed or 73599
until the member ceases to serve in the chamber of the general 73600
assembly in which the member serves at the time of appointment, 73601
whichever occurs first. The governor or the governor's designee 73602
shall serve on the commission until the governor ceases to be 73603
governor. The directors and superintendent or their designees 73604
shall serve on the commission until they cease, or the director or 73605
superintendent a designee represents ceases, to be director or 73606

superintendent. Each member shall serve on the commission from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall serve on the commission for the remainder of that term. A member shall continue to serve on the commission subsequent to the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. Members shall serve without compensation but shall be reimbursed for necessary expenses.

Sec. 5101.47. (A) Except as provided in division (B) of this section, the director of job and family services may accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for one or more of the following:

(1) The medicaid program established by Chapter 5111. of the Revised Code;

(2) The children's health insurance program parts I, II, and III provided for under sections 5101.50, 5101.51, and 5101.52 of the Revised Code;

(3) Publicly funded child care provided under Chapter 5104. of the Revised Code;

(4) The ~~food stamp~~ supplemental nutrition assistance program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code;

(5) Other programs the director determines are supportive of children, adults, or families;

(6) Other programs regarding which the director determines administrative cost savings and efficiency may be achieved through the department accepting applications, determining eligibility, redetermining eligibility, or performing related administrative activities. 73637
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(B) If federal law requires a face-to-face interview to complete an eligibility determination for a program specified in or pursuant to division (A) of this section, the face-to-face interview shall not be conducted by the department of job and family services. 73642
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(C) Subject to division (B) of this section, if the director elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply: 73647
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(1) An individual seeking services under the program may apply for the program to the director or to the entity that state law governing the program authorizes to accept applications for the program. 73652
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(2) The director is subject to federal statutes and regulations and state statutes and rules that require, permit, or prohibit an action regarding accepting applications, determining or redetermining eligibility, and performing related administrative activities for the program. 73656
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(D) The director may adopt rules as necessary to implement this section. 73661
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Sec. 5101.50. (A) As used in sections 5101.50 to ~~5101.529~~ 5101.5210 of the Revised Code: 73663
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(1) "Children's health insurance program" means the program authorized by Title XXI of the "Social Security Act," 111 Stat. 73665
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552 (1997), 42 U.S.C.A. 1397aa. 73667

(2) "Federal poverty guidelines" has the same meaning as in 73668
section 5101.46 of the Revised Code. 73669

(B) The director of job and family services may continue to 73670
operate the children's health insurance program initially 73671
authorized by an executive order issued under section 107.17 of 73672
the Revised Code as long as federal financial participation is 73673
available for the program. If operated, the program shall provide 73674
health assistance to uninsured individuals under nineteen years of 73675
age with family incomes not exceeding one hundred fifty per cent 73676
of the federal poverty guidelines. In accordance with 42 U.S.C.A. 73677
1397aa, the director may provide for the health assistance to meet 73678
the requirements of 42 U.S.C.A. 1397cc, to be provided under the 73679
medicaid program established under Chapter 5111. of the Revised 73680
Code, or to be a combination of both. 73681

Sec. 5101.504. (A) A school-based health center, as defined 73682
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 73683
that the children's health insurance program part I covers if the 73684
center meets the requirements applicable to other providers 73685
providing those services. 73686

(B) The director may adopt rules under section 5101.502 of 73687
the Revised Code pertaining to the billing, reimbursement, and 73688
data collection for school-based health centers. 73689

Sec. 5101.5110. (A) A school-based health center, as defined 73690
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 73691
that the children's health insurance program part II covers if the 73692
center meets the requirements applicable to other providers 73693
providing those services. 73694

(B) The director may adopt rules under section 5101.512 of 73695
the Revised Code pertaining to the billing, reimbursement, and 73696

data collection for school-based health centers. 73697

Sec. ~~5101.5110~~ 5101.5111. (A) The director of job and family 73698
services may submit a waiver request to the United States 73699
secretary of health and human services to provide health 73700
assistance to any individual who meets all of the following 73701
requirements: 73702

(1) Is the parent of a child under nineteen years of age who 73703
resides with the parent and is eligible for health assistance 73704
under the children's health insurance program part I or II or the 73705
medicaid program established under Chapter 5111. of the Revised 73706
Code; 73707

(2) Is uninsured; 73708

(3) Has a family income that does not exceed one hundred per 73709
cent of the federal poverty guidelines. 73710

(B) A waiver request the director submits under division (A) 73711
of this section may seek federal funds allotted to the state under 73712
Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 73713
U.S.C.A. 1397dd, as amended, that are not otherwise used to fund 73714
the children's health insurance program parts I and II. 73715

(C) If a waiver request the director submits under division 73716
(A) of this section is granted, the director may adopt rules in 73717
accordance with Chapter 119. of the Revised Code as necessary for 73718
the efficient administration of the program authorization by the 73719
waiver. 73720

Sec. 5101.5210. (A) A school-based health center, as defined 73721
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 73722
that the children's health insurance program part III covers if 73723
the center meets the requirements applicable to other providers 73724
providing those services. 73725

(B) The director may adopt rules under section 5101.522 of the Revised Code pertaining to the billing, reimbursement, and data collection for school-based health centers.

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Sec. 5101.5212. Under the children's buy-in program and subject to section 5101.5213 of the Revised Code, an individual who does both of the following in accordance with rules adopted under section 5101.5215 of the Revised Code qualifies for medical assistance under the program, unless the director of job and family services has adopted rules under division (B) of section 5101.5215 of the Revised Code to limit the number of individuals who may participate in the program at one time and the program is serving the maximum number of individuals specified in the rules:

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(A) Applies for the children's buy-in program;

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(B) Provides satisfactory evidence of all of the following:

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(1) That the individual is under nineteen years of age;

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(2) That the individual's countable family income exceeds ~~two~~ three hundred ~~fifty~~ per cent of the federal poverty guidelines;

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(3) That the individual has not had creditable coverage for at least six months before enrolling in the children's buy-in program, unless the individual lost the only creditable coverage available to the individual because the individual exhausted a lifetime benefit limitation;

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(4) That one or more of the following apply to the individual:

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(a) The individual is unable to obtain creditable coverage due to a pre-existing condition of the individual;

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(b) The individual lost the only creditable coverage available to the individual because the individual has exhausted a

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lifetime benefit limitation; 73756

(c) The premium for the only creditable coverage available to 73757
the individual is greater than two hundred per cent of the premium 73758
applicable to the individual under the children's buy-in program; 73759

(d) The individual participates in the program for medically 73760
handicapped children. 73761

(5) That the individual meets the additional eligibility 73762
requirements for the children's buy-in program established in 73763
rules adopted under section 5101.5215 of the Revised Code. 73764

Sec. 5101.5213. (A) An individual participating in the 73765
children's buy-in program shall be charged a monthly premium 73766
established by rules adopted under section 5101.5215 of the 73767
Revised Code. The amount of the monthly premium shall not be less 73768
than the following: 73769

(1) In the case of an individual with countable family income 73770
exceeding ~~two~~ three hundred ~~fifty~~ per cent but not exceeding four 73771
hundred per cent of the federal poverty guidelines, the following 73772
amount: 73773

(a) If no other member of the individual's family receives 73774
medical assistance under the program with the individual, one 73775
hundred dollars; 73776

(b) If one or more members of the individual's family receive 73777
medical assistance under the program with the individual, one 73778
hundred fifty dollars. 73779

(2) In the case of an individual with countable family income 73780
exceeding four hundred per cent but not exceeding five hundred per 73781
cent of the federal poverty guidelines, the following amount: 73782
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(a) If no other member of the individual's family receives 73784
medical assistance under the program with the individual, one 73785

hundred twenty-five dollars; 73786

(b) If one or more members of the individual's family receive 73787
medical assistance under the program with the individual, one 73788
hundred seventy-five dollars. 73789

(3) In the case of an individual with countable family income 73790
exceeding five hundred per cent of the federal poverty guidelines, 73791
the full amount of the actuarially determined cost of the premium. 73792
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(B) If the premium for the children's buy-in program is not 73794
paid for two consecutive months, the individual shall lose 73795
eligibility for the program. The individual may not resume 73796
participation in the program until the unpaid premiums that 73797
accrued before the individual lost eligibility are paid. 73798

Sec. 5101.54. (A) The director of job and family services 73799
shall administer the ~~food stamp~~ supplemental nutrition assistance 73800
program in accordance with the "Food Stamp and Nutrition Act of 73801
1977, 91 Stat. 958, 2008 (7 U.S.C.A. 2011, as amended et seq). 73802
The department may: 73803

(1) Prepare and submit to the secretary of the United States 73804
department of agriculture a plan for the administration of the 73805
~~food stamp~~ supplemental nutrition assistance program; 73806

(2) Prescribe forms for applications, certificates, reports, 73807
records, and accounts of county departments of job and family 73808
services, and other matters; 73809

(3) Require such reports and information from each county 73810
department of job and family services as may be necessary and 73811
advisable; 73812

(4) Administer and expend any sums appropriated by the 73813
general assembly for the purposes of ~~this section~~ the supplemental 73814
nutrition assistance program and all sums paid to the state by the 73815

United States as authorized by the Food ~~Stamp~~ and Nutrition Act of 73816
~~1977~~ 2008; 73817

(5) Conduct such investigations as are necessary; 73818

(6) Enter into interagency agreements and cooperate with 73819
investigations conducted by the department of public safety, 73820
including providing information for investigative purposes, 73821
exchanging property and records, passing through federal financial 73822
participation, modifying any agreements with the United States 73823
department of agriculture, providing for the supply, security, and 73824
accounting of ~~food stamp~~ supplemental nutrition assistance program 73825
benefits for investigative purposes, and meeting any other 73826
requirements necessary for the detection and deterrence of illegal 73827
activities in the ~~state food stamp~~ supplemental nutrition 73828
assistance program; 73829

(7) Adopt rules in accordance with Chapter 119. of the 73830
Revised Code governing employment and training requirements of 73831
recipients of ~~food stamp~~ supplemental nutrition assistance program 73832
benefits, including rules specifying which recipients are subject 73833
to the requirements and establishing sanctions for failure to 73834
satisfy the requirements. The rules shall be consistent with 7 73835
U.S.C.A. 2015 and, to the extent practicable, may provide for ~~food~~ 73836
~~stamp benefit~~ the recipients to participate in work activities, 73837
developmental activities, and alternative work activities 73838
established under sections 5107.40 to 5107.69 of the Revised Code 73839
that are comparable to programs authorized by 7 U.S.C.A. 73840
2015(d)(4). The rules may reference rules adopted under section 73841
5107.05 of the Revised Code governing work activities, 73842
developmental activities, and alternative work activities 73843
established under sections 5107.40 to 5107.69 of the Revised Code. 73844

(8) Adopt rules in accordance with section 111.15 of the 73845
Revised Code that are consistent with the Food ~~Stamp~~ and Nutrition 73846
Act of ~~1977~~ 2008, as amended, and regulations adopted thereunder 73847

governing the following: 73848

(a) Eligibility requirements for the ~~food stamp~~ supplemental nutrition assistance program; 73849
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(b) Sanctions for failure to comply with eligibility requirements; 73851
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(c) Allotment of ~~food stamp~~ supplemental nutrition assistance program benefits; 73853
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(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of ~~food stamp~~ supplemental nutrition assistance program benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive ~~food stamp~~ the benefits after satisfying the requirements; 73855
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(e) Administration of the program by county departments of job and family services; 73861
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(f) Other requirements necessary for the efficient administration of the program. 73863
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(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified ~~food stamp~~ supplemental nutrition assistance program pursuant to 7 U.S.C.A. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the ~~food stamp~~ supplemental nutrition assistance program in the case of households receiving ~~food stamp~~ supplemental nutrition assistance program benefits and participating in Ohio works first. 73865
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(B) ~~Except while in the custody of the United States postal service, food stamps and any document necessary to obtain food stamps are the property of the department of job and family services from the time they are received in accordance with~~ 73874
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~~federal regulations by the department from the federal agency 73878
responsible for such delivery until they are received by a 73879
household entitled to receive them or by the authorized 73880
representative of the household. 73881~~

~~(C) A household that is entitled to receive food stamps under 73882
the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 73883
amended, supplemental nutrition assistance program benefits and 73884
that is determined to be in immediate need of ~~food~~ nutrition 73885
assistance, shall receive certification of eligibility for program 73886
benefits, pending verification, within twenty-four hours, or, if 73887
mitigating circumstances occur, within seventy-two hours, after 73888
application, if: 73889~~

~~(1) The results of the application interview indicate that 73890
the household will be eligible upon full verification; 73891~~

~~(2) Information sufficient to confirm the statements in the 73892
application has been obtained from at least one additional source, 73893
not a member of the applicant's household. Such information shall 73894
be recorded in the case file, and shall include: 73895~~

~~(a) The name of the person who provided the name of the 73896
information source; 73897~~

~~(b) The name and address of the information source; 73898~~

~~(c) A summary of the information obtained. 73899~~

~~The period of temporary eligibility shall not exceed one 73900
month from the date of certification of temporary eligibility. If 73901
eligibility is established by full verification, benefits shall 73902
continue without interruption as long as eligibility continues. 73903~~

~~At the time of application, the county department of job and 73904
family services shall provide to a household described in this 73905
division a list of community assistance programs that provide 73906
emergency food. 73907~~

~~(D)~~(C) All applications shall be approved or denied through 73908
full verification within thirty days from receipt of the 73909
application by the county department of job and family services. 73910

~~(E)~~(D) Nothing in this section shall be construed to prohibit 73911
the certification of households that qualify under federal 73912
regulations to receive ~~food stamps~~ supplemental nutrition 73913
assistance program benefits without charge under the "Food Stamp 73914
and Nutrition Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 73915
amended 2008. 73916

~~(F)~~(E) Any person who applies for ~~food stamps~~ under this 73917
section the supplemental nutrition assistance program shall 73918
receive a voter registration application under section 3503.10 of 73919
the Revised Code. 73920

Sec. 5101.541. The ~~food stamp~~ supplemental nutrition 73921
assistance program fund is hereby created in the state treasury. 73922
The fund shall consist of federal reimbursement for ~~food stamp~~ 73923
supplemental nutrition assistance program administrative expenses 73924
and other ~~food stamp~~ supplemental nutrition assistance program 73925
expenses. The department of job and family services shall use the 73926
money credited to the fund to pay for ~~food stamp~~ supplemental 73927
nutrition assistance program administrative expenses and other 73928
~~food stamp~~ supplemental nutrition assistance program expenses. 73929

Sec. 5101.542. Immediately following a county department of 73930
job and family services' certification that a household determined 73931
under division (B) of section 5101.54 of the Revised Code to be in 73932
immediate need of nutrition assistance is eligible for the 73933
supplemental nutrition assistance program, the department of job 73934
and family services shall provide for the household to be sent by 73935
regular United States mail an electronic benefit transfer card 73936
containing the amount of benefits the household is eligible to 73937

receive under the program. The card shall be sent to the member of 73938
the household in whose name application for the supplemental 73939
nutrition assistance program was made or that member's authorized 73940
representative. 73941

Sec. 5101.544. If the benefits of a household are reduced 73942
under a federal, state, or local means-tested public assistance 73943
program for failure of a member of the household to perform an 73944
action required under the program, the household may not receive, 73945
for the duration of the reduction, an increased allotment of ~~food~~ 73946
~~stamp~~ supplemental nutrition assistance program benefits as the 73947
result of a decrease in the income of the household to the extent 73948
that the decrease is the result of the reduction. 73949

The department of job and family services shall adopt rules 73950
in accordance with Chapter 119. of the Revised Code to implement 73951
this section. The rules shall be consistent with 7 U.S.C.A. 73952
2017(d) and federal regulations. 73953

Sec. 5101.571. As used in sections 5101.571 to 5101.591 of 73954
the Revised Code: 73955

(A) "Information" means all of the following: 73956

(1) An individual's name, address, date of birth, and social 73957
security number; 73958

(2) The group or plan number, or other identifier, assigned 73959
by a third party to a policy held by an individual or a plan in 73960
which the individual participates and the nature of the coverage; 73961

(3) Any other data the director of job and family services 73962
specifies in rules adopted under section 5101.591 of the Revised 73963
Code. 73964

(B) "Medical assistance" means medical items or services 73965
provided under any of the following: 73966

(1) Medicaid, as defined in section 5111.01 of the Revised Code;	73967 73968
(2) The children's health insurance program part I, part II, and part III established under sections 5101.50 to 5101.529 , <u>5101.51, and 5101.52</u> of the Revised Code;	73969 73970 73971
(3) The disability medical assistance program established under Chapter 5115. of the Revised Code;	73972 73973
(4) The children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.	73974 73975
(C) "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency.	73976 73977 73978
(D) "Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code.	73979 73980 73981
(E)(1) Subject to division (E)(2) of this section, and except as provided in division (E)(3) of this section, "third party" means all of the following:	73982 73983 73984
(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code;	73985 73986
(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis;	73987 73988 73989
(c) A health insuring corporation as defined in section 1751.01 of the Revised Code;	73990 73991
(d) A group health plan as defined in 29 U.S.C. 1167;	73992
(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25);	73993 73994
(f) A managed care organization;	73995

(g) A pharmacy benefit manager;	73996
(h) A third party administrator;	73997
(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a public assistance recipient or participant.	73998 73999 74000 74001
(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a person or governmental entity listed in division (E)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the case of a public assistance recipient.	74002 74003 74004 74005 74006
(3) "Third party" does not include the program for medically handicapped children established under section 3701.023 of the Revised Code.	74007 74008 74009
Sec. 5101.573. (A) Subject to divisions (B) and (C) of this section, a third party shall do all of the following:	74010 74011
(1) Accept the department of job and family services' right of recovery under section 5101.58 of the Revised Code and the assignment of rights to the department that are described in section 5101.59 of the Revised Code;	74012 74013 74014 74015
(2) Respond to an inquiry by the department regarding a claim for payment of a medical item or service that was submitted to the third party not later than three years after the date of the provision of such medical item or service;	74016 74017 74018 74019
(3) Pay a claim described in division (A)(2) of this section;	74020
(4) Not deny a claim submitted by the department solely on the basis of the date of submission of the claim, type or format of the claim form, or a failure by the medical assistance recipient who is the subject of the claim to present proper documentation of coverage at the time of service, if both of the	74021 74022 74023 74024 74025

following are true: 74026

(a) The claim was submitted by the department not later than 74027
three years after the date of the provision of the medical item or 74028
service. 74029

(b) An action by the department to enforce its right of 74030
recovery under section 5101.58 of the Revised Code on the claim 74031
was commenced not later than six years after the department's 74032
submission of the claim. 74033

(5) Consider the department's payment of a claim for a 74034
medical item or service to be the equivalent of the medical 74035
assistance recipient having obtained prior authorization for the 74036
item or service from the third party; 74037

(6) Not deny a claim described in division (A)(5) of this 74038
section that is submitted by the department solely on the basis of 74039
the medical assistance recipient's failure to obtain prior 74040
authorization for the medical item or service. 74041

(B) For purposes of the requirements in division (A) of this 74042
section, a third party shall treat a managed care organization as 74043
the department for a claim in which both of the following are 74044
true: 74045

(1) The individual who is the subject of the claim received a 74046
medical item or service through a managed care organization that 74047
has entered into a contract with the department of job and family 74048
services under section ~~5111.16~~ 5111.17 of the Revised Code; 74049

(2) The department has assigned its right of recovery for the 74050
claim to the managed care organization. 74051

(C) The time limitations associated with the requirements in 74052
divisions (A)(2) and (A)(4) of this section apply only to 74053
submissions of claims to, and payments of claims by, a health 74054
insurer to which 42 U.S.C. 1396a(a)(25)(I) applies. 74055

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the Revised Code:

(A) "Abuse" means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.

(B) "Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement. An "independent living arrangement" is a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. ~~Except as otherwise provided in this division,~~ An "independent living arrangement" includes a community alternative home an adult care facility licensed pursuant to section 3724.03 Chapter 3722. of the Revised Code, but does not include other institutions or facilities licensed by the state, or facilities in which a person resides as a result of voluntary, civil, or criminal commitment. ~~"Independent living arrangement" does include adult care facilities licensed pursuant to Chapter 3722. of the Revised Code.~~

(C) "Caretaker" means the person assuming the responsibility for the care of an adult on a voluntary basis, by contract, through receipt of payment for care, as a result of a family relationship, or by order of a court of competent jurisdiction.

(D) "Court" means the probate court in the county where an adult resides.

(E) "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to self or any other person.

(F) "Emergency services" means protective services furnished to an adult in an emergency.

(G) "Exploitation" means the unlawful or improper act of a caretaker using an adult or an adult's resources for monetary or personal benefit, profit, or gain.

(H) "In need of protective services" means an adult known or suspected to be suffering from abuse, neglect, or exploitation to an extent that either life is endangered or physical harm, mental anguish, or mental illness results or is likely to result.

(I) "Incapacitated person" means a person who is impaired for any reason to the extent that the person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person's self or resources, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determinative that the person is incapacitated. "Reasonable decisions" are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support.

(J) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(K) "Neglect" means the failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

(L) "Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code.

(M) "Physical harm" means bodily pain, injury, impairment, or disease suffered by an adult.

(N) "Protective services" means services provided by the county department of job and family services or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction, or discontinuance of an act of as well as conditions resulting from abuse, neglect, or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such commodities as food, clothing, and shelter.

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday as defined in section 1.14 of the Revised Code.

Sec. 5101.61. (A) As used in this section:

(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code.

(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that:

(a) Provides preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient or ambulatory patient, by or under the direction of a physician or dentist in a facility which is not a part of a hospital, but which is organized and operated to provide medical care to outpatients;

(b) Has health and medical care policies which are developed with the advice of, and with the provision of review of such policies, an advisory committee of professional personnel,

including one or more physicians, one or more dentists, if dental care is provided, and one or more registered nurses;

(c) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;

(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics, and has an established patient referral system to other resources, and a utilization review plan and program;

(e) Maintains clinical records on all patients;

(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a registered professional nurse on duty at all times of clinical operations;

(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;

(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;

(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of alcohol and drug addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.

(3) "Community mental health facility" means a facility which

provides community mental health services and is included in the 74176
comprehensive mental health plan for the alcohol, drug addiction, 74177
and mental health service district in which it is located. 74178

(4) "Community mental health service" means services, other 74179
than inpatient services, provided by a community mental health 74180
facility. 74181

(5) "Home health agency" means an institution or a distinct 74182
part of an institution operated in this state which: 74183

(a) Is primarily engaged in providing home health services; 74184

(b) Has home health policies which are established by a group 74185
of professional personnel, including one or more duly licensed 74186
doctors of medicine or osteopathy and one or more registered 74187
professional nurses, to govern the home health services it 74188
provides and which includes a requirement that every patient must 74189
be under the care of a duly licensed doctor of medicine or 74190
osteopathy; 74191

(c) Is under the supervision of a duly licensed doctor of 74192
medicine or doctor of osteopathy or a registered professional 74193
nurse who is responsible for the execution of such home health 74194
policies; 74195

(d) Maintains comprehensive records on all patients; 74196

(e) Is operated by the state, a political subdivision, or an 74197
agency of either, or is operated not for profit in this state and 74198
is licensed or registered, if required, pursuant to law by the 74199
appropriate department of the state, county, or municipality in 74200
which it furnishes services; or is operated for profit in this 74201
state, meets all the requirements specified in divisions (A)(5)(a) 74202
to (d) of this section, and is certified under Title XVIII of the 74203
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 74204
amended. 74205

(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home:	74206 74207 74208 74209
(a) Nursing care provided by or under the supervision of a registered professional nurse;	74210 74211
(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;	74212 74213
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	74214 74215 74216
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	74217 74218 74219
(e) Medical supplies and the use of medical appliances;	74220
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	74221 74222 74223 74224
(g) Any of the foregoing items and services which:	74225
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	74226 74227 74228
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient <u>is</u> there to receive any item or service involving the use of such equipment.	74229 74230 74231 74232 74233
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in	74234 74235

section 3701.01 of the Revised Code, any nurse licensed under 74236
Chapter 4723. of the Revised Code, any employee of an ambulatory 74237
health facility, any employee of a home health agency, any 74238
employee of an adult care facility as defined in section 3722.01 74239
of the Revised Code, ~~any employee of a community alternative home~~ 74240
~~as defined in section 3724.01 of the Revised Code,~~ any employee of 74241
a nursing home, residential care facility, or home for the aging, 74242
as defined in section 3721.01 of the Revised Code, any senior 74243
service provider, any peace officer, coroner, clergyman, any 74244
employee of a community mental health facility, and any person 74245
engaged in social work or counseling having reasonable cause to 74246
believe that an adult is being abused, neglected, or exploited, or 74247
is in a condition which is the result of abuse, neglect, or 74248
exploitation shall immediately report such belief to the county 74249
department of job and family services. This section does not apply 74250
to employees of any hospital or public hospital as defined in 74251
section 5122.01 of the Revised Code. 74252

(B) Any person having reasonable cause to believe that an 74253
adult has suffered abuse, neglect, or exploitation may report, or 74254
cause reports to be made of such belief to the department. 74255

(C) The reports made under this section shall be made orally 74256
or in writing except that oral reports shall be followed by a 74257
written report if a written report is requested by the department. 74258
Written reports shall include: 74259

(1) The name, address, and approximate age of the adult who 74260
is the subject of the report; 74261

(2) The name and address of the individual responsible for 74262
the adult's care, if any individual is, and if the individual is 74263
known; 74264

(3) The nature and extent of the alleged abuse, neglect, or 74265
exploitation of the adult; 74266

(4) The basis of the reporter's belief that the adult has 74267
been abused, neglected, or exploited. 74268

(D) Any person with reasonable cause to believe that an adult 74269
is suffering abuse, neglect, or exploitation who makes a report 74270
pursuant to this section or who testifies in any administrative or 74271
judicial proceeding arising from such a report, or any employee of 74272
the state or any of its subdivisions who is discharging 74273
responsibilities under section 5101.62 of the Revised Code shall 74274
be immune from civil or criminal liability on account of such 74275
investigation, report, or testimony, except liability for perjury, 74276
unless the person has acted in bad faith or with malicious 74277
purpose. 74278

(E) No employer or any other person with the authority to do 74279
so shall discharge, demote, transfer, prepare a negative work 74280
performance evaluation, or reduce benefits, pay, or work 74281
privileges, or take any other action detrimental to an employee or 74282
in any way retaliate against an employee as a result of the 74283
employee's having filed a report under this section. 74284

(F) Neither the written or oral report provided for in this 74285
section nor the investigatory report provided for in section 74286
5101.62 of the Revised Code shall be considered a public record as 74287
defined in section 149.43 of the Revised Code. Information 74288
contained in the report shall upon request be made available to 74289
the adult who is the subject of the report, to agencies authorized 74290
by the department to receive information contained in the report, 74291
and to legal counsel for the adult. 74292

Sec. 5101.84. An individual otherwise ineligible for aid 74293
under Chapter 5107. or 5108. of the Revised Code or ~~food stamps~~ 74294
supplemental nutrition assistance program benefits under the "Food 74295
Stamp and Nutrition Act of 1977," 78 Stat. 703, 2008 (7 U.S.C. 74296
2011, ~~as amended, et seq.)~~ because of paragraph (a) of ~~section 115~~ 74297

~~of the "Personal Responsibility and Work Opportunity~~ 74298
~~Reconciliation Act of 1996," 110 Stat. 2105, 21 U.S.C. 862a,~~ is 74299
eligible for the aid or benefits if the individual meets all other 74300
eligibility requirements for the aid or benefits. 74301

Sec. 5104.041. (A) All type A and type B family day-care 74302
homes shall procure and maintain one of the following: 74303

(1) Liability insurance issued by an insurer authorized to do 74304
business in this state under Chapter 3905. of the Revised Code 74305
insuring the type A or type B family day-care home against 74306
liability arising out of, or in connection with, the operation of 74307
the family day-care home. Liability insurance procured under this 74308
division shall cover any cause for which the type A or type B 74309
family day-care home would be liable, in the amount of at least 74310
one hundred thousand dollars per occurrence and three hundred 74311
thousand dollars in the aggregate. 74312

(2) ~~An affidavit~~ A written statement signed by the parent, 74313
guardian, or custodian of each child receiving child care from the 74314
type A or type B family day-care home that states all of the 74315
following: 74316

(a) The family day-care home does not carry liability 74317
insurance described in division (A)(1) of this section; 74318

(b) If the licensee of a type A family day-care home or the 74319
provider of a type B family day-care home is not the owner of the 74320
real property where the family day-care home is located, the 74321
liability insurance, if any, of the owner of the real property may 74322
not provide for coverage of any liability arising out of, or in 74323
connection with, the operation of the family day-care home. 74324

(B) If the licensee of a type A family day-care home or the 74325
provider of a type B family day-care home is not the owner of the 74326
real property where the family day-care home is located and the 74327

family day-care home procures liability insurance described in 74328
division (A)(1) of this section, that licensee or provider shall 74329
name the owner of the real property as an additional insured party 74330
on the liability insurance policy if all of the following apply: 74331
74332

(1) The owner of the real property requests the licensee or 74333
provider, in writing, to add the owner of the real property to the 74334
liability insurance policy as an additional insured party. 74335

(2) The addition of the owner of the real property does not 74336
result in cancellation or nonrenewal of the insurance policy 74337
procured by the type A or type B family day-care home. 74338

(3) The owner of the real property pays any additional 74339
premium assessed for coverage of the owner of the real property. 74340

(C) Proof of insurance or ~~affidavit~~ written statement 74341
required under division (A) of this section shall be maintained at 74342
the type A or type B family day-care home and made available for 74343
review during inspection or investigation as required under this 74344
chapter. 74345

(D) The director of job and family services shall adopt rules 74346
for the enforcement of this section. 74347

Sec. 5107.05. The director of job and family services shall 74348
adopt rules to implement this chapter. The rules shall be 74349
consistent with Title IV-A, Title IV-D, federal regulations, state 74350
law, the Title IV-A state plan submitted to the United States 74351
secretary of health and human services under section 5101.80 of 74352
the Revised Code, amendments to the plan, and waivers granted by 74353
the United States secretary. Rules governing eligibility, program 74354
participation, and other applicant and participant requirements 74355
shall be adopted in accordance with Chapter 119. of the Revised 74356
Code. Rules governing financial and other administrative 74357

requirements applicable to the department of job and family 74358
services and county departments of job and family services shall 74359
be adopted in accordance with section 111.15 of the Revised Code. 74360

(A) The rules shall specify, establish, or govern all of the 74361
following: 74362

(1) A payment standard for Ohio works first based on federal 74363
and state appropriations that is increased in accordance with 74364
section 5107.04 of the Revised Code; 74365

(2) For the purpose of section 5107.04 of the Revised Code, 74366
the method of determining the amount of cash assistance an 74367
assistance group receives under Ohio works first; 74368

(3) Requirements for initial and continued eligibility for 74369
Ohio works first, including requirements regarding income, 74370
citizenship, age, residence, and assistance group composition; 74371

(4) For the purpose of section 5107.12 of the Revised Code, 74372
application and verification procedures, including the minimum 74373
information an application must contain; 74374

(5) The extent to which a participant of Ohio works first 74375
must notify, pursuant to section 5107.12 of the Revised Code, a 74376
county department of job and family services of additional income 74377
not previously reported to the county department; 74378

(6) For the purpose of section 5107.16 of the Revised Code, 74379
~~standards~~ all of the following: 74380

(a) Standards for the determination of good cause for failure 74381
or refusal to comply in full with a provision of a 74382
self-sufficiency contract; 74383

(b) The compliance form a member of an assistance group may 74384
complete to indicate willingness to come into full compliance with 74385
a provision of a self-sufficiency contract; 74386

(c) The manner by which the compliance form is to be 74387

completed and provided to a county department of job and family services. 74388
74389

(7) The department of job and family services providing written notice of a sanction under section 5107.161 of the Revised Code; 74390
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74392

(8) For the purpose of division (A)(2) of section 5107.17 of the Revised Code, the period of time by which a county department of job and family services is to receive a compliance form established in rules adopted under division (A)(6)(b) of this section; 74393
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(9) Requirements for the collection and distribution of support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code; 74398
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74400

~~(9)~~(10) For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate; 74401
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74404
74405

~~(10)~~(11) The requirements governing the LEAP program, including the definitions of "equivalent of a high school diploma" and "good cause," and the incentives provided under the LEAP program; 74406
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~~(11)~~(12) If the director implements section 5107.301 of the Revised Code, the requirements governing the award provided under that section, including the form that the award is to take and requirements an individual must satisfy to receive the award; 74410
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~~(12)~~(13) Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code. 74414
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74416
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~~(13)~~(14) The maximum amount of time the department will 74419
subsidize positions created by state agencies and political 74420
subdivisions under division (C) of section 5107.52 of the Revised 74421
Code; 74422

~~(14)~~(15) The implementation of sections 5107.71 to 5107.717 74423
of the Revised Code by county departments of job and family 74424
services; 74425

~~(15)~~(16) A domestic violence screening process to be used for 74426
the purpose of division (A) of section 5107.71 of the Revised 74427
Code; 74428

~~(16)~~(17) The minimum frequency with which county departments 74429
of job and family services must redetermine a member of an 74430
assistance group's need for a waiver issued under section 5107.714 74431
of the Revised Code. 74432

(B) The rules adopted under division (A)(3) of this section 74433
regarding income shall specify what is countable income, gross 74434
earned income, and gross unearned income for the purpose of 74435
section 5107.10 of the Revised Code. 74436

The rules adopted under division (A)~~(9)~~(10) of this section 74437
shall be consistent with 42 U.S.C. 654(29). 74438

The rules adopted under division (A)~~(12)~~(13) of this section 74439
shall specify that the circumstances include that a school or 74440
place of work is closed due to a holiday or weather or other 74441
emergency and that an employer grants the minor head of household 74442
or adult leave for illness or earned vacation. 74443

(C) The rules may provide that a county department of job and 74444
family services is not required to take action under section 74445
5107.76 of the Revised Code to recover an erroneous payment that 74446
is below an amount the department specifies. 74447

Sec. 5107.16. (A) If a member of an assistance group fails or 74448

refuses, without good cause, to comply in full with a provision of 74449
a self-sufficiency contract entered into under section 5107.14 of 74450
the Revised Code, a county department of job and family services 74451
shall sanction the assistance group as follows: 74452

(1) For a first failure or refusal, the county department 74453
shall deny or terminate the assistance group's eligibility to 74454
participate in Ohio works first for one payment month or until the 74455
failure or refusal ceases, whichever is longer; 74456

(2) For a second failure or refusal, the county department 74457
shall deny or terminate the assistance group's eligibility to 74458
participate in Ohio works first for three payment months or until 74459
the failure or refusal ceases, whichever is longer; 74460

(3) For a third or subsequent failure or refusal, the county 74461
department shall deny or terminate the assistance group's 74462
eligibility to participate in Ohio works first for six payment 74463
months or until the failure or refusal ceases, whichever is 74464
longer. 74465

(B) The director of job and family services shall establish 74466
standards for the determination of good cause for failure or 74467
refusal to comply in full with a provision of a self-sufficiency 74468
contract in rules adopted under section 5107.05 of the Revised 74469
Code. 74470

(C) The director of job and family services shall provide a 74471
compliance form established in rules adopted under section 5107.05 74472
of the Revised Code to an assistance group member who fails or 74473
refuses, without good cause, to comply in full with a provision of 74474
a self-sufficiency contract. The member's failure or refusal to 74475
comply in full with the provision shall be deemed to have ceased 74476
on the date a county department of job and family services 74477
receives the compliance form from the member if the compliance 74478
form is completed and provided to the county department in the 74479

manner specified in rules adopted under section 5107.05 of the 74480
Revised Code. 74481

(D) After sanctioning an assistance group under division (A) 74482
of this section, a county department of job and family services 74483
shall continue to work with the assistance group. 74484

~~(D)~~(E) An adult eligible for medicaid pursuant to division 74485
(A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned 74486
under division (A)(3) of this section for a failure or refusal, 74487
without good cause, to comply in full with a provision of a 74488
self-sufficiency contract related to work responsibilities under 74489
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 74490
for medicaid unless the adult is otherwise eligible for medicaid 74491
pursuant to another division of section 5111.01 of the Revised 74492
Code. 74493

An assistance group that would be participating in Ohio works 74494
first if not for a sanction under this section shall continue to 74495
be eligible for all of the following: 74496

(1) Publicly funded child care in accordance with division 74497
(A)(3) of section 5104.30 of the Revised Code; 74498

(2) Support services in accordance with section 5107.66 of 74499
the Revised Code; 74500

(3) To the extent permitted by the "Fair Labor Standards Act 74501
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 74502
in work activities, developmental activities, and alternative work 74503
activities in accordance with sections 5107.40 to 5107.69 of the 74504
Revised Code. 74505

Sec. 5107.17. An assistance group that resumes participation 74506
in Ohio works first following a sanction under section 5107.16 of 74507
the Revised Code is not required to do either of the following: 74508

(A) Reapply under section 5107.12 of the Revised Code, unless 74509

~~it~~ either of the following applies: 74510

(1) It is the assistance group's regularly scheduled time for 74511
an eligibility redetermination; 74512

(2) The county department of job and family services does not 74513
receive the completed compliance form established in rules adopted 74514
under section 5107.05 of the Revised Code within the period of 74515
time specified in rules adopted under that section. 74516

(B) Enter into a new self-sufficiency contract under section 74517
5107.14 of the Revised Code, unless the county department of job 74518
and family services determines it is time for a new appraisal 74519
under section 5107.41 of the Revised Code or the assistance 74520
group's circumstances have changed in a manner necessitating an 74521
amendment to the self-sufficiency contract as determined using 74522
procedures included in the contract under division (B)(9) of 74523
section 5107.14 of the Revised Code. 74524

Sec. 5111.01. As used in this chapter, "medical assistance 74525
program" or "medicaid" means the program that is authorized by 74526
this chapter and provided by the department of job and family 74527
services under this chapter, Title XIX of the "Social Security 74528
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 74529
waivers of Title XIX requirements granted to the department by the 74530
centers for medicare and medicaid services of the United States 74531
department of health and human services. 74532

The department of job and family services shall act as the 74533
single state agency to supervise the administration of the 74534
medicaid program. As the single state agency, the department shall 74535
comply with 42 C.F.R. 431.10(e). The department's rules governing 74536
medicaid are binding on other agencies that administer components 74537
of the medicaid program. No agency may establish, by rule or 74538
otherwise, a policy governing medicaid that is inconsistent with a 74539
medicaid policy established, in rule or otherwise, by the director 74540

of job and family services. 74541

(A) The department of job and family services may provide 74542
medical assistance under the medicaid program as long as federal 74543
funds are provided for such assistance, to the following: 74544

(1) Families with children that meet either of the following 74545
conditions: 74546

(a) The family meets the income, resource, and family 74547
composition requirements in effect on July 16, 1996, for the 74548
former aid to dependent children program as those requirements 74549
were established by Chapter 5107. of the Revised Code, federal 74550
waivers granted pursuant to requests made under former section 74551
5101.09 of the Revised Code, and rules adopted by the department 74552
or any changes the department makes to those requirements in 74553
accordance with paragraph (a)(2) of section 114 of the "Personal 74554
Responsibility and Work Opportunity Reconciliation Act of 1996," 74555
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 74556
implementing section ~~5111.019~~ 5111.0120 of the Revised Code. An 74557
adult loses eligibility for medicaid under division (A)(1)(a) of 74558
this section pursuant to division ~~(D)~~(E) of section 5107.16 of the 74559
Revised Code. 74560

(b) The family does not meet the requirements specified in 74561
division (A)(1)(a) of this section but is eligible for medicaid 74562
pursuant to section 5101.18 of the Revised Code. 74563

(2) Aged, blind, and disabled persons who meet the following 74564
conditions: 74565

(a) Receive federal aid under Title XVI of the "Social 74566
Security Act," or are eligible for but are not receiving such aid, 74567
provided that the income from all other sources for individuals 74568
with independent living arrangements shall not exceed one hundred 74569
seventy-five dollars per month. The income standards hereby 74570
established shall be adjusted annually at the rate that is used by 74571

the United States department of health and human services to 74572
adjust the amounts payable under Title XVI. 74573

(b) Do not receive aid under Title XVI, but meet any of the 74574
following criteria: 74575

(i) Would be eligible to receive such aid, except that their 74576
income, other than that excluded from consideration as income 74577
under Title XVI, exceeds the maximum under division (A)(2)(a) of 74578
this section, and incurred expenses for medical care, as 74579
determined under federal regulations applicable to section 209(b) 74580
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 74581
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 74582
their income exceeds the maximum under division (A)(2)(a) of this 74583
section; 74584

(ii) Received aid for the aged, aid to the blind, or aid for 74585
the permanently and totally disabled prior to January 1, 1974, and 74586
continue to meet all the same eligibility requirements; 74587

(iii) Are eligible for medicaid pursuant to section 5101.18 74588
of the Revised Code. 74589

(3) Persons to whom federal law requires, as a condition of 74590
state participation in the medicaid program, that medicaid be 74591
provided; 74592

(4) Persons under age twenty-one who meet the income 74593
requirements for the Ohio works first program established under 74594
Chapter 5107. of the Revised Code but do not meet other 74595
eligibility requirements for the program. The director shall adopt 74596
rules in accordance with Chapter 119. of the Revised Code 74597
specifying which Ohio works first requirements shall be waived for 74598
the purpose of providing medicaid eligibility under division 74599
(A)(4) of this section. 74600

(B) ~~If sufficient funds are appropriated for the medicaid~~ 74601
~~program, the~~ The department ~~may~~ shall not provide medical 74602

assistance under the medicaid program to persons in groups 74603
designated by federal law as groups to which a state, at its 74604
option, may provide medical assistance under the medicaid program, 74605
unless either of the following is the case: 74606

(1) The medicaid program covers the group on the effective 74607
date of this amendment; 74608

(2) State statute enacted after the effective date of this 74609
amendment expressly authorizes the medicaid program to cover the 74610
group. 74611

(C) The department may expand eligibility for the medicaid 74612
program to include individuals under age nineteen with family 74613
incomes at or below one hundred fifty per cent of the federal 74614
poverty guidelines, except that the eligibility expansion shall 74615
not occur unless the department receives the approval of the 74616
federal government. The department may implement the eligibility 74617
expansion authorized under this division on any date selected by 74618
the department, but not sooner than January 1, 1998. 74619

(D) In addition to any other authority or requirement to 74620
adopt rules under this chapter, the director may adopt rules in 74621
accordance with section 111.15 of the Revised Code as the director 74622
considers necessary to establish standards, procedures, and other 74623
requirements regarding the provision of medical assistance under 74624
the medicaid program. The rules may establish requirements to be 74625
followed in applying for medicaid, making determinations of 74626
eligibility for medicaid, and verifying eligibility for medicaid. 74627
The rules may include special conditions as the department 74628
determines appropriate for making applications, determining 74629
eligibility, and verifying eligibility for any medical assistance 74630
that the department may provide under the medicaid program 74631
pursuant to division (C) of this section and section 5111.014 or 74632
~~5111.019~~ 5111.0120 of the Revised Code. 74633

Sec. ~~5111.019~~ 5111.0120. The director of job and family services shall submit to the United States secretary of health and human services an amendment to the state medicaid plan to make an individual eligible for medicaid who meets all of the following requirements:

(A) The individual is the parent of a child under nineteen years of age and resides with the child;

(B) The individual's family income does not exceed ninety per cent of the federal poverty guidelines;

(C) The individual is not otherwise eligible for medicaid;

(D) The individual satisfies all relevant requirements established by rules adopted under division (D) of section 5111.01 of the Revised Code.

Sec. 5111.0121. (A) Subject to division (B) of this section, a county department of job and family services may permit a parent who is eligible for the medicaid program pursuant to section 5111.0120 of the Revised Code to not have to undergo a redetermination of eligibility for the medicaid program more often than once every twelve months unless there are reasonable grounds to believe that circumstances have changed that may affect the parent's eligibility.

(B) A county department may not implement division (A) of this section if implementation would violate federal law governing the medicaid program unless the United States secretary of health and human services grants a federal medicaid waiver authorizing implementation of division (A) of this section. The director of job and family services shall apply for such a federal medicaid waiver if a waiver is needed for the implementation of division (A) of this section.

Sec. 5111.023. (A) As used in this section: 74663

(1) "Community mental health facility" means a community 74664
mental health facility that has a quality assurance program 74665
accredited by the joint commission on accreditation of healthcare 74666
organizations or is certified by the department of mental health 74667
or department of job and family services. 74668

(2) "Mental health professional" means a person qualified to 74669
work with mentally ill persons under the standards established by 74670
the director of mental health pursuant to section 5119.611 of the 74671
Revised Code. 74672

(B) The state medicaid plan shall include provision of the 74673
following mental health services when provided by community mental 74674
health facilities: 74675

(1) Outpatient mental health services, including, but not 74676
limited to, preventive, diagnostic, therapeutic, rehabilitative, 74677
and palliative interventions rendered to individuals in an 74678
individual or group setting by a mental health professional in 74679
accordance with a plan of treatment appropriately established, 74680
monitored, and reviewed; 74681

(2) Partial-hospitalization mental health services rendered 74682
by persons directly supervised by a mental health professional; 74683

(3) Unscheduled, emergency mental health services of a kind 74684
ordinarily provided to persons in crisis when rendered by persons 74685
supervised by a mental health professional; 74686

(4) Subject to receipt of federal approval, assertive 74687
community treatment and intensive home-based mental health 74688
services. 74689

(C) The comprehensive annual plan shall certify the 74690
availability of sufficient unencumbered community mental health 74691
state subsidy ~~and local~~ funds, and may certify the availability of 74692

unencumbered community mental health local funds, to match federal 74693
medicaid reimbursement funds earned by community mental health 74694
facilities. 74695

(D) The department of job and family services shall enter 74696
into a separate contract with the department of mental health 74697
under section 5111.91 of the Revised Code with regard to the 74698
component of the medicaid program provided for by this section. 74699

(E) Not later than July 21, 2006, the department of job and 74700
family services shall request federal approval to provide 74701
assertive community treatment and intensive home-based mental 74702
health services under medicaid pursuant to this section. 74703

(F) On receipt of federal approval sought under division (E) 74704
of this section, the director of job and family services shall 74705
adopt rules in accordance with Chapter 119. of the Revised Code 74706
for assertive community treatment and intensive home-based mental 74707
health services provided under medicaid pursuant to this section. 74708
The director shall consult with the department of mental health in 74709
adopting the rules. 74710

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised 74711
Code, the director of job and family services shall adopt rules 74712
establishing procedures for the use of time-limited provider 74713
agreements under the medicaid program. Except as provided in 74714
division (E) of this section, all provider agreements shall be 74715
time-limited in accordance with the procedures established in the 74716
rules. 74717

The department of job and family services shall phase-in the 74718
use of time-limited provider agreements pursuant to this section 74719
during a period commencing not later than January 1, 2008, and 74720
ending January 1, ~~2011~~ 2015. 74721

(B) In the use of time-limited provider agreements pursuant 74722

to this section, all of the following apply: 74723

(1) Each provider agreement shall expire not later than ~~three~~ 74724
seven years from the effective date of the agreement. 74725

(2) During the phase-in period specified in division (A) of 74726
this section, the department may provide for the conversion of a 74727
provider agreement without a time limit to a provider agreement 74728
with a time limit. The department may take an action to convert 74729
the provider agreement by sending a notice by regular mail to the 74730
address of the provider on record with the department advising the 74731
provider of the conversion. 74732

(3) The department may make the effective date of a provider 74733
agreement retroactive for a period not to exceed one year from the 74734
date of the provider's application for the agreement, as long as 74735
the provider met all medicaid program requirements during that 74736
period. 74737

(C) The rules for use of time-limited provider agreements 74738
pursuant to this section shall include a process for re-enrollment 74739
of providers. All of the following apply to the re-enrollment 74740
process: 74741

(1) The department of job and family services may terminate a 74742
time-limited provider agreement or deny re-enrollment when a 74743
provider fails to file an application for re-enrollment within the 74744
time and in the manner required under the re-enrollment process. 74745
74746

(2) If a provider files an application for re-enrollment 74747
within the time and in the manner required under the re-enrollment 74748
process, but the provider agreement expires before the department 74749
acts on the application or before the effective date of the 74750
department's decision on the application, the provider may 74751
continue operating under the terms of the expired provider 74752
agreement until the effective date of the department's decision. 74753

(3) A decision by the department to approve an application 74754
for re-enrollment becomes effective on the date of the 74755
department's decision. A decision by the department to deny 74756
re-enrollment shall take effect not sooner than thirty days after 74757
the date the department mails written notice of the decision to 74758
the provider. The department shall specify in the notice the date 74759
on which the provider is required to cease operating under the 74760
provider agreement. 74761

(D) Pursuant to section 5111.06 of the Revised Code, the 74762
department is not required to take the actions specified in 74763
division (C)(1) of this section by issuing an order pursuant to an 74764
adjudication conducted in accordance with Chapter 119. of the 74765
Revised Code. 74766

(E) The use of time-limited provider agreements pursuant to 74767
this section does not apply to provider agreements issued to the 74768
following, including any provider agreements issued to the 74769
following that are otherwise time-limited under the medicaid 74770
program: 74771

(1) A managed care organization under contract with the 74772
department pursuant to section 5111.17 of the Revised Code; 74773

(2) A nursing facility, as defined in section 5111.20 of the 74774
Revised Code; 74775

(3) An intermediate care facility for the mentally retarded, 74776
as defined in section 5111.20 of the Revised Code; 74777

(4) A hospital. 74778

Sec. 5111.0210. (A) As used in this section: 74779

(1) "High-technology radiological service" means a 74780
radiological service that the director of job and family services 74781
identifies in rules adopted under section 5111.02 of the Revised 74782
Code as involving highly advanced or specialized systems or 74783

devices. "High-technology radiological service" includes a 74784
radiological service that involves computed tomography, magnetic 74785
resonance imaging, nuclear cardiology, or a positron emission 74786
tomography modality. 74787

(2) "Medicaid managed care organization" means a managed care 74788
organization under contract with the department of job and family 74789
services under section 5111.17 of the Revised Code. 74790

(B) Effective November 1, 2009, and except as provided in 74791
division (C) of this section, neither the department of job and 74792
family services nor a medicaid managed care organization shall 74793
reimburse a provider for providing a high-technology radiological 74794
service to a medicaid recipient unless the high-technology 74795
radiological service is prior authorized in accordance with rules 74796
adopted under section 5111.02 of the Revised Code. 74797

(C) Medicaid reimbursement for providing a high-technology 74798
radiological service is not subject to prior authorization if 74799
either of the following applies: 74800

(1) The high-technology radiological service is needed due to 74801
a documented, medical emergency. 74802

(2) The high-technology radiological service is used as part 74803
of a mammography screening or cytological screening covered by the 74804
medicaid program under section 5111.024 of the Revised Code. 74805

(D) The rules the director of job and family services adopts 74806
under division (A) of section 5111.02 of the Revised Code shall 74807
include rules to implement this section. The rules shall establish 74808
a prior authorization system for high-technology radiological 74809
services that applies evidence-based criteria in decisions 74810
regarding the medical necessity for a high-technology radiological 74811
service. 74812

Sec. 5111.0211. The medicaid program shall not cover a 74813

service that federal law designates as a service that a state, at 74814
its option, may cover under its medicaid program, unless either of 74815
the following is the case: 74816

(A) The medicaid program covers the service on the effective 74817
date of this section; 74818

(B) State statute enacted after the effective date of this 74819
section expressly authorizes the medicaid program to cover the 74820
service. 74821

Sec. 5111.032. (A) As used in this section: 74822

(1) "Criminal records check" has the same meaning as in 74823
section 109.572 of the Revised Code. 74824

(2) "Department" includes a designee of the department of job 74825
and family services. 74826

(3) "Owner" means a person who has an ownership interest in a 74827
provider in an amount designated by the department of job and 74828
family services in rules adopted under this section. 74829

(4) "Provider" means a person, institution, or entity that 74830
has a provider agreement with the department of job and family 74831
services pursuant to Title XIX of the "Social Security Act," 49 74832
State. 620 (1965), 42 U.S.C. 1396, as amended. 74833

(B)(1) Except as provided in division (B)(2) of this section, 74834
the department of job and family services may require that any 74835
provider, applicant to be a provider, employee or prospective 74836
employee of a provider, owner or prospective owner of a provider, 74837
officer or prospective officer of a provider, or board member or 74838
prospective board member of a provider submit to a criminal 74839
records check as a condition of obtaining a provider agreement, 74840
continuing to hold a provider agreement, being employed by a 74841
provider, having an ownership interest in a provider, or being an 74842

officer or board member of a provider. The department may 74843
designate the categories of persons who are subject to the 74844
criminal records check requirement. The department shall designate 74845
the times at which the criminal records checks must be conducted. 74846

(2) The section does not apply to providers, applicants to be 74847
providers, employees of a provider, or prospective employees of a 74848
provider who are subject to criminal records checks under section 74849
5111.033 or 5111.034 of the Revised Code. 74850

(C)(1) The department shall inform each provider or applicant 74851
to be a provider whether the provider or applicant is subject to a 74852
criminal records check requirement under division (B) of this 74853
section. For providers, the information shall be given at times 74854
designated in rules adopted under this section. For applicants to 74855
be providers, the information shall be given at the time of 74856
initial application. When the information is given, the department 74857
shall specify which of the provider's or applicant's employees or 74858
prospective employees, owners or prospective owners, officers or 74859
prospective officers, or board members or prospective board 74860
members are subject to the criminal records check requirement. 74861

(2) At times designated in rules adopted under this section, 74862
a provider that is subject to the criminal records check 74863
requirement shall inform each person specified by the department 74864
under division (C)(1) of this section that the person is required, 74865
as applicable, to submit to a criminal records check for final 74866
consideration for employment in a full-time, part-time, or 74867
temporary position; as a condition of continued employment; or as 74868
a condition of becoming or continuing to be an officer, board 74869
member or owner of a provider. 74870

(D)(1) If a provider or applicant to be a provider is subject 74871
to a criminal records check under this section, the department 74872
shall require the conduct of a criminal records check by the 74873
superintendent of the bureau of criminal identification and 74874

investigation. If a provider or applicant to be a provider for 74875
whom a criminal records check is required does not present proof 74876
of having been a resident of this state for the five-year period 74877
immediately prior to the date the criminal records check is 74878
requested or provide evidence that within that five-year period 74879
the superintendent has requested information about the individual 74880
from the federal bureau of investigation in a criminal records 74881
check, the department shall require the provider or applicant to 74882
request that the superintendent obtain information from the 74883
federal bureau of investigation as part of the criminal records 74884
check of the provider or applicant. Even if a provider or 74885
applicant for whom a criminal records check request is required 74886
presents proof of having been a resident of this state for the 74887
five-year period, the department may require that the provider or 74888
applicant request that the superintendent obtain information from 74889
the federal bureau of investigation and include it in the criminal 74890
records check of the provider or applicant. 74891

(2) A provider shall require the conduct of a criminal 74892
records check by the superintendent with respect to each of the 74893
persons specified by the department under division (C)(1) of this 74894
section. If the person for whom a criminal records check is 74895
required does not present proof of having been a resident of this 74896
state for the five-year period immediately prior to the date the 74897
criminal records check is requested or provide evidence that 74898
within that five-year period the superintendent of the bureau of 74899
criminal identification and investigation has requested 74900
information about the individual from the federal bureau of 74901
investigation in a criminal records check, the individual shall 74902
request that the superintendent obtain information from the 74903
federal bureau of investigation as part of the criminal records 74904
check of the individual. Even if an individual for whom a criminal 74905
records check request is required presents proof of having been a 74906
resident of this state for the five-year period, the department 74907

may require the provider to request that the superintendent obtain 74908
information from the federal bureau of investigation and include 74909
it in the criminal records check of the person. 74910

(E)(1) Criminal records checks required under this section 74911
for providers or applicants to be providers shall be obtained as 74912
follows: 74913

(a) The department shall provide each provider or applicant 74914
information about accessing and completing the form prescribed 74915
pursuant to division (C)(1) of section 109.572 of the Revised Code 74916
and the standard fingerprint impression sheet prescribed pursuant 74917
to division (C)(2) of that section. 74918

(b) The provider or applicant shall submit the required form 74919
and one complete set of fingerprint impressions directly to the 74920
superintendent for purposes of conducting the criminal records 74921
check using the applicable methods prescribed by division (C) of 74922
section 109.572 of the Revised Code. The applicant or provider 74923
shall pay all fees associated with obtaining the criminal records 74924
check. 74925

(c) The superintendent shall conduct the criminal records 74926
check in accordance with section 109.572 of the Revised Code. The 74927
provider or applicant shall instruct the superintendent to submit 74928
the report of the criminal records check directly to the director 74929
of job and family services. 74930

(2) Criminal records checks required under this section for 74931
persons specified by the department under division (C)(1) of this 74932
section shall be obtained as follows: 74933

(a) The provider shall give to each person subject to 74934
criminal records check requirement information about accessing and 74935
completing the form prescribed pursuant to division (C)(1) of 74936
section 109.572 of the Revised Code and the standard fingerprint 74937
impression sheet prescribed pursuant to division (C)(2) of that 74938

section. 74939

(b) The person shall submit the required form and one 74940
complete set of fingerprint impressions directly to the 74941
superintendent for purposes of conducting the criminal records 74942
check using the applicable methods prescribed by division (C) of 74943
section 109.572 of the Revised Code. The person shall pay all fees 74944
associated with obtaining the criminal records check. 74945

(c) The superintendent shall conduct the criminal records 74946
check in accordance with section 109.572 of the Revised Code. The 74947
person subject to the criminal records check shall instruct the 74948
superintendent to submit the report of the criminal records check 74949
directly to the provider. The department may require the provider 74950
to submit the report to the department. 74951

(F) If a provider or applicant to be a provider is given the 74952
information specified in division (E)(1)(a) of this section but 74953
fails to obtain a criminal records check, the department shall, as 74954
applicable, terminate the provider agreement or deny the 74955
application to be a provider. 74956

If a person is given the information specified in division 74957
(E)(2)(a) of this section but fails to obtain a criminal records 74958
check, the provider shall not, as applicable, permit the person to 74959
be an employee, owner, officer, or board member of the provider. 74960

(G) Except as provided in rules adopted under division (J) of 74961
this section, the department shall terminate the provider 74962
agreement of a provider or the department shall not issue a 74963
provider agreement to an applicant if the provider or applicant is 74964
subject to a criminal records check under this section and the 74965
provider or applicant has been convicted of, has pleaded guilty 74966
to, or has been found eligible for intervention in lieu of 74967
conviction for any of the following, regardless of the date of the 74968
conviction, the date of entry of the guilty plea, or the date the 74969

applicant or provider was found eligible for intervention in lieu 74970
of conviction: 74971

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 74972
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 74973
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 74974
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 74975
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 74976
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 74977
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 74978
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 74979
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 74980
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 74981
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 74982
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 74983
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 74984
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 74985
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 74986
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 74987
penetration in violation of former section 2907.12 of the Revised 74988
Code, a violation of section 2905.04 of the Revised Code as it 74989
existed prior to July 1, 1996, a violation of section 2919.23 of 74990
the Revised Code that would have been a violation of section 74991
2905.04 of the Revised Code as it existed prior to July 1, 1996, 74992
had the violation been committed prior to that date; 74993

(2) ~~An~~ A violation of an existing or former municipal 74994
ordinance or law of this state, any other state, or the United 74995
States that is substantially equivalent to any of the offenses 74996
listed in division (G)(1) of this section. 74997

(H)(1)(a) Except as provided in rules adopted under division 74998
(J) of this section and subject to division (H)(2) of this 74999
section, no provider shall permit a person to be an employee, 75000
owner, officer, or board member of the provider if the person is 75001

subject to a criminal records check under this section and the 75002
person has been convicted of, has pleaded guilty to, or has been 75003
found eligible for intervention in lieu of conviction for any of 75004
the offenses specified in division (G)(1) or (2) of this section. 75005

(b) No provider shall employ a person who has been excluded 75006
from participating in the medicaid program, the medicare program 75007
operated pursuant to Title XVIII of the "Social Security Act," or 75008
any other federal health care program. 75009

(2)(a) A provider may employ conditionally a person for whom 75010
a criminal records check is required under this section prior to 75011
obtaining the results of a criminal records check regarding the 75012
person, but only if the person submits a request for a criminal 75013
records check not later than five business days after the 75014
individual begins conditional employment. 75015

(b) A provider that employs a person conditionally under 75016
authority of division (H)(2)(a) of this section shall terminate 75017
the person's employment if the results of the criminal records 75018
check request are not obtained within the period ending sixty days 75019
after the date the request is made. Regardless of when the results 75020
of the criminal records check are obtained, if the results 75021
indicate that the individual has been convicted of, has pleaded 75022
guilty to, or has been found eligible for intervention in lieu of 75023
conviction for any of the offenses specified in division (G)(1) or 75024
(2) of this section, the provider shall terminate the person's 75025
employment unless the provider chooses to employ the individual 75026
pursuant to division (J) of this section. 75027

(I) The report of a criminal records check conducted pursuant 75028
to this section is not a public record for the purposes of section 75029
149.43 of the Revised Code and shall not be made available to any 75030
person other than the following: 75031

(1) The person who is the subject of the criminal records 75032

check or the person's representative; 75033

(2) The director of job and family services and the staff of 75034
the department in the administration of the medicaid program; 75035

(3) A court, hearing officer, or other necessary individual 75036
involved in a case dealing with the denial or termination of a 75037
provider agreement; 75038

(4) A court, hearing officer, or other necessary individual 75039
involved in a case dealing with a person's denial of employment, 75040
termination of employment, or employment or unemployment benefits. 75041

(J) The department may adopt rules in accordance with Chapter 75042
119. of the Revised Code to implement this section. The rules may 75043
specify circumstances under which the department may continue a 75044
provider agreement or issue a provider agreement to an applicant 75045
when the provider or applicant has been convicted of, has pleaded 75046
guilty to, or has been found eligible for intervention in lieu of 75047
conviction for any of the offenses specified in division (G)(1) or 75048
(2) of this section. The rules may also specify circumstances 75049
under which a provider may permit a person to be an employee, 75050
owner, officer, or board member of the provider, when the person 75051
has been convicted of, has pleaded guilty to, or has been found 75052
eligible for intervention in lieu of conviction for any of the 75053
offenses specified in division (G)(1) or (2) of this section. 75054

Sec. 5111.033. (A) As used in this section: 75055

(1) "Applicant" means a person who is under final 75056
consideration for employment or, after September 26, 2003, an 75057
existing employee with a waiver agency in a full-time, part-time, 75058
or temporary position that involves providing home and 75059
community-based waiver services to a person with disabilities. 75060
"Applicant" also means an existing employee with a waiver agency 75061
in a full-time, part-time, or temporary position that involves 75062

providing home and community-based waiver services to a person 75063
with disabilities after September 26, 2003. 75064

(2) "Criminal records check" has the same meaning as in 75065
section 109.572 of the Revised Code. 75066

(3) "Waiver agency" means a person or government entity that 75067
is not certified under the medicare program and is accredited by 75068
the community health accreditation program or the joint commission 75069
on accreditation of health care organizations or a company that 75070
provides home and community-based waiver services to persons with 75071
disabilities through department of job and family services 75072
administered home and community-based waiver programs. 75073

(4) "Home and community-based waiver services" means services 75074
furnished under the provision of 42 C.F.R. 441, subpart G, that 75075
permit individuals to live in a home setting rather than a nursing 75076
facility or hospital. Home and community-based waiver services are 75077
approved by the centers for medicare and medicaid for specific 75078
populations and are not otherwise available under the medicaid 75079
state plan. 75080

(B)(1) The chief administrator of a waiver agency shall 75081
require each applicant to request that the superintendent of the 75082
bureau of criminal identification and investigation conduct a 75083
criminal records check with respect to the applicant. If an 75084
applicant for whom a criminal records check request is required 75085
under this division does not present proof of having been a 75086
resident of this state for the five-year period immediately prior 75087
to the date the criminal records check is requested or provide 75088
evidence that within that five-year period the superintendent has 75089
requested information about the applicant from the federal bureau 75090
of investigation in a criminal records check, the chief 75091
administrator shall require the applicant to request that the 75092
superintendent obtain information from the federal bureau of 75093
investigation as part of the criminal records check of the 75094

applicant. Even if an applicant for whom a criminal records check 75095
request is required under this division presents proof of having 75096
been a resident of this state for the five-year period, the chief 75097
administrator may require the applicant to request that the 75098
superintendent include information from the federal bureau of 75099
investigation in the criminal records check. 75100

(2) The chief administrator shall provide the following to 75101
each applicant for whom a criminal records check request is 75102
required under division (B)(1) of this section: 75103

(a) Information about accessing, completing, and forwarding 75104
to the superintendent of the bureau of criminal identification and 75105
investigation the form prescribed pursuant to division (C)(1) of 75106
section 109.572 of the Revised Code and the standard fingerprint 75107
impression sheet prescribed pursuant to division (C)(2) of that 75108
section; 75109

(b) Written notification that the applicant is to instruct 75110
the superintendent to submit the completed report of the criminal 75111
records check directly to the chief administrator. 75112

(3) An applicant given information and notification under 75113
divisions (B)(2)(a) and (b) of this section who fails to access, 75114
complete, and forward to the superintendent the form or the 75115
standard fingerprint impression sheet, or who fails to instruct 75116
the superintendent to submit the completed report of the criminal 75117
records check directly to the chief administrator, shall not be 75118
employed in any position in a waiver agency for which a criminal 75119
records check is required by this section. 75120

(C)(1) Except as provided in rules adopted by the department 75121
of job and family services in accordance with division (F) of this 75122
section and subject to division (C)(2) of this section, no waiver 75123
agency shall employ a person in a position that involves providing 75124
home and community-based waiver services to persons with 75125

disabilities if the person has been convicted of, has pleaded 75126
guilty to, or has been found eligible for intervention in lieu of 75127
conviction for any of the following, regardless of the date of the 75128
conviction, the date of entry of the guilty plea, or the date the 75129
person was found eligible for intervention in lieu of conviction: 75130

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 75131
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 75132
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 75133
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 75134
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 75135
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 75136
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 75137
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 75138
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 75139
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 75140
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 75141
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 75142
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 75143
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 75144
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 75145
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 75146
penetration in violation of former section 2907.12 of the Revised 75147
Code, a violation of section 2905.04 of the Revised Code as it 75148
existed prior to July 1, 1996, a violation of section 2919.23 of 75149
the Revised Code that would have been a violation of section 75150
2905.04 of the Revised Code as it existed prior to July 1, 1996, 75151
had the violation been committed prior to that date; 75152

(b) ~~An~~ A violation of an existing or former municipal 75153
ordinance or law of this state, any other state, or the United 75154
States that is substantially equivalent to any of the offenses 75155
listed in division (C)(1)(a) of this section. 75156

(2)(a) A waiver agency may employ conditionally an applicant 75157

for whom a criminal records check request is required under 75158
division (B) of this section prior to obtaining the results of a 75159
criminal records check regarding the individual, provided that the 75160
agency shall require the individual to request a criminal records 75161
check regarding the individual in accordance with division (B)(1) 75162
of this section not later than five business days after the 75163
individual begins conditional employment. 75164

(b) A waiver agency that employs an individual conditionally 75165
under authority of division (C)(2)(a) of this section shall 75166
terminate the individual's employment if the results of the 75167
criminal records check request under division (B) of this section, 75168
other than the results of any request for information from the 75169
federal bureau of investigation, are not obtained within the 75170
period ending sixty days after the date the request is made. 75171
Regardless of when the results of the criminal records check are 75172
obtained, if the results indicate that the individual has been 75173
convicted of, has pleaded guilty to, or has been found eligible 75174
for intervention in lieu of conviction for any of the offenses 75175
listed or described in division (C)(1) of this section, the agency 75176
shall terminate the individual's employment unless the agency 75177
chooses to employ the individual pursuant to division (F) of this 75178
section. 75179

(D)(1) The fee prescribed pursuant to division (C)(3) of 75180
section 109.572 of the Revised Code for each criminal records 75181
check conducted pursuant to a request made under division (B) of 75182
this section shall be paid to the bureau of criminal 75183
identification and investigation by the applicant or the waiver 75184
agency. 75185

(2) If a waiver agency pays the fee, it may charge the 75186
applicant a fee not exceeding the amount the agency pays under 75187
division (D)(1) of this section. An agency may collect a fee only 75188
if the agency notifies the person at the time of initial 75189

application for employment of the amount of the fee and that, 75190
unless the fee is paid, the person will not be considered for 75191
employment. 75192

(E) The report of any criminal records check conducted 75193
pursuant to a request made under this section is not a public 75194
record for the purposes of section 149.43 of the Revised Code and 75195
shall not be made available to any person other than the 75196
following: 75197

(1) The individual who is the subject of the criminal records 75198
check or the individual's representative; 75199

(2) The chief administrator of the agency requesting the 75200
criminal records check or the administrator's representative; 75201

(3) An administrator at the department; 75202

(4) A court, hearing officer, or other necessary individual 75203
involved in a case dealing with a denial of employment of the 75204
applicant or dealing with employment or unemployment benefits of 75205
the applicant. 75206

(F) The department shall adopt rules in accordance with 75207
Chapter 119. of the Revised Code to implement this section. The 75208
rules shall specify circumstances under which a waiver agency may 75209
employ a person who has been convicted of, has pleaded guilty to, 75210
or has been found eligible for intervention in lieu of conviction 75211
for an offense listed or described in division (C)(1) of this 75212
section. 75213

(G) The chief administrator of a waiver agency shall inform 75214
each person, at the time of initial application for a position 75215
that involves providing home and community-based waiver services 75216
to a person with a disability, that the person is required to 75217
provide a set of fingerprint impressions and that a criminal 75218
records check is required to be conducted if the person comes 75219
under final consideration for employment. 75220

(H)(1) A person who, on September 26, 2003, is an employee of a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities shall comply with this section within sixty days after September 26, 2003, unless division (H)(2) of this section applies.

(2) This section shall not apply to a person to whom all of the following apply:

(a) On September 26, 2003, the person is an employee of a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities.

(b) The person previously had been the subject of a criminal background check relating to that position;

(c) The person has been continuously employed in that position since that criminal background check had been conducted.

Sec. 5111.034. (A) As used in this section:

(1) "Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after September 26, 2003.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Department" includes a designee of the department of job and family services.

(4) "Independent provider" means a person who is submitting an application for a provider agreement or who has a provider agreement as an independent provider in a department of job and family services administered home and community-based services program providing home and community-based waiver services to consumers with disabilities.

(5) "Home and community-based waiver services" has the same meaning as in section 5111.033 of the Revised Code.

(B)(1) The department of job and family services shall inform each independent provider, at the time of initial application for a provider agreement that involves providing home and community-based waiver services to consumers with disabilities, that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person is to become an independent provider in a department administered home and community-based waiver program.

(2) Beginning on September 26, 2003, the department shall inform each enrolled medicaid independent provider on or before time of the anniversary date of the provider agreement that involves providing home and community-based waiver services to consumers with disabilities that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted.

(C)(1) The department shall require the independent provider to complete a criminal records check prior to entering into a provider agreement with the independent provider and at least annually thereafter. If an independent provider for whom a criminal records check is required under this division does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the independent provider from the federal bureau of investigation in a criminal records check, the department shall request that the independent provider obtain through the superintendent a criminal records request from the federal bureau of investigation as part

of the criminal records check of the independent provider. Even if 75283
an independent provider for whom a criminal records check request 75284
is required under this division presents proof of having been a 75285
resident of this state for the five-year period, the department 75286
may request that the independent provider obtain information 75287
through the superintendent from the federal bureau of 75288
investigation in the criminal records check. 75289

(2) The department shall provide the following to each 75290
independent provider for whom a criminal records check request is 75291
required under division (C)(1) of this section: 75292

(a) Information about accessing, completing, and forwarding 75293
to the superintendent of the bureau of criminal identification and 75294
investigation the form prescribed pursuant to division (C)(1) of 75295
section 109.572 of the Revised Code and the standard fingerprint 75296
impression sheet prescribed pursuant to division (C)(2) of that 75297
section; 75298

(b) Written notification that the independent provider is to 75299
instruct the superintendent to submit the completed report of the 75300
criminal records check directly to the department. 75301

(3) An independent provider given information and 75302
notification under divisions (C)(2)(a) and (b) of this section who 75303
fails to access, complete, and forward to the superintendent the 75304
form or the standard fingerprint impression sheet, or who fails to 75305
instruct the superintendent to submit the completed report of the 75306
criminal records check directly to the department, shall not be 75307
approved as an independent provider. 75308

(D) Except as provided in rules adopted by the department in 75309
accordance with division (G) of this section, the department shall 75310
not issue a new provider agreement to, and shall terminate an 75311
existing provider agreement of, an independent provider if the 75312
person has been convicted of, has pleaded guilty to, or has been 75313

found eligible for intervention in lieu of conviction for any of 75314
the following, regardless of the date of the conviction, the date 75315
of entry of the guilty plea, or the date the person was found 75316
eligible for intervention in lieu of conviction: 75317

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 75318
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 75319
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 75320
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 75321
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 75322
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 75323
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 75324
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 75325
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 75326
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 75327
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 75328
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 75329
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 75330
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 75331
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 75332
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 75333
penetration in violation of former section 2907.12 of the Revised 75334
Code, a violation of section 2905.04 of the Revised Code as it 75335
existed prior to July 1, 1996, a violation of section 2919.23 of 75336
the Revised Code that would have been a violation of section 75337
2905.04 of the Revised Code as it existed prior to July 1, 1996, 75338
had the violation been committed prior to that date; 75339

(2) ~~An~~ A violation of an existing or former municipal 75340
ordinance or law of this state, any other state, or the United 75341
States that is substantially equivalent to any of the offenses 75342
listed in division (D)(1) of this section. 75343

(E) Each independent provider shall pay to the bureau of 75344
criminal identification and investigation the fee prescribed 75345

pursuant to division (C)(3) of section 109.572 of the Revised Code 75346
for each criminal records check conducted pursuant to a request 75347
made under division (C) of this section. 75348

(F) The report of any criminal records check conducted by the 75349
bureau of criminal identification and investigation in accordance 75350
with section 109.572 of the Revised Code and pursuant to a request 75351
made under division (C) of this section is not a public record for 75352
the purposes of section 149.43 of the Revised Code and shall not 75353
be made available to any person other than the following: 75354

(1) The person who is the subject of the criminal records 75355
check or the person's representative; 75356

(2) An administrator at the department or the administrator's 75357
representative; 75358

(3) A court, hearing officer, or other necessary individual 75359
involved in a case dealing with a denial or termination of a 75360
provider agreement related to the criminal records check. 75361

(G) The department shall adopt rules in accordance with 75362
Chapter 119. of the Revised Code to implement this section. The 75363
rules shall specify circumstances under which the department may 75364
either issue a provider agreement to an independent provider or 75365
allow an independent provider to maintain an existing provider 75366
agreement when the independent provider has been convicted of, has 75367
pleaded guilty to, or has been found eligible for intervention in 75368
lieu of conviction for an offense listed or described in division 75369
~~(C)(1)~~(D)(1) or (2) of this section. 75370

Sec. 5111.035. (A) Each medicaid provider selected by the 75371
department of job and family services shall give bond with surety 75372
to the department, in the amount the department determines and to 75373
the satisfaction of the department, for the faithful adherence by 75374
the provider to the requirements of section 5111.03 of the Revised 75375

Code. 75376

(B) The department shall determine which providers are 75377
subject to division (A) of this section, but at a minimum shall 75378
apply the bond requirement to each provider who has been 75379
investigated for any criminal offense of fraud, as defined in 75380
Chapter 2913. of the Revised Code. The department shall set the 75381
amount of the bond at a level that reflects, as determined by the 75382
director of job and family services, the level of risk of fraud by 75383
the provider. 75384

Sec. 5111.06. (A)(1) As used in this section and in sections 75385
5111.061 and 5111.062 of the Revised Code: 75386

(a) "Provider" means any person, institution, or entity that 75387
furnishes medicaid services under a provider agreement with the 75388
department of job and family services pursuant to Title XIX of the 75389
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 75390
amended. 75391

(b) "Party" has the same meaning as in division (G) of 75392
section 119.01 of the Revised Code. 75393

(c) "Adjudication" has the same meaning as in division (D) of 75394
section 119.01 of the Revised Code. 75395

(2) This section does not apply to any action taken by the 75396
department of job and family services under sections 5111.35 to 75397
5111.62 of the Revised Code. 75398

(B) Except as provided in division (D) of this section and 75399
section 5111.914 of the Revised Code, the department shall do 75400
either of the following by issuing an order pursuant to an 75401
adjudication conducted in accordance with Chapter 119. of the 75402
Revised Code: 75403

(1) Enter into or refuse to enter into a provider agreement 75404

with a provider, or suspend, terminate, renew, or refuse to renew 75405
an existing provider agreement with a provider; 75406

(2) Take any action based upon a final fiscal audit of a 75407
provider. 75408

(C) Any party who is adversely affected by the issuance of an 75409
adjudication order under division (B) of this section may appeal 75410
to the court of common pleas of Franklin county in accordance with 75411
section 119.12 of the Revised Code. 75412

(D) The department is not required to comply with division 75413
(B)(1) of this section whenever any of the following occur: 75414

(1) The terms of a provider agreement require the provider to 75415
hold a license, permit, or certificate or maintain a certification 75416
issued by an official, board, commission, department, division, 75417
bureau, or other agency of state or federal government other than 75418
the department of job and family services, and the license, 75419
permit, certificate, or certification has been denied, revoked, 75420
not renewed, suspended, or otherwise limited. 75421

(2) The terms of a provider agreement require the provider to 75422
hold a license, permit, or certificate or maintain certification 75423
issued by an official, board, commission, department, division, 75424
bureau, or other agency of state or federal government other than 75425
the department of job and family services, and the provider has 75426
not obtained the license, permit, certificate, or certification. 75427

(3) The provider agreement is denied, terminated, or not 75428
renewed due to the termination, refusal to renew, or denial of a 75429
license, permit, certificate, or certification by an official, 75430
board, commission, department, division, bureau, or other agency 75431
of this state other than the department of job and family 75432
services, notwithstanding the fact that the provider may hold a 75433
license, permit, certificate, or certification from an official, 75434
board, commission, department, division, bureau, or other agency 75435

of another state. 75436

(4) The provider agreement is denied, terminated, or not 75437
renewed pursuant to division (C) or (F) of section 5111.03 of the 75438
Revised Code~~+~~. 75439

(5) The provider agreement is denied, terminated, or not 75440
renewed due to the provider's termination, suspension, or 75441
exclusion from the medicare program established under Title XVIII 75442
of the "Social Security Act," and the termination, suspension, or 75443
exclusion is binding on the provider's participation in the 75444
medicaid program~~+~~. 75445

(6) The provider agreement is denied, terminated, or not 75446
renewed due to the provider's pleading guilty to or being 75447
convicted of a criminal activity materially related to either the 75448
medicare or medicaid program~~+~~. 75449

(7) The provider agreement is denied, terminated, or 75450
suspended as a result of action by the United States department of 75451
health and human services and that action is binding on the 75452
provider's participation in the medicaid program~~+~~. 75453

(8) The provider agreement is suspended pursuant to section 75454
5111.031 of the Revised Code pending indictment of the provider. 75455

(9) The provider agreement is denied, terminated, or not 75456
renewed because the provider or its owner, officer, authorized 75457
agent, associate, manager, or employee has been convicted of one 75458
of the offenses that caused the provider agreement to be suspended 75459
pursuant to section 5111.031 of the Revised Code. 75460

(10) The provider agreement is converted under section 75461
5111.028 of the Revised Code from a provider agreement that is not 75462
time-limited to a provider agreement that is time-limited. 75463

(11) The provider agreement is terminated or an application 75464
for re-enrollment is denied because the provider has failed to 75465

apply for re-enrollment within the time or in the manner specified 75466
for re-enrollment pursuant to section 5111.028 of the Revised 75467
Code. 75468

(12) The provider agreement is terminated or not renewed 75469
because the provider has not billed or otherwise submitted a 75470
medicaid claim to the department for two years or longer, ~~and the~~ 75471
~~department has determined that the provider has moved from the~~ 75472
~~address on record with the department without leaving an active~~ 75473
~~forwarding address with the department.~~ 75474

(13) The provider agreement is denied, terminated, or not 75475
renewed because the provider fails to provide to the department 75476
the national provider identifier assigned the provider by the 75477
national provider system pursuant to 45 C.F.R. 162. 408. 75478

In the case of a provider described in division (D)(12) or 75479
(13) of this section, the department may ~~terminate or not renew~~ 75480
~~the~~ take its proposed action against a provider agreement by 75481
sending a notice explaining the ~~department's~~ proposed action to 75482
the provider. The notice shall be sent to the provider's address 75483
on record with the department. The notice may be sent by regular 75484
mail. 75485

(E) The department may withhold payments for services 75486
rendered by a medicaid provider under the ~~medical assistance~~ 75487
medicaid program during the pendency of proceedings initiated 75488
under division (B)(1) of this section. If the proceedings are 75489
initiated under division (B)(2) of this section, the department 75490
may withhold payments only to the extent that they equal amounts 75491
determined in a final fiscal audit as being due the state. This 75492
division does not apply if the department fails to comply with 75493
section 119.07 of the Revised Code, requests a continuance of the 75494
hearing, or does not issue a decision within thirty days after the 75495
hearing is completed. This division does not apply to nursing 75496
facilities and intermediate care facilities for the mentally 75497

retarded as defined in section 5111.20 of the Revised Code. 75498

Sec. 5111.071. (A) As used in this section: 75499

(1) "Covered entity" has the same meaning as in 42 U.S.C. 75500
256b(a)(4). 75501

(2) "Covered outpatient drug" means a drug subject to an 75502
agreement entered into by the United States secretary of health 75503
and human services pursuant to 42 U.S.C. 256b(a). 75504

(3) "Licensed health professional authorized to prescribe 75505
drugs" has the same meaning as in section 4729.01 of the Revised 75506
Code. 75507

(4) "Pharmacist-provider" means a licensed pharmacist who has 75508
entered into a medicaid provider agreement with the department of 75509
job and family services. 75510

(B) Commencing in December, 1986, and every second December 75511
thereafter, the director of job and family services shall 75512
establish a dispensing fee, effective the following January, ~~for~~ 75513
~~licensed pharmacists who are providers under this chapter to be~~ 75514
paid to a pharmacist-provider for each prescription the 75515
pharmacist-provider fills for a medicaid recipient, other than a 75516
prescription for a covered outpatient drug that was issued as 75517
described in division (C) of this section. The dispensing fee 75518
shall take into consideration the results of the survey conducted 75519
under section 5111.07 of the Revised Code. 75520

(C) The director of job and family services shall pay a 75521
pharmacist-provider a dispensing fee of twelve dollars for each 75522
prescription for a covered outpatient drug the pharmacist-provider 75523
fills for a medicaid recipient if both of the following conditions 75524
are met: 75525

(1) The prescription was issued by a licensed health 75526
professional authorized to prescribe drugs while the professional 75527

was treating the patient as part of the professional's 75528
responsibilities as an employee or agent of, or volunteer for, a 75529
covered entity. 75530

(2) The per unit price that the covered entity paid to 75531
acquire the covered outpatient drug from a manufacturer of 75532
dangerous drugs is equal to or greater than twenty dollars. 75533

Sec. 5111.081. The director of job and family services, in 75534
rules adopted under section 5111.02 of the Revised Code, may 75535
establish and implement a supplemental drug rebate program under 75536
which drug manufacturers may be required to provide the department 75537
of job and family services a supplemental rebate as a condition of 75538
having the drug manufacturers' drug products covered by the 75539
medicaid program without prior approval. The department may 75540
receive a supplemental rebate negotiated under the program for a 75541
drug dispensed to a medicaid recipient pursuant to a prescription 75542
or a drug purchased by a medicaid provider for administration to a 75543
medicaid recipient in the provider's primary place of business. If 75544
necessary, the director may apply to the United States secretary 75545
of health and human services for a waiver of federal statutes and 75546
regulations to establish the supplemental drug rebate program. 75547

If the director establishes a supplemental drug rebate 75548
program, the director shall consult with drug manufacturers 75549
regarding the establishment and implementation of the program. 75550

The director may cooperate with the director of health to 75551
obtain rebates for all drugs that are covered by the program 75552
established under this section and the drug rebate program for 75553
medically handicapped children established under section 3701.021 75554
of the Revised Code. The director of job and family services may 75555
authorize the department of job and family services to serve as 75556
the administrative agent for the collection of drug rebates for 75557
purposes of the program for medically handicapped children. 75558

Sec. 5111.083. (A) As used in this section, "licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.

(B) The director of job and family services ~~may~~ shall establish an e-prescribing system for the medicaid program under which a medicaid provider who is a licensed health professional authorized to prescribe drugs shall use an electronic system to prescribe a drug for a medicaid recipient when required to do so by division (C) of this section. The e-prescribing system shall eliminate the need for such medicaid providers to make prescriptions for medicaid recipients by handwriting or telephone. The e-prescribing system also shall provide such medicaid providers with an up-to-date, clinically relevant drug information database and a system of electronically monitoring medicaid recipients' medical history, drug regimen compliance, and fraud and abuse.

(C) ~~If the director establishes~~ In establishing an e-prescribing system under division (B) of this section, the director shall do all of the following:

(1) Require that a medicaid provider who is a licensed health professional authorized to prescribe drugs use the e-prescribing system during a fiscal year if the medicaid provider was one of the ten medicaid providers who, during the calendar year that precedes that fiscal year, issued the most prescriptions for medicaid recipients receiving hospital services;

(2) Before the beginning of each fiscal year, determine the ten medicaid providers that issued the most prescriptions for medicaid recipients receiving hospital services during the calendar year that precedes the upcoming fiscal year and notify those medicaid providers that they must use the e-prescribing system for the upcoming fiscal year;

(3) Seek the most federal financial participation available 75590
for the development and implementation of the e-prescribing 75591
system. 75592

Sec. 5111.084. (A) There is hereby established the pharmacy 75593
and therapeutics committee of the department of job and family 75594
services. The committee shall assist the department with 75595
developing and maintaining a preferred drug list. 75596

The committee shall review and recommend to the director of 75597
job and family services the drugs that should be included on the 75598
preferred drug list. The recommendations shall be made based on 75599
the evaluation of competent evidence regarding the relative 75600
safety, efficacy, and effectiveness of prescription drugs within a 75601
class or classes of prescription drugs. 75602

(B) The committee shall consist of ten members and shall be 75603
appointed by the director of job and family services. The director 75604
shall seek recommendations for membership from relevant 75605
professional organizations. A candidate for membership recommended 75606
by a professional organization shall have professional experience 75607
working with medicaid recipients. The director shall not appoint a 75608
member who is employed by the department. 75609

The membership of the committee shall include: 75610

~~(A)~~(1) Three pharmacists licensed under Chapter 4729. of the 75611
Revised Code; 75612

~~(B)~~(2) Two doctors of medicine and two doctors of osteopathy 75613
who hold certificates to practice issued under Chapter 4731. of 75614
the Revised Code, one of whom is a family practice physician; 75615

~~(C)~~(3) A registered nurse licensed under Chapter 4723. of the 75616
Revised Code; 75617

~~(D)~~(4) A pharmacologist who has a doctoral degree; 75618

~~(E)~~(5) A psychiatrist who holds a certificate to practice 75619

issued under Chapter 4731. of the Revised Code and specializes in 75620
psychiatry. 75621

(C) The committee shall elect ~~one of~~ from among its members 75622
as a chairperson. Five committee members constitute a quorum. 75623

The committee shall establish guidelines necessary for the 75624
committee's operation. 75625

The committee may establish one or more subcommittees to 75626
investigate and analyze issues consistent with the duties of the 75627
committee under this section. The subcommittees may submit 75628
proposals regarding the issues to the committee and the committee 75629
may adopt, reject, or modify the proposals. 75630

A vote by a majority of a quorum is necessary to make 75631
recommendations to the director. In the case of a tie, the 75632
chairperson shall decide the outcome. 75633

(D) The director shall act on the committee's recommendations 75634
not later than thirty days after the recommendation is posted on 75635
the department's web site under division (F) of this section. If 75636
the director does not accept a recommendation of the committee, 75637
the director shall present the basis for this determination not 75638
later than fourteen days after making the determination or at the 75639
next scheduled meeting of the committee, whichever is sooner. 75640

(E) An interested party may request, and shall be permitted, 75641
to make a presentation or submit written materials to the 75642
committee during a committee meeting. The presentation or other 75643
materials shall be relevant to an issue under consideration by the 75644
committee and any written material, including a transcript of 75645
testimony to be given on the day of the meeting, may be submitted 75646
to the committee in advance of the meeting. 75647

(F) The department shall post the following on the 75648
department's web site: 75649

(1) Guidelines established by the committee under division 75650
(C) of this section; 75651

(2) A detailed committee agenda not later than fourteen days 75652
prior to the date of a regularly scheduled meeting and not later 75653
than seventy-two hours prior to the date of a special meeting 75654
called by the committee; 75655

(3) Committee recommendations not later than seven days after 75656
the meeting at which the recommendation was approved; 75657

(4) The director's final determination as to the 75658
recommendations made by the committee under this section. 75659

Sec. 5111.085. (A) As used in this section: 75660

(1) "Covered entity" has the same meaning as in 42 U.S.C. 75661
256b(a)(4). 75662

(2) "Covered outpatient drug" means a drug subject to an 75663
agreement entered into by the United States secretary of health 75664
and human services pursuant to 42 U.S.C. 256b(a). 75665

(3) "Licensed health professional authorized to prescribe 75666
drugs" has the same meaning as in section 4729.01 of the Revised 75667
Code. 75668

(4) "Manufacturer of dangerous drugs" and "terminal 75669
distributor of dangerous drugs" have the same meanings as in 75670
section 4729.01 of the Revised Code. 75671

(B) Notwithstanding the existence of a state maximum 75672
allowable cost for a covered outpatient drug under the state 75673
maximum allowable cost program established pursuant to section 75674
5111.082 of the Revised Code, or the establishment of a federal 75675
upper reimbursement limit for a covered outpatient drug under 42 75676
U.S.C. 1396r-8(e)(4), the amount that a terminal distributor of 75677
dangerous drugs is reimbursed for a covered outpatient drug 75678
dispensed to a medicaid recipient under the circumstances 75679

described in division (C) of section 5111.071 of the Revised Code 75680
shall be an amount equal to the product of the following: 75681

(1) The per unit price that the covered entity paid to 75682
acquire the covered outpatient drug from a manufacturer of 75683
dangerous drugs; 75684

(2) The total number of units of the drug dispensed. 75685

Sec. 5111.092. (A) Not later than January 1, 2010, and each 75686
year thereafter, the department of job and family services shall 75687
prepare a report on the department's efforts to minimize fraud, 75688
waste, and abuse in the medicaid program. In preparing the report, 75689
the department shall collaborate with other medicaid program 75690
fraud, waste, and abuse personnel from all of the following: 75691

(1) The medicaid fraud control unit of the office of the 75692
attorney general; 75693

(2) The fraud and investigative audit group of the auditor of 75694
state; 75695

(3) State agencies with which the department contracts under 75696
section 5111.91 of the Revised Code to administer one or more 75697
components of the medicaid program or one or more aspects of a 75698
component; 75699

(4) County departments of job and family services. 75700

(B) Each report shall include at least both of the following 75701
with regard to minimizing fraud, waste, and abuse in the medicaid 75702
program: 75703

(1) Goals and objectives that are mutually agreed upon by the 75704
department and the entities with which it collaborates under 75705
division (A) of this section; 75706

(2) Performance measures for monitoring all state and local 75707
activities. 75708

(C) Each report shall be made available on the department's web site. Copies of the report shall be made available to the public on request. 75709
75710
75711

Sec. 5111.093. (A) As used in this section, "local medicaid administrative agency" means all of the following: 75712
75713

(1) A county department of job and family services; 75714

(2) A county board of mental retardation and developmental disabilities; 75715
75716

(3) A board of alcohol, drug addiction, and mental health services; 75717
75718

(4) A PASSPORT administrative agency; 75719

(5) A board of education of a city, local, or exempted village school district; 75720
75721

(6) The governing authority of a community school established under Chapter 3314. of the Revised Code. 75722
75723

(B) Each local medicaid administrative agency shall report annually to the department of job and family services and office of budget and management all of the following information regarding the previous calendar year: 75724
75725
75726
75727

(1) The total amount of local government funds the local medicaid administrative agency expended for the medicaid program; 75728
75729

(2) The portion of the total reported under division (B)(1) of this section that represents funds raised by local property tax levies; 75730
75731
75732

(3) The local medicaid administrative agency's total administrative costs for the medicaid program; 75733
75734

(4) The local medicaid administrative agency's administrative costs for the medicaid program for which the agency receives no federal financial participation; 75735
75736
75737

(5) The total amount of state funds provided to the local 75738
medicaid administrative agency for the medicaid program. 75739

Sec. 5111.141. (A) The department of job and family services 75740
shall implement a disease management component of the medicaid 75741
program. Medicaid recipients participating in the care management 75742
system established under section 5111.16 of the Revised Code shall 75743
be excluded from the disease management component. The disease 75744
management component shall consist of a system of coordinated 75745
health care interventions and patient communications for groups of 75746
medicaid recipients who have medical conditions for which the 75747
department determines patient self-care efforts are significant. 75748
The disease management component shall do all of the following: 75749

(1) Support physicians, the professional relationship between 75750
patients and their medical caregivers, and patients' plans of 75751
care; 75752

(2) Emphasize prevention of exacerbations and complications 75753
of medical conditions using evidence-based practice guidelines and 75754
patient empowerment strategies; 75755

(3) Evaluate clinical, humanistic, and economic outcomes on 75756
an ongoing basis with the goal of improving overall health. 75757

(B) To the extent the department considers appropriate, 75758
contracts that the department enters into with other state 75759
agencies under section 5111.91 of the Revised Code shall provide 75760
for the other state agencies to include the disease management 75761
component in the component of the medicaid program that the other 75762
state agency administers pursuant to the contract. 75763

(C) The department may implement the disease management 75764
component as part of the alternative care management program 75765
established under section 5111.165 of the Revised Code. 75766

Sec. 5111.142. The department of job and family services 75767

shall conduct a review of case management services provided under 75768
the fee-for-service component of the medicaid program. The 75769
department shall identify which groups of medicaid recipients are 75770
ineligible to participate in the care management system 75771
established under section 5111.16 of the Revised Code and 75772
designate those individuals as participants in an alternative care 75773
management model included in the alternative care management 75774
program established under section 5111.165 of the Revised Code. 75775

Sec. 5111.16. (A) As part of the medicaid program, the 75776
department of job and family services shall establish a care 75777
management system. The department shall submit, if necessary, 75778
applications to the United States department of health and human 75779
services for waivers of federal medicaid requirements that would 75780
otherwise be violated in the implementation of the system. 75781

(B) The department shall implement the care management system 75782
in some or all counties and shall designate the medicaid 75783
recipients who are required or permitted to participate in the 75784
system. In the department's implementation of the system and 75785
designation of participants, all of the following apply: 75786

(1) In the case of individuals who receive medicaid on the 75787
basis of being included in the category identified by the 75788
department as covered families and children, the department shall 75789
implement the care management system in all counties. All 75790
individuals included in the category shall be designated for 75791
participation, except for ~~individuals~~ individuals included in one 75792
or more of the medicaid recipient groups specified in 42 C.F.R. 75793
438.50(d). ~~The department shall designate the participants not~~ 75794
~~later than January 1, 2006. Beginning not later than December 31,~~ 75795
~~2006,~~ the department shall ensure that all participants are 75796
enrolled in health insuring corporations under contract with the 75797
department pursuant to section 5111.17 of the Revised Code. 75798

(2) In the case of individuals who receive medicaid on the 75799
basis of being aged, blind, or disabled, as specified in division 75800
(A)(2) of section 5111.01 of the Revised Code, the department 75801
shall implement the care management system in all counties. All 75802
individuals included in the category shall be designated for 75803
participation, except for the individuals specified in divisions 75804
(B)(2)(a) to (e) of this section. ~~Beginning not later than~~ 75805
~~December 31, 2006, the~~ The department shall ensure that all 75806
participants are enrolled in health insuring corporations under 75807
contract with the department pursuant to section 5111.17 of the 75808
Revised Code. 75809

In designating participants who receive medicaid on the basis 75810
of being aged, blind, or disabled, the department shall not 75811
include any of the following: 75812

(a) Individuals who are under twenty-one years of age; 75813

(b) Individuals who are institutionalized; 75814

(c) Individuals who become eligible for medicaid by spending 75815
down their income or resources to a level that meets the medicaid 75816
program's financial eligibility requirements; 75817

(d) Individuals who are dually eligible under the medicaid 75818
program and the medicare program established under Title XVIII of 75819
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as 75820
amended; 75821

(e) Individuals to the extent that they are receiving 75822
medicaid services through a medicaid waiver component, as defined 75823
in section 5111.85 of the Revised Code. 75824

(3) Alcohol, drug addiction, and mental health services 75825
covered by medicaid shall not be included in any component of the 75826
care management system when the nonfederal share of the cost of 75827
those services is provided by a board of alcohol, drug ~~addiction~~ 75828
addiction, and mental health services or a state agency other than 75829

the department of job and family services, but the recipients of 75830
those services may otherwise be designated for participation in 75831
the system. 75832

(C) Subject to division (B) of this section, the department 75833
may do both of the following under the care management system: 75834

(1) Require or permit participants in the system to obtain 75835
health care services from providers designated by the department; 75836

(2) Require or permit participants in the system to obtain 75837
health care services through managed care organizations under 75838
contract with the department pursuant to section 5111.17 of the 75839
Revised Code. 75840

(D)(1) The department shall prepare an annual report on the 75841
care management system. The report shall address the department's 75842
ability to implement the system, including all of the following 75843
components: 75844

(a) The required designation of participants included in the 75845
category identified by the department as covered families and 75846
children; 75847

(b) The required designation of participants included in the 75848
aged, blind, or disabled category of medicaid recipients; 75849

~~(c) The conduct of the pilot program for chronically ill 75850
children established under section 5111.163 of the Revised Code; 75851~~

~~(d) The use of any programs for enhanced care management. 75852~~

(2) The department shall submit each annual report to the 75853
general assembly. The first report shall be submitted not later 75854
than October 1, 2007. 75855

(E) The director of job and family services may adopt rules 75856
in accordance with Chapter 119. of the Revised Code to implement 75857
this section. 75858

Sec. 5111.165. (A) The department of job and family services shall develop and implement an alternative care management program for medicaid recipients not participating in the care management program established under section 5111.16 of the Revised Code. The purpose of the program shall be to test and evaluate multiple alternative care management models for providing health care services to medicaid recipients designated under this section as participants in the program.

(B) The program shall be implemented not later than October 1, 2009, or, if by that date the department has not received any necessary federal approval to implement the program, as soon as practicable after receiving the approval. From among the medicaid recipients who are not participants in the care management system established under section 5111.16 of the Revised Code, the department shall designate the medicaid recipients who are required to participate in the alternative care management program established under this section, including the medicaid recipients specified in section 5111.142 of the Revised Code.

In implementing the program, the department shall ensure that each model included in the program is operated in at least three counties selected by the department. The department may extend its operation of a model program into other counties if the department determines that such an expansion is necessary to evaluate the effectiveness of the model program.

(C) The department may periodically alter the requirements, design, or eligible participants in the program in order to test and evaluate the effectiveness of varying alternative care management models for providing medicaid services, except that each model included in the program shall be in effect for a duration necessary to evaluate the effectiveness of the model.

(D) The department shall conduct an evaluation of each

alternative care management model included in the program. As part 75890
of the evaluation, the department shall maintain statistics on 75891
physician expenditures, hospital expenditures, preventable 75892
hospitalizations, costs for each participant, effectiveness, and 75893
health outcomes for participants. 75894

(E) The department shall adopt rules in accordance with 75895
Chapter 119. of the Revised Code as necessary to implement this 75896
section. The rules shall specify standards and procedures to be 75897
used in designating participants of the program. 75898

Sec. 5111.176. (A) As used in this section: 75899

(1) "Medicaid health insuring corporation" means a health 75900
insuring corporation that holds a certificate of authority under 75901
Chapter 1751. of the Revised Code and has entered into a contract 75902
with the department of job and family services pursuant to section 75903
5111.17 of the Revised Code. 75904

(2) "Managed care premium" means any premium payment, 75905
capitation payment, or other payment a medicaid health insuring 75906
corporation receives for providing, or arranging for the provision 75907
of, health care services to its members or enrollees residing in 75908
this state. 75909

(B) Except as provided in division (C) of this section, all 75910
of the following apply: 75911

(1) Each medicaid health insuring corporation shall pay to 75912
the department of job and family services a franchise permit fee 75913
for the period December 1, 2005, through December 31, 2005, and 75914
each calendar quarter occurring ~~thereafter~~ between January 1, 75915
2006, and September 30, 2009. 75916

(2) The fee to be paid is an amount that is equal to a 75917
percentage of the managed care premiums the medicaid health 75918
insuring corporation received in the period December 1, 2005, 75919

through December 31, 2005, and in the subsequent quarter to which 75920
the fee applies, excluding the amount of any managed care premiums 75921
the corporation returned or refunded to enrollees, members, or 75922
premium payers during the period December 1, 2005, through 75923
December 31, 2005, or the subsequent quarter to which the fee 75924
applies. 75925

(3) The percentage to be used in calculating the fee shall be 75926
four and one-half per cent, unless the department adopts rules 75927
under division (L) of this section decreasing the percentage below 75928
four and one-half per cent or increasing the percentage to not 75929
more than six per cent. 75930

(C) The department shall reduce the franchise permit fee 75931
imposed under this section or terminate its collection of the fee 75932
if the department determines either of the following: 75933

(1) That the reduction or termination is required to comply 75934
with federal statutes or regulations; 75935

(2) That the fee does not qualify as a state share of 75936
medicaid expenditures eligible for federal financial 75937
participation. 75938

(D) The franchise permit fee shall be paid on or before the 75939
thirtieth day following the end of the period December 1, 2005, 75940
through December 31, 2005, or the calendar quarter to which the 75941
fee applies. At the time the fee is submitted, the medicaid health 75942
insuring corporation shall file with the department a report on a 75943
form prescribed by the department. The corporation shall provide 75944
on the form all information required by the department and shall 75945
include with the form any necessary supporting documentation. 75946

(E) The department may audit the records of any medicaid 75947
health insuring corporation to determine whether the corporation 75948
is in compliance with this section. The department may audit the 75949
records that pertain to the period December 1, 2005, through 75950

December 31, 2005, or a particular calendar quarter, at any time 75951
during the five years following the date the franchise permit fee 75952
payment for that period or quarter was due. 75953

(F)(1) A medicaid health insuring corporation that does not 75954
pay the franchise permit fee in full by the date the payment is 75955
due is subject to any or all of the following: 75956

(a) A monetary penalty in the amount of five hundred dollars 75957
for each day any part of the fee remains unpaid, except that the 75958
penalty shall not exceed an amount equal to five per cent of the 75959
total fee that was due; 75960

(b) Withholdings from future managed care premiums pursuant 75961
to division (G) of this section; 75962

(c) Termination of the corporation's medicaid provider 75963
agreement pursuant to division (H) of this section. 75964

(2) Penalties imposed under division (F)(1)(a) of this 75965
section are in addition to and not in lieu of the franchise permit 75966
fee. 75967

(G) If a medicaid health insuring corporation fails to pay 75968
the full amount of its franchise permit fee when due, or the full 75969
amount of a penalty imposed under division (F)(1)(a) of this 75970
section, the department may withhold an amount equal to the 75971
remaining amount due from any future managed care premiums to be 75972
paid to the corporation under the medicaid program. The department 75973
may withhold amounts under this division without providing notice 75974
to the corporation. The amounts may be withheld until the amount 75975
due has been paid. 75976

(H) The department may commence actions to terminate a 75977
medicaid health insuring corporation's medicaid provider 75978
agreement, and may terminate the agreement subject to division (I) 75979
of this section, if the corporation does any of the following: 75980

(1) Fails to pay its franchise permit fee or fails to pay the fee promptly;	75981 75982
(2) Fails to pay a penalty imposed under division (F)(1)(a) of this section or fails to pay the penalty promptly;	75983 75984
(3) Fails to cooperate with an audit conducted under division (E) of this section.	75985 75986
(I) At the request of a medicaid health insuring corporation, the department shall grant the corporation a hearing in accordance with Chapter 119. of the Revised Code, if either of the following is the case:	75987 75988 75989 75990
(1) The department has determined that the corporation owes an additional franchise permit fee or penalty as the result of an audit conducted under division (E) of this section.	75991 75992 75993
(2) The department is proposing to terminate the corporation's medicaid provider agreement and the provisions of section 5111.06 of the Revised Code requiring an adjudication in accordance with Chapter 119. of the Revised Code are applicable.	75994 75995 75996 75997
(J)(1) At the request of a medicaid corporation, the department shall grant the corporation a reconsideration of any issue that arises out of the provisions of this section and is not subject to division (I) of this section. The department's decision at the conclusion of the reconsideration is not subject to appeal under Chapter 119. of the Revised Code or any other provision of the Revised Code.	75998 75999 76000 76001 76002 76003 76004
(2) In conducting a reconsideration, the department shall do at least the following:	76005 76006
(a) Specify the time frames within which a corporation must act in order to exercise its opportunity for a reconsideration;	76007 76008
(b) Permit the corporation to present written arguments or other materials that support the corporation's position.	76009 76010

(K) There is hereby created in the state treasury the managed care assessment fund. Money collected from the franchise permit fees and penalties imposed under this section shall be credited to the fund. The department shall use the money in the fund to pay for medicaid services, the department's administrative costs, and contracts with medicaid health insuring corporations.

(L) The director of job and family services may adopt rules to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5111.21. (A) In order to be eligible for medicaid payments, the operator of a nursing facility or intermediate care facility for the mentally retarded shall do all of the following:

(1) Enter into a provider agreement with the department as provided in section 5111.22, 5111.671, or 5111.672 of the Revised Code;

(2) Apply for and maintain a valid license to operate if so required by law;

(3) ~~Comply~~ Subject to division (B) of this section, comply with all applicable state and federal laws and rules.

(B) A state rule that requires the operator of an intermediate care facility for the mentally retarded to have received approval of a plan for the proposed facility pursuant to section 5123.042 of the Revised Code as a condition of the operator being eligible for medicaid payments for the facility does not apply if, under section 5123.193 of the Revised Code, a residential facility license was obtained for the facility without obtaining approval of such a plan.

(C)(1) Except as provided in division ~~(B)~~(C)(2) of this section, the operator of a nursing facility that elects to obtain and maintain eligibility for payments under the medicaid program

shall qualify all of the facility's medicaid-certified beds in the 76041
medicare program established by Title XVIII. The director of job 76042
and family services may adopt rules under section 5111.02 of the 76043
Revised Code to establish the time frame in which a nursing 76044
facility must comply with this requirement. 76045

(2) The Ohio veteran's home agency is not required to qualify 76046
all of the medicaid-certified beds in a nursing facility the 76047
agency maintains and operates under section 5907.01 of the Revised 76048
Code in the medicare program. 76049

Sec. 5111.211. (A) The Except as provided in division (C) of 76050
this section, the department of mental retardation and 76051
developmental disabilities is responsible for the nonfederal share 76052
of claims submitted for services that are covered by the medicaid 76053
program and provided to an eligible medicaid recipient by an 76054
intermediate care facility for the mentally retarded if all of the 76055
following are the case: 76056

(1) The services are provided on or after July 1, 2003; 76057

(2) The facility receives initial certification by the 76058
director of health as an intermediate care facility for the 76059
mentally retarded on or after June 1, 2003; 76060

(3) The facility, or a portion of the facility, is licensed 76061
by the director of mental retardation and developmental 76062
disabilities as a residential facility under section 5123.19 of 76063
the Revised Code; 76064

(4) There is a valid provider agreement for the facility. 76065

(B) Each month, the department of job and family services 76066
shall invoice the department of mental retardation and 76067
developmental disabilities by interagency transfer voucher for the 76068
claims for which the department of mental retardation and 76069
developmental disabilities is responsible pursuant to this 76070

section. 76071

(C) Division (A) of this section does not apply to claims 76072
submitted for an intermediate care facility for the mentally 76073
retarded if, under section 5123.193 of the Revised Code, a 76074
residential facility license was obtained for the facility without 76075
obtaining approval of a plan for the proposed residential facility 76076
pursuant to section 5123.042 of the Revised Code. 76077

Sec. 5111.222. (A) Except as otherwise provided by sections 76078
5111.20 to 5111.33 of the Revised Code and by division (B) of this 76079
section, the payments that the department of job and family 76080
services shall agree to make to the provider of a nursing facility 76081
pursuant to a provider agreement shall equal the sum of all of the 76082
following: 76083

(1) The rate for direct care costs determined for the nursing 76084
facility under section 5111.231 of the Revised Code; 76085

(2) The rate for ancillary and support costs determined for 76086
the nursing facility's ancillary and support cost peer group under 76087
section 5111.24 of the Revised Code; 76088

(3) The rate for tax costs determined for the nursing 76089
facility under section 5111.242 of the Revised Code; 76090

(4) The rate for franchise permit fees determined for the 76091
nursing facility under section 5111.243 of the Revised Code; 76092

(5) The quality incentive payment paid to the nursing 76093
facility under section 5111.244 of the Revised Code; 76094

(6) The ~~median~~ rate for capital costs determined for the 76095
~~nursing facilities in the nursing facility's capital costs peer~~ 76096
~~group as determined~~ facility under section 5111.25 of the Revised 76097
Code. 76098

(B) ~~The~~ For fiscal year 2013, and each fiscal year 76099
thereafter, the department shall adjust the ~~rates otherwise~~ sum 76100

determined under ~~divisions (A)(1), (2), (3), and (6)~~ division (A) 76101
of this section ~~as directed by the general assembly through the~~ 76102
~~enactment of law governing medicaid payments to providers of~~ 76103
~~nursing facilities, including any law that does either of the~~ 76104
~~following:~~ 76105

~~(1) Establishes factors by which the rates are to be~~ 76106
~~adjusted;~~ 76107

~~(2) Establishes a methodology for phasing in the rates~~ 76108
~~determined for fiscal year 2006 under uncodified law the general~~ 76109
~~assembly enacts to rates determined for subsequent fiscal years~~ 76110
~~under sections 5111.20 to 5111.33 of the Revised Code by the~~ 76111
~~market basket index used in calculating the prospective payment~~ 76112
~~rates for skilled nursing facilities under the medicare program~~ 76113
~~established under Title XVIII. In making the adjustment under this~~ 76114
~~division for a fiscal year, the department shall use the skilled~~ 76115
~~nursing facility market basket index used in calculating the~~ 76116
~~prospective payment rates that went into effect the first day of~~ 76117
~~October preceding the fiscal year.~~ 76118

Sec. 5111.231. (A) As used in this section, "applicable 76119
calendar year" means the following: 76120

(1) For the purpose of the department of job and family 76121
services' ~~initial determination~~ determinations under division (D) 76122
of this section of each peer group's cost per case-mix unit for 76123
fiscal years preceding fiscal year 2015, calendar year 2003; 76124

(2) For the purpose of the department's ~~subsequent~~ 76125
determinations under division (D) of this section of each peer 76126
group's cost per case-mix unit for fiscal year 2015 and 76127
thereafter, the calendar year the department selects. 76128

(B) The department of job and family services shall pay a 76129
provider for each of the provider's eligible nursing facilities a 76130

per resident per day rate for direct care costs determined 76131
semiannually by multiplying the cost per case-mix unit determined 76132
under division (D) of this section for the facility's peer group 76133
by the facility's semiannual case-mix score determined under 76134
section 5111.232 of the Revised Code. 76135

(C) For the purpose of determining nursing facilities' rate 76136
for direct care costs, the department shall establish three peer 76137
groups. 76138

Each nursing facility located in any of the following 76139
counties shall be placed in peer group one: Brown, Butler, 76140
Clermont, Clinton, Hamilton, and Warren. 76141

Each nursing facility located in any of the following 76142
counties shall be placed in peer group two: Ashtabula, Champaign, 76143
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 76144
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 76145
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 76146
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 76147
and Wood. 76148

Each nursing facility located in any of the following 76149
counties shall be placed in peer group three: Adams, Allen, 76150
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 76151
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 76152
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 76153
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 76154
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 76155
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 76156
Washington, Wayne, Williams, and Wyandot. 76157

(D)(1) ~~At least once every ten years, the~~ The department 76158
shall determine a cost per case-mix unit for each peer group 76159
established under division (C) of this section. The department 76160
shall make the determination at least once every ten years except 76161

that the department shall make the determination more often as 76162
necessary to implement the amendments that Am. Sub. H.B. 1 of the 76163
128th general assembly makes to divisions (D)(1)(b) and (c) of 76164
this section. A cost per case-mix unit determined under this 76165
division for a peer group shall be used for subsequent years until 76166
the department redetermines it. To determine a peer group's cost 76167
per case-mix unit, the department shall do all of the following: 76168

(a) Determine the cost per case-mix unit for each nursing 76170
facility in the peer group for the applicable calendar year by 76171
dividing each facility's desk-reviewed, actual, allowable, per 76172
diem direct care costs for the applicable calendar year by the 76173
facility's annual average case-mix score determined under section 76174
5111.232 of the Revised Code for the applicable calendar year. 76175

(b) Subject to division (D)(2) of this section, identify 76176
which nursing facility in the peer group is at the ~~twenty-fifth~~ 76177
~~percentile~~ median of the cost per case-mix units determined under 76178
division (D)(1)(a) of this section. 76179

(c) Calculate the amount that is ~~seven per cent~~ the following 76180
percentage above the cost per case-mix unit determined under 76181
division (D)(1)(a) of this section for the nursing facility 76182
identified under division (D)(1)(b) of this section: 76183

(i) For each peer group in fiscal year 2010, zero per cent; 76184

(ii) For peer group one in fiscal year 2011, six and one-half 76185
per cent; 76186

(iii) For peer group two in fiscal year 2011, six and 76187
three-quarters per cent; 76188

(iv) For peer group three in fiscal year 2011, seven and 76189
one-half per cent; 76190

(v) For peer group one in fiscal year 2012 and each fiscal 76191

year thereafter, ten per cent; 76192

(vi) For peer group two in fiscal year 2012 and each fiscal 76193
year thereafter, eleven per cent; 76194

(vii) For peer group three in fiscal year 2012 and each 76195
fiscal year thereafter, fifteen per cent. 76196

(d) Multiply the amount calculated under division (D)(1)(c) 76197
of this section by the rate of inflation for the eighteen-month 76198
period beginning on the first day of July of the applicable 76199
calendar year and ending the last day of December of the calendar 76200
year immediately following the applicable calendar year using the 76201
following: 76202

(i) The employment cost index for total compensation, ~~health~~ 76203
~~services component~~ nursing and residential care facilities 76204
occupational group, published by the United States bureau of labor 76205
statistics; 76206

(ii) If the United States bureau of labor statistics ceases 76207
to publish the index specified in division (D)(1)(d)(i) of this 76208
section, the index the bureau subsequently publishes that covers 76209
nursing facilities' staff costs. 76210

(2) In making the identification under division (D)(1)(b) of 76211
this section, the department shall exclude both of the following: 76212

(a) Nursing facilities that participated in the medicaid 76213
program under the same provider for less than twelve months in the 76214
applicable calendar year; 76215

(b) Nursing facilities whose cost per case-mix unit is more 76216
than one standard deviation from the mean cost per case-mix unit 76217
for all nursing facilities in the nursing facility's peer group 76218
for the applicable calendar year. 76219

(3) The department shall not redetermine a peer group's cost 76220
per case-mix unit under this division based on additional 76221

information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the peer group's cost per case-mix unit based on information available to the department at the time of the original determination.

Sec. 5111.232. (A)(1) The department of job and family services shall determine semiannual and annual average case-mix scores for nursing facilities by using all of the following:

(a) Data from a resident assessment instrument specified in rules adopted under section 5111.02 of the Revised Code pursuant to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, for the following residents:

(i) When determining ~~semi-annual~~ semiannual case-mix scores, each resident who is a medicaid recipient;

(ii) When determining annual average case-mix scores, each resident regardless of payment source.

(b) Except as provided in rules authorized by ~~division~~ divisions (A)(2)(a) and (b) of this section, the case-mix values established by the United States department of health and human services;

(c) Except as modified in rules authorized by division (A)(2)(c) of this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program established by Title XVIII.

(2) The director of job and family services may adopt rules under section 5111.02 of the Revised Code that do any of the following:

(a) Adjust the case-mix values specified in division 76252
(A)(1)(b) of this section to reflect changes in relative wage 76253
differentials that are specific to this state; 76254

(b) Express all of those case-mix values in numeric terms 76255
that are different from the terms specified by the United States 76256
department of health and human services but that do not alter the 76257
relationship of the case-mix values to one another; 76258

(c) Modify the grouper methodology specified in division 76259
(A)(1)(c) of this section as follows: 76260

(i) Establish a different hierarchy for assigning residents 76261
to case-mix categories under the methodology; 76262

(ii) Prohibit the use of the index maximizer element of the 76263
methodology; 76264

(iii) Incorporate changes to the methodology the United 76265
States department of health and human services makes after June 76266
30, 1999; 76267

(iv) Make other changes the department determines are 76268
necessary. 76269

(B) The department shall determine case-mix scores for 76270
intermediate care facilities for the mentally retarded using data 76271
for each resident, regardless of payment source, from a resident 76272
assessment instrument and grouper methodology prescribed in rules 76273
adopted under section 5111.02 of the Revised Code and expressed in 76274
case-mix values established by the department in those rules. 76275

(C) Each calendar quarter, each provider shall compile 76276
complete assessment data, from the resident assessment instrument 76277
specified in rules authorized by division (A) or (B) of this 76278
section, for each resident of each of the provider's facilities, 76279
regardless of payment source, who was in the facility or on 76280
hospital or therapeutic leave from the facility on the last day of 76281

the quarter. Providers of a nursing facility shall submit the data 76282
to the department of health and, if required by rules, the 76283
department of job and family services. Providers of an 76284
intermediate care facility for the mentally retarded shall submit 76285
the data to the department of job and family services. The data 76286
shall be submitted not later than fifteen days after the end of 76287
the calendar quarter for which the data is compiled. 76288

Except as provided in division (D) of this section, the 76289
department, every six months and after the end of each calendar 76290
year, shall calculate a semiannual and annual average case-mix 76291
score for each nursing facility using the facility's quarterly 76292
case-mix scores for that six-month period or calendar year. Also 76293
except as provided in division (D) of this section, the 76294
department, after the end of each calendar year, shall calculate 76295
an annual average case-mix score for each intermediate care 76296
facility for the mentally retarded using the facility's quarterly 76297
case-mix scores for that calendar year. The department shall make 76298
the calculations pursuant to procedures specified in rules adopted 76299
under section 5111.02 of the Revised Code. 76300

(D)(1) If a provider does not timely submit information for a 76301
calendar quarter necessary to calculate a facility's case-mix 76302
score, or submits incomplete or inaccurate information for a 76303
calendar quarter, the department may assign the facility a 76304
quarterly average case-mix score that is five per cent less than 76305
the facility's quarterly average case-mix score for the preceding 76306
calendar quarter. If the facility was subject to an exception 76307
review under division (C) of section 5111.27 of the Revised Code 76308
for the preceding calendar quarter, the department may assign a 76309
quarterly average case-mix score that is five per cent less than 76310
the score determined by the exception review. If the facility was 76311
assigned a quarterly average case-mix score for the preceding 76312
quarter, the department may assign a quarterly average case-mix 76313

score that is five per cent less than that score assigned for the 76314
preceding quarter. 76315

The department may use a quarterly average case-mix score 76316
assigned under division (D)(1) of this section, instead of a 76317
quarterly average case-mix score calculated based on the 76318
provider's submitted information, to calculate the facility's rate 76319
for direct care costs being established under section 5111.23 or 76320
5111.231 of the Revised Code for one or more months, as specified 76321
in rules authorized by division (E) of this section, of the 76322
quarter for which the rate established under section 5111.23 or 76323
5111.231 of the Revised Code will be paid. 76324

Before taking action under division (D)(1) of this section, 76325
the department shall permit the provider a reasonable period of 76326
time, specified in rules authorized by division (E) of this 76327
section, to correct the information. In the case of an 76328
intermediate care facility for the mentally retarded, the 76329
department shall not assign a quarterly average case-mix score due 76330
to late submission of corrections to assessment information unless 76331
the provider fails to submit corrected information prior to the 76332
eighty-first day after the end of the calendar quarter to which 76333
the information pertains. In the case of a nursing facility, the 76334
department shall not assign a quarterly average case-mix score due 76335
to late submission of corrections to assessment information unless 76336
the provider fails to submit corrected information prior to the 76337
earlier of the ~~eighty-first~~ forty-sixth day after the end of the 76338
calendar quarter to which the information pertains or the deadline 76339
for submission of such corrections established by regulations 76340
adopted by the United States department of health and human 76341
services under Titles XVIII and XIX. 76342

(2) If a provider is paid a rate for a facility calculated 76343
using a quarterly average case-mix score assigned under division 76344
(D)(1) of this section for more than six months in a calendar 76345

year, the department may assign the facility a cost per case-mix unit that is five per cent less than the facility's actual or assigned cost per case-mix unit for the preceding calendar year. The department may use the assigned cost per case-mix unit, instead of calculating the facility's actual cost per case-mix unit in accordance with section 5111.23 or 5111.231 of the Revised Code, to establish the facility's rate for direct care costs for the following fiscal year.

(3) The department shall take action under division (D)(1) or (2) of this section only in accordance with rules authorized by division (E) of this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections 5111.27 and 5111.28 of the Revised Code.

(E) The director shall adopt rules under section 5111.02 of the Revised Code that do all of the following:

(1) Specify whether providers of a nursing facility must submit the assessment data to the department of job and family services;

(2) Specify the medium or media through which the completed assessment data shall be submitted;

(3) Establish procedures under which the assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;

(4) Establish procedures for providers to correct assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections by providers of nursing facilities in the manner required by regulations adopted by the United States department of health and human services under Titles XVIII and XIX.

(5) Specify when and how the department will assign case-mix scores or costs per case-mix unit under division (D) of this

section if information necessary to calculate the facility's 76377
case-mix score is not provided or corrected in accordance with the 76378
procedures established by the rules. Notwithstanding any other 76379
provision of sections 5111.20 to 5111.33 of the Revised Code, the 76380
rules also may provide for the following: 76381

(a) Exclusion of case-mix scores assigned under division (D) 76382
of this section from calculation of an intermediate care facility 76383
for the mentally retarded's annual average case-mix score and the 76384
maximum cost per case-mix unit for the facility's peer group; 76385

(b) Exclusion of case-mix scores assigned under division (D) 76386
of this section from calculation of a nursing facility's 76387
semiannual or annual average case-mix score and the cost per 76388
case-mix unit for the facility's peer group. 76389

Sec. 5111.233. The costs of day programming shall be part of 76390
the direct care costs of an intermediate care facility for the 76391
mentally retarded as off-site day programming if the area in which 76392
the day programming is provided is not certified by the director 76393
of health as an intermediate care facility for the mentally 76394
retarded under Title XIX and regardless of either of the 76395
following: 76396

(A) Whether or not the area in which the day programming is 76397
provided is less than two hundred feet away from the intermediate 76398
care facility for the mentally retarded; 76399

(B) Whether or not the day programming is provided by an 76400
individual who, or organization that, is a related party to the 76401
provider of the intermediate care facility for the mentally 76402
retarded. 76403

Sec. 5111.236. (A) As used in this section, "medically 76404
fragile child" means an individual under eighteen years of age who 76405
requires both of the following: 76406

(1) The services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the individual's medical condition; 76407
76408
76409

(2) The services of a registered nurse on a daily basis. 76410

(B) The medicaid program shall cover oxygen services that a medical supplier with a valid medicaid provider agreement provides to a medicaid recipient who is a medically fragile child and resides in an intermediate care facility for the mentally retarded. The medicaid program shall cover such oxygen services regardless of any of the following: 76411
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76416

(1) The percentage of the medicaid recipient's arterial oxygen saturation at rest, exercise, or sleep; 76417
76418

(2) The type of system used in delivering the oxygen to the medicaid recipient; 76419
76420

(3) Whether the intermediate care facility for the mentally retarded in which the medicaid recipient resides purchases or rents the equipment used in the delivery of the oxygen to the recipient. 76421
76422
76423
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(C) A medical supplier of an oxygen service shall bill the department of job and family services directly for oxygen services the medicaid program covers under this section. The provider of an intermediate care facility for the mentally retarded may not include the cost of an oxygen service covered by the medicaid program under this section in the facility's cost report unless the facility is the medical supplier of the oxygen service. 76425
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Sec. 5111.24. (A) As used in this section, "applicable calendar year" means the following: 76432
76433

(1) For the purpose of the department of job and family services' ~~initial determination~~ determinations under division (D) of this section of each peer group's rate for ancillary and 76434
76435
76436

support costs for fiscal years preceding fiscal year 2015, 76437
calendar year 2003; 76438

(2) For the purpose of the department's ~~subsequent~~ 76439
determinations under division (D) of this section of each peer 76440
group's rate for ancillary and support costs for fiscal year 2015 76441
and thereafter, the calendar year the department selects. 76442

(B) The department of job and family services shall pay a 76443
provider for each of the provider's eligible nursing facilities a 76444
per resident per day rate for ancillary and support costs 76445
determined for the nursing facility's peer group under division 76446
(D) of this section. 76447

(C) For the purpose of determining nursing facilities' rate 76448
for ancillary and support costs, the department shall establish 76449
six peer groups. 76450

Each nursing facility located in any of the following 76451
counties shall be placed in peer group one or two: Brown, Butler, 76452
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 76453
located in any of those counties that has fewer than one hundred 76454
beds shall be placed in peer group one. Each nursing facility 76455
located in any of those counties that has one hundred or more beds 76456
shall be placed in peer group two. 76457

Each nursing facility located in any of the following 76458
counties shall be placed in peer group three or four: Ashtabula, 76459
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 76460
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 76461
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 76462
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 76463
Union, and Wood. Each nursing facility located in any of those 76464
counties that has fewer than one hundred beds shall be placed in 76465
peer group three. Each nursing facility located in any of those 76466
counties that has one hundred or more beds shall be placed in peer 76467

group four. 76468

Each nursing facility located in any of the following 76469
counties shall be placed in peer group five or six: Adams, Allen, 76470
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 76471
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 76472
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 76473
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 76474
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 76475
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 76476
Washington, Wayne, Williams, and Wyandot. Each nursing facility 76477
located in any of those counties that has fewer than one hundred 76478
beds shall be placed in peer group five. Each nursing facility 76479
located in any of those counties that has one hundred or more beds 76480
shall be placed in peer group six. 76481

(D)(1) ~~At least once every ten years, the~~ The department 76482
shall determine the rate for ancillary and support costs for each 76483
peer group established under division (C) of this section. The 76484
department shall make the determination at least once every ten 76485
years except that the department shall make the determination more 76486
often as necessary to implement the amendments that Am. Sub. H.B. 76487
1 of the 128th general assembly makes to division (D)(1)(b) and 76488
(c) of this section. The rate for ancillary and support costs 76489
determined under this division for a peer group shall be used for 76490
subsequent years until the department redetermines it. To 76491
determine a peer group's rate for ancillary and support costs, the 76492
department shall do all of the following: 76493

(a) Determine the rate for ancillary and support costs for 76494
each nursing facility in the peer group for the applicable 76495
calendar year by using the greater of the nursing facility's 76496
actual inpatient days for the applicable calendar year or the 76497
inpatient days the nursing facility would have had for the 76498
applicable calendar year if its occupancy rate had been ninety per 76499

cent. For the purpose of determining a nursing facility's 76500
occupancy rate under division (D)(1)(a) of this section, the 76501
department shall include any beds that the nursing facility 76502
removes from its medicaid-certified capacity unless the nursing 76503
facility also removes the beds from its licensed bed capacity. 76504

(b) Subject to division (D)(2) of this section, identify 76505
which nursing facility in the peer group is at the ~~twenty-fifth~~ 76506
following percentile of the rate for ancillary and support costs 76507
~~for the applicable calendar year~~ determined under division 76508
(D)(1)(a) of this section: 76509

(i) For fiscal years 2010 and 2011, the twenty-fifth 76510
percentile; 76511

(ii) For fiscal year 2012 and each fiscal year thereafter, 76512
the fiftieth percentile. 76513

(c) Calculate the amount that is ~~three per cent~~ the following 76514
percentage above the rate for ancillary and support costs 76515
determined under division (D)(1)(a) of this section for the 76516
nursing facility identified under division (D)(1)(b) of this 76517
section: 76518

(i) For fiscal years 2010 and 2011, three per cent; 76519

(ii) For fiscal year 2012, zero per cent; 76520

(iii) For fiscal year 2013 and each fiscal year thereafter, 76521
five per cent. 76522

(d) Multiply the amount calculated under division (D)(1)(c) 76523
of this section by the rate of inflation for the eighteen-month 76524
period beginning on the first day of July of the applicable 76525
calendar year and ending the last day of December of the calendar 76526
year immediately following the applicable calendar year using the 76527
following: 76528

(i) The consumer price index for all items for all urban 76529

consumers for the ~~north-central~~ midwest region, published by the 76530
United States bureau of labor statistics; 76531

(ii) If the United States bureau of labor statistics ceases 76532
to publish the index specified in division (D)(1)(d)(i) of this 76533
section, the index the bureau subsequently publishes that covers 76534
urban consumers' prices for items for the region that includes 76535
this state. 76536

(2) In making the identification under division (D)(1)(b) of 76537
this section, the department shall exclude both of the following: 76538

(a) Nursing facilities that participated in the medicaid 76539
program under the same provider for less than twelve months in the 76540
applicable calendar year; 76541

(b) Nursing facilities whose ancillary and support costs are 76542
more than one standard deviation from the mean desk-reviewed, 76543
actual, allowable, per diem ancillary and support cost for all 76544
nursing facilities in the nursing facility's peer group for the 76545
applicable calendar year. 76546

(3) The department shall not redetermine a peer group's rate 76547
for ancillary and support costs under this division based on 76548
additional information that it receives after the rate is 76549
determined. The department shall redetermine a peer group's rate 76550
for ancillary and support costs only if it made an error in 76551
determining the rate based on information available to the 76552
department at the time of the original determination. 76553

Sec. 5111.25. (A) As used in this section, "applicable 76554
calendar year" means the following: 76555

(1) For the purpose of the department of job and family 76556
services' initial determination under division (D) of this section 76557
of each peer group's median rate for capital costs, calendar year 76558
2003; 76559

(2) For the purpose of the department's subsequent 76560
determinations under division (D) of this section of each peer 76561
group's median rate for capital costs, the calendar year the 76562
department selects. 76563

(B) The department of job and family services shall pay a 76564
provider for each of the provider's eligible nursing facilities a 76565
per resident per day rate for capital costs. A nursing facility's 76566
rate for capital costs shall be the greater of the following: 76567

(1) The median rate for capital costs for the nursing 76568
facilities in the nursing facility's peer group as determined 76569
under division (D) of this section; 76570

(2) The sum of the following: 76571

(a) The capital costs portion of the nursing facility's 76572
medicaid reimbursement per diem rate on June 30, 2005, regardless 76573
of whether the nursing facility has undergone a change of 76574
operator, as defined in section 5111.65 of the Revised Code, after 76575
that date or, if the nursing facility did not have a medicaid 76576
reimbursement per diem rate on June 30, 2005, the capital costs 76577
portion of the nursing facility's initial rate established under 76578
section 5111.254 of the Revised Code; 76579

(b) Any per diem for which the nursing facility qualified 76580
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th general 76581
assembly, as amended by Am. Sub. H.B. 562 of the 127th general 76582
assembly. 76583

(C) For the purpose of determining nursing facilities' median 76584
rate for capital costs, the department shall establish six peer 76585
groups. 76586

Each nursing facility located in any of the following 76587
counties shall be placed in peer group one or two: Brown, Butler, 76588
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 76589
located in any of those counties that has fewer than one hundred 76590

beds shall be placed in peer group one. Each nursing facility 76591
located in any of those counties that has one hundred or more beds 76592
shall be placed in peer group two. 76593

Each nursing facility located in any of the following 76594
counties shall be placed in peer group three or four: Ashtabula, 76595
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 76596
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 76597
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 76598
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 76599
Union, and Wood. Each nursing facility located in any of those 76600
counties that has fewer than one hundred beds shall be placed in 76601
peer group three. Each nursing facility located in any of those 76602
counties that has one hundred or more beds shall be placed in peer 76603
group four. 76604

Each nursing facility located in any of the following 76605
counties shall be placed in peer group five or six: Adams, Allen, 76606
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 76607
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 76608
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 76609
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 76610
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 76611
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 76612
Washington, Wayne, Williams, and Wyandot. Each nursing facility 76613
located in any of those counties that has fewer than one hundred 76614
beds shall be placed in peer group five. Each nursing facility 76615
located in any of those counties that has one hundred or more beds 76616
shall be placed in peer group six. 76617

(D)(1) At least once every ten years, the department shall 76618
determine the median rate for capital costs for each peer group 76619
established under division (C) of this section. The median rate 76620
for capital costs determined under this division for a peer group 76621
shall be used for subsequent years until the department 76622

redetermines it. To determine a peer group's median rate for 76623
capital costs, the department shall do both of the following: 76624

(a) Subject to division (D)(2) of this section, use the 76625
greater of each nursing facility's actual inpatient days for the 76626
applicable calendar year or the inpatient days the nursing 76627
facility would have had for the applicable calendar year if its 76628
occupancy rate had been one hundred per cent. 76629

(b) Exclude both of the following: 76630

(i) Nursing facilities that participated in the medicaid 76631
program under the same provider for less than twelve months in the 76632
applicable calendar year; 76633

(ii) Nursing facilities whose capital costs are more than one 76634
standard deviation from the mean desk-reviewed, actual, allowable, 76635
per diem capital cost for all nursing facilities in the nursing 76636
facility's peer group for the applicable calendar year. 76637

(2) For the purpose of determining a nursing facility's 76638
occupancy rate under division (D)(1)(a) of this section, the 76639
department shall include any beds that the nursing facility 76640
removes from its medicaid-certified capacity after June 30, 2005, 76641
unless the nursing facility also removes the beds from its 76642
licensed bed capacity. 76643

(E) Buildings shall be depreciated using the straight line 76644
method over forty years or over a different period approved by the 76645
department. Components and equipment shall be depreciated using 76646
the straight-line method over a period designated in rules adopted 76647
under section 5111.02 of the Revised Code, consistent with the 76648
guidelines of the American hospital association, or over a 76649
different period approved by the department. Any rules authorized 76650
by this division that specify useful lives of buildings, 76651
components, or equipment apply only to assets acquired on or after 76652
July 1, 1993. Depreciation for costs paid or reimbursed by any 76653

government agency shall not be included in capital costs unless 76654
that part of the payment under sections 5111.20 to 5111.33 of the 76655
Revised Code is used to reimburse the government agency. 76656

(F) The capital cost basis of nursing facility assets shall 76657
be determined in the following manner: 76658

(1) Except as provided in division (F)(3) of this section, 76659
for purposes of calculating the rates to be paid for facilities 76660
with dates of licensure on or before June 30, 1993, the capital 76661
cost basis of each asset shall be equal to the desk-reviewed, 76662
actual, allowable, capital cost basis that is listed on the 76663
facility's cost report for the calendar year preceding the fiscal 76664
year during which the rate will be paid. 76665

(2) For facilities with dates of licensure after June 30, 76666
1993, the capital cost basis shall be determined in accordance 76667
with the principles of the medicare program established under 76668
Title XVIII, except as otherwise provided in sections 5111.20 to 76669
5111.33 of the Revised Code. 76670

(3) Except as provided in division (F)(4) of this section, if 76671
a provider transfers an interest in a facility to another provider 76672
after June 30, 1993, there shall be no increase in the capital 76673
cost basis of the asset if the providers are related parties or 76674
the provider to which the interest is transferred authorizes the 76675
provider that transferred the interest to continue to operate the 76676
facility under a lease, management agreement, or other 76677
arrangement. If the previous sentence does not prohibit the 76678
adjustment of the capital cost basis under this division, the 76679
basis of the asset shall be adjusted by the lesser of the 76680
following: 76681

(a) One-half of the change in construction costs during the 76682
time that the transferor held the asset, as calculated by the 76683
department of job and family services using the "Dodge building 76684

cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time that the transferor held the asset.

(4) If a provider transfers an interest in a facility to another provider who is a related party, the capital cost basis of the asset shall be adjusted as specified in division (F)(3) of this section if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) Except as provided in division (F)(4)(c)(ii) of this section, the provider making the transfer retains no ownership interest in the facility;

(c) The department of job and family services determines that the transfer is an arm's length transaction pursuant to rules adopted under section 5111.02 of the Revised Code. The rules shall provide that a transfer is an arm's length transaction if all of the following apply:

(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.

(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates

for capital costs. 76716

(iii) The transfer satisfies any other criteria specified in 76717
the rules. 76718

(d) Except in the case of hardship caused by a catastrophic 76719
event, as determined by the department, or in the case of a 76720
provider making the transfer who is at least sixty-five years of 76721
age, not less than twenty years have elapsed since, for the same 76722
facility, the capital cost basis was adjusted most recently under 76723
division (F)(4) of this section or actual, allowable cost of 76724
ownership was determined most recently under division (G)(9) of 76725
this section. 76726

(G) As used in this division: 76727

"Imputed interest" means the lesser of the prime rate plus 76728
two per cent or ten per cent. 76729

"Lease expense" means lease payments in the case of an 76730
operating lease and depreciation expense and interest expense in 76731
the case of a capital lease. 76732

"New lease" means a lease, to a different lessee, of a 76733
nursing facility that previously was operated under a lease. 76734

(1) Subject to division (B) of this section, for a lease of a 76735
facility that was effective on May 27, 1992, the entire lease 76736
expense is an actual, allowable capital cost during the term of 76737
the existing lease. The entire lease expense also is an actual, 76738
allowable capital cost if a lease in existence on May 27, 1992, is 76739
renewed under either of the following circumstances: 76740

(a) The renewal is pursuant to a renewal option that was in 76741
existence on May 27, 1992; 76742

(b) The renewal is for the same lease payment amount and 76743
between the same parties as the lease in existence on May 27, 76744
1992. 76745

(2) Subject to division (B) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by the lesser of the following amounts:

(a) One-half of the change in construction costs during the time the lessor held each asset until the beginning of the lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of

financing costs and interest expense at the inception of the lease 76777
or the imputed interest expense calculated at the inception of the 76778
lease using seventy per cent of the lessor's historical capital 76779
asset cost basis. 76780

(4) Subject to division (B) of this section, for a lease of a 76781
facility with a date of licensure on or after May 27, 1992, that 76782
was not initially operated under a lease and has been in existence 76783
for ten years, actual, allowable capital costs shall include the 76784
lesser of the annual lease expense or the annual depreciation 76785
expense and imputed interest expense that would be calculated at 76786
the inception of the lease using the entire historical capital 76787
asset cost basis of the lessor, adjusted by the lesser of the 76788
following: 76789

(a) One-half of the change in construction costs during the 76790
time the lessor held each asset until the beginning of the lease, 76791
as calculated by the department using the "Dodge building cost 76792
indexes, northeastern and north central states," published by 76793
Marshall and Swift; 76794

(b) One-half of the change in the consumer price index for 76795
all items for all urban consumers, as published by the United 76796
States bureau of labor statistics, during the time the lessor held 76797
each asset until the beginning of the lease. 76798

(5) Subject to division (B) of this section, for a new lease 76799
of a facility that was operated under a lease on May 27, 1992, 76800
actual, allowable capital costs shall include the lesser of the 76801
annual new lease expense or the annual old lease payment. If the 76802
old lease was in effect for ten years or longer, the old lease 76803
payment from the beginning of the old lease shall be adjusted by 76804
the lesser of the following: 76805

(a) One-half of the change in construction costs from the 76806
beginning of the old lease to the beginning of the new lease, as 76807

calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

(6) Subject to division (B) of this section, for a new lease of a facility that was not in existence or that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of annual new lease expense or the annual amount calculated for the old lease under division (G)(2), (3), (4), or (6) of this section, as applicable. If the old lease was in effect for ten years or longer, the lessor's historical capital asset cost basis shall be adjusted by the lesser of the following for purposes of calculating the annual amount under division (G)(2), (3), (4), or (6) of this section:

(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

In the case of a lease under division (G)(3) of this section of a facility for which a substantial commitment of money was made after December 22, 1992, and before July 1, 1993, the old lease payment shall be adjusted for the purpose of determining the annual amount.

(7) For any revision of a lease described in division (G)(1), (2), (3), (4), (5), or (6) of this section, or for any subsequent lease of a facility operated under such a lease, other than execution of a new lease, the portion of actual, allowable capital costs attributable to the lease shall be the same as before the revision or subsequent lease.

(8) Except as provided in division (G)(9) of this section, if a provider leases an interest in a facility to another provider who is a related party or previously operated the facility, the related party's or previous operator's actual, allowable capital costs shall include the lesser of the annual lease expense or the reasonable cost to the lessor.

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable capital costs shall include the annual lease expense, subject to the limitations specified in divisions (G)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (G)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department of job and family services determines that the lease is an arm's length transaction pursuant to rules adopted under section 5111.02 of the Revised Code. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (G)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent

contractor, or consultant, but excluding interest as a lessor. 76870

(ii) The lessor does not reacquire an interest in the 76871
facility except through the exercise of a lessor's rights in the 76872
event of a default. If the lessor reacquires an interest in the 76873
facility in this manner, the department shall treat the facility 76874
as if the lease never occurred when the department calculates its 76875
reimbursement rates for capital costs. 76876

(iii) The lease satisfies any other criteria specified in the 76877
rules. 76878

(d) Except in the case of hardship caused by a catastrophic 76879
event, as determined by the department, or in the case of a lessor 76880
who is at least sixty-five years of age, not less than twenty 76881
years have elapsed since, for the same facility, the capital cost 76882
basis was adjusted most recently under division (F)(4) of this 76883
section or actual, allowable capital costs were determined most 76884
recently under division (G)(9) of this section. 76885

(10) This division does not apply to leases of specific items 76886
of equipment. 76887

(H) After the date on which a transaction of sale is closed, 76888
the provider shall refund to the department the amount of excess 76889
depreciation paid to the provider for the facility by the 76890
department for each year the provider has operated the facility 76891
under a provider agreement and prorated according to the number of 76892
medicaid patient days for which the provider has received payment 76893
for the facility. The provider of a facility that is sold or that 76894
voluntarily terminates participation in the medicaid program also 76895
shall refund any other amount that the department properly finds 76896
to be due after the audit conducted under this division. For the 76897
purposes of this division, "depreciation paid to the provider for 76898
the facility" means the amount paid to the provider for the 76899
nursing facility for capital costs pursuant to this section less 76900

any amount paid for interest costs, amortization of financing costs, and lease expenses. For the purposes of this division, "excess depreciation" is the nursing facility's depreciated basis, which is the provider's cost less accumulated depreciation, subtracted from the purchase price net of selling costs but not exceeding the amount of depreciation paid to the provider for the facility.

Sec. 5111.261. Except as otherwise provided in section 5111.264 of the Revised Code, the department of job and family services, in determining whether an intermediate care facility for the mentally retarded's direct care costs and indirect care costs are allowable, shall place no limit on specific categories of reasonable costs other than compensation of owners, compensation of relatives of owners, and compensation of administrators ~~and costs for resident meals that are prepared and consumed outside the facility.~~

Compensation cost limits for owners and relatives of owners shall be based on compensation costs for individuals who hold comparable positions but who are not owners or relatives of owners, as reported on facility cost reports. As used in this section, "comparable position" means the position that is held by the owner or the owner's relative, if that position is listed separately on the cost report form, or if the position is not listed separately, the group of positions that is listed on the cost report form and that includes the position held by the owner or the owner's relative. In the case of an owner or owner's relative who serves the facility in a capacity such as corporate officer, proprietor, or partner for which no comparable position or group of positions is listed on the cost report form, the compensation cost limit shall be based on civil service equivalents and shall be specified in rules adopted under section 5111.02 of the Revised Code.

Compensation cost limits for administrators shall be based on 76933
compensation costs for administrators who are not owners or 76934
relatives of owners, as reported on facility cost reports. 76935
Compensation cost limits for administrators of four or more 76936
intermediate care facilities for the mentally retarded shall be 76937
the same as the limits for administrators of intermediate care 76938
facilities for the mentally retarded with one hundred fifty or 76939
more beds. 76940

Sec. 5111.65. As used in sections 5111.65 to ~~5111.688~~ 76941
5111.689 of the Revised Code: 76942

(A) "Change of operator" means an entering operator becoming 76943
the operator of a nursing facility or intermediate care facility 76944
for the mentally retarded in the place of the exiting operator. 76945

(1) Actions that constitute a change of operator include the 76946
following: 76947

(a) A change in an exiting operator's form of legal 76948
organization, including the formation of a partnership or 76949
corporation from a sole proprietorship; 76950

(b) A transfer of all the exiting operator's ownership 76951
interest in the operation of the facility to the entering 76952
operator, regardless of whether ownership of any or all of the 76953
real property or personal property associated with the facility is 76954
also transferred; 76955

(c) A lease of the facility to the entering operator or the 76956
exiting operator's termination of the exiting operator's lease; 76957

(d) If the exiting operator is a partnership, dissolution of 76958
the partnership; 76959

(e) If the exiting operator is a partnership, a change in 76960
composition of the partnership unless both of the following apply: 76961

(i) The change in composition does not cause the 76962

partnership's dissolution under state law. 76963

(ii) The partners agree that the change in composition does 76964
not constitute a change in operator. 76965

(f) If the operator is a corporation, dissolution of the 76966
corporation, a merger of the corporation into another corporation 76967
that is the survivor of the merger, or a consolidation of one or 76968
more other corporations to form a new corporation. 76969

(2) The following, alone, do not constitute a change of 76970
operator: 76971

(a) A contract for an entity to manage a nursing facility or 76972
intermediate care facility for the mentally retarded as the 76973
operator's agent, subject to the operator's approval of daily 76974
operating and management decisions; 76975

(b) A change of ownership, lease, or termination of a lease 76976
of real property or personal property associated with a nursing 76977
facility or intermediate care facility for the mentally retarded 76978
if an entering operator does not become the operator in place of 76979
an exiting operator; 76980

(c) If the operator is a corporation, a change of one or more 76981
members of the corporation's governing body or transfer of 76982
ownership of one or more shares of the corporation's stock, if the 76983
same corporation continues to be the operator. 76984

(B) "Effective date of a change of operator" means the day 76985
the entering operator becomes the operator of the nursing facility 76986
or intermediate care facility for the mentally retarded. 76987

(C) "Effective date of a facility closure" means the last day 76988
that the last of the residents of the nursing facility or 76989
intermediate care facility for the mentally retarded resides in 76990
the facility. 76991

(D) "Effective date of a voluntary termination" means the day 76992

the intermediate care facility for the mentally retarded ceases to 76993
accept medicaid patients. 76994

(E) "Effective date of a voluntary withdrawal of 76995
participation" means the day the nursing facility ceases to accept 76996
new medicaid patients other than the individuals who reside in the 76997
nursing facility on the day before the effective date of the 76998
voluntary withdrawal of participation. 76999

(F) "Entering operator" means the person or government entity 77000
that will become the operator of a nursing facility or 77001
intermediate care facility for the mentally retarded when a change 77002
of operator occurs. 77003

(G) "Exiting operator" means any of the following: 77004

(1) An operator that will cease to be the operator of a 77005
nursing facility or intermediate care facility for the mentally 77006
retarded on the effective date of a change of operator; 77007

(2) An operator that will cease to be the operator of a 77008
nursing facility or intermediate care facility for the mentally 77009
retarded on the effective date of a facility closure; 77010

(3) An operator of an intermediate care facility for the 77011
mentally retarded that is undergoing or has undergone a voluntary 77012
termination; 77013

(4) An operator of a nursing facility that is undergoing or 77014
has undergone a voluntary withdrawal of participation. 77015

(H)(1) "Facility closure" means discontinuance of the use of 77016
the building, or part of the building, that houses the facility as 77017
a nursing facility or intermediate care facility for the mentally 77018
retarded that results in the relocation of all of the facility's 77019
residents. A facility closure occurs regardless of any of the 77020
following: 77021

(a) The operator completely or partially replacing the 77022

facility by constructing a new facility or transferring the 77023
facility's license to another facility; 77024

(b) The facility's residents relocating to another of the 77025
operator's facilities; 77026

(c) Any action the department of health takes regarding the 77027
facility's certification under Title XIX of the "Social Security 77028
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may 77029
result in the transfer of part of the facility's survey findings 77030
to another of the operator's facilities; 77031

(d) Any action the department of health takes regarding the 77032
facility's license under Chapter 3721. of the Revised Code; 77033

(e) Any action the department of mental retardation and 77034
developmental disabilities takes regarding the facility's license 77035
under section 5123.19 of the Revised Code. 77036

(2) A facility closure does not occur if all of the 77037
facility's residents are relocated due to an emergency evacuation 77038
and one or more of the residents return to a medicaid-certified 77039
bed in the facility not later than thirty days after the 77040
evacuation occurs. 77041

(I) "Fiscal year," "franchise permit fee," "intermediate care 77042
facility for the mentally retarded," "nursing facility," 77043
"operator," "owner," and "provider agreement" have the same 77044
meanings as in section 5111.20 of the Revised Code. 77045

(J) "Qualified affiliated operator" means an operator to whom 77046
all of the following apply: 77047

(1) The operator is affiliated with either of the following: 77048

(a) The exiting operator for whom the affiliated operator is 77049
to assume liability for the entire amount of the exiting 77050
operator's debt under the medicaid program or the portion of the 77051
debt that represents the franchise permit fee the exiting operator 77052

owes: 77053

(b) The entering operator involved in the change of operator with the exiting operator specified in division (J)(1)(a) of this section. 77054
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(2) The operator has one or more valid provider agreements. 77057

(3) During the twelve-month period preceding the month in which the department of job and family services receives the notice of the facility closure, voluntary termination, or voluntary withdrawal of participation under section 5111.66 of the Revised Code or the notice of the change of operator under section 5111.67 of the Revised Code, the average monthly medicaid payment made to the operator pursuant to the operator's one or more provider agreements equals at least ninety per cent of the average monthly medicaid payment made to the exiting operator pursuant to the exiting operator's provider agreement. 77058
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(K) "Voluntary termination" means an operator's voluntary election to terminate the participation of an intermediate care facility for the mentally retarded in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code. 77068
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~~(K)~~(L) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility. 77073
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Sec. 5111.651. Sections 5111.65 to ~~5111.688~~ 5111.689 of the Revised Code do not apply to a nursing facility or intermediate care facility for the mentally retarded that undergoes a facility closure, voluntary termination, voluntary withdrawal of participation, or change of operator on or before September 30, 2005, if the exiting operator provided written notice of the 77077
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facility closure, voluntary termination, voluntary withdrawal of 77083
participation, or change of operator to the department of job and 77084
family services on or before June 30, 2005. 77085

Sec. 5111.68. (A) On receipt of a written notice under 77086
section 5111.66 of the Revised Code of a facility closure, 77087
voluntary termination, or voluntary withdrawal of participation or 77088
a written notice under section 5111.67 of the Revised Code of a 77089
change of operator, the department of job and family services 77090
shall ~~determine~~ estimate the amount of any overpayments made under 77091
the medicaid program to the exiting operator, including 77092
overpayments the exiting operator disputes, and other actual and 77093
potential debts the exiting operator owes or may owe to the 77094
department and United States centers for medicare and medicaid 77095
services under the medicaid program, including a franchise permit 77096
fee. ~~In determining~~ 77097

(B) In estimating the exiting operator's other actual and 77098
potential debts to the department and the United States centers 77099
for medicare and medicaid services under the medicaid program, the 77100
department shall ~~include~~ use a debt estimation methodology the 77101
director of job and family services shall establish in rules 77102
adopted under section 5111.689 of the Revised Code. The 77103
methodology shall provide for estimating all of the following that 77104
the department determines ~~is~~ are applicable: 77105

(1) Refunds due the department under section 5111.27 of the 77106
Revised Code; 77107

(2) Interest owed to the department and United States centers 77108
for medicare and medicaid services; 77109

(3) Final civil monetary and other penalties for which all 77110
right of appeal has been exhausted; 77111

(4) Money owed the department and United States centers for 77112

medicare and medicaid services from any outstanding final fiscal 77113
audit, including a final fiscal audit for the last fiscal year or 77114
portion thereof in which the exiting operator participated in the 77115
medicaid program; 77116

(5) Other amounts the department determines are applicable. 77117

~~(B) If the department is unable to determine the amount of 77118
the overpayments and other debts for any period before the 77119
effective date of the entering operator's provider agreement or 77120
the effective date of the facility closure, voluntary termination, 77121
or voluntary withdrawal of participation, the department shall 77122
make a reasonable estimate of the overpayments and other debts for 77123
the period. The department shall make the estimate using 77124
information available to the department, including prior 77125
determinations of overpayments and other debts.~~ 77126

(C) The department shall provide the exiting operator written 77127
notice of the department's estimate under division (A) of this 77128
section not later than thirty days after the department receives 77129
the notice under section 5111.66 of the Revised Code of the 77130
facility closure, voluntary termination, or voluntary withdrawal 77131
of participation or the notice under section 5111.67 of the 77132
Revised Code of the change of operator. The department's written 77133
notice shall include the basis for the estimate. 77134

Sec. 5111.681. (A) Except as provided in ~~division~~ divisions 77135
(B) and (C) of this section, the department of job and family 77136
services ~~shall~~ may withhold ~~the greater of the following~~ from 77137
payment due an exiting operator under the medicaid program; 77138

~~(1) The the total amount of any overpayments made under the 77139
medicaid program to the exiting operator, including overpayments 77140
the exiting operator disputes, and other actual and potential 77141
debts, including any unpaid penalties, specified in the notice 77142
provided under division (C) of section 5111.68 of the Revised Code 77143~~

that the exiting operator owes or may owe to the department and 77144
United States centers for medicare and medicaid services under the 77145
medicaid program. 77146

~~(2) An amount equal to the average amount of monthly payments 77147
to the exiting operator under the medicaid program for the 77148
twelve month period immediately preceding the month that includes 77149
the last day the exiting operator's provider agreement is in 77150
effect or, in the case of a voluntary withdrawal of participation, 77151
the effective date of the voluntary withdrawal of participation. 77152~~

(B) The In the case of a change of operator, the following 77153
shall apply regarding a withholding under division (A) of this 77154
section if the entering operator or a qualified affiliated 77155
operator executes a successor liability agreement in a manner 77156
prescribed by the department to assume liability for the entire 77157
amount specified in the notice provided under division (C) of 77158
section 5111.68 of the Revised Code or the portion of that amount 77159
that represents the franchise permit fee the exiting operator 77160
owes: 77161

(1) If the entering operator or a qualified affiliated 77162
operator assumes liability for the entire amount specified in the 77163
notice, the department may choose shall not to make the 77164
withholding under division (A) of this section if an entering 77165
operator does both of the following: 77166

~~(1) Enters into a nontransferable, unconditional, written 77167
agreement with the department to pay the department any debt the 77168
exiting operator owes the department under the medicaid program; 77169~~

~~(2) Provides the department a copy of the entering operator's 77170
balance sheet that assists the department in determining whether 77171
to make the withholding under division (A) of this section. 77172~~

(2) If the entering operator or qualified affiliated operator 77173
assumes liability for only the portion of the amount specified in 77174

the notice that represents the franchise permit fee the exiting operator owes, the department shall exclude from the withholding the amount for which the entering operator or qualified affiliated operator assumes liability. 77175
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(C) In the case of a voluntary termination, voluntary withdrawal of participation, or facility closure, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or a qualified affiliated operator executes a successor liability agreement in a manner prescribed by the department to assume liability for the entire amount specified in the notice provided under division (C) of section 5111.68 of the Revised Code or the portion of that amount that represents the franchise permit fee the exiting operator owes: 77179
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(1) If the exiting operator or qualified affiliated operator assumes liability for the entire amount specified in the notice, the department shall not make the withholding. 77188
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(2) If the exiting operator or qualified affiliated operator assumes liability for only the portion of the amount specified in the notice that represents the franchise permit fee the exiting operator owes, the department shall exclude from the withholding the amount for which the exiting operator or qualified affiliated operator assumes liability. 77191
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(D) Execution of a successor liability agreement does not waive an exiting operator's right to contest the amount specified in the notice the department provides the exiting operator under division (C) of section 5111.68 of the Revised Code. 77197
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Sec. 5111.685. The department of job and family services shall determine the actual amount of debt an exiting operator owes the department and the United States centers for medicare and 77202
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medicaid services under the medicaid program by completing all 77205
final fiscal audits not already completed and performing all other 77206
appropriate actions the department determines to be necessary. The 77207
department shall issue ~~a~~ an initial debt summary report on this 77208
matter not later than ~~ninety~~ sixty days after the date the exiting 77209
operator files the properly completed cost report required by 77210
section 5111.682 of the Revised Code with the department or, if 77211
the department waives the cost report requirement for the exiting 77212
operator, ~~ninety~~ sixty days after the date the department waives 77213
the cost report requirement. The report shall include the 77214
department's findings and the amount of debt the department 77215
determines the exiting operator owes the department and United 77216
States centers for medicare and medicaid services under the 77217
medicaid program. ~~Only the parts~~ 77218

The exiting operator and a qualified affiliated operator who 77219
executes a successor liability agreement under section 5111.681 of 77220
the Revised Code, if any, may request an informal settlement 77221
conference to contest any of the department's findings included in 77222
the initial debt summary report. The request for the conference 77223
must be submitted to the department not later than thirty days 77224
after the date the department issues the initial debt summary 77225
report. If the department has withheld money from payment due the 77226
exiting operator under division (A) of section 5111.681 of the 77227
Revised Code, the department shall conclude the conference not 77228
later than sixty days after the date the department receives the 77229
timely request for the conference unless the department and 77230
exiting operator or qualified affiliated operator agree to a later 77231
conclusion date. The exiting operator or qualified affiliated 77232
operator may submit information to the department explaining what 77233
the operator contests before and during the conference, including 77234
documentation of the amount of any debt the department owes the 77235
operator. The department shall issue a revised debt summary report 77236
after the conference's conclusion. If the department has withheld 77237

money from payment due the exiting operator under division (A) of 77238
section 5111.681 of the Revised Code, the department shall issue 77239
the revised debt summary report not later than sixty days after 77240
the conference's conclusion. The revised debt summary report shall 77241
include the department's findings and the amount of debt the 77242
department determines the exiting operator owes the department and 77243
United States centers for medicare and medicaid services under the 77244
medicaid program. The department shall explain its findings and 77245
determination in the revised debt summary report. 77246

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The exiting operator and a qualified affiliated operator who 77248
executes a successor liability agreement under section 5111.681 of 77249
the Revised Code, if any, may request an adjudication regarding 77250
any part of the report that are subject to an adjudication as 77251
specified in section 5111.30 of the Revised Code are subject to an 77252
adjudication conducted initial and revised debt summary reports in 77253
accordance with Chapter 119. of the Revised Code. However, an 77254
initial debt summary report is not subject to the adjudication if 77255
a revised debt summary report is issued following an informal 77256
conference settlement conducted regarding it; the revised debt 77257
summary report is subject to the adjudication instead. The 77258
adjudication shall be consolidated with any other uncompleted 77259
adjudication that concerns a matter addressed in the initial or 77260
revised debt summary report. If the department has withheld money 77261
from payment due the exiting operator under division (A) of 77262
section 5111.681 of the Revised Code, the department shall 77263
complete the adjudication not later than sixty days after the 77264
department receives a request for the adjudication. 77265

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Sec. 5111.686. The department of job and family services 77267
shall release the actual amount withheld under division (A) of 77268
section 5111.681 of the Revised Code, less any amount the exiting 77269

operator owes the department and United States centers for 77270
medicare and medicaid services under the medicaid program, as 77271
follows: 77272

(A) ~~Ninety one days after the date the exiting operator files~~ 77273
~~a properly completed cost report required by section 5111.682 of~~ 77274
~~the Revised Code unless~~ Unless the department issues the initial 77275
debt summary report required by section 5111.685 of the Revised 77276
Code not later than ~~ninety~~ sixty days after the date the exiting 77277
operator files the properly completed cost report required by 77278
section 5111.682 of the Revised Code, sixty-one days after the 77279
date the exiting operator files the properly completed cost 77280
report; 77281

(B) ~~Not later than thirty days after the exiting operator~~ 77282
~~agrees to a final fiscal audit resulting from the report required~~ 77283
~~by section 5111.685 of the Revised Code if~~ If the department 77284
issues the initial debt summary report required by section 77285
5111.685 of the Revised Code not later than ~~ninety~~ sixty days 77286
after the date the exiting operator files a properly completed 77287
cost report required by section 5111.682 of the Revised Code, not 77288
later than the following: 77289

(1) Thirty days after the later of the deadline for 77290
requesting an informal settlement conference under section 77291
5111.685 of the Revised Code and the deadline for requesting an 77292
adjudication under that section regarding the initial debt summary 77293
report if the exiting operator and a qualified affiliated operator 77294
who executes a successor liability agreement under section 77295
5111.681 of the Revised Code, if any, fail to request both the 77296
conference and the adjudication on or before the deadline; 77297

(2) Thirty days after the deadline for requesting an 77298
adjudication under section 5111.685 of the Revised Code regarding 77299
a revised debt summary report issued under that section if the 77300

exiting operator or a qualified affiliated operator who executes a 77301
successor liability agreement under section 5111.681 of the 77302
Revised Code, if any, requests an informal settlement conference 77303
under that section on or before the deadline for requesting the 77304
conference but fails to request an adjudication regarding the 77305
revised debt summary report on or before the deadline for 77306
requesting the adjudication; 77307

(3) Thirty days after the completion of an adjudication of 77308
the initial or revised debt summary report if the exiting operator 77309
or a qualified affiliated operator who executes a successor 77310
liability agreement under section 5111.681 of the Revised Code, if 77311
any, requests the adjudication on or before the deadline for 77312
requesting the adjudication. 77313

~~(C) Ninety one days after the date the department waives the~~ 77314
~~cost report requirement of section 5111.682 of the Revised Code~~ 77315
~~unless~~ Unless the department issues the initial debt summary 77316
report required by section 5111.685 of the Revised Code not later 77317
than ~~ninety~~ sixty days after the date the department waives the 77318
cost report requirement of section 5111.682 of the Revised Code, 77319
~~sixty-one~~ days after the date the department waives the cost 77320
report requirement; 77321

~~(D) Not later than thirty days after the exiting operator~~ 77322
~~agrees to a final fiscal audit resulting from the report required~~ 77323
~~by section 5111.685 of the Revised Code if~~ If the department 77324
issues the initial debt summary report required by section 77325
5111.685 of the Revised Code not later than ~~ninety~~ sixty days 77326
after the date the department waives the cost report requirement 77327
of section 5111.682 of the Revised Code, not later than the 77328
following: 77329

(1) Thirty days after the later of the deadline for 77330
requesting an informal settlement conference under section 77331
5111.685 of the Revised Code and the deadline for requesting an 77332

adjudication under that section regarding the initial debt summary report if the exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, fail to request both the conference and the adjudication on or before the deadline; 77333
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(2) Thirty days after the deadline for requesting an adjudication under section 5111.685 of the Revised Code regarding a revised debt summary report issued under that section if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests an informal settlement conference under that section on or before the deadline for requesting the conference but fails to request an adjudication regarding the revised debt summary report on or before the deadline for requesting the adjudication; 77338
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(3) Thirty days after the completion of an adjudication of the initial or revised debt summary report if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests the adjudication on or before the deadline for requesting the adjudication. 77348
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Sec. 5111.688. (A) All amounts withheld under section 5111.681 of the Revised Code from payment due an exiting operator under the medicaid program shall be deposited into the medicaid payment withholding fund created by the controlling board pursuant to section 131.35 of the Revised Code. Money in the fund shall be used as follows: 77354
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(1) To pay an exiting operator when a withholding is released to the exiting operator under section 5111.686 or 5111.687 of the Revised Code; 77360
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(2) To pay the department of job and family services and 77363

United States centers for medicare and medicaid services the 77364
amount an exiting operator owes the department and United States 77365
centers under the medicaid program. 77366

(B) Amounts paid from the medicaid payment withholding fund 77367
pursuant to division (A)(2) of this section shall be deposited 77368
into the appropriate department fund. 77369

Sec. ~~5111.688~~ 5111.689. The director of job and family 77370
services ~~may~~ shall adopt rules under section 5111.02 of the 77371
Revised Code to implement sections 5111.65 to ~~5111.688~~ 5111.689 of 77372
the Revised Code, including rules applicable to an exiting 77373
operator that provides written notification under section 5111.66 77374
of the Revised Code of a voluntary withdrawal of participation. 77375
Rules adopted under this section shall comply with section 77376
1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286 (1965), 77377
42 U.S.C. 1396r(c)(2)(F), regarding restrictions on transfers or 77378
discharges of nursing facility residents in the case of a 77379
voluntary withdrawal of participation. The rules may prescribe a 77380
medicaid reimbursement methodology and other procedures that are 77381
applicable after the effective date of a voluntary withdrawal of 77382
participation that differ from the reimbursement methodology and 77383
other procedures that would otherwise apply. 77384

Sec. 5111.705. No individual shall be denied eligibility for 77385
the medicaid buy-in for workers with disabilities program on the 77386
basis that the individual receives services under a home and 77387
community-based services medicaid waiver component as defined in 77388
section ~~5111.851~~ 5111.85 of the Revised Code. 77389

Sec. 5111.85. (A) As used in this section and sections 77390
5111.851 to 5111.856 of the Revised Code, ~~"medicaid:~~ 77391

"Home and community-based services medicaid waiver component" 77392
means a medicaid waiver component under which home and 77393

community-based services are provided as an alternative to hospital, nursing facility, or intermediate care facility for the mentally retarded services. 77394
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"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 77397
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"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code. 77399
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"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5111.16 of the Revised Code. 77401
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"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 77408
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(B) The director of job and family services may adopt rules under Chapter 119. of the Revised Code governing medicaid waiver components that establish all of the following: 77410
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(1) Eligibility requirements for the medicaid waiver components; 77413
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(2) The type, amount, duration, and scope of services the medicaid waiver components provide; 77415
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(3) The conditions under which the medicaid waiver components cover services; 77417
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(4) The amount the medicaid waiver components pay for services or the method by which the amount is determined; 77419
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(5) The manner in which the medicaid waiver components pay for services; 77421
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(6) Safeguards for the health and welfare of medicaid 77423

recipients receiving services under a medicaid waiver component; 77424

(7) Procedures for both of the following: 77425

(a) Identifying individuals who meet all of the following requirements: 77426

(i) Are eligible for a home and community-based services medicaid waiver component and on a waiting list for the component; 77428

(ii) Are receiving inpatient hospital services or residing in an intermediate care facility for the mentally retarded or nursing facility (as appropriate for the component); 77430

(iii) Choose to be enrolled in the component. 77433

(b) Approving the enrollment of individuals identified under the procedures established under division (B)(7)(a) of this section into the home and community-based services medicaid waiver component. 77434

(8) Procedures for enforcing the rules, including 77438
establishing corrective action plans for, and imposing financial 77439
and administrative sanctions on, persons and government entities 77440
that violate the rules. Sanctions shall include terminating 77441
medicaid provider agreements. The procedures shall include due 77442
process protections. 77443

~~(8)~~(9) Other policies necessary for the efficient 77444
administration of the medicaid waiver components. 77445

(C) The director of job and family services may adopt 77446
different rules for the different medicaid waiver components. The 77447
rules shall be consistent with the terms of the waiver authorizing 77448
the medicaid waiver component. 77449

(D) Any procedures established under division (B)(7) of this section for the PASSPORT program shall be consistent with section 173.401 of the Revised Code. Any procedures established under division (B)(7) of this section for the assisted living program 77450

shall be consistent with section 5111.894 of the Revised Code. 77454

Sec. 5111.851. (A) As used in sections 5111.851 to 5111.855 77455
of the Revised Code: 77456

"Administrative agency" means, with respect to a home and 77457
community-based services medicaid waiver component, the department 77458
of job and family services or, if a state agency or political 77459
subdivision contracts with the department under section 5111.91 of 77460
the Revised Code to administer the component, that state agency or 77461
political subdivision. 77462

~~"Home and community based services medicaid waiver component"~~ 77463
~~means a medicaid waiver component under which home and~~ 77464
~~community based services are provided as an alternative to~~ 77465
~~hospital, nursing facility, or intermediate care facility for the~~ 77466
~~mentally retarded services.~~ 77467

~~"Hospital" has the same meaning as in section 3727.01 of the~~ 77468
~~Revised Code.~~ 77469

~~"Intermediate care facility for the mentally retarded" has~~ 77470
~~the same meaning as in section 5111.20 of the Revised Code.~~ 77471

"Level of care determination" means a determination of 77472
whether an individual needs the level of care provided by a 77473
hospital, nursing facility, or intermediate care facility for the 77474
mentally retarded and whether the individual, if determined to 77475
need that level of care, would receive hospital, nursing facility, 77476
or intermediate care facility for the mentally retarded services 77477
if not for a home and community-based services medicaid waiver 77478
component. 77479

"Medicaid buy-in for workers with disabilities program" means 77480
the component of the medicaid program established under sections 77481
5111.70 to 5111.7011 of the Revised Code. 77482

~~"Nursing facility" has the same meaning as in section 5111.20~~ 77483

~~of the Revised Code.~~ 77484

"Skilled nursing facility" means a facility certified as a 77485
skilled nursing facility under Title XVIII of the "Social Security 77486
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 77487

(B) The following requirements apply to each home and 77488
community-based services medicaid waiver component: 77489

(1) Only an individual who qualifies for a component shall 77490
receive that component's services. 77491

(2) A level of care determination shall be made as part of 77492
the process of determining whether an individual qualifies for a 77493
component and shall be made each year after the initial 77494
determination if, during such a subsequent year, the 77495
administrative agency determines there is a reasonable indication 77496
that the individual's needs have changed. 77497

(3) A written plan of care or individual service plan based 77498
on an individual assessment of the services that an individual 77499
needs to avoid needing admission to a hospital, nursing facility, 77500
or intermediate care facility for the mentally retarded shall be 77501
created for each individual determined eligible for a component. 77502

(4) Each individual determined eligible for a component shall 77503
receive that component's services in accordance with the 77504
individual's level of care determination and written plan of care 77505
or individual service plan. 77506

(5) No individual may receive services under a component 77507
while the individual is a hospital inpatient or resident of a 77508
skilled nursing facility, nursing facility, or intermediate care 77509
facility for the mentally retarded. 77510

(6) No individual may receive prevocational, educational, or 77511
supported employment services under a component if the individual 77512
is eligible for such services that are funded with federal funds 77513

provided under 29 U.S.C. 730 or the "Individuals with Disabilities
Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 77514
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(7) Safeguards shall be taken to protect the health and 77516
welfare of individuals receiving services under a component, 77517
including safeguards established in rules adopted under section 77518
5111.85 of the Revised Code and safeguards established by 77519
licensing and certification requirements that are applicable to 77520
the providers of that component's services. 77521

(8) No services may be provided under a component by a 77522
provider that is subject to standards that 42 U.S.C. 1382e(e)(1) 77523
requires be established if the provider fails to comply with the 77524
standards applicable to the provider. 77525

(9) Individuals determined to be eligible for a component, or 77526
such individuals' representatives, shall be informed of that 77527
component's services, including any choices that the individual or 77528
representative may make regarding the component's services, and 77529
given the choice of either receiving services under that component 77530
or, as appropriate, hospital, nursing facility, or intermediate 77531
care facility for the mentally retarded services. 77532

(10) No individual shall lose eligibility for services under 77533
a component, or have the services reduced or otherwise disrupted, 77534
on the basis that the individual also receives services under the 77535
medicaid buy-in for workers with disabilities program. 77536

(11) No individual shall lose eligibility for services under 77537
a component, or have the services reduced or otherwise disrupted, 77538
on the basis that the individual's income or resources increase to 77539
an amount above the eligibility limit for the component if the 77540
individual is participating in the medicaid buy-in for workers 77541
with disabilities program and the amount of the individual's 77542
income or resources does not exceed the eligibility limit for the 77543
medicaid buy-in for workers with disabilities program. 77544

(12) No individual receiving services under a component shall be required to pay any cost sharing expenses for the services for any period during which the individual also participates in the medicaid buy-in for workers with disabilities program.

Sec. 5111.861. (A) As used in this section:

(1) "Assisted living program" means the medicaid waiver component created under section 5111.89 of the Revised Code.

(2) "Choices program" means the medicaid waiver component created under section 173.403 of the Revised Code.

(3) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.

(4) "PASSPORT program" means the medicaid waiver component created under section 173.40 of the Revised Code.

(B) The director of job and family services shall submit a request to the United States secretary of health and human services pursuant to 42 U.S.C. 1396n to obtain a federal medicaid waiver that consolidates the following medicaid waiver components into one medicaid waiver component:

(1) The assisted living program;

(2) The choices program;

(3) The PASSPORT program.

(C) In seeking a consolidated federal medicaid waiver under this section, the director of job and family services shall work with the director of aging and provide for the waiver to do all of the following:

(1) For the part of the waiver that concerns the assisted living program, include the provisions that sections 5111.89 to 5111.894 of the Revised Code establish for the assisted living program;

(2) For the part of the waiver that concerns the choices program, include the provisions that section 173.403 of the Revised Code establish for the choices program; 77574
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(3) For the part of the waiver that concerns the PASSPORT program, include the provisions that sections 173.40 to 173.402 of the Revised Code establish for the PASSPORT program; 77577
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(4) For each part of the waiver, including the part that concerns the choices program, be available statewide. 77580
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(D) If the United States secretary approves the consolidated federal medicaid waiver sought under this section, all of the following shall apply: 77582
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(1) The department of job and family services shall enter into a contract with the department of aging under section 5111.91 of the Revised Code for the department of aging to administer the consolidated federal medicaid waiver, except that the department of job and family services, rather than the department of aging, shall administer the part of the waiver that concerns the assisted living program if the director of budget and management does not approve the contract; 77585
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(2) The director of job and family services shall adopt rules under section 5111.85 of the Revised Code to authorize the director of aging to adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement the consolidated federal medicaid waiver, except that the director of job and family services shall adopt rules under section 5111.85 of the Revised Code that are needed to implement the part of the waiver that concerns the assisted living program if the director of budget and management does not approve the contract the departments of job and family services and aging enter into under division (D)(1) of this section; 77593
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(3) Any statutory reference to the assisted living program 77604

shall mean the part of the consolidated federal medicaid waiver 77605
that concerns the assisted living program; 77606

(4) Any statutory reference to the choices program shall mean 77607
the part of the consolidated federal medicaid waiver that concerns 77608
the choices program; 77609

(5) Any statutory references to the PASSPORT program shall 77610
mean the part of the consolidated federal medicaid waiver that 77611
concerns the PASSPORT program. 77612

Sec. 5111.874. (A) As used in sections 5111.874 to 5111.8710 77613
of the Revised Code: 77614

"Home and community-based services" has the same meaning as 77615
in section 5123.01 of the Revised Code. 77616

"ICF/MR services" means intermediate care facility for the 77617
mentally retarded services covered by the medicaid program that an 77618
intermediate care facility for the mentally retarded provides to a 77619
resident of the facility who is a medicaid recipient eligible for 77620
medicaid-covered intermediate care facility for the mentally 77621
retarded services. 77622

"Intermediate care facility for the mentally retarded" means 77623
an intermediate care facility for the mentally retarded that is 77624
certified as in compliance with applicable standards for the 77625
medicaid program by the director of health in accordance with 77626
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 77627
U.S.C. 1396, as amended, and licensed as a residential facility 77628
under section 5123.19 of the Revised Code. 77629

"Residential facility" has the same meaning as in section 77630
5123.19 of the Revised Code. 77631

(B) For the purpose of increasing the number of slots 77632
available for home and community-based services and subject to 77633
sections 5111.877 and 5111.878 of the Revised Code, the operator 77634

of an intermediate care facility for the mentally retarded may 77635
convert all of the beds in the facility from providing ICF/MR 77636
services to providing home and community-based services if all of 77637
the following requirements are met: 77638

(1) The operator provides the directors of health, job and 77639
family services, and mental retardation and developmental 77640
disabilities at least ninety days' notice of the operator's intent 77641
to relinquish the facility's certification as an intermediate care 77642
facility for the mentally retarded and to begin providing home and 77643
community-based services. 77644

(2) The operator complies with the requirements of sections 77645
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 77646
voluntary termination as defined in section 5111.65 of the Revised 77647
Code if those requirements are applicable. 77648

(3) The operator notifies each of the facility's residents 77649
that the facility is to cease providing ICF/MR services and inform 77650
each resident that the resident may do either of the following: 77651

(a) Continue to receive ICF/MR services by transferring to 77652
another facility that is an intermediate care facility for the 77653
mentally retarded willing and able to accept the resident if the 77654
resident continues to qualify for ICF/MR services; 77655

(b) Begin to receive home and community-based services 77656
instead of ICF/MR services from any provider of home and 77657
community-based services that is willing and able to provide the 77658
services to the resident if the resident is eligible for the 77659
services and a slot for the services is available to the resident. 77660

(4) The operator meets the requirements for providing home 77661
and community-based services, including the following: 77662

(a) Such requirements applicable to a residential facility if 77663
the operator maintains the facility's license as a residential 77664
facility; 77665

(b) Such requirements applicable to a facility that is not 77666
licensed as a residential facility if the operator surrenders the 77667
facility's residential facility license under section 5123.19 of 77668
the Revised Code. 77669

(5) The director of mental retardation and developmental 77670
disabilities approves the conversion. 77671

(C) The notice to the director of mental retardation and 77672
developmental disabilities under division (B)(1) of this section 77673
shall specify whether the operator wishes to surrender the 77674
facility's license as a residential facility under section 5123.19 77675
of the Revised Code. 77676

(D) If the director of mental retardation and developmental 77677
disabilities approves a conversion under division (B) of this 77678
section, the director of health shall terminate the certification 77679
of the intermediate care facility for the mentally retarded to be 77680
converted. The director of health shall notify the director of job 77681
and family services of the termination. On receipt of the director 77682
of health's notice, the director of job and family services shall 77683
terminate the operator's medicaid provider agreement that 77684
authorizes the operator to provide ICF/MR services at the 77685
facility. The operator is not entitled to notice or a hearing 77686
under Chapter 119. of the Revised Code before the director of job 77687
and family services terminates the medicaid provider agreement. 77688
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Sec. 5111.875. (A) For the purpose of increasing the number 77690
of slots available for home and community-based services and 77691
subject to sections 5111.877 and 5111.878 of the Revised Code, a 77692
person who acquires, through a request for proposals issued by the 77693
director of mental retardation and developmental disabilities, a 77694
residential facility that is an intermediate care facility for the 77695
mentally retarded and for which the license as a residential 77696

facility was previously surrendered or revoked may convert some or 77697
all of the facility's beds from providing ICF/MR services to 77698
providing home and community-based services if all of the 77699
following requirements are met: 77700

(1) The person provides the directors of health, job and 77701
family services, and mental retardation and developmental 77702
disabilities at least ninety days' notice of the person's intent 77703
to make the conversion. 77704

(2) The person complies with the requirements of sections 77705
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 77706
voluntary termination as defined in section 5111.65 of the Revised 77707
Code if those requirements are applicable. 77708

(3) If the person intends to convert all of the facility's 77709
beds, the person notifies each of the facility's residents that 77710
the facility is to cease providing ICF/MR services and informs 77711
each resident that the resident may do either of the following: 77712

(a) Continue to receive ICF/MR services by transferring to 77713
another facility that is an intermediate care facility for the 77714
mentally retarded willing and able to accept the resident if the 77715
resident continues to qualify for ICF/MR services; 77716

(b) Begin to receive home and community-based services 77717
instead of ICF/MR services from any provider of home and 77718
community-based services that is willing and able to provide the 77719
services to the resident if the resident is eligible for the 77720
services and a slot for the services is available to the resident. 77721

(4) If the person intends to convert some but not all of the 77722
facility's beds, the person notifies each of the facility's 77723
residents that the facility is to convert some of its beds from 77724
providing ICF/MR services to providing home and community-based 77725
services and inform each resident that the resident may do either 77726

of the following: 77727

(a) Continue to receive ICF/MR services from any provider of ICF/MR services that is willing and able to provide the services to the resident if the resident continues to qualify for ICF/MR services; 77728
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(b) Begin to receive home and community-based services instead of ICF/MR services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident. 77732
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(5) The person meets the requirements for providing home and community-based services at a residential facility. 77737
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(B) The notice provided to the directors under division (A)(1) of this section shall specify whether some or all of the facility's beds are to be converted. If some but not all of the beds are to be converted, the notice shall specify how many of the facility's beds are to be converted and how many of the beds are to continue to provide ICF/MR services. 77739
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(C) On receipt of a notice under division (A)(1) of this section, the director of health shall do the following: 77745
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(1) Terminate the certification of the intermediate care facility for the mentally retarded if the notice specifies that all of the facility's beds are to be converted; 77747
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(2) Reduce the facility's certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted. 77750
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(D) The director of health shall notify the director of job and family services of the termination or reduction under division (C) of this section. On receipt of the director of health's notice, the director of job and family services shall do the 77753
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following: 77757

(1) Terminate the person's medicaid provider agreement that 77758
authorizes the person to provide ICF/MR services at the facility 77759
if the facility's certification was terminated; 77760

(2) Amend the person's medicaid provider agreement to reflect 77761
the facility's reduced certified capacity if the facility's 77762
certified capacity is reduced. 77763

The person is not entitled to notice or a hearing under 77764
Chapter 119. of the Revised Code before the director of job and 77765
family services terminates or amends the medicaid provider 77766
agreement. 77767

Sec. 5111.88. (A) As used in sections 5111.88 to 5111.8811 of 77768
the Revised Code: 77769

(1) "Adult" means an individual at least eighteen years of 77770
age. 77771

(2) "Authorized representative" means the following: 77772

(a) In the case of a consumer who is a minor, the consumer's 77773
parent, custodian, or guardian; 77774

(b) In the case of a consumer who is an adult, an individual 77775
selected by the consumer pursuant to section 5111.8810 of the 77776
Revised Code to act on the consumer's behalf for purposes 77777
regarding home care attendant services. 77778

(3) "Authorizing health care professional" means a health 77779
care professional who, pursuant to section 5111.887 of the Revised 77780
Code, authorizes a home care attendant to assist a consumer with 77781
self-administration of medication, nursing tasks, or both. 77782

(4) "Consumer" means an individual to whom all of the 77783
following apply: 77784

(a) The individual is enrolled in a participating medicaid 77785

waiver component. 77786

(b) The individual has a medically determinable physical impairment to which both of the following apply: 77787
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(i) It is expected to last for a continuous period of not less than twelve months. 77789
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(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both. 77791
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(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant. 77795
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(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant. 77799
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(5) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 77803
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(6) "Custodian" has the same meaning as in section 2151.011 of the Revised Code. 77805
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(7) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach. 77807
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(8) "Guardian" has the same meaning as in section 2111.01 of the Revised Code. 77809
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(9) "Health care professional" means a physician or registered nurse. 77811
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(10) "Home care attendant" means an individual holding a valid medicaid provider agreement in accordance with section 5111.881 of the Revised Code that authorizes the individual to 77813
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<u>provide home care attendant services to consumers.</u>	77816
<u>(11) "Home care attendant services" means all of the following as provided by a home care attendant:</u>	77817
<u>(a) Personal care aide services;</u>	77818
<u>(b) Assistance with the self-administration of medication;</u>	77819
<u>(c) Assistance with nursing tasks.</u>	77820
<u>(12) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.</u>	77821
<u>(13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.</u>	77822
<u>(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.</u>	77823
<u>(15) "Minor" means an individual under eighteen years of age.</u>	77824
<u>(16) "Participating medicaid waiver component" means both of the following:</u>	77825
<u>(a) The medicaid waiver component known as Ohio home care that the department of job and family services administers;</u>	77826
<u>(b) The medicaid waiver component known as Ohio transitions II aging carve-out that the department of job and family services administers.</u>	77827
<u>(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</u>	77828
<u>(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice nurse, as defined in section 4723.01 of the Revised Code.</u>	77829
<u>(19) "Schedule II," "schedule III," "schedule IV," and</u>	77830

"schedule V" have the same meanings as in section 3719.01 of the Revised Code. 77845
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(B) The director of job and family services may submit requests to the United States secretary of health and human services to amend the federal medicaid waivers authorizing the participating medicaid waiver components to have those components cover home care attendant services in accordance with sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code. Notwithstanding sections 5111.881 to 5111.8811 of the Revised Code, those sections shall be implemented regarding a participating medicaid waiver component only if the secretary approves a waiver amendment for the component. 77847
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Sec. 5111.881. The director of job and family services shall enter into a medicaid provider agreement with an individual to authorize the individual to provide home care attendant services to consumers if the individual does both of the following: 77857
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(A) Agrees to comply with the requirements of sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code; 77861
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(B) Provides the director evidence satisfactory to the director of all of the following: 77864
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(1) That the individual either meets the personnel qualifications specified in 42 C.F.R. 484.4 for home health aides or has successfully completed at least one of the following: 77866
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(a) A competency evaluation program or training and competency evaluation program approved or conducted by the director of health under section 3721.31 of the Revised Code; 77869
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(b) A training program approved by the department of job and family services that includes training in at least all of the following and provides training equivalent to a training and 77872
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competency evaluation program specified in division (B)(1)(a) of 77875
this section or meets the requirements of 42 C.F.R. 484.36(a): 77876

(i) Basic home safety; 77877

(ii) Universal precautions for the prevention of disease 77878
transmission, including hand-washing and proper disposal of bodily 77879
waste and medical instruments that are sharp or may produce sharp 77880
pieces if broken; 77881

(iii) Personal care aide services; 77882

(iv) The labeling, counting, and storage requirements for 77883
schedule II, III, IV, and V medications. 77884

(2) That the individual has obtained a certificate of 77885
completion of a course in first aid from a first aid course to 77886
which all of the following apply: 77887

(a) It is not provided solely through the internet. 77888

(b) It includes hands-on training provided by a first aid 77889
instructor who is qualified to provide such training according to 77890
standards set in rules adopted under section 5111.8811 of the 77891
Revised Code. 77892

(c) It requires the individual to demonstrate successfully 77893
that the individual has learned the first aid taught in the 77894
course. 77895

(3) That the individual meets any other requirements for the 77896
medicaid provider agreement specified in rules adopted under 77897
section 5111.8811 of the Revised Code. 77898

Sec. 5111.882. A home care attendant shall complete not less 77899
than twelve hours of in-service continuing education regarding 77900
home care attendant services each year and provide the director of 77901
job and family services evidence satisfactory to the director that 77902
the attendant satisfied this requirement. The evidence shall be 77903

submitted to the director not later than the annual anniversary of 77904
the issuance of the home care attendant's initial medicaid 77905
provider agreement. 77906

Sec. 5111.883. A home care attendant shall do all of the 77907
following: 77908

(A) Maintain a clinical record for each consumer to whom the 77909
attendant provides home care attendant services in a manner that 77910
protects the consumer's privacy; 77911

(B) Participate in a face-to-face visit every ninety days 77912
with all of the following to monitor the health and welfare of 77913
each of the consumers to whom the attendant provides home care 77914
attendant services: 77915

(1) The consumer; 77916

(2) The consumer's authorized representative, if any; 77917

(3) A registered nurse who agrees to answer any questions 77918
that the attendant, consumer, or authorized representative has 77919
about consumer care needs, medications, and other issues. 77920

(C) Document the activities of each visit required by 77921
division (B) of this section in the consumer's clinical record 77922
with the assistance of the registered nurse. 77923

Sec. 5111.884. (A) A home care attendant may assist a 77924
consumer with nursing tasks or self-administration of medication 77925
only after the attendant does both of the following: 77926

(1) Subject to division (B) of this section, completes 77927
consumer-specific training in how to provide the assistance that 77928
the authorizing health care professional authorizes the attendant 77929
to provide to the consumer; 77930

(2) At the request of the consumer, consumer's authorized 77931

representative, or authorizing health care professional, 77932
successfully demonstrates that the attendant has learned how to 77933
provide the authorized assistance to the consumer. 77934

(B) The training required by division (A)(1) of this section 77935
shall be provided by either of the following: 77936

(1) The authorizing health care professional; 77937

(2) The consumer or consumer's authorized representative in 77938
cooperation with the authorizing health care professional. 77939

Sec. 5111.885. A home care attendant shall comply with both 77940
of the following when assisting a consumer with nursing tasks or 77941
self-administration of medication: 77942

(A) The written consent of the consumer or consumer's 77943
authorized representative provided to the director of job and 77944
family services under section 5111.886 of the Revised Code; 77945

(B) The authorizing health care professional's written 77946
authorization provided to the director under section 5111.887 of 77947
the Revised Code. 77948

Sec. 5111.886. To consent to a home care attendant assisting 77949
a consumer with nursing tasks or self-administration of 77950
medication, the consumer or consumer's authorized representative 77951
shall provide the director of job and family services a written 77952
statement signed by the consumer or authorized representative 77953
under which the consumer or authorized representative consents to 77954
both of the following: 77955

(A) Having the attendant assist the consumer with nursing 77956
tasks or self-administration of medication; 77957

(B) Assuming responsibility for directing the attendant when 77958
the attendant assists the consumer with nursing tasks or 77959
self-administration of medication. 77960

Sec. 5111.887. To authorize a home care attendant to assist a 77961
consumer with nursing tasks or self-administration of medication, 77962
a health care professional shall provide the director of job and 77963
family services a written statement signed by the health care 77964
professional that includes all of the following: 77965

(A) The consumer's name and address; 77966

(B) A description of the nursing tasks or self-administration 77967
of medication with which the attendant is to assist the consumer, 77968
including, in the case of assistance with self-administration of 77969
medication, the name and dosage of the medication; 77970

(C) The times or intervals when the attendant is to assist 77971
the consumer with the self-administration of each dosage of the 77972
medication or nursing tasks; 77973

(D) The dates the attendant is to begin and cease providing 77974
the assistance; 77975

(E) A list of severe adverse reactions the attendant must 77976
report to the health care professional should the consumer 77977
experience one or more of the reactions; 77978

(F) At least one telephone number at which the attendant can 77979
reach the health care professional in an emergency; 77980

(G) Instructions the attendant is to follow when assisting 77981
the consumer with nursing tasks or self-administration of 77982
medication, including instructions for maintaining sterile 77983
conditions and for storage of task-related equipment and supplies; 77984

(H) The health care professional's attestation of both of the 77985
following: 77986

(1) That the consumer or consumer's authorized representative 77987
has demonstrated to the health care professional the ability to 77988
direct the attendant; 77989

(2) That the attendant has demonstrated to the health care professional the ability to provide the consumer assistance with nursing tasks or self-administration of medication that the health care professional has specifically authorized the attendant to provide and that the consumer or consumer's authorized representative has indicated to the health care professional that the consumer or authorized representative is satisfied with the attendant's demonstration. 77990
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Sec. 5111.888. When authorizing a home care attendant to assist a consumer with nursing tasks or self-administration of medication a health care professional may not authorize a home care attendant to do any of the following: 77998
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(A) Perform a task that is outside of the health care professional's scope of practice; 78002
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(B) Assist the consumer with the self-administration of a medication, including a schedule II, schedule III, schedule IV, or schedule V drug unless both of the following apply: 78004
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(1) The medication is administered orally, topically, or via a gastrostomy tube or jejunostomy tube, including through any of the following: 78007
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(a) In the case of an oral medication, a metered dose inhaler; 78010
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(b) In the case of a topical medication, including a transdermal medication, either of the following: 78012
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(i) An eye, ear, or nose drop or spray; 78014

(ii) A vaginal or rectal suppository. 78015

(c) In the case of a gastrostomy tube or jejunostomy tube, only through a pre-programmed pump. 78016
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(2) The medication is in its original container and the label 78018

attached to the container displays all of the following: 78019

(a) The consumer's full name in print; 78020

(b) The medication's dispensing date, which must not be more 78021
than twelve months before the date the attendant assists the 78022
consumer with self-administration of the medication; 78023

(c) The exact dosage and means of administration that match 78024
the health care professional's authorization to the attendant. 78025

(C) Assist the consumer with the self-administration of a 78026
schedule II, schedule III, schedule IV, or schedule V medication 78027
unless, in addition to meeting the requirements of division (B) of 78028
this section, all of the following apply: 78029

(1) The medication has a warning label on its container. 78030

(2) The attendant counts the medication in the consumer's or 78031
authorized representative's presence when the medication is 78032
administered to the consumer and records the count on a form used 78033
for the count as specified in rules adopted under section 78034
5111.8811 of the Revised Code. 78035

(3) The attendant recounts the medication in the consumer's 78036
or authorized representative's presence at least monthly and 78037
reconciles the recount on a log located in the consumer's clinical 78038
record. 78039

(4) The medication is stored separately from all other 78040
medications and is secured and locked at all times when not being 78041
administered to the consumer to prevent unauthorized access. 78042

(D) Perform an intramuscular injection; 78043

(E) Perform a subcutaneous injection unless it is for a 78044
routine dose of insulin; 78045

(F) Program a pump used to deliver a medication unless the 78046
pump is used to deliver a routine dose of insulin; 78047

(G) Insert, remove, or discontinue an intravenous access device; 78048
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(H) Engage in intravenous medication administration; 78050

(I) Insert or initiate an infusion therapy; 78051

(J) Perform a central line dressing change. 78052

Sec. 5111.889. A home care attendant who provides home care attendant services to a consumer in accordance with the authorizing health care professional's authorization does not engage in the practice of nursing as a registered nurse or in the practice of nursing as a licensed practical nurse in violation of section 4723.03 of the Revised Code. 78053
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A consumer or the consumer's authorized representative shall report to the director of job and family services if a home care attendant engages in the practice of nursing as a registered nurse or the practice of nursing as a licensed practical nurse beyond the authorizing health care professional's authorization. The director shall forward a copy of each report to the board of nursing. 78059
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Sec. 5111.8810. A consumer who is an adult may select an individual to act on the consumer's behalf for purposes regarding home care attendant services by submitting a written notice of the consumer's selection of an authorized representative to the director of job and family services. The notice shall specifically identify the individual the consumer selects as authorized representative and may limit what the authorized representative may do on the consumer's behalf regarding home care attendant services. A consumer may not select the consumer's home care attendant to be the consumer's authorized representative. 78066
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Sec. 5111.8811. The director of job and family services shall 78077
adopt rules under section 5111.85 of the Revised Code as necessary 78078
for the implementation of sections 5111.88 to 5111.8810 of the 78079
Revised Code. The rules shall be consistent with federal and state 78080
law. 78081

Sec. 5111.89. (A) As used in sections 5111.89 to 5111.894 of 78082
the Revised Code: 78083

"Area agency on aging" has the same meaning as in section 78084
173.14 of the Revised Code. 78085

"Assisted living program" means the ~~medicaid waiver component~~ 78086
~~for which the director of job and family services is authorized by~~ 78087
program created under this section to request a medicaid waiver. 78088

"Assisted living services" means the following home and 78089
community-based services: personal care, homemaker, chore, 78090
attendant care, companion, medication oversight, and therapeutic 78091
social and recreational programming. 78092

"County or district home" means a county or district home 78093
operated under Chapter 5155. of the Revised Code. 78094

"Long-term care consultation program" means the program the 78095
department of aging is required to develop under section 173.42 of 78096
the Revised Code. 78097

"Long-term care consultation program administrator" or 78098
"administrator" means the department of aging or, if the 78099
department contracts with an area agency on aging or other entity 78100
to administer the long-term care consultation program for a 78101
particular area, that agency or entity. 78102

"Medicaid waiver component" has the same meaning as in 78103
section 5111.85 of the Revised Code. 78104

"Nursing facility" has the same meaning as in section 5111.20 78105

of the Revised Code. 78106

"Residential care facility" has the same meaning as in 78107
section 3721.01 of the Revised Code. 78108

"State administrative agency" means the department of job and 78109
family services if the department of job and family services 78110
administers the assisted living program or the department of aging 78111
if the department of aging administers the assisted living 78112
program. 78113

~~(B) The director of job and family services may submit a 78114
request to the United States secretary of health and human 78115
services under 42 U.S.C. 1396n to obtain a waiver of federal 78116
medicaid requirements that would otherwise be violated in the 78117
creation and implementation of a program under which There is 78118
hereby created the assisted living program. The program shall 78119
provide assisted living services ~~are provided to not more than one 78120
thousand eight hundred~~ individuals who meet the program's 78121
eligibility requirements established under section 5111.891 of the 78122
Revised Code. The program may not serve more individuals than the 78123
number that is set by the United States secretary of health and 78124
human services when the medicaid waiver authorizing the program is 78125
approved. The program shall be operated as a separate medicaid 78126
waiver component until the United States secretary approves the 78127
consolidated federal medicaid waiver sought under section 5111.861 78128
of the Revised Code. The program shall be part of the consolidated 78129
federal medicaid waiver sought under that section if the United 78130
States secretary approves the waiver. 78131~~

~~If the secretary approves the medicaid waiver requested under 78132
this section and the director of budget and management approves 78133
the contract, the department of job and family services shall 78134
enter into a contract with the department of aging under section 78135
5111.91 of the Revised Code that provides for the department of 78136
aging to administer the assisted living program. The contract 78137~~

shall include an estimate of the program's costs. 78138

The director of job and family services may adopt rules under 78139
section 5111.85 of the Revised Code regarding the assisted living 78140
program. The director of aging may adopt rules under Chapter 119. 78141
of the Revised Code regarding the program that the rules adopted 78142
by the director of job and family services authorize the director 78143
of aging to adopt. 78144

Sec. 5111.891. To be eligible for the assisted living 78145
program, an individual must meet all of the following 78146
requirements: 78147

(A) Need an intermediate level of care as determined under 78148
rule 5101:3-3-06 of the Administrative Code; 78149

(B) At the time the individual applies for the assisted 78150
living program, be one of the following: 78151

(1) A nursing facility resident who is seeking to move to a 78152
residential care facility and would remain in a nursing facility 78153
for long term care if not for the assisted living program; 78154

(2) A participant of any of the following medicaid waiver 78155
components who would move to a nursing facility if not for the 78156
assisted living program: 78157

(a) The PASSPORT program created under section 173.40 of the 78158
Revised Code; 78159

(b) ~~The medicaid waiver component called the choices program~~ 78160
~~that the department of aging administers~~ created under section 78161
173.403 of the Revised Code; 78162

(c) A medicaid waiver component that the department of job 78163
and family services administers. 78164

(3) A resident of a residential care facility who has resided 78165
in a residential care facility for at least six months immediately 78166

before the date the individual applies for the assisted living program. 78167
78168

(C) At the time the individual receives assisted living services under the assisted living program, reside in a residential care facility that is authorized by a valid medicaid provider agreement to participate in the assisted living program, including both of the following: 78169
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(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility; 78174
78175
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(2) A county or district home licensed as a residential care facility. 78179
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(D) Meet all other eligibility requirements for the assisted living program established in rules adopted under section 5111.85 of the Revised Code. 78181
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78183

Sec. 5111.894. The state administrative agency may establish one or more waiting lists for the assisted living program. Only individuals eligible for the medicaid program may be placed on a waiting list. 78184
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Each month, each area agency on aging shall determine whether any individual who resides in the area that the area agency on aging serves and is on a waiting list for the assisted living program has been admitted to a nursing facility. If an area agency on aging determines that such an individual has been admitted to a nursing facility and that there is a vacancy in a residential care facility participating in the assisted living program that is acceptable to the individual, the agency shall notify the long-term care consultation program administrator serving the area 78188
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in which the individual resides about the determination. The 78197
administrator shall determine whether the assisted living program 78198
is appropriate for the individual and whether the individual would 78199
rather participate in the assisted living program than continue 78200
residing in the nursing facility. If the administrator determines 78201
that the assisted living program is appropriate for the individual 78202
and the individual would rather participate in the assisted living 78203
program than continue residing in the nursing facility, the 78204
administrator shall so notify the state administrative agency. 78205
78206

On receipt of the notice from the administrator, the state 78207
administrative agency shall approve the individual's enrollment in 78208
the assisted living program regardless of any waiting list for the 78209
assisted living program, unless the enrollment would cause the 78210
assisted living program to exceed ~~the~~ any limit on the number of 78211
individuals who may participate in the program as set by ~~section~~ 78212
~~5111.89 of the Revised Code~~ the United States secretary of health 78213
and human services when the medicaid waiver authorizing the 78214
program is approved. Each quarter, the state administrative agency 78215
shall certify to the director of budget and management the 78216
estimated increase in costs of the assisted living program 78217
resulting from enrollment of individuals in the assisted living 78218
program pursuant to this section. 78219

~~Not later than the last day of each calendar year, the 78220
director of job and family services shall submit to the general 78221
assembly a report regarding the number of individuals enrolled in 78222
the assisted living program pursuant to this section and the costs 78223
incurred and savings achieved as a result of the enrollments. 78224~~

Sec. 5111.912. (A) If the department of job and family 78225
services enters into a contract with the department of mental 78226
health under section 5111.91 of the Revised Code, the department 78227

of mental health and boards of alcohol, drug addiction, and mental 78228
health services shall pay the nonfederal share of any medicaid 78229
payment to a provider for services under the component, or aspect 78230
of the component, the department of mental health administers. 78231
78232

(B) A board of alcohol, drug addiction, and mental health 78233
services shall use state funds provided to the board for the 78234
purpose of funding community mental health services to make the 78235
payments required by this section. In addition, a board may use 78236
money available to the board that is raised by a county tax levy 78237
to make the payments if using the money for that purpose is 78238
consistent with the purpose for which the tax was levied. 78239

Sec. 5111.913. (A) If the department of job and family 78240
services enters into a contract with the department of alcohol and 78241
drug addiction services under section 5111.91 of the Revised Code, 78242
the department of alcohol and drug addiction services and boards 78243
of alcohol, drug addiction, and mental health services shall pay 78244
the nonfederal share of any medicaid payment to a provider for 78245
services under the component, or aspect of the component, the 78246
department of alcohol and drug addiction services administers. 78247
78248

(B) A board of alcohol, drug addiction, and mental health 78249
services shall use state funds provided to the board for the 78250
purpose of funding community alcohol and drug addiction services 78251
to make the payments required by this section. In addition, a 78252
board may use money available to the board that is raised by a 78253
county tax levy to make the payments if using the money for that 78254
purpose is consistent with the purpose for which the tax was 78255
levied. 78256

Sec. 5111.971. (A) As used in this section, "long-term care 78257

medicaid waiver component" means any of the following: 78258

(1) The PASSPORT program created under section 173.40 of the 78259
Revised Code; 78260

(2) The ~~medicaid waiver component called the~~ choices program 78261
~~that the department of aging administers~~ created under section 78262
173.403 of the Revised Code; 78263

(3) A medicaid waiver component that the department of job 78264
and family services administers. 78265

(B) The director of job and family services shall submit a 78266
request to the United States secretary of health and human 78267
services for a waiver of federal medicaid requirements that would 78268
be otherwise violated in the creation of a pilot program under 78269
which not more than two hundred individuals who meet the pilot 78270
program's eligibility requirements specified in division (D) of 78271
this section receive a spending authorization to pay for the cost 78272
of medically necessary home and community-based services that the 78273
pilot program covers. The spending authorization shall be in an 78274
amount not exceeding seventy per cent of the average cost under 78275
the medicaid program for providing nursing facility services to an 78276
individual. An individual participating in the pilot program shall 78277
also receive necessary support services, including fiscal 78278
intermediary and other case management services, that the pilot 78279
program covers. 78280

(C) If the United States secretary of health and human 78281
services approves the waiver submitted under division (B) of this 78282
section, the department of job and family services shall enter 78283
into a contract with the department of aging under section 5111.91 78284
of the Revised Code that provides for the department of aging to 78285
administer the pilot program that the waiver authorizes. 78286

(D) To be eligible to participate in the pilot program 78287

created under division (B) of this section, an individual must 78288
meet all of the following requirements: 78289

(1) Need an intermediate level of care as determined under 78290
rule 5101:3-3-06 of the Administrative Code or a skilled level of 78291
care as determined under rule 5101:3-3-05 of the Administrative 78292
Code; 78293

(2) At the time the individual applies to participate in the 78294
pilot program, be one of the following: 78295

(a) A nursing facility resident who would remain in a nursing 78296
facility if not for the pilot program; 78297

(b) A participant of any long-term care medicaid waiver 78298
component who would move to a nursing facility if not for the 78299
pilot program. 78300

(3) Meet all other eligibility requirements for the pilot 78301
program established in rules adopted under section 5111.85 of the 78302
Revised Code. 78303

(E) The director of job and family services may adopt rules 78304
under section 5111.85 of the Revised Code as the director 78305
considers necessary to implement the pilot program created under 78306
division (B) of this section. The director of aging may adopt 78307
rules under Chapter 119. of the Revised Code as the director 78308
considers necessary for the pilot program's implementation. The 78309
rules may establish a list of medicaid-covered services not 78310
covered by the pilot program that an individual participating in 78311
the pilot program may not receive if the individual also receives 78312
medicaid-covered services outside of the pilot program. 78313

Sec. 5112.30. As used in sections 5112.30 to 5112.39 of the 78314
Revised Code: 78315

(A) "Intermediate care facility for the mentally retarded" 78316
has the same meaning as in section 5111.20 of the Revised Code, 78317

~~except that it does not include any such facility operated by the~~ 78318
~~department of mental retardation and developmental disabilities.~~ 78319

(B) "Medicaid" has the same meaning as in section 5111.01 of 78320
the Revised Code. 78321

Sec. 5112.31. The department of job and family services shall 78322
do all of the following: 78323

(A) For the purposes specified in sections 5112.37 ~~and,~~ 78324
5112.371, and 5112.372 of the Revised Code, annually assess each 78325
intermediate care facility for the mentally retarded a franchise 78326
permit fee equal to ~~eleven~~ fourteen dollars and ~~ninety-eight~~ 78327
twenty-five cents multiplied by the product of the following: 78328

(1) The number of beds certified under Title XIX of the 78329
"Social Security Act" on the first day of May of the calendar year 78330
in which the assessment is determined pursuant to division (A) of 78331
section 5112.33 of the Revised Code; 78332

(2) The number of days in the fiscal year beginning on the 78333
first day of July of the same calendar year. 78334

(B) Beginning July 1, ~~2009~~ 2011, and the first day of each 78335
July thereafter, adjust fees determined under division (A) of this 78336
section in accordance with the composite inflation factor 78337
established in rules adopted under section 5112.39 of the Revised 78338
Code. 78339

(C) If the United States secretary of health and human 78340
services determines that the franchise permit fee established by 78341
sections 5112.30 to 5112.39 of the Revised Code would be an 78342
impermissible health care-related tax under section 1903(w) of the 78343
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 78344
necessary actions to cease implementation of those sections in 78345
accordance with rules adopted under section 5112.39 of the Revised 78346
Code. 78347

Sec. 5112.37. There is hereby created in the state treasury 78348
the home and community-based services for the mentally retarded 78349
and developmentally disabled fund. ~~Ninety-four~~ Seventy-four and 78350
~~twenty-eight~~ eighty-nine hundredths per cent of all installment 78351
payments and penalties paid by an intermediate care facility for 78352
the mentally retarded under sections 5112.33 and 5112.34 of the 78353
Revised Code for state fiscal year 2010 shall be deposited into 78354
the fund. Seventy and sixty-seven hundredths per cent of all 78355
installment payments and penalties paid by an intermediate care 78356
facility for the mentally retarded under sections 5112.33 and 78357
5112.34 of the Revised Code for state fiscal year 2011 and 78358
thereafter shall be deposited into the fund. The department of job 78359
and family services shall distribute the money in the fund in 78360
accordance with rules adopted under section 5112.39 of the Revised 78361
Code. The departments of job and family services and mental 78362
retardation and developmental disabilities shall use the money for 78363
the medicaid program established under Chapter 5111. of the 78364
Revised Code and home and community-based services to mentally 78365
retarded and developmentally disabled persons. 78366

Sec. 5112.371. There is hereby created in the state treasury 78367
the children with intensive behavioral needs programs fund. ~~Five~~ 78368
~~Three~~ and ~~seventy-two~~ seventy-eight hundredths per cent of all 78369
installment payments and penalties paid by an intermediate care 78370
facility for the mentally retarded under sections 5112.33 and 78371
5112.34 of the Revised Code for state fiscal year 2010 shall be 78372
deposited in the fund. Three and fifty-seven hundredths per cent 78373
of all installment payments and penalties paid by an intermediate 78374
care facility for the mentally retarded under sections 5112.33 and 78375
5112.34 of the Revised Code for state fiscal year 2011 and 78376
thereafter shall be deposited into the fund. The money in the fund 78377
shall be used for the programs the director of mental retardation 78378

and developmental disabilities establishes under section 5123.0417 78379
of the Revised Code. 78380

Sec. 5112.372. There is hereby created in the state treasury 78381
the ODMR/DD operating and services fund. Twenty-one and 78382
thirty-three hundredths per cent of all installment payments and 78383
penalties paid by an intermediate care facility for the mentally 78384
retarded under sections 5112.33 and 5112.34 of the Revised Code 78385
for state fiscal year 2010 shall be deposited into the fund. 78386
Twenty-five and seventy-six hundredths per cent of all installment 78387
payments and penalties paid by an intermediate care facility for 78388
the mentally retarded under sections 5112.33 and 5112.34 of the 78389
Revised Code for state fiscal year 2011 and thereafter shall be 78390
deposited into the fund. The money in the fund shall be used for 78391
the expenses of the programs that the department of mental 78392
retardation and developmental disabilities administers and the 78393
department's administrative expenses. 78394

Sec. 5119.16. As used in this section, "free clinic" has the 78395
same meaning as in section 2305.2341 of the Revised Code. 78396

(A) The department of mental health ~~is hereby designated to~~ 78397
may provide certain goods and services for the department of 78398
mental health, the department of mental retardation and 78399
developmental disabilities, the department of rehabilitation and 78400
correction, the department of youth services, and other state, 78401
county, or municipal agencies requesting such goods and services 78402
when the department of mental health determines that it is in the 78403
public interest, and considers it advisable, to provide these 78404
goods and services. The department of mental health also may 78405
provide goods and services to agencies operated by the United 78406
States government and to public or private nonprofit agencies, 78407
other than free clinics, that are funded in whole or in part by 78408

the state if the public or private nonprofit agencies are 78409
designated for participation in this program by the director of 78410
mental health for community mental health agencies, the director 78411
of mental retardation and developmental disabilities for community 78412
mental retardation and developmental disabilities agencies, the 78413
director of rehabilitation and correction for community 78414
rehabilitation and correction agencies, or the director of youth 78415
services for community youth services agencies. 78416

Designated community agencies shall receive goods and 78417
services through the department of mental health only in those 78418
cases where the designating state agency certifies that providing 78419
such goods and services to the agency will conserve public 78420
resources to the benefit of the public and where the provision of 78421
such goods and services is considered feasible by the department 78422
of mental health. 78423

(B) The department of mental health may permit free clinics 78424
to purchase certain goods and services to the extent the purchases 78425
fall within the exemption to the Robinson-Patman Act, 15 U.S.C. 13 78426
et seq., applicable to ~~non-profit~~ nonprofit institutions, in 15 78427
U.S.C. 13c, as amended. 78428

(C) The goods and services ~~to~~ that may be provided by the 78429
department of mental health under divisions (A) and (B) of this 78430
section may include: 78431

(1) Procurement, storage, processing, and distribution of 78432
food and professional consultation on food operations; 78433

(2) Procurement, storage, and distribution of medical and 78434
laboratory supplies, dental supplies, medical records, forms, 78435
optical supplies, and sundries, subject to section 5120.135 of the 78436
Revised Code; 78437

(3) Procurement, storage, repackaging, distribution, and 78438
dispensing of drugs, the provision of professional pharmacy 78439

consultation, and drug information services; 78440

(4) Other goods and services ~~as may be agreed to.~~ 78441

(D) The department of mental health ~~shall~~ may provide the 78442
goods and services designated in division (C) of this section to 78443
its institutions and to state-operated community-based mental 78444
health services. 78445

(E) After consultation with and advice from the director of 78446
mental retardation and developmental disabilities, the director of 78447
rehabilitation and correction, and the director of youth services, 78448
the department of mental health ~~shall~~ may provide the goods and 78449
services designated in division (C) of this section to the 78450
department of mental retardation and developmental disabilities, 78451
the department of rehabilitation and correction, and the 78452
department of youth services. 78453

(F) The cost of administration of this section shall be 78454
determined by the department of mental health and paid by the 78455
agencies or free clinics receiving the goods and services to the 78456
department for deposit in the state treasury to the credit of the 78457
mental health fund, which is hereby created. The fund shall be 78458
used to pay the cost of administration of this section to the 78459
department. 78460

(G) ~~If the goods or services designated in division (C) of 78461
this section are not provided in a satisfactory manner by the 78462
department of mental health to the agencies described in division 78463
(A) of this section, the director of mental retardation and 78464
developmental disabilities, the director of rehabilitation and 78465
correction, the director of youth services, or the managing 78466
officer of a department of mental health institution shall attempt 78467
to resolve unsatisfactory service with the director of mental 78468
health. If, after such attempt, the provision of goods or services 78469
continues to be unsatisfactory, the director or officer shall 78470~~

~~notify the director of mental health. If within thirty days of 78471
such notice the department of mental health does not provide the 78472
specified goods and services in a satisfactory manner, the 78473
director of mental retardation and developmental disabilities, the 78474
director of rehabilitation and correction, the director of youth 78475
services, or the managing officer of the department of mental 78476
health institution shall notify the director of mental health of 78477
the director's or managing officer's intent to cease purchasing 78478
goods and services from the department. Following a sixty day 78479
cancellation period from the date of such notice, the department 78480
of mental retardation, department of rehabilitation and 78481
correction, department of youth services, or the department of 78482
mental health institution may obtain the goods and services from a 78483
source other than the department of mental health, if the 78484
department certifies to the department of administrative services 78485
that the requirements of this division have been met. 78486~~

~~(H)~~ Whenever a state agency fails to make a payment for goods 78487
and services provided under this section within thirty-one days 78488
after the date the payment was due, the office of budget and 78489
management may transfer moneys from the state agency to the 78490
department of mental health. The amount transferred shall not 78491
exceed the amount of overdue payments. Prior to making a transfer 78492
under this division, the office of budget and management shall 78493
apply any credits the state agency has accumulated in payments for 78494
goods and services provided under this section. 78495

~~(I)~~(H) Purchases of goods and services under this section are 78496
not subject to section 307.86 of the Revised Code. 78497

Sec. 5119.61. Any provision in this chapter that refers to a 78498
board of alcohol, drug addiction, and mental health services also 78499
refers to the community mental health board in an alcohol, drug 78500
addiction, and mental health service district that has a community 78501

mental health board. 78502

The director of mental health with respect to all facilities 78503
and programs established and operated under Chapter 340. of the 78504
Revised Code for mentally ill and emotionally disturbed persons, 78505
shall do all of the following: 78506

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 78507
that may be necessary to carry out the purposes of Chapter 340. 78508
and sections 5119.61 to 5119.63 of the Revised Code. 78509

(1) The rules shall include all of the following: 78510

(a) Rules governing a community mental health agency's 78511
services under section 340.091 of the Revised Code to an 78512
individual referred to the agency under division (C)(2) of section 78513
173.35 of the Revised Code; 78514

(b) For the purpose of division (A)(16) of section 340.03 of 78515
the Revised Code, rules governing the duties of mental health 78516
agencies and boards of alcohol, drug addiction, and mental health 78517
services under section 3722.18 of the Revised Code regarding 78518
referrals of individuals with mental illness or severe mental 78519
disability to adult care facilities and effective arrangements for 78520
ongoing mental health services for the individuals. The rules 78521
shall do at least the following: 78522

(i) Provide for agencies and boards to participate fully in 78523
the procedures owners and managers of adult care facilities must 78524
follow under division (A)~~(2)~~ of section 3722.18 of the Revised 78525
Code; 78526

(ii) Specify the manner in which boards are accountable for 78527
ensuring that ongoing mental health services are effectively 78528
arranged for individuals with mental illness or severe mental 78529
disability who are referred by the board or mental health agency 78530
under contract with the board to an adult care facility. 78531

(c) Rules governing a board of alcohol, drug addiction, and mental health services when making a report to the director of health under section 3722.17 of the Revised Code regarding the quality of care and services provided by an adult care facility to a person with mental illness or a severe mental disability.

(2) Rules may be adopted to govern the method of paying a community mental health facility, as defined in section 5111.023 of the Revised Code, for providing services listed in division (B) of that section. Such rules must be consistent with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and include requirements ensuring appropriate service utilization.

(B) Review and evaluate, and, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program and the requirements and priorities of the state mental health plan, including the needs of residents of the district now residing in state mental institutions, approve and allocate funds to support community programs, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;

(C) Withhold state and federal funds for any program, in whole or in part, from a board of alcohol, drug addiction, and mental health services in the event of failure of that program to comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, or 5119.62 of the Revised Code or rules of the department of mental health. The director shall identify the areas of noncompliance and the action necessary to achieve compliance. The director shall offer technical assistance to the board to achieve compliance. The director shall give the board a reasonable time within which to comply or to present its position that it is in compliance. Before withholding funds, a hearing shall be conducted

to determine if there are continuing violations and that either 78564
assistance is rejected or the board is unable to achieve 78565
compliance. Subsequent to the hearing process, if it is determined 78566
that compliance has not been achieved, the director may allocate 78567
all or part of the withheld funds to a public or private agency to 78568
provide the services not in compliance until the time that there 78569
is compliance. The director shall establish rules pursuant to 78570
Chapter 119. of the Revised Code to implement this division. 78571

(D) Withhold state or federal funds from a board of alcohol, 78572
drug addiction, and mental health services that denies available 78573
service on the basis of religion, race, color, creed, sex, 78574
national origin, age, disability as defined in section 4112.01 of 78575
the Revised Code, developmental disability, or the inability to 78576
pay; 78577

(E) Provide consultative services to community mental health 78578
agencies with the knowledge and cooperation of the board of 78579
alcohol, drug addiction, and mental health services; 78580

(F) Provide to boards of alcohol, drug addiction, and mental 78581
health services state or federal funds, in addition to those 78582
allocated under section 5119.62 of the Revised Code, for special 78583
programs or projects the director considers necessary but for 78584
which local funds are not available; 78585

(G) Establish criteria by which a board of alcohol, drug 78586
addiction, and mental health services reviews and evaluates the 78587
quality, effectiveness, and efficiency of services provided 78588
through its community mental health plan. The criteria shall 78589
include requirements ensuring appropriate service utilization. The 78590
department shall assess a board's evaluation of services and the 78591
compliance of each board with this section, Chapter 340. or 78592
section 5119.62 of the Revised Code, and other state or federal 78593
law and regulations. The department, in cooperation with the 78594
board, periodically shall review and evaluate the quality, 78595

effectiveness, and efficiency of services provided through each board. The department shall collect information that is necessary to perform these functions.

(H) Develop and operate a community mental health information system or systems.

Boards of alcohol, drug abuse, and mental health services shall submit information requested by the department in the form and manner prescribed by the department. Information collected by the department shall include, but not be limited to, all of the following:

(1) Information regarding units of services provided in whole or in part under contract with a board, including diagnosis and special needs, demographic information, the number of units of service provided, past treatment, financial status, and service dates in accordance with rules adopted by the department in accordance with Chapter 119. of the Revised Code;

(2) Financial information other than price or price-related data regarding expenditures of boards and community mental health agencies, including units of service provided, budgeted and actual expenses by type, and sources of funds.

Boards shall submit the information specified in division (H)(1) of this section no less frequently than annually for each client, and each time the client's case is opened or closed. The department shall not collect any personal information ~~for the purpose of identifying by name any person who receives a service through a board of alcohol, drug addiction, and mental health services, from the boards except as required or permitted by state or federal law to validate appropriate reimbursement. For the purposes of division (H)(1) of this section, the department shall use an identification system that is consistent with applicable nationally recognized standards for purposes related to payment,~~

health care operations, program and service evaluation, reporting 78627
activities, research, system administration, and oversight. 78628

(I) Review each board's community mental health plan 78629
submitted pursuant to section 340.03 of the Revised Code and 78630
approve or disapprove it in whole or in part. Periodically, in 78631
consultation with representatives of boards and after considering 78632
the recommendations of the medical director, the director shall 78633
issue criteria for determining when a plan is complete, criteria 78634
for plan approval or disapproval, and provisions for conditional 78635
approval. The factors that the director considers may include, but 78636
are not limited to, the following: 78637

(1) The mental health needs of all persons residing within 78638
the board's service district, especially severely mentally 78639
disabled children, adolescents, and adults; 78640

(2) The demonstrated quality, effectiveness, efficiency, and 78641
cultural relevance of the services provided in each service 78642
district, the extent to which any services are duplicative of 78643
other available services, and whether the services meet the needs 78644
identified above; 78645

(3) The adequacy of the board's accounting for the 78646
expenditure of funds. 78647

If the director disapproves all or part of any plan, the 78648
director shall provide the board an opportunity to present its 78649
position. The director shall inform the board of the reasons for 78650
the disapproval and of the criteria that must be met before the 78651
plan may be approved. The director shall give the board a 78652
reasonable time within which to meet the criteria, and shall offer 78653
technical assistance to the board to help it meet the criteria. 78654

If the approval of a plan remains in dispute thirty days 78655
prior to the conclusion of the fiscal year in which the board's 78656
current plan is scheduled to expire, the board or the director may 78657

request that the dispute be submitted to a mutually agreed upon 78658
third-party mediator with the cost to be shared by the board and 78659
the department. The mediator shall issue to the board and the 78660
department recommendations for resolution of the dispute. Prior to 78661
the conclusion of the fiscal year in which the current plan is 78662
scheduled to expire, the director, taking into consideration the 78663
recommendations of the mediator, shall make a final determination 78664
and approve or disapprove the plan, in whole or in part. 78665

Sec. 5119.613. For purposes of Chapter 3722. of the Revised 78666
Code, the director of mental health shall approve a standardized 78667
form to be used in all areas of this state by adult care 78668
facilities and boards of alcohol, drug addiction, and mental 78669
health services when entering into mental health resident program 78670
participation agreements. As part of approving the form, the 78671
director shall specify the requirements that adult care facilities 78672
must meet in order to be authorized to admit residents who are 78673
receiving or are eligible for publicly funded mental health 78674
services. 78675

Sec. 5120.09. Under the supervision and control of the 78676
director of rehabilitation and correction, the division of 78677
business administration shall do all of the following: 78678

(A) Submit the budgets for the several divisions of the 78679
department of rehabilitation and correction, as prepared by the 78680
respective chiefs of those divisions, to the director. The 78681
director, with the assistance of the chief of the division of 78682
business administration, shall compile a departmental budget that 78683
contains all proposals submitted by the chiefs of the divisions 78684
and shall forward the departmental budget to the governor with 78685
comments and recommendations that the director considers 78686
necessary. 78687

(B) Maintain accounts and records and compile statistics that 78688
the director prescribes; 78689

(C) Under the control of the director, coordinate and make 78690
the necessary purchases and requisitions for the department and 78691
its divisions, except ~~as provided under~~ when goods and services 78692
are provided to the department as described in section 5119.16 of 78693
the Revised Code; 78694

(D) Administer within this state federal criminal justice 78695
acts that the governor requires the department to administer. In 78696
order to improve the criminal justice system of this state, the 78697
division of business administration shall apply for, allocate, 78698
disburse, and account for grants that are made available pursuant 78699
to those federal criminal justice acts and grants that are made 78700
available from other federal government sources, state government 78701
sources, or private sources. As used in this division, "criminal 78702
justice system" and "federal criminal justice acts" have the same 78703
meanings as in section 5502.61 of the Revised Code. 78704

(E) Audit the activities of governmental entities, persons as 78705
defined in section 1.59 of the Revised Code, and other types of 78706
nongovernmental entities that are financed in whole or in part by 78707
funds that the department allocates or disburses and that are 78708
derived from grants described in division (D) of this section; 78709

(F) Enter into contracts, including contracts with federal, 78710
state, or local governmental entities, persons as defined in 78711
section 1.59 of the Revised Code, foundations, and other types of 78712
nongovernmental entities, that are necessary for the department to 78713
carry out its duties and that neither the director nor another 78714
section of the Revised Code authorizes another division of the 78715
department to enter; 78716

(G) Exercise other powers and perform other duties that the 78717
director may assign to the division of business administration. 78718

Sec. 5122.31. (A) All certificates, applications, records, 78719
and reports made for the purpose of this chapter and sections 78720
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 78721
Code, other than court journal entries or court docket entries, 78722
and directly or indirectly identifying a patient or former patient 78723
or person whose hospitalization has been sought under this 78724
chapter, shall be kept confidential and shall not be disclosed by 78725
any person except: 78726

(1) If the person identified, or the person's legal guardian, 78727
if any, or if the person is a minor, the person's parent or legal 78728
guardian, consents, and if the disclosure is in the best interests 78729
of the person, as may be determined by the court for judicial 78730
records and by the chief clinical officer for medical records; 78731

(2) When disclosure is provided for in this chapter or 78732
section 5123.60 of the Revised Code; 78733

(3) That hospitals, boards of alcohol, drug addiction, and 78734
mental health services, and community mental health agencies may 78735
release necessary medical information to insurers and other 78736
third-party payers, including government entities responsible for 78737
processing and authorizing payment, to obtain payment for goods 78738
and services furnished to the patient; 78739

(4) Pursuant to a court order signed by a judge; 78740

(5) That a patient shall be granted access to the patient's 78741
own psychiatric and medical records, unless access specifically is 78742
restricted in a patient's treatment plan for clear treatment 78743
reasons; 78744

(6) That hospitals and other institutions and facilities 78745
within the department of mental health may exchange psychiatric 78746
records and other pertinent information with other hospitals, 78747
institutions, and facilities of the department, and with community 78748

mental health agencies and boards of alcohol, drug addiction, and 78749
mental health services with which the department has a current 78750
agreement for patient care or services. Records and information 78751
that may be released pursuant to this division shall be limited to 78752
medication history, physical health status and history, financial 78753
status, summary of course of treatment in the hospital, summary of 78754
treatment needs, and a discharge summary, if any. 78755

(7) That hospitals within the department, other institutions 78756
and facilities within the department, and community mental health 78757
agencies may exchange psychiatric records and other pertinent 78758
information with other providers of treatment and health services 78759
if the purpose of the exchange is to facilitate continuity of care 78760
for a patient; 78761

(8) That a patient's family member who is involved in the 78762
provision, planning, and monitoring of services to the patient may 78763
receive medication information, a summary of the patient's 78764
diagnosis and prognosis, and a list of the services and personnel 78765
available to assist the patient and the patient's family, if the 78766
patient's treating physician determines that the disclosure would 78767
be in the best interests of the patient. No such disclosure shall 78768
be made unless the patient is notified first and receives the 78769
information and does not object to the disclosure. 78770

~~(8)~~(9) That community mental health agencies may exchange 78771
psychiatric records and certain other information with the board 78772
of alcohol, drug addiction, and mental health services and other 78773
agencies in order to provide services to a person involuntarily 78774
committed to a board. Release of records under this division shall 78775
be limited to medication history, physical health status and 78776
history, financial status, summary of course of treatment, summary 78777
of treatment needs, and discharge summary, if any. 78778

~~(9)~~ (10) That information may be disclosed to the executor or 78779
the administrator of an estate of a deceased patient when the 78780

information is necessary to administer the estate; 78781

~~(10)~~(11) That records in the possession of the Ohio 78782
historical society may be released to the closest living relative 78783
of a deceased patient upon request of that relative; 78784

~~(11)~~(12) That information may be disclosed to staff members 78785
of the appropriate board or to staff members designated by the 78786
director of mental health for the purpose of evaluating the 78787
quality, effectiveness, and efficiency of services and determining 78788
if the services meet minimum standards. Information obtained 78789
during such evaluations shall not be retained with the name of any 78790
patient. 78791

~~(12)~~(13) That records pertaining to the patient's diagnosis, 78792
course of treatment, treatment needs, and prognosis shall be 78793
disclosed and released to the appropriate prosecuting attorney if 78794
the patient was committed pursuant to section 2945.38, 2945.39, 78795
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 78796
attorney designated by the board for proceedings pursuant to 78797
involuntary commitment under this chapter. 78798

~~(13)~~(14) That the department of mental health may exchange 78799
psychiatric hospitalization records, other mental health treatment 78800
records, and other pertinent information with the department of 78801
rehabilitation and correction to ensure continuity of care for 78802
inmates who are receiving mental health services in an institution 78803
of the department of rehabilitation and correction. The department 78804
shall not disclose those records unless the inmate is notified, 78805
receives the information, and does not object to the disclosure. 78806
The release of records under this division is limited to records 78807
regarding an inmate's medication history, physical health status 78808
and history, summary of course of treatment, summary of treatment 78809
needs, and a discharge summary, if any. 78810

~~(14)~~(15) That a community mental health agency that ceases to 78811

operate may transfer to either a community mental health agency 78812
that assumes its caseload or to the board of alcohol, drug 78813
addiction, and mental health services of the service district in 78814
which the patient resided at the time services were most recently 78815
provided any treatment records that have not been transferred 78816
elsewhere at the patient's request. 78817

(B) Before records are disclosed pursuant to divisions 78818
(A)(3), (6), (7), and ~~(8)~~(9) of this section, the custodian of the 78819
records shall attempt to obtain the patient's consent for the 78820
disclosure. No person shall reveal the contents of a medical 78821
record of a patient except as authorized by law. 78822

(C) The managing officer of a hospital who releases necessary 78823
medical information under division (A)(3) of this section to allow 78824
an insurance carrier or other third party payor to comply with 78825
section 5121.43 of the Revised Code shall neither be subject to 78826
criminal nor civil liability. 78827

Sec. 5123.049. The director of mental retardation and 78828
developmental disabilities shall adopt rules in accordance with 78829
Chapter 119. of the Revised Code governing the authorization and 78830
payment of home and community-based services and medicaid case 78831
management services. The rules shall provide for private providers 78832
of the services to receive one hundred per cent of the medicaid 78833
allowable payment amount and for government providers of the 78834
services to receive the federal share of the medicaid allowable 78835
payment, less the amount withheld as a fee under section 5123.0412 78836
of the Revised Code ~~and any amount that may be required by rules~~ 78837
~~adopted under section 5123.0413 of the Revised Code to be~~ 78838
~~deposited into the state MR/DD risk fund.~~ The rules shall 78839
establish the process by which county boards of mental retardation 78840
and developmental disabilities shall certify and provide the 78841
nonfederal share of medicaid expenditures that the county board is 78842

required by sections 5126.059 and 5126.0510 of the Revised Code to 78843
pay. The process shall require a county board to certify that the 78844
county board has funding available at one time for two months 78845
costs for those expenditures. The process may permit a county 78846
board to certify that the county board has funding available at 78847
one time for more than two months costs for those expenditures. 78848

Sec. 5123.0412. (A) The department of mental retardation and 78849
developmental disabilities shall charge each county board of 78850
mental retardation and developmental disabilities an annual fee 78851
equal to one and one-half per cent of the total value of all 78852
medicaid paid claims for home and community-based services 78853
provided during the year to an individual eligible for services 78854
from the county board. No county board shall pass the cost of a 78855
fee charged to the county board under this section on to another 78856
provider of these services. 78857

(B) The fees collected under this section shall be deposited 78858
into the ODMR/DD administration and oversight fund and the ODJFS 78859
administration and oversight fund, both of which are hereby 78860
created in the state treasury. The portion of the fees to be 78861
deposited into the ODMR/DD administration and oversight fund and 78862
the portion of the fees to be deposited into the ODJFS 78863
administration and oversight fund shall be the portion specified 78864
in an interagency agreement entered into under division (C) of 78865
this section. The department of mental retardation and 78866
developmental disabilities shall use the money in the ODMR/DD 78867
administration and oversight fund and the department of job and 78868
family services shall use the money in the ODJFS administration 78869
and oversight fund for both of the following purposes: 78870

(1) The Medicaid administrative costs, including 78871
administrative and oversight costs of medicaid case management 78872
services and home and community-based services. The administrative 78873

and oversight costs of medicaid case management services and home 78874
and community-based services shall include costs for staff, 78875
systems, and other resources the departments need and dedicate 78876
solely to the following duties associated with the services: 78877
78878

(a) Eligibility determinations; 78879

(b) Training; 78880

(c) Fiscal management; 78881

(d) Claims processing; 78882

(e) Quality assurance oversight; 78883

(f) Other duties the departments identify. 78884

(2) Providing technical support to county boards' local 78885
administrative authority under section 5126.055 of the Revised 78886
Code for the services. 78887

(C) The departments of mental retardation and developmental 78888
disabilities and job and family services shall enter into an 78889
interagency agreement to do both of the following: 78890

(1) Specify which portion of the fees collected under this 78891
section is to be deposited into the ODMR/DD administration and 78892
oversight fund and which portion is to be deposited into the ODJFS 78893
administration and oversight fund; 78894

(2) Provide for the departments to coordinate the staff whose 78895
costs are paid for with money in the ODMR/DD administration and 78896
oversight fund and the ODJFS administration and oversight fund. 78897

(D) The departments shall submit an annual report to the 78898
director of budget and management certifying how the departments 78899
spent the money in the ODMR/DD administration and oversight fund 78900
and the ODJFS administration and oversight fund for the purposes 78901
specified in division (B) of this section. 78902

Sec. 5123.0413. ~~(A) The department of mental retardation and developmental disabilities, in consultation with the department of job and family services, office of budget and management, and county boards of mental retardation and developmental disabilities, shall adopt rules in accordance with Chapter 119. of the Revised Code no later than January 1, 2002, establishing a method of paying for extraordinary costs, including extraordinary costs for services to individuals with mental retardation or other developmental disability, and ensure the availability of adequate funds to establish both of the following in the event a county property tax levy for services for individuals with mental retardation or other developmental disability fails. The rules may provide for using and managing either or both of the following:~~

~~(1) A state MR/DD risk fund, which is hereby created in the state treasury;~~

~~(2) A state insurance against MR/DD risk fund, which is hereby created in the state treasury.~~

~~(B) Beginning January 1, 2002, the department of job and family services may not request approval from the United States secretary of health and human services to increase the number of slots for home and community based services until the rules required by division (A) of this section are in effect;~~

(A) A method of paying for home and community-based services;

(B) A method of reducing the number of individuals a county board would otherwise be required by section 5126.0512 of the Revised Code to ensure are enrolled in a medicaid waiver component under which home and community-based services are provided.

Sec. 5123.19. (A) As used in this section and in sections 5123.191, 5123.193, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised Code:

(1)(a) "Residential facility" means a home or facility in 78933
which a mentally retarded or developmentally disabled person 78934
resides, except the home of a relative or legal guardian in which 78935
a mentally retarded or developmentally disabled person resides, a 78936
respite care home certified under section 5126.05 of the Revised 78937
Code, a county home or district home operated pursuant to Chapter 78938
5155. of the Revised Code, or a dwelling in which the only 78939
mentally retarded or developmentally disabled residents are in an 78940
independent living arrangement or are being provided supported 78941
living. 78942

(b) "Intermediate care facility for the mentally retarded" 78943
means a residential facility that is considered an intermediate 78944
care facility for the mentally retarded for the purposes of 78945
Chapter 5111. of the Revised Code. 78946

(2) "Political subdivision" means a municipal corporation, 78947
county, or township. 78948

(3) "Independent living arrangement" means an arrangement in 78949
which a mentally retarded or developmentally disabled person 78950
resides in an individualized setting chosen by the person or the 78951
person's guardian, which is not dedicated principally to the 78952
provision of residential services for mentally retarded or 78953
developmentally disabled persons, and for which no financial 78954
support is received for rendering such service from any 78955
governmental agency by a provider of residential services. 78956

(4) "Licensee" means the person or government agency that has 78957
applied for a license to operate a residential facility and to 78958
which the license was issued under this section. 78959

(5) "Related party" has the same meaning as in section 78960
5123.16 of the Revised Code except that "provider" as used in the 78961
definition of "related party" means a person or government entity 78962
that held or applied for a license to operate a residential 78963

facility, rather than a person or government entity certified to 78964
provide supported living. 78965

(B) Every person or government agency desiring to operate a 78966
residential facility shall apply for licensure of the facility to 78967
the director of mental retardation and developmental disabilities 78968
unless the residential facility is subject to section 3721.02, 78969
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 78970
Chapter 3721. of the Revised Code, a nursing home that is 78971
certified as an intermediate care facility for the mentally 78972
retarded under Title XIX of the "Social Security Act," 79 Stat. 78973
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 78974
licensure of the portion of the home that is certified as an 78975
intermediate care facility for the mentally retarded. 78976

(C) Subject to section 5123.196 of the Revised Code, the 78977
director of mental retardation and developmental disabilities 78978
shall license the operation of residential facilities. An initial 78979
license shall be issued for a period that does not exceed one 78980
year, unless the director denies the license under division (D) of 78981
this section. A license shall be renewed for a period that does 78982
not exceed three years, unless the director refuses to renew the 78983
license under division (D) of this section. The director, when 78984
issuing or renewing a license, shall specify the period for which 78985
the license is being issued or renewed. A license remains valid 78986
for the length of the licensing period specified by the director, 78987
unless the license is terminated, revoked, or voluntarily 78988
surrendered. 78989

(D) If it is determined that an applicant or licensee is not 78990
in compliance with a provision of this chapter that applies to 78991
residential facilities or the rules adopted under such a 78992
provision, the director may deny issuance of a license, refuse to 78993
renew a license, terminate a license, revoke a license, issue an 78994
order for the suspension of admissions to a facility, issue an 78995

order for the placement of a monitor at a facility, issue an order 78996
for the immediate removal of residents, or take any other action 78997
the director considers necessary consistent with the director's 78998
authority under this chapter regarding residential facilities. In 78999
the director's selection and administration of the sanction to be 79000
imposed, all of the following apply: 79001

(1) The director may deny, refuse to renew, or revoke a 79002
license, if the director determines that the applicant or licensee 79003
has demonstrated a pattern of serious noncompliance or that a 79004
violation creates a substantial risk to the health and safety of 79005
residents of a residential facility. 79006

(2) The director may terminate a license if more than twelve 79007
consecutive months have elapsed since the residential facility was 79008
last occupied by a resident or a notice required by division (K) 79009
of this section is not given. 79010

(3) The director may issue an order for the suspension of 79011
admissions to a facility for any violation that may result in 79012
sanctions under division (D)(1) of this section and for any other 79013
violation specified in rules adopted under division (H)(2) of this 79014
section. If the suspension of admissions is imposed for a 79015
violation that may result in sanctions under division (D)(1) of 79016
this section, the director may impose the suspension before 79017
providing an opportunity for an adjudication under Chapter 119. of 79018
the Revised Code. The director shall lift an order for the 79019
suspension of admissions when the director determines that the 79020
violation that formed the basis for the order has been corrected. 79021

(4) The director may order the placement of a monitor at a 79022
residential facility for any violation specified in rules adopted 79023
under division (H)(2) of this section. The director shall lift the 79024
order when the director determines that the violation that formed 79025
the basis for the order has been corrected. 79026

(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned or operated by that person or government entity. The director may take any action authorized by this section with respect to any facility found to be operating in violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision.

(6) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of mental retardation and developmental disabilities. The county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;

(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;

(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.

(7) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility

whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.

(8) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of mental retardation and developmental disabilities or other governmental agencies.

(9) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(E) The director shall establish a program under which public notification may be made when the director has initiated license revocation proceedings or has issued an order for the suspension of admissions, placement of a monitor, or removal of residents. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this division. The rules shall establish the procedures by which the public notification will be made and specify the circumstances for which the notification must be made. The rules shall require that public notification be made if the director has taken action against the facility in the eighteen-month period immediately preceding the director's latest action against the facility and the latest action is being taken for the same or a substantially similar violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision. The rules shall specify a method for removing or amending the public notification if the director's action is found to have been unjustified or the

violation at the residential facility has been corrected. 79090

(F)(1) Except as provided in division (F)(2) of this section, 79091
appeals from proceedings initiated to impose a sanction under 79092
division (D) of this section shall be conducted in accordance with 79093
Chapter 119. of the Revised Code. 79094

(2) Appeals from proceedings initiated to order the 79095
suspension of admissions to a facility shall be conducted in 79096
accordance with Chapter 119. of the Revised Code, unless the order 79097
was issued before providing an opportunity for an adjudication, in 79098
which case all of the following apply: 79099

(a) The licensee may request a hearing not later than ten 79100
days after receiving the notice specified in section 119.07 of the 79101
Revised Code. 79102

(b) If a timely request for a hearing that includes the 79103
licensee's current address is made, the hearing shall commence not 79104
later than thirty days after the department receives the request. 79105

(c) After commencing, the hearing shall continue 79106
uninterrupted, except for Saturdays, Sundays, and legal holidays, 79107
unless other interruptions are agreed to by the licensee and the 79108
director. 79109

(d) If the hearing is conducted by a hearing examiner, the 79110
hearing examiner shall file a report and recommendations not later 79111
than ten days after the last of the following: 79112

(i) The close of the hearing; 79113

(ii) If a transcript of the proceedings is ordered, the 79114
hearing examiner receives the transcript; 79115

(iii) If post-hearing briefs are timely filed, the hearing 79116
examiner receives the briefs. 79117

(e) A copy of the written report and recommendation of the 79118
hearing examiner shall be sent, by certified mail, to the licensee 79119

and the licensee's attorney, if applicable, not later than five 79120
days after the report is filed. 79121

(f) Not later than five days after the hearing examiner files 79122
the report and recommendations, the licensee may file objections 79123
to the report and recommendations. 79124

(g) Not later than fifteen days after the hearing examiner 79125
files the report and recommendations, the director shall issue an 79126
order approving, modifying, or disapproving the report and 79127
recommendations. 79128

(h) Notwithstanding the pendency of the hearing, the director 79129
shall lift the order for the suspension of admissions when the 79130
director determines that the violation that formed the basis for 79131
the order has been corrected. 79132

(G) Neither a person or government agency whose application 79133
for a license to operate a residential facility is denied nor a 79134
related party of the person or government agency may apply for a 79135
license to operate a residential facility before the date that is 79136
one year after the date of the denial. Neither a licensee whose 79137
residential facility license is revoked nor a related party of the 79138
licensee may apply for a residential facility license before the 79139
date that is five years after the date of the revocation. 79140

(H) In accordance with Chapter 119. of the Revised Code, the 79141
director shall adopt and may amend and rescind rules for licensing 79142
and regulating the operation of residential facilities, including 79143
intermediate care facilities for the mentally retarded. The rules 79144
for intermediate care facilities for the mentally retarded may 79145
differ from those for other residential facilities. The rules 79146
shall establish and specify the following: 79147

(1) Procedures and criteria for issuing and renewing 79148
licenses, including procedures and criteria for determining the 79149
length of the licensing period that the director must specify for 79150

each license when it is issued or renewed;	79151
(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;	79152 79153 79154 79155
(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	79156 79157 79158
(4) Procedures for surveying residential facilities;	79159
(5) Requirements for the training of residential facility personnel;	79160 79161
(6) Classifications for the various types of residential facilities;	79162 79163
(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;	79164 79165 79166 79167
(8) The maximum number of persons who may be served in a particular type of residential facility;	79168 79169
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	79170 79171
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	79172 79173
(11) Procedures for waiving any provision of any rule adopted under this section.	79174 79175
(I) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license	79176 79177 79178 79179 79180

is valid and may conduct additional inspections as needed. A 79181
survey includes but is not limited to an on-site examination and 79182
evaluation of the residential facility, its personnel, and the 79183
services provided there. 79184

In conducting surveys, the director or the director's 79185
designee shall be given access to the residential facility; all 79186
records, accounts, and any other documents related to the 79187
operation of the facility; the licensee; the residents of the 79188
facility; and all persons acting on behalf of, under the control 79189
of, or in connection with the licensee. The licensee and all 79190
persons on behalf of, under the control of, or in connection with 79191
the licensee shall cooperate with the director or the director's 79192
designee in conducting the survey. 79193

Following each survey, unless the director initiates a 79194
license revocation proceeding, the director or the director's 79195
designee shall provide the licensee with a report listing any 79196
deficiencies, specifying a timetable within which the licensee 79197
shall submit a plan of correction describing how the deficiencies 79198
will be corrected, and, when appropriate, specifying a timetable 79199
within which the licensee must correct the deficiencies. After a 79200
plan of correction is submitted, the director or the director's 79201
designee shall approve or disapprove the plan. A copy of the 79202
report and any approved plan of correction shall be provided to 79203
any person who requests it. 79204

The director shall initiate disciplinary action against any 79205
department employee who notifies or causes the notification to any 79206
unauthorized person of an unannounced survey of a residential 79207
facility by an authorized representative of the department. 79208

(J) In addition to any other information which may be 79209
required of applicants for a license pursuant to this section, the 79210
director shall require each applicant to provide a copy of an 79211
approved plan for a proposed residential facility pursuant to 79212

section 5123.042 of the Revised Code. This division does not apply 79213
to renewal of a license or to an applicant for a license who meets 79214
the requirements of section 5123.193 of the Revised Code. 79215

(K) A licensee shall notify the owner of the building in 79216
which the licensee's residential facility is located of any 79217
significant change in the identity of the licensee or management 79218
contractor before the effective date of the change if the licensee 79219
is not the owner of the building. 79220

Pursuant to rules which shall be adopted in accordance with 79221
Chapter 119. of the Revised Code, the director may require 79222
notification to the department of any significant change in the 79223
ownership of a residential facility or in the identity of the 79224
licensee or management contractor. If the director determines that 79225
a significant change of ownership is proposed, the director shall 79226
consider the proposed change to be an application for development 79227
by a new operator pursuant to section 5123.042 of the Revised Code 79228
and shall advise the applicant within sixty days of the 79229
notification that the current license shall continue in effect or 79230
a new license will be required pursuant to this section. If the 79231
director requires a new license, the director shall permit the 79232
facility to continue to operate under the current license until 79233
the new license is issued, unless the current license is revoked, 79234
refused to be renewed, or terminated in accordance with Chapter 79235
119. of the Revised Code. 79236

(L) A county board of mental retardation and developmental 79237
disabilities, the legal rights service, and any interested person 79238
may file complaints alleging violations of statute or department 79239
rule relating to residential facilities with the department. All 79240
complaints shall be in writing and shall state the facts 79241
constituting the basis of the allegation. The department shall not 79242
reveal the source of any complaint unless the complainant agrees 79243
in writing to waive the right to confidentiality or until so 79244

ordered by a court of competent jurisdiction. 79245

The department shall adopt rules in accordance with Chapter 79246
119. of the Revised Code establishing procedures for the receipt, 79247
referral, investigation, and disposition of complaints filed with 79248
the department under this division. 79249

(M) The department shall establish procedures for the 79250
notification of interested parties of the transfer or interim care 79251
of residents from residential facilities that are closing or are 79252
losing their license. 79253

(N) Before issuing a license under this section to a 79254
residential facility that will accommodate at any time more than 79255
one mentally retarded or developmentally disabled individual, the 79256
director shall, by first class mail, notify the following: 79257

(1) If the facility will be located in a municipal 79258
corporation, the clerk of the legislative authority of the 79259
municipal corporation; 79260

(2) If the facility will be located in unincorporated 79261
territory, the clerk of the appropriate board of county 79262
commissioners and the fiscal officer of the appropriate board of 79263
township trustees. 79264

The director shall not issue the license for ten days after 79265
mailing the notice, excluding Saturdays, Sundays, and legal 79266
holidays, in order to give the notified local officials time in 79267
which to comment on the proposed issuance. 79268

Any legislative authority of a municipal corporation, board 79269
of county commissioners, or board of township trustees that 79270
receives notice under this division of the proposed issuance of a 79271
license for a residential facility may comment on it in writing to 79272
the director within ten days after the director mailed the notice, 79273
excluding Saturdays, Sundays, and legal holidays. If the director 79274
receives written comments from any notified officials within the 79275

specified time, the director shall make written findings 79276
concerning the comments and the director's decision on the 79277
issuance of the license. If the director does not receive written 79278
comments from any notified local officials within the specified 79279
time, the director shall continue the process for issuance of the 79280
license. 79281

(O) Any person may operate a licensed residential facility 79282
that provides room and board, personal care, habilitation 79283
services, and supervision in a family setting for at least six but 79284
not more than eight persons with mental retardation or a 79285
developmental disability as a permitted use in any residential 79286
district or zone, including any single-family residential district 79287
or zone, of any political subdivision. These residential 79288
facilities may be required to comply with area, height, yard, and 79289
architectural compatibility requirements that are uniformly 79290
imposed upon all single-family residences within the district or 79291
zone. 79292

(P) Any person may operate a licensed residential facility 79293
that provides room and board, personal care, habilitation 79294
services, and supervision in a family setting for at least nine 79295
but not more than sixteen persons with mental retardation or a 79296
developmental disability as a permitted use in any multiple-family 79297
residential district or zone of any political subdivision, except 79298
that a political subdivision that has enacted a zoning ordinance 79299
or resolution establishing planned unit development districts may 79300
exclude these residential facilities from those districts, and a 79301
political subdivision that has enacted a zoning ordinance or 79302
resolution may regulate these residential facilities in 79303
multiple-family residential districts or zones as a conditionally 79304
permitted use or special exception, in either case, under 79305
reasonable and specific standards and conditions set out in the 79306
zoning ordinance or resolution to: 79307

(1) Require the architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign regulation;

(3) Limit excessive concentration of these residential facilities.

(Q) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.

(R) Divisions (O) and (P) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification.

(S)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case:

(a) The director determines that an emergency exists requiring immediate placement of persons in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license.

(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility.

(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license.

(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred fifty days.

(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses.

(T) Notwithstanding rules adopted pursuant to this section establishing the maximum number of persons who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of persons being served by the facility on the effective date of the rules or the number of persons for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of mental retardation and developmental disabilities and which is in the review process prior to April 4, 1986.

(U) The director or the director's designee may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section.

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or

governmental agency named in the petition is operating a 79369
residential facility without a license. The court may grant the 79370
injunction, regardless of whether the residential facility meets 79371
the requirements for receiving a license under this section. 79372

Sec. 5123.193. An applicant for a residential facility 79373
license under section 5123.19 of the Revised Code is not required 79374
to obtain approval of a plan for the proposed residential facility 79375
pursuant to section 5123.042 of the Revised Code if all of the 79376
following apply: 79377

(A) All of the following apply to the facility for which the 79378
residential facility license is sought: 79379

(1) It is licensed as a nursing home under section 3721.02 of 79380
the Revised Code on the effective date of this section and the 79381
nursing home license authorizes the facility to have fifty nursing 79382
home beds. 79383

(2) It was previously certified as an intermediate care 79384
facility for the mentally retarded before July 1, 1992. 79385

(3) It is operated as a nonprofit organization exempt from 79386
federal income tax under section 501(c)(3) of the Internal Revenue 79387
Code. 79388

(4) Its governing board has passed a resolution to close the 79389
facility unless a residential facility license is obtained for the 79390
facility. 79391

(B) The license application seeks authorization to operate a 79392
residential facility with not more than twenty-five beds on the 79393
same site on which the facility is operated under its nursing home 79394
license on the effective date of this section. 79395

(C) The applicant applies to the director of health to have 79396
the facility certified as an intermediate care facility for the 79397
mentally retarded. 79398

(D) The applicant agrees to have the nursing home's licensed capacity reduced to not more than twenty-five nursing home beds effective on the date the director of mental retardation and developmental disabilities issues the residential facility license and agrees to surrender the nursing home license, ending the applicant's right to have any nursing home beds in the facility, effective on the date the director of health certifies the facility as an intermediate care facility for the mentally retarded. 79399
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(E) The applicant provides the director of mental retardation and developmental disabilities assurances that the applicant will cooperate with the department of job and family services in having each resident of the facility who needs a greater or lesser level of care than intermediate care facilities for the mentally retarded provide relocated to another facility or residence that is authorized to provide the level of care the resident needs and is willing to accept the resident's placement in the facility or residence. 79408
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(F) The applicant submits the application for the residential facility license to the director of mental retardation and developmental disabilities not later than one hundred twenty days after the effective date of this section. 79417
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Sec. 5126.044. (A) As used in this section, ~~"eligible:~~ 79421

(1) "Eligible person" has the same meaning as in section 5126.03 of the Revised Code. 79422
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(2) "Treatment" means the provision, coordination, or management of services provided to an eligible person. 79424
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(3) "Payment" means activities undertaken by a service provider or governmental entity to obtain or provide reimbursement for services to an eligible person. 79426
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(B) Except as provided in division ~~(D)~~(C) of this section, no person shall disclose the identity of an individual who requests programs or services under this chapter or release a record or report regarding an eligible person that is maintained by a county board of mental retardation and developmental disabilities or an entity under contract with a county board unless one of the following circumstances exists:

(1) The individual, eligible person, or the individual's guardian, or, if the individual is a minor, the individual's parent or guardian, makes a written request to the county board or entity for or approves in writing disclosure of the individual's identity or release of the record or report regarding the eligible person.

(2) Disclosure of the identity of an individual is needed for approval of a direct services contract under section 5126.032 or 5126.033 of the Revised Code. The county board shall release only the individual's name and the general nature of the services to be provided.

(3) Disclosure of the identity of the individual is needed to ascertain that the county board's waiting lists for programs or services are being maintained in accordance with section 5126.042 of the Revised Code and the rules adopted under that section. The county board shall release only the individual's name, the general nature of the programs or services to be provided the individual, the individual's rank on each waiting list that includes the individual, and any circumstances under which the individual was given priority when placed on a waiting list.

(4) Disclosure of the identity of an individual who is an eligible person is needed for treatment of or payment for services provided to the individual.

~~(C) A board or entity that discloses an individual's identity~~

~~or releases a record or report regarding an eligible person shall~~ 79460
~~maintain a record of when and to whom the disclosure or release~~ 79461
~~was made.~~ 79462

~~(D)~~(1) At the request of an eligible person or the person's 79463
guardian or, if the eligible person is a minor, the person's 79464
parent or guardian, a county board or entity under contract with a 79465
county board shall provide the person who made the request access 79466
to records and reports regarding the eligible person. On written 79467
request, the county board or entity shall provide copies of the 79468
records and reports to the eligible person, guardian, or parent. 79469
The county board or entity may charge a reasonable fee to cover 79470
the costs of copying. The county board or entity may waive the fee 79471
in cases of hardship. 79472

(2) A county board shall provide access to any waiting list 79473
or record or report regarding an eligible person maintained by the 79474
board to any state agency responsible for monitoring and reviewing 79475
programs and services provided or arranged by the county board, 79476
any state agency involved in the coordination of services for an 79477
eligible person, and any agency under contract with the department 79478
of mental retardation and developmental disabilities for the 79479
provision of protective service pursuant to section 5123.56 of the 79480
Revised Code. 79481

(3) When an eligible person who requests programs or services 79482
under this chapter dies, the county board or entity under contract 79483
with the county board, shall, on written request, provide to both 79484
of the following persons any reports and records in the board or 79485
entity's possession concerning the eligible person: 79486

(a) If the report or records are necessary to administer the 79487
estate of the person who is the subject of the reports or records, 79488
to the executor or administrator of the person's estate; 79489

(b) To the guardian of the person who is the subject of the 79490

reports or records or, if the individual had no guardian at the 79491
time of death, to a person in the first applicable of the 79492
following categories: 79493

(i) The person's spouse; 79494

(ii) The person's children; 79495

(iii) The person's parents; 79496

(iv) The person's brothers or sisters; 79497

(v) The person's uncles or aunts; 79498

(vi) The person's closest relative by blood or adoption; 79499

(vii) The person's closest relative by marriage. 79500

The county board or entity shall provide the reports and 79501
records as required by division ~~(D)~~(C)(3) of this section not 79502
later than thirty days after receipt of the request. 79503

~~(E)~~(D) A county board shall notify an eligible person, the 79504
person's guardian, or, if the eligible person is a minor, the 79505
person's parent or guardian, prior to destroying any record or 79506
report regarding the eligible person. 79507

Sec. 5126.054. (A) Each county board of mental retardation 79508
and developmental disabilities shall, by resolution, develop a 79509
three-calendar year plan that includes the following three 79510
components: 79511

(1) An assessment component that includes all of the 79512
following: 79513

(a) The number of individuals with mental retardation or 79514
other developmental disability residing in the county who need the 79515
level of care provided by an intermediate care facility for the 79516
mentally retarded, may seek home and community-based services, are 79517
given priority for the services pursuant to division (D) of 79518
section 5126.042 of the Revised Code; the service needs of those 79519

individuals; and the projected annualized cost for services; 79520

(b) The source of funds available to the county board to pay 79521
the nonfederal share of medicaid expenditures that the county 79522
board is required by sections 5126.059 and 5126.0510 of the 79523
Revised Code to pay; 79524

(c) Any other applicable information or conditions that the 79525
department of mental retardation and developmental disabilities 79526
requires as a condition of approving the component under section 79527
5123.046 of the Revised Code. 79528

(2) ~~A~~ preliminary implementation component that specifies 79529
the number of individuals to be provided, during the first year 79530
that the plan is in effect, home and community-based services 79531
pursuant to the priority given to them under divisions (D)(1) and 79532
(2) of section 5126.042 of the Revised Code and the types of home 79533
and community-based services the individuals are to receive; 79534

(3) A component that provides for the implementation of 79535
medicaid case management services and home and community-based 79536
services for individuals who begin to receive the services on or 79537
after the date the plan is approved under section 5123.046 of the 79538
Revised Code. A county board shall include all of the following in 79539
the component: 79540

(a) If the department of mental retardation and developmental 79541
disabilities or department of job and family services requires, an 79542
agreement to pay the nonfederal share of medicaid expenditures 79543
that the county board is required by sections 5126.059 and 79544
5126.0510 of the Revised Code to pay; 79545

(b) How the services are to be phased in over the period the 79546
plan covers, including how the county board will serve individuals 79547
on a waiting list established under division (C) of section 79548
5126.042 who are given priority status under division (D)(1) of 79549
that section; 79550

(c) Any agreement or commitment regarding the county board's funding of home and community-based services that the county board has with the department at the time the county board develops the component;

(d) Assurances adequate to the department that the county board will comply with all of the following requirements:

(i) To provide the types of home and community-based services specified in the preliminary implementation component required by division (A)(2) of this section to at least the number of individuals specified in that component;

(ii) To use any additional funds the county board receives for the services to improve the county board's resource capabilities for supporting such services available in the county at the time the component is developed and to expand the services to accommodate the unmet need for those services in the county;

(iii) To employ or contract with a business manager ~~who is either a new employee who has earned at least a bachelor's degree in business administration or a current employee who has the equivalent experience of a bachelor's degree in business administration~~ or enter into an agreement with another county board of mental retardation and developmental disabilities that employs or contracts with a business manager to have the business manager serve both county boards. If the county board will employ a new employee, the county board shall include in the component a timeline for employing the employee. No superintendent of a county board may serve as the county board's business manager.

(iv) To employ or contract with a medicaid services manager ~~who is either a new employee who has earned at least a bachelor's degree or a current employee who has the equivalent experience of a bachelor's degree~~ or enter into an agreement with another county board of mental retardation and developmental disabilities that

~~employs or contracts with a medicaid services manager to have the
medicaid services manager serve both county boards. If the county
board will employ a new employee, the county board shall include
in the component a timeline for employing the employee. Two or
three county boards that have a combined total enrollment in
county board services not exceeding one thousand individuals as
determined pursuant to certifications made under division (B) of
section 5126.12 of the Revised Code may satisfy this requirement
by sharing the services of a medicaid services manager or using
the services of a medicaid services manager employed by or under
contract with a regional council that the county boards establish
under section 5126.13 of the Revised Code. No superintendent of a
county board may serve as the county board's medicaid services
manager.~~

(e) Programmatic and financial accountability measures and
projected outcomes expected from the implementation of the plan;

(f) Any other applicable information or conditions that the
department requires as a condition of approving the component
under section 5123.046 of the Revised Code.

(B) A county board whose plan developed under division (A) of
this section is approved by the department under section 5123.046
of the Revised Code shall update and renew the plan in accordance
with a schedule the department shall develop.

Sec. 5126.055. (A) Except as provided in section 5126.056 of
the Revised Code, a county board of mental retardation and
developmental disabilities has medicaid local administrative
authority to, and shall, do all of the following for an individual
with mental retardation or other developmental disability who
resides in the county that the county board serves and seeks or
receives home and community-based services:

(1) Perform assessments and evaluations of the individual. As

part of the assessment and evaluation process, the county board 79613
shall do all of the following: 79614

(a) Make a recommendation to the department of mental 79615
retardation and developmental disabilities on whether the 79616
department should approve or deny the individual's application for 79617
the services, including on the basis of whether the individual 79618
needs the level of care an intermediate care facility for the 79619
mentally retarded provides; 79620

(b) If the individual's application is denied because of the 79621
county board's recommendation and the individual requests a 79622
hearing under section 5101.35 of the Revised Code, present, with 79623
the department of mental retardation and developmental 79624
disabilities or department of job and family services, whichever 79625
denies the application, the reasons for the recommendation and 79626
denial at the hearing; 79627

(c) If the individual's application is approved, recommend to 79628
the departments of mental retardation and developmental 79629
disabilities and job and family services the services that should 79630
be included in the individual's individualized service plan and, 79631
if either department approves, reduces, denies, or terminates a 79632
service included in the individual's individualized service plan 79633
under section 5111.871 of the Revised Code because of the county 79634
board's recommendation, present, with the department that made the 79635
approval, reduction, denial, or termination, the reasons for the 79636
recommendation and approval, reduction, denial, or termination at 79637
a hearing under section 5101.35 of the Revised Code. 79638

(2) In accordance with the rules adopted under section 79639
5126.046 of the Revised Code, perform the county board's duties 79640
under that section regarding assisting the individual's right to 79641
choose a qualified and willing provider of the services and, at a 79642
hearing under section 5101.35 of the Revised Code, present 79643
evidence of the process for appropriate assistance in choosing 79644

providers; 79645

(3) If the county board is certified under section 5123.161 79646
of the Revised Code to provide the services and agrees to provide 79647
the services to the individual and the individual chooses the 79648
county board to provide the services, furnish, in accordance with 79649
the county board's medicaid provider agreement and for the 79650
authorized reimbursement rate, the services the individual 79651
requires; 79652

(4) Monitor the services provided to the individual and 79653
ensure the individual's health, safety, and welfare. The 79654
monitoring shall include quality assurance activities. If the 79655
county board provides the services, the department of mental 79656
retardation and developmental disabilities shall also monitor the 79657
services. 79658

(5) Develop, with the individual and the provider of the 79659
individual's services, an effective individualized service plan 79660
that includes coordination of services, recommend that the 79661
departments of mental retardation and developmental disabilities 79662
and job and family services approve the plan, and implement the 79663
plan unless either department disapproves it+. The individualized 79664
service plan shall include a summary page, agreed to by the county 79665
board, provider, and individual receiving services, that clearly 79666
outlines the amount, duration, and scope of services to be 79667
provided under the plan. 79668

(6) Have an investigative agent conduct investigations under 79669
section 5126.313 of the Revised Code that concern the individual; 79670

(7) Have a service and support administrator perform the 79671
duties under division (B)(9) of section 5126.15 of the Revised 79672
Code that concern the individual. 79673

(B) A county board shall perform its medicaid local 79674
administrative authority under this section in accordance with all 79675

of the following: 79676

(1) The county board's plan that the department of mental 79677
retardation and developmental disabilities approves under section 79678
5123.046 of the Revised Code; 79679

(2) All applicable federal and state laws; 79680

(3) All applicable policies of the departments of mental 79681
retardation and developmental disabilities and job and family 79682
services and the United States department of health and human 79683
services; 79684

(4) The department of job and family services' supervision 79685
under its authority under section 5111.01 of the Revised Code to 79686
act as the single state medicaid agency; 79687

(5) The department of mental retardation and developmental 79688
disabilities' oversight. 79689

(C) The departments of mental retardation and developmental 79690
disabilities and job and family services shall communicate with 79691
and provide training to county boards regarding medicaid local 79692
administrative authority granted by this section. The 79693
communication and training shall include issues regarding audit 79694
protocols and other standards established by the United States 79695
department of health and human services that the departments 79696
determine appropriate for communication and training. County 79697
boards shall participate in the training. The departments shall 79698
assess the county board's compliance against uniform standards 79699
that the departments shall establish. 79700

(D) A county board may not delegate its medicaid local 79701
administrative authority granted under this section but may 79702
contract with a person or government entity, including a council 79703
of governments, for assistance with its medicaid local 79704
administrative authority. A county board that enters into such a 79705
contract shall notify the director of mental retardation and 79706

developmental disabilities. The notice shall include the tasks and 79707
responsibilities that the contract gives to the person or 79708
government entity. The person or government entity shall comply in 79709
full with all requirements to which the county board is subject 79710
regarding the person or government entity's tasks and 79711
responsibilities under the contract. The county board remains 79712
ultimately responsible for the tasks and responsibilities. 79713

(E) A county board that has medicaid local administrative 79714
authority under this section shall, through the departments of 79715
mental retardation and developmental disabilities and job and 79716
family services, reply to, and cooperate in arranging compliance 79717
with, a program or fiscal audit or program violation exception 79718
that a state or federal audit or review discovers. The department 79719
of job and family services shall timely notify the department of 79720
mental retardation and developmental disabilities and the county 79721
board of any adverse findings. After receiving the notice, the 79722
county board, in conjunction with the department of mental 79723
retardation and developmental disabilities, shall cooperate fully 79724
with the department of job and family services and timely prepare 79725
and send to the department a written plan of correction or 79726
response to the adverse findings. The county board is liable for 79727
any adverse findings that result from an action it takes or fails 79728
to take in its implementation of medicaid local administrative 79729
authority. 79730

(F) If the department of mental retardation and developmental 79731
disabilities or department of job and family services determines 79732
that a county board's implementation of its medicaid local 79733
administrative authority under this section is deficient, the 79734
department that makes the determination shall require that county 79735
board do the following: 79736

(1) If the deficiency affects the health, safety, or welfare 79737
of an individual with mental retardation or other developmental 79738

disability, correct the deficiency within twenty-four hours; 79739

(2) If the deficiency does not affect the health, safety, or 79740
welfare of an individual with mental retardation or other 79741
developmental disability, receive technical assistance from the 79742
department or submit a plan of correction to the department that 79743
is acceptable to the department within sixty days and correct the 79744
deficiency within the time required by the plan of correction. 79745

Sec. 5126.0512. (A) As used in this section, "medicaid waiver 79746
component" means a medicaid waiver component as defined in section 79747
5111.85 of the Revised Code under which home and community-based 79748
services are provided. 79749

(B) Effective July 1, 2007, and except as provided in rules 79750
adopted under section 5123.0413 of the Revised Code, each county 79751
board of mental retardation and developmental disabilities shall 79752
ensure, for each medicaid waiver component, that the number of 79753
individuals eligible under section 5126.041 of the Revised Code 79754
for services from the county board who are enrolled in a medicaid 79755
waiver component is no less than the sum of the following: 79756

(1) The number of individuals eligible for services from the 79757
county board who are enrolled in the medicaid waiver component on 79758
June 30, 2007; 79759

(2) The number of medicaid waiver component slots the county 79760
board requested before July 1, 2007, that were assigned to the 79761
county board before that date but in which no individual was 79762
enrolled before that date. 79763

(C) An individual enrolled in a medicaid waiver component 79764
after March 1, 2007, due to an emergency reserve capacity waiver 79765
assignment shall not be counted in determining the number of 79766
individuals a county board must ensure under division (B) of this 79767
section are enrolled in a medicaid waiver component. 79768

(D) An individual who is enrolled in a medicaid waiver component to comply with the terms of the consent order filed March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United States district court for the southern district of Ohio, eastern division, shall be excluded in determining whether a county board has complied with division (B) of this section.

(E) A county board shall make as many requests for individuals to be enrolled in a medicaid waiver component as necessary for the county board to comply with division (B) of this section.

Sec. 5126.19. (A) The director of mental retardation and developmental disabilities may grant temporary funding from the community mental retardation and developmental disabilities trust fund based on allocations to county boards of mental retardation and developmental disabilities. The director may distribute all or part of the funding directly to a county board, the persons who provide the services for which the funding is granted, or persons with mental retardation or developmental disabilities who are to receive those services.

(B) Funding granted under division (A) of this section shall be granted according to the availability of moneys in the fund and priorities established by the director. Funding may be granted for any of the following purposes:

(1) Behavioral or short-term interventions for persons with mental retardation or developmental disabilities that assist them in remaining in the community by preventing institutionalization;

(2) Emergency respite care services, as defined in section 5126.11 of the Revised Code;

(3) Family support services provided under section 5126.11 of the Revised Code;

(4) Supported living, as defined in section 5126.01 of the Revised Code; 79799
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(5) Staff training for county board employees, employees of providers of residential services as defined in section 5126.01 of the Revised Code, and other personnel under contract with a county board, to provide the staff with necessary training in serving mentally retarded or developmentally disabled persons in the community; 79801
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(6) Short-term provision of early childhood services provided under section 5126.05, adult services provided under sections 5126.05 and 5126.051, and service and support administration provided under section 5126.15 of the Revised Code, when local moneys are insufficient to meet the need for such services due to the successive failure within a two-year period of three or more proposed levies for the services; 79807
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(7) Contracts with providers of residential services to maintain persons with mental retardation and developmental disabilities in their programs and avoid institutionalization. 79814
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(C) If the trust fund contains more than ten million dollars on the first day of July the director shall use one million dollars for payments under section 5126.18 of the Revised Code, two million dollars for subsidies to county boards for supported living, and one million dollars for subsidies to county boards for early childhood services and adult services provided under section 5126.05 of the Revised Code. Distributions of funds under this division shall be made prior to August 31 of the state fiscal year in which the funds are available. The funds shall be allocated to a county board in an amount equal to the same percentage of the total amount allocated to the county board the immediately preceding state fiscal year. 79817
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~~(D) In addition to making grants under division (A) of this~~ 79829

~~section, the director may use money available in the trust fund 79830
for the same purposes that rules adopted under section 5123.0413 79831
of the Revised Code provide for money in the state MR/DD risk fund 79832
and the state insurance against MR/DD risk fund, both created 79833
under that section, to be used. 79834~~

Sec. 5139.43. (A) The department of youth services shall 79835
operate a felony delinquent care and custody program that shall be 79836
operated in accordance with the formula developed pursuant to 79837
section 5139.41 of the Revised Code, subject to the conditions 79838
specified in this section. 79839

(B)(1) Each juvenile court shall use the moneys disbursed to 79840
it by the department of youth services pursuant to division (B) of 79841
section 5139.41 of the Revised Code in accordance with the 79842
applicable provisions of division (B)(2) of this section and shall 79843
transmit the moneys to the county treasurer for deposit in 79844
accordance with this division. The county treasurer shall create 79845
in the county treasury a fund that shall be known as the felony 79846
delinquent care and custody fund and shall deposit in that fund 79847
the moneys disbursed to the juvenile court pursuant to division 79848
(B) of section 5139.41 of the Revised Code. The county treasurer 79849
also shall deposit into that fund the state subsidy funds granted 79850
to the county pursuant to section 5139.34 of the Revised Code. The 79851
moneys disbursed to the juvenile court pursuant to division (B) of 79852
section 5139.41 of the Revised Code and deposited pursuant to this 79853
division in the felony delinquent care and custody fund shall not 79854
be commingled with any other county funds except state subsidy 79855
funds granted to the county pursuant to section 5139.34 of the 79856
Revised Code; shall not be used for any capital construction 79857
projects; upon an order of the juvenile court and subject to 79858
appropriation by the board of county commissioners, shall be 79859
disbursed to the juvenile court for use in accordance with the 79860
applicable provisions of division (B)(2) of this section; shall 79861

not revert to the county general fund at the end of any fiscal 79862
year; and shall carry over in the felony delinquent care and 79863
custody fund from the end of any fiscal year to the next fiscal 79864
year. ~~At~~ The maximum balance carry-over at the end of each 79865
respective fiscal year, beginning June 30, 2008, the balance in 79866
the felony delinquent care and custody fund in any county ~~shall~~ 79867
~~not exceed the total moneys from funds~~ allocated to the county 79868
pursuant to sections 5139.34 and 5139.41 of the Revised Code 79869
~~during~~ in the previous fiscal year shall not exceed an amount to 79870
be calculated as provided in the formula set forth in this 79871
division, unless that county has applied for and been granted an 79872
exemption by the director of youth services. Beginning June 30, 79873
2008, the maximum balance carry-over at the end of each respective 79874
fiscal year shall be determined by the following formula: for 79875
fiscal year 2008, the maximum balance carry-over shall be one 79876
hundred per cent of the allocation for fiscal year 2007, to be 79877
applied in determining the fiscal year 2009 allocation; for fiscal 79878
year 2009, it shall be fifty per cent of the allocation for fiscal 79879
year 2008, to be applied in determining the fiscal year 2010 79880
allocation; for fiscal year 2010, it shall be twenty-five per cent 79881
of the allocation for fiscal year 2009, to be applied in 79882
determining the fiscal year 2011 allocation; and for each fiscal 79883
year subsequent to fiscal year 2010, it shall be twenty-five per 79884
cent of the allocation for the immediately preceding fiscal year, 79885
to be applied in determining the allocation for the next immediate 79886
fiscal year. The department shall withhold from future payments to 79887
a county an amount equal to any moneys in the felony delinquent 79888
care and custody fund of the county that exceed the total ~~moneys~~ 79889
~~allocated pursuant to those sections to the county during the~~ 79890
~~preceding fiscal year~~ maximum balance carry-over that applies for 79891
that county for the fiscal year in which the payments are being 79892
made and shall reallocate the withheld amount. The department 79893
shall adopt rules for the withholding and reallocation of moneys 79894

disbursed under sections 5139.34 and 5139.41 of the Revised Code 79895
and for the criteria and process for a county to obtain an 79896
exemption from the withholding requirement. The moneys disbursed 79897
to the juvenile court pursuant to division (B) of section 5139.41 79898
of the Revised Code and deposited pursuant to this division in the 79899
felony delinquent care and custody fund shall be in addition to, 79900
and shall not be used to reduce, any usual annual increase in 79901
county funding that the juvenile court is eligible to receive or 79902
the current level of county funding of the juvenile court and of 79903
any programs or services for delinquent children, unruly children, 79904
or juvenile traffic offenders. 79905

(2)(a) A county and the juvenile court that serves the county 79906
shall use the moneys in its felony delinquent care and custody 79907
fund in accordance with rules that the department of youth 79908
services adopts pursuant to division (D) of section 5139.04 of the 79909
Revised Code and as follows: 79910

(i) The moneys in the fund that represent state subsidy funds 79911
granted to the county pursuant to section 5139.34 of the Revised 79912
Code shall be used to aid in the support of prevention, early 79913
intervention, diversion, treatment, and rehabilitation programs 79914
that are provided for alleged or adjudicated unruly children or 79915
delinquent children or for children who are at risk of becoming 79916
unruly children or delinquent children. The county shall not use 79917
for capital improvements more than fifteen per cent of the moneys 79918
in the fund that represent the applicable annual grant of those 79919
state subsidy funds. 79920

(ii) The moneys in the fund that were disbursed to the 79921
juvenile court pursuant to division (B) of section 5139.41 of the 79922
Revised Code and deposited pursuant to division (B)(1) of this 79923
section in the fund shall be used to provide programs and services 79924
for the training, treatment, or rehabilitation of felony 79925
delinquents that are alternatives to their commitment to the 79926

department, including, but not limited to, community residential 79927
programs, day treatment centers, services within the home, and 79928
electronic monitoring, and shall be used in connection with 79929
training, treatment, rehabilitation, early intervention, or other 79930
programs or services for any delinquent child, unruly child, or 79931
juvenile traffic offender who is under the jurisdiction of the 79932
juvenile court. 79933

The fund also may be used for prevention, early intervention, 79934
diversion, treatment, and rehabilitation programs that are 79935
provided for alleged or adjudicated unruly children, delinquent 79936
children, or juvenile traffic offenders or for children who are at 79937
risk of becoming unruly children, delinquent children, or juvenile 79938
traffic offenders. Consistent with division (B)(1) of this 79939
section, a county and the juvenile court of a county shall not use 79940
any of those moneys for capital construction projects. 79941

(iii) Moneys in the fund shall not be used to support 79942
programs or services that do not comply with federal juvenile 79943
justice and delinquency prevention core requirements or to support 79944
programs or services that research has shown to be ineffective. 79945

(iv) The county and the juvenile court that serves the county 79946
may use moneys in the fund to provide out-of-home placement of 79947
children only in detention centers, community rehabilitation 79948
centers, or community corrections facilities approved by the 79949
department pursuant to standards adopted by the department, 79950
licensed by an authorized state agency, or accredited by the 79951
American correctional association or another national organization 79952
recognized by the department. 79953

(b) Each juvenile court shall comply with division (B)(3)(d) 79954
of this section as implemented by the department. If a juvenile 79955
court fails to comply with division (B)(3)(d) of this section, the 79956
department shall not be required to make any disbursements in 79957
accordance with division (C) or (D) of section 5139.41 or division 79958

(C)(2) of section 5139.34 of the Revised Code. 79959

(3) In accordance with rules adopted by the department 79960
pursuant to division (D) of section 5139.04 of the Revised Code, 79961
each juvenile court and the county served by that juvenile court 79962
shall do all of the following that apply: 79963

(a) The juvenile court shall prepare an annual grant 79964
agreement and application for funding that satisfies the 79965
requirements of this section and section 5139.34 of the Revised 79966
Code and that pertains to the use, upon an order of the juvenile 79967
court and subject to appropriation by the board of county 79968
commissioners, of the moneys in its felony delinquent care and 79969
custody fund for specified programs, care, and services as 79970
described in division (B)(2)(a) of this section, shall submit that 79971
agreement and application to the county family and children first 79972
council, the regional family and children first council, or the 79973
local intersystem services to children cluster as described in 79974
sections 121.37 and 121.38 of the Revised Code, whichever is 79975
applicable, and shall file that agreement and application with the 79976
department for its approval. The annual grant agreement and 79977
application for funding shall include a method of ensuring equal 79978
access for minority youth to the programs, care, and services 79979
specified in it. 79980

The department may approve an annual grant agreement and 79981
application for funding only if the juvenile court involved has 79982
complied with the preparation, submission, and filing requirements 79983
described in division (B)(3)(a) of this section. If the juvenile 79984
court complies with those requirements and the department approves 79985
that agreement and application, the juvenile court and the county 79986
served by the juvenile court may expend the state subsidy funds 79987
granted to the county pursuant to section 5139.34 of the Revised 79988
Code only in accordance with division (B)(2)(a) of this section, 79989
the rules pertaining to state subsidy funds that the department 79990

adopts pursuant to division (D) of section 5139.04 of the Revised Code, and the approved agreement and application. 79991
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(b) By the thirty-first day of August of each year, the juvenile court shall file with the department a report that contains all of the statistical and other information for each month of the prior state fiscal year. If the juvenile court fails to file the report required by division (B)(3)(b) of this section by the thirty-first day of August of any year, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code the applicable allocation until the juvenile court fully complies with division (B)(3)(b) of this section. 79993
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(c) If the department requires the juvenile court to prepare monthly statistical reports and to submit the reports on forms provided by the department, the juvenile court shall file those reports with the department on the forms so provided. If the juvenile court fails to prepare and submit those monthly statistical reports within the department's timelines, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code the applicable allocation until the juvenile court fully complies with division (B)(3)(c) of this section. If the juvenile court fails to prepare and submit those monthly statistical reports within one hundred eighty days of the date the department establishes for their submission, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code 80005
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the applicable allocation, and the state subsidy funds and the 80023
remainder of the applicable allocation shall revert to the 80024
department. If a juvenile court states in a monthly statistical 80025
report that the juvenile court adjudicated within a state fiscal 80026
year five hundred or more children to be delinquent children for 80027
committing acts that would be felonies if committed by adults and 80028
if the department determines that the data in the report may be 80029
inaccurate, the juvenile court shall have an independent auditor 80030
or other qualified entity certify the accuracy of the data on a 80031
date determined by the department. 80032

(d) If the department requires the juvenile court and the 80033
county to participate in a fiscal monitoring program or another 80034
monitoring program that is conducted by the department to ensure 80035
compliance by the juvenile court and the county with division (B) 80036
of this section, the juvenile court and the county shall 80037
participate in the program and fully comply with any guidelines 80038
for the performance of audits adopted by the department pursuant 80039
to that program and all requests made by the department pursuant 80040
to that program for information necessary to reconcile fiscal 80041
accounting. If an audit that is performed pursuant to a fiscal 80042
monitoring program or another monitoring program described in this 80043
division determines that the juvenile court or the county used 80044
moneys in the county's felony delinquent care and custody fund for 80045
expenses that are not authorized under division (B) of this 80046
section, within forty-five days after the department notifies the 80047
county of the unauthorized expenditures, the county either shall 80048
repay the amount of the unauthorized expenditures from the county 80049
general revenue fund to the state's general revenue fund or shall 80050
file a written appeal with the department. If an appeal is timely 80051
filed, the director of the department shall render a decision on 80052
the appeal and shall notify the appellant county or its juvenile 80053
court of that decision within forty-five days after the date that 80054
the appeal is filed. If the director denies an appeal, the 80055

county's fiscal agent shall repay the amount of the unauthorized 80056
expenditures from the county general revenue fund to the state's 80057
general revenue fund within thirty days after receiving the 80058
director's notification of the appeal decision. 80059

(C) The determination of which county a reduction of the care 80060
and custody allocation will be charged against for a particular 80061
youth shall be made as outlined below for all youths who do not 80062
qualify as public safety beds. The determination of which county a 80063
reduction of the care and custody allocation will be charged 80064
against shall be made as follows until each youth is released: 80065
80066

(1) In the event of a commitment, the reduction shall be 80067
charged against the committing county. 80068

(2) In the event of a recommitment, the reduction shall be 80069
charged against the original committing county until the 80070
expiration of the minimum period of institutionalization under the 80071
original order of commitment or until the date on which the youth 80072
is admitted to the department of youth services pursuant to the 80073
order of recommitment, whichever is later. Reductions of the 80074
allocation shall be charged against the county that recommitted 80075
the youth after the minimum expiration date of the original 80076
commitment. 80077

(3) In the event of a revocation of a release on parole, the 80078
reduction shall be charged against the county that revokes the 80079
youth's parole. 80080

(D) A juvenile court is not precluded by its allocation 80081
amount for the care and custody of felony delinquents from 80082
committing a felony delinquent to the department of youth services 80083
for care and custody in an institution or a community corrections 80084
facility when the juvenile court determines that the commitment is 80085
appropriate. 80086

Sec. 5155.38. As used in this section, "long-term care bed" 80087
has the same meaning as in section 3702.51 of the Revised Code. 80088

The operator of each county home and each county nursing home 80089
shall, not later than November 1, 2009, certify to the director of 80090
health the number of long-term care beds that were in operation in 80091
the home on July 1, 1993. The certification shall be accompanied 80092
by any documentation requested by the director. 80093

Sec. 5502.01. (A) The department of public safety shall 80094
administer and enforce the laws relating to the registration, 80095
licensing, sale, and operation of motor vehicles and the laws 80096
pertaining to the licensing of drivers of motor vehicles. 80097

The department shall compile, analyze, and publish statistics 80098
relative to motor vehicle accidents and the causes of them, 80099
prepare and conduct educational programs for the purpose of 80100
promoting safety in the operation of motor vehicles on the 80101
highways, and conduct research and studies for the purpose of 80102
promoting safety on the highways of this state. 80103

(B) The department shall administer the laws and rules 80104
relative to trauma and emergency medical services specified in 80105
Chapter 4765. of the Revised Code. 80106

(C) The department shall administer and enforce the laws 80107
contained in Chapters 4301. and 4303. of the Revised Code and 80108
enforce the rules and orders of the liquor control commission 80109
pertaining to retail liquor permit holders. 80110

(D) The department shall administer the laws governing the 80111
state emergency management agency and shall enforce all additional 80112
duties and responsibilities as prescribed in the Revised Code 80113
related to emergency management services. 80114

(E) The department shall conduct investigations pursuant to 80115
Chapter 5101. of the Revised Code in support of the duty of the 80116

department of job and family services to administer ~~food stamp~~ 80117
~~programs~~ the supplemental nutrition assistance program throughout 80118
this state. The department of public safety shall conduct 80119
investigations necessary to protect the state's property rights 80120
and interests in the ~~food stamp~~ supplemental nutrition assistance 80121
program. 80122

(F) The department of public safety shall enforce compliance 80123
with orders and rules of the public utilities commission and 80124
applicable laws in accordance with Chapters 4919., 4921., and 80125
4923. of the Revised Code regarding commercial motor vehicle 80126
transportation safety, economic, and hazardous materials 80127
requirements. 80128

(G) Notwithstanding Chapter 4117. of the Revised Code, the 80129
department of public safety may establish requirements for its 80130
enforcement personnel, including its enforcement agents described 80131
in section 5502.14 of the Revised Code, that include standards of 80132
conduct, work rules and procedures, and criteria for eligibility 80133
as law enforcement personnel. 80134

(H) The department shall administer, maintain, and operate 80135
the Ohio criminal justice network. The Ohio criminal justice 80136
network shall be a computer network that supports state and local 80137
criminal justice activities. The network shall be an electronic 80138
repository for various data, which may include arrest warrants, 80139
notices of persons wanted by law enforcement agencies, criminal 80140
records, prison inmate records, stolen vehicle records, vehicle 80141
operator's licenses, and vehicle registrations and titles. 80142

(I) The department shall coordinate all homeland security 80143
activities of all state agencies and shall be a liaison between 80144
state agencies and local entities for those activities and related 80145
purposes. 80146

(J) Beginning July 1, 2004, the department shall administer 80147

and enforce the laws relative to private investigators and 80148
security service providers specified in Chapter 4749. of the 80149
Revised Code. 80150

(K) The department shall administer criminal justice services 80151
in accordance with sections 5502.61 to 5502.66 of the Revised 80152
Code. 80153

Sec. 5502.12. (A) The accident reports submitted pursuant to 80154
section 5502.11 of the Revised Code shall be for the use of the 80155
director of public safety for purposes of statistical, safety, and 80156
other studies. The law enforcement agency that submitted a report 80157
shall furnish a copy of such report and associated documents to 80158
any person claiming an interest arising out of a motor vehicle 80159
accident, or to the person's attorney, upon the payment of a 80160
nonrefundable fee ~~that shall not exceed~~ of four dollars or the 80161
amount approved by the board of county commissioners of the county 80162
in which the law enforcement agency is located as provided in 80163
division (B) of this section. With respect to accidents 80164
investigated by the state highway patrol, the director of public 80165
safety shall furnish to such person all related reports and 80166
statements upon the payment of a nonrefundable fee of four 80167
dollars. The cost of photographs or any other electronic format 80168
shall be a four-dollar fee in addition to the nonrefundable 80169
four-dollar fee for the accident report, whether the report was 80170
submitted by the state highway patrol or another law enforcement 80171
agency. A law enforcement agency may charge a fee that is in 80172
excess of four dollars for photographs and other electronic 80173
formats if such a fee is approved by a board of county 80174
commissioners of the county in which the law enforcement agency is 80175
located as provided in division (B) of this section. 80176

Such state highway patrol reports, statements, and 80177
photographs, in the discretion of the director of public safety, 80178

may be withheld until all criminal prosecution has been concluded; 80179
the director of public safety may require proof, satisfactory to 80180
the director, of the right of any applicant to be furnished such 80181
documents. 80182

(B) If, after the effective date of this amendment, the state 80183
highway patrol is authorized to charge a nonrefundable fee in 80184
excess of four dollars for an accident report relating to an 80185
accident investigated by the state highway patrol and all related 80186
reports and statements or a fee in excess of four dollars for 80187
photographs or other electronic formats related to an accident 80188
report, a law enforcement agency described in section 5502.11 of 80189
the Revised Code shall be authorized to charge that same fee for 80190
an accident report relating to an accident investigated by that 80191
law enforcement agency and all related reports and statements or 80192
for photographs or other electronic formats related to an accident 80193
report investigated by that law enforcement agency upon approval 80194
of the board of county commissioners of the county in which that 80195
law enforcement agency is located. 80196

Sec. 5502.14. (A) As used in this section, "felony" has the 80197
same meaning as in section 109.511 of the Revised Code. 80198

(B)(1) Any person who is employed by the department of public 80199
safety and designated by the director of public safety to enforce 80200
Title XLIII of the Revised Code, the rules adopted under it, and 80201
the laws and rules regulating the use of ~~food stamps~~ supplemental 80202
nutrition assistance program benefits shall be known as an 80203
enforcement agent. The employment by the department of public 80204
safety and the designation by the director of public safety of a 80205
person as an enforcement agent shall be subject to division (D) of 80206
this section. An enforcement agent has the authority vested in 80207
peace officers pursuant to section 2935.03 of the Revised Code to 80208
keep the peace, to enforce all applicable laws and rules on any 80209

retail liquor permit premises, or on any other premises of public 80210
or private property, where a violation of Title XLIII of the 80211
Revised Code or any rule adopted under it is occurring, and to 80212
enforce all laws and rules governing the use of ~~food stamp coupons~~ 80213
supplemental nutrition assistance program benefits, women, 80214
infants, and children's coupons, electronically transferred 80215
benefits, or any other access device that is used alone or in 80216
conjunction with another access device to obtain payments, 80217
allotments, benefits, money, goods, or other things of value, or 80218
that can be used to initiate a transfer of funds, pursuant to the 80219
~~food stamp~~ supplemental nutrition assistance program established 80220
under the "~~Food Stamp and Nutrition Act of 1977,~~" ~~91 Stat. 958,~~ 80221
~~2008 (7 U.S.C.A. 2011, as amended, et seq.)~~ or any supplemental 80222
food program administered by any department of this state pursuant 80223
to the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 80224
1786. Enforcement agents, in enforcing compliance with the laws 80225
and rules described in this division, may keep the peace and make 80226
arrests for violations of those laws and rules. 80227

(2) In addition to the authority conferred by division (B)(1) 80228
of this section, an enforcement agent also may execute search 80229
warrants and seize and take into custody any contraband, as 80230
defined in section 2901.01 of the Revised Code, or any property 80231
that is otherwise necessary for evidentiary purposes related to 80232
any violations of the laws or rules described in division (B)(1) 80233
of this section. An enforcement agent may enter public or private 80234
premises where activity alleged to violate the laws or rules 80235
described in division (B)(1) of this section is occurring. 80236

(3) Enforcement agents who are on, immediately adjacent to, 80237
or across from retail liquor permit premises and who are 80238
performing investigative duties relating to that premises, 80239
enforcement agents who are on premises that are not liquor permit 80240
premises but on which a violation of Title XLIII of the Revised 80241

Code or any rule adopted under it allegedly is occurring, and 80242
enforcement agents who view a suspected violation of Title XLIII 80243
of the Revised Code, of a rule adopted under it, or of another law 80244
or rule described in division (B)(1) of this section have the 80245
authority to enforce the laws and rules described in division 80246
(B)(1) of this section, authority to enforce any section in Title 80247
XXIX of the Revised Code or any other section of the Revised Code 80248
listed in section 5502.13 of the Revised Code if they witness a 80249
violation of the section under any of the circumstances described 80250
in this division, and authority to make arrests for violations of 80251
the laws and rules described in division (B)(1) of this section 80252
and violations of any of those sections. 80253

(4) The jurisdiction of an enforcement agent under division 80254
(B) of this section shall be concurrent with that of the peace 80255
officers of the county, township, or municipal corporation in 80256
which the violation occurs. 80257

(C) Enforcement agents of the department of public safety who 80258
are engaged in the enforcement of the laws and rules described in 80259
division (B)(1) of this section may carry concealed weapons when 80260
conducting undercover investigations pursuant to their authority 80261
as law enforcement officers and while acting within the scope of 80262
their authority pursuant to this chapter. 80263

(D)(1) The department of public safety shall not employ, and 80264
the director of public safety shall not designate, a person as an 80265
enforcement agent on a permanent basis, on a temporary basis, for 80266
a probationary term, or on other than a permanent basis if the 80267
person previously has been convicted of or has pleaded guilty to a 80268
felony. 80269

(2)(a) The department of public safety shall terminate the 80270
employment of a person who is designated as an enforcement agent 80271
and who does either of the following: 80272

(i) Pleads guilty to a felony; 80273

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 80274
plea agreement as provided in division (D) of section 2929.43 of 80275
the Revised Code in which the enforcement agent agrees to 80276
surrender the certificate awarded to that agent under section 80277
109.77 of the Revised Code. 80278

(b) The department shall suspend the employment of a person 80279
who is designated as an enforcement agent if the person is 80280
convicted, after trial, of a felony. If the enforcement agent 80281
files an appeal from that conviction and the conviction is upheld 80282
by the highest court to which the appeal is taken or if no timely 80283
appeal is filed, the department shall terminate the employment of 80284
that agent. If the enforcement agent files an appeal that results 80285
in that agent's acquittal of the felony or conviction of a 80286
misdemeanor, or in the dismissal of the felony charge against the 80287
agent, the department shall reinstate the agent. An enforcement 80288
agent who is reinstated under division (D)(2)(b) of this section 80289
shall not receive any back pay unless the conviction of that agent 80290
of the felony was reversed on appeal, or the felony charge was 80291
dismissed, because the court found insufficient evidence to 80292
convict the agent of the felony. 80293

(3) Division (D) of this section does not apply regarding an 80294
offense that was committed prior to January 1, 1997. 80295

(4) The suspension or termination of the employment of a 80296
person designated as an enforcement agent under division (D)(2) of 80297
this section shall be in accordance with Chapter 119. of the 80298
Revised Code. 80299

Sec. 5502.15. Any funding provided or made available by the 80300
United States or by any agency designated and authorized by the 80301
United States government for the purposes of enforcing compliance 80302
with ~~food stamp~~ supplemental nutrition assistance program laws 80303

shall be expended by the department of public safety for those 80304
purposes. 80305

Sec. 5517.02. (A) Before undertaking the construction, 80306
reconstruction by widening or resurfacing, or improvement of a 80307
state highway, or a bridge or culvert thereon, or the installation 80308
of a traffic control signal on a state highway, the director of 80309
transportation shall make an estimate of the cost of the work 80310
using the force account project assessment form developed by the 80311
auditor of state under section 117.16 of the Revised Code. In 80312
constructing, or reconstructing by widening or resurfacing, 80313
improving, maintaining, and repairing state highways, and the 80314
bridges and culverts thereon, and in installing, maintaining, and 80315
repairing traffic control signals on state highways, the director, 80316
except as provided in division (B) of this section, shall proceed 80317
by contract let to the lowest competent and responsible bidder, 80318
after advertisement as provided in section 5525.01 of the Revised 80319
Code. 80320

(B)(1) Where the work contemplated is the construction of a 80321
bridge or culvert, or the installation of a traffic control 80322
signal, estimated to cost not more than the higher of fifty 80323
thousand dollars or the amount as adjusted under section 117.162 80324
of the Revised Code, the director may proceed by employing labor, 80325
purchasing materials, and furnishing equipment. 80326

(2) The director may also proceed with maintenance or repair 80327
work by employing labor, purchasing materials, and furnishing 80328
equipment, provided the total estimated cost of the completed 80329
operation, or series of connected operations, does not exceed the 80330
higher of twenty-five thousand dollars or the amount as adjusted 80331
under section 117.162 of the Revised Code per mile of highway, 80332
exclusive of structures and traffic control signals, or the higher 80333
of fifty thousand dollars or the amount as adjusted under section 80334

117.162 of the Revised Code for any single structure or traffic control signal. 80335
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(3) The director may proceed by furnishing equipment, purchasing materials, and employing labor in the erection of temporary bridges or the making of temporary repairs to a highway or bridge rendered necessary by flood, landslide, or other extraordinary emergency. If the director determines inability to complete such emergency work by force account, the director may contract for any part of the work, with or without advertising for bids, as the director considers for the best interest of the department of transportation. 80337
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Sec. 5537.051. (A) The Ohio turnpike commission is responsible for the major maintenance and repair and replacement of grade separations at intersections of any turnpike project with county and township roads. The governmental entity with jurisdiction over the county or township road is responsible for routine maintenance of grade separations. 80346
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(B) As used in this section: 80352

(1) "Major maintenance and repair and replacement" relates to all elements constructed as part of or required for a grade separation, including box culverts, bridges, pile, foundations, substructures, abutments, piers, superstructures, approach slabs, slopes, approaches, embankments, railing, guardrails, drainage facilities including headwalls, and underdrains, inlets, catch basins and grates, fences, and appurtenances. Major maintenance and repair includes the painting and the repair of deteriorated or damaged elements to restore the structural integrity of any grade separation including embankments. 80353
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(2) "Routine maintenance" includes, without limitation, clearing debris, sweeping, snow and ice removal, wearing surface improvements, marking for traffic control, minor and emergency 80363
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repairs to railing and appurtenances, and emergency patching. 80366

Sec. 5543.19. (A) The county engineer may, when authorized by 80367
the board of county commissioners and not required by this section 80368
or other law to use competitive bidding, employ such laborers and 80369
vehicles, use such county employees and property, lease such 80370
implements and tools, and purchase such materials as are necessary 80371
in the construction, reconstruction, improvement, maintenance, or 80372
repair of roads by force account. 80373

In determining whether construction or reconstruction, 80374
including widening and resurfacing, of roads may be undertaken by 80375
force account, the county engineer shall first cause to be made an 80376
estimate of the cost of such work using the force account project 80377
assessment form developed by the auditor of state under section 80378
117.16 of the Revised Code. When the total estimated cost of the 80379
work exceeds the higher of thirty thousand dollars per mile or the 80380
amount as adjusted under section 117.162 of the Revised Code, the 80381
county commissioners shall invite and receive competitive bids for 80382
furnishing all the labor, materials, and equipment necessary to 80383
complete the work in accordance with sections 307.86 to 307.92 of 80384
the Revised Code. 80385

(B) The county engineer may, when authorized by the board of 80386
county commissioners and not required by this section or other law 80387
to use competitive bidding, employ such laborers and vehicles, use 80388
such county employees and property, lease such implements and 80389
tools, and purchase such materials as are necessary in the 80390
construction, reconstruction, improvement, maintenance, or repair 80391
of bridges and culverts by force account. 80392

In determining whether such construction, reconstruction, 80393
improvement, maintenance, or repair of bridges or culverts may be 80394
undertaken by force account, the county engineer shall first cause 80395
to be made an estimate of the cost of such work using the force 80396

account project assessment form. When the total estimated cost of 80397
the work exceeds the higher of one hundred thousand dollars or the 80398
amount as adjusted under section 117.162 of the Revised Code, the 80399
board of county commissioners shall invite and receive competitive 80400
bids for furnishing all the labor, materials, and equipment 80401
necessary to complete the work, in accordance with sections 307.86 80402
to 307.92 of the Revised Code. The county engineer shall obtain 80403
the approval required by section 5543.02 of the Revised Code. 80404

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(C) "Force account," as used in this section means that the 80406
county engineer will act as contractor, using labor employed by 80407
the engineer using material and equipment either owned by the 80408
county or leased or purchased in compliance with sections 307.86 80409
to 307.92 of the Revised Code and excludes subcontracting any part 80410
of such work unless done pursuant to sections 307.86 to 307.92 of 80411
the Revised Code. 80412

The term "competitive bids" as used in this section requires 80413
competition for the whole contract and in regard to its component 80414
parts, including labor and materials. Neither plans nor 80415
specifications shall be drawn to favor any manufacturer or bidder 80416
unless required by the public interest. 80417

Sec. 5575.01. (A) In the maintenance and repair of roads, the 80418
board of township trustees may proceed either by contract or force 80419
account, but, unless the exemption specified in division (C) of 80420
this section applies, if the board wishes to proceed by force 80421
account, it first shall cause the county engineer to complete the 80422
force account assessment form developed by the auditor of state 80423
under section 117.16 of the Revised Code. Except as otherwise 80424
provided in sections 505.08 and 505.101 of the Revised Code, when 80425
the board proceeds by contract, the contract shall, if the amount 80426
involved exceeds the higher of forty-five thousand dollars or the 80427

amount as adjusted under section 117.162 of the Revised Code, be 80428
let by the board to the lowest responsible bidder after 80429
advertisement for bids once, not later than two weeks, prior to 80430
the date fixed for the letting of the contract, in a newspaper 80431
published in the county and of general circulation within the 80432
township or, if no newspaper is published in the county, in a 80433
newspaper having general circulation in the township. If the 80434
amount involved is less than forty-five thousand dollars or, when 80435
the amount is adjusted under section 117.162 of the Revised Code, 80436
less than that adjusted amount, a contract may be let without 80437
competitive bidding, or the work may be done by force account. 80438
Such a contract shall be performed under the supervision of a 80439
member of the board or the township road superintendent. 80440

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(B) Before undertaking the construction or reconstruction of 80442
a township road, the board shall cause to be made by the county 80443
engineer an estimate of the cost of the work, which estimate shall 80444
include labor, material, freight, fuel, hauling, use of machinery 80445
and equipment, and all other items of cost. If the board finds it 80446
in the best interest of the public, it may, in lieu of 80447
constructing the road by contract, proceed to construct the road 80448
by force account. Except as otherwise provided under sections 80449
505.08 and 505.101 of the Revised Code, where the total estimate 80450
estimated cost of the work exceeds the higher of fifteen thousand 80451
dollars or the amount as adjusted under section 117.162 of the 80452
Revised Code per mile, the board shall invite and receive 80453
competitive bids for furnishing all the labor, materials, and 80454
equipment and doing the work, as provided in section 5575.02 of 80455
the Revised Code, and shall consider and reject them before 80456
ordering the work done by force account. When such bids are 80457
received, considered, and rejected, and the work is done by force 80458
account, the work shall be performed in compliance with the plans 80459
and specifications upon which the bids were based. 80460

(C) Force account assessment forms are not required under 80461
division (A) of this section for road maintenance or repair 80462
projects of less than fifteen thousand dollars, or under division 80463
(B) of this section for road construction or reconstruction 80464
projects of less than five thousand dollars per mile. 80465

(D) All force account work under this section shall be done 80466
under the direction of a member of the board or the township road 80467
superintendent. 80468

Sec. 5579.10. In lieu of any other provisions of the Revised 80469
Code: 80470

(A) A county, township, or municipal corporation may replace 80471
any single span bridge or single cell culvert in its entirety by 80472
force account if the width of the roadway over the bridge or 80473
culvert, measured between the faces of the guardrail, does not 80474
exceed thirty feet and the waterway opening, measured between the 80475
faces of the new abutment walls for a bridge does not exceed 80476
thirty feet or for a new culvert the maximum width does not exceed 80477
eighteen feet. The approach roadway work cannot extend more than 80478
twenty-five feet as measured from the back side of the abutment 80479
wall or outside edge of the culvert. The length needed for the 80480
approach guardrail shall be as prescribed by the Ohio manual on 80481
uniform traffic control devices and shall not be included in the 80482
approach work limitation. 80483

(B)(1) A county, township, or municipal corporation may 80484
rehabilitate any bridge by force account on the bridge's existing 80485
foundation if the waterway opening, measured between the faces of 80486
the abutment walls does not exceed thirty-five feet. The work may 80487
not extend beyond twelve inches below the point where the bottom 80488
of the deck or bottom of the beams or girders, whichever is lower, 80489
intersects with the face of the abutment wall. Work on the wing 80490
walls is prohibited below that same line, extended. The approach 80491

roadway work cannot extend more than twenty-five feet as measured 80492
from the back side of the abutment wall. 80493

(2) A county, township, or municipal corporation may only 80494
rehabilitate a culvert of any size by force account by surface 80495
patching. Up to twenty-five per cent of the length of an existing 80496
culvert length with a waterway opening of eighteen feet or less, 80497
measured at its maximum width, may be replaced by force account. 80498
Culvert rehabilitation by force account shall not include lining 80499
of the existing culvert. The length needed for the approach 80500
guardrail shall be as prescribed by the Ohio manual on uniform 80501
traffic control devices and shall not be included in the approach 80502
work limitation. 80503

(C) A county, township, or municipal corporation may widen 80504
any bridge by force account if the final roadway width, measured 80505
between the faces of the guardrail, does not exceed thirty feet 80506
and waterway opening measured between the faces of the abutment 80507
wall does not exceed thirty feet. The work shall not add more than 80508
six feet to each side of the existing bridge. Necessary 80509
modifications to accommodate this widening to the existing 80510
substructure and wing walls shall be included in the permitted 80511
work. Lengthening of any culvert under the roadway shall be 80512
permitted along with necessary modifications to the wing walls, if 80513
the waterway opening of that culvert, measured at its maximum 80514
width, does not exceed eighteen feet. The amount of lengthening 80515
shall be limited to that length needed to achieve the clear 80516
recovery area as prescribed by the latest edition of the Ohio 80517
department of transportation's location and design manual. The 80518
approach roadway work for bridges or culverts shall not extend 80519
more than fifty feet, measured from the back side of the abutment 80520
walls or outside edge of the culvert. The length needed for the 80521
approach guardrail shall be as prescribed by the Ohio manual on 80522
uniform traffic control devices and shall not be included in the 80523

approach work limitation. 80524

(D) A county, township, or municipal corporation by force 80525
account may perform a surface patch paving operation that is 80526
limited to fifteen thousand square feet per lane-mile of roadway 80527
length. The paving operation shall not apply material to the 80528
roadway surface that exceeds one inch in normal thickness. In no 80529
circumstance shall a county, township, or municipal corporation 80530
perform a continuous resurfacing operation that exceeds the 80531
limitations prescribed by division (F) of this section. 80532

(E) When the construction, reconstruction, improvement, 80533
maintenance, or repair of bridges or culverts exceeds the 80534
limitations prescribed in divisions (A) to (C) of this section, 80535
the county, township, or municipal corporation shall invite and 80536
receive competitive bids for furnishing all the labor, materials, 80537
and equipment necessary to complete the work, in accordance with 80538
the procedures established for the board of county commissioners 80539
by sections 307.86 to 307.92 of the Revised Code. 80540

(F) A county, township, or municipal corporation may perform 80541
any construction, reconstruction, or maintenance of a road, 80542
exclusive of the activities identified in divisions (A) to (D) of 80543
this section by force account if that activity does not exceed (1) 80544
forty-three thousand seven hundred fifty dollars per centerline 80545
mile and (2) beginning in calendar year 2011 the lesser of the 80546
amount as adjusted under section 117.162 of the Revised Code or an 80547
increase of four per cent of the amount specified in (F)(1). 80548
Beginning in calendar year 2015, the force account limit under 80549
this division remains at the amounts established in (F)(2) for 80550
calendar year 2014. When the total estimated cost of the work 80551
exceeds the limits set forth in this division, the county, 80552
township, or municipal corporation shall invite and receive 80553
competitive bids for furnishing all the labor, materials, and 80554
equipment necessary to complete the work in accordance with the 80555

procedures established for the board of county commissioners by 80556
sections 307.86 to 307.92 of the Revised Code. 80557

Sec. 5701.11. The effective date to which this section refers 80558
is the effective date of this section as amended by ~~Sub. H.B. 458~~ 80559
1 of the ~~127th~~ 128th general assembly. 80560

(A)(1) Except as provided under division (A)(2) or (B) of 80561
this section, any reference in Title LVII of the Revised Code to 80562
the Internal Revenue Code, to the Internal Revenue Code "as 80563
amended," to other laws of the United States, or to other laws of 80564
the United States, "as amended," means the Internal Revenue Code 80565
or other laws of the United States as they exist on the effective 80566
date. 80567

(2) This section does not apply to any reference in Title 80568
LVII of the Revised Code to the Internal Revenue Code as of a date 80569
certain specifying the day, month, and year, or to other laws of 80570
the United States as of a date certain specifying the day, month, 80571
and year. 80572

(B)(1) For purposes of applying section 5733.04, 5745.01, or 80573
5747.01 of the Revised Code to a taxpayer's taxable year ending 80574
after December ~~21, 2007~~ 30, 2008, and before the effective date, a 80575
taxpayer may irrevocably elect to incorporate the provisions of 80576
the Internal Revenue Code or other laws of the United States that 80577
are in effect for federal income tax purposes for that taxable 80578
year if those provisions differ from the provisions that, under 80579
division (A) of this section, would otherwise apply. The filing by 80580
the taxpayer for that taxable year of a report or return that 80581
incorporates the provisions of the Internal Revenue Code or other 80582
laws of the United States applicable for federal income tax 80583
purposes for that taxable year, and that does not include any 80584
adjustments to reverse the effects of any differences between 80585
those provisions and the provisions that would otherwise apply, 80586

constitutes the making of an irrevocable election under this 80587
division for that taxable year. 80588

(2) Elections under prior versions of division (B)(1) of this 80589
section remain in effect for the taxable years to which they 80590
apply. 80591

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 80592
of this section, no agent of the department of taxation, except in 80593
the agent's report to the department or when called on to testify 80594
in any court or proceeding, shall divulge any information acquired 80595
by the agent as to the transactions, property, or business of any 80596
person while acting or claiming to act under orders of the 80597
department. Whoever violates this provision shall thereafter be 80598
disqualified from acting as an officer or employee or in any other 80599
capacity under appointment or employment of the department. 80600
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(B)(1) For purposes of an audit pursuant to section 117.15 of 80602
the Revised Code, or an audit of the department pursuant to 80603
Chapter 117. of the Revised Code, or an audit, pursuant to that 80604
chapter, the objective of which is to express an opinion on a 80605
financial report or statement prepared or issued pursuant to 80606
division (A)(7) or (9) of section 126.21 of the Revised Code, the 80607
officers and employees of the auditor of state charged with 80608
conducting the audit shall have access to and the right to examine 80609
any state tax returns and state tax return information in the 80610
possession of the department to the extent that the access and 80611
examination are necessary for purposes of the audit. Any 80612
information acquired as the result of that access and examination 80613
shall not be divulged for any purpose other than as required for 80614
the audit or unless the officers and employees are required to 80615
testify in a court or proceeding under compulsion of legal 80616
process. Whoever violates this provision shall thereafter be 80617

disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the auditor of state.

(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal auditing in the office of budget and management charged with conducting the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal auditing.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal auditing solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under

section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code; (2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code; (3) Disclosing to the board of motor vehicle collision repair registration any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code; (4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code; (5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code; (6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code; (7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; (8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;

(9) Providing to a county auditor notices or documents 80679
concerning or affecting the taxable value of property in the 80680
county auditor's county. Unless authorized by law to disclose 80681
documents so provided, the county auditor shall not disclose such 80682
documents; 80683

(10) Providing to a county auditor sales or use tax return or 80684
audit information under section 333.06 of the Revised Code; 80685

(11) Subject to section 4301.441 of the Revised Code, 80686
disclosing to the appropriate state agency information in the 80687
possession of the department of taxation that is necessary to 80688
verify a permit holder's gallonage or noncompliance with taxes 80689
levied under Chapter 4301. or 4305. of the Revised Code; 80690

(12) Disclosing to the department of natural resources 80691
information in the possession of the department that is necessary 80692
to verify the taxpayer's compliance with division (A)(1), (8), or 80693
(9) of section 5749.02 of the Revised Code; 80694

(13) Disclosing to the department of job and family services, 80695
industrial commission, and bureau of workers' compensation 80696
information in the possession of the department of taxation solely 80697
for the purpose of identifying employers that misclassify 80698
employees as independent contractors or that fail to properly 80699
report and pay employer tax liabilities. The department of 80700
taxation shall disclose only such information that is necessary to 80701
verify employer compliance with law administered by those 80702
agencies. 80703

Sec. 5703.37. ~~Whenever~~ (A)(1) Except as provided in division 80704
(B) of this section, whenever service of a notice or order is 80705
required in the manner provided in this section, a ~~certified~~ copy 80706
of the ~~order or notice~~ or order shall be served upon the person 80707
affected thereby either by personal service or by certified mail- 80708
~~Within the time specified in an order of the department of~~ 80709

~~taxation, every person upon whom it is served, if required by the order, shall notify the department, by personal service, certified mail, or a delivery service authorized under section 5703.056 of the Revised Code, whether the terms of the order are accepted and will be obeyed that notifies the tax commissioner of the date of delivery.~~

(2) With the permission of the person affected by the notice or order, the commissioner may enter into a written agreement to deliver a notice or order by alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail. Delivery by such means satisfies the requirements for delivery under this section.

(B)(1)(a) If certified mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the United States postal service. If, after using reasonable means, the commissioner is unable to ascertain a new last known address, the assessment is final for purposes of section 131.02 of the Revised Code sixty days after the notice or order sent by certified mail is first returned to the commissioner, and the commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that the notice or order is served.

(2) If mailing of a notice or order by certified mail is returned for some cause other than an undeliverable address, the tax commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement: 80742
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"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order, and all periods within which an appeal may be filed apply from and after that date." 80747
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Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima-facie evidence that delivery of the notice or order was completed ten days after the commissioner sent the notice or order by ordinary mail and that the notice or order was served. 80752
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If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section. 80757
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(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of this section, a person is associated with an address at the time the commissioner originally mailed the notice or order if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the notice or order was mailed, the person's agent or the person's affiliate 80762
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was conducting business at the address. For the purposes of this 80774
section, a person's affiliate is any other person that, at the 80775
time the notice or order was mailed, owned or controlled at least 80776
twenty per cent, as determined by voting rights, of the 80777
addressee's business. 80778

(2) If the person elects to protest an assessment certified 80779
to the attorney general for collection, the person must do so 80780
within sixty days after the attorney general's initial contact 80781
with the person. The attorney general may enter into a compromise 80782
with the person under sections 131.02 and 5703.06 of the Revised 80783
Code if the person does not file a petition for reassessment with 80784
the tax commissioner. 80785

(D) Nothing in this section prohibits the tax commissioner or 80786
the commissioner's designee from delivering a notice or order by 80787
personal service. 80788

(E) Collection actions taken pursuant to section 131.02 of 80789
the Revised Code upon any assessment being challenged under 80790
division (B)(1)(b) of this section shall be stayed upon the 80791
pendency of an appeal under this section. If a petition for 80792
reassessment is filed pursuant to this section on a claim that has 80793
been certified to the attorney general for collection, the claim 80794
shall be uncertified. 80795

(F) As used in this section: 80796

(1) "Last known address" means the address the department has 80797
at the time the document is originally sent by certified mail, or 80798
any address the department can ascertain using reasonable means 80799
such as the use of a change of address service offered by the 80800
United States postal service. 80801

(2) "Undeliverable address" means an address to which the 80802
United States postal service is not able to deliver a notice or 80803
order, except when the reason for nondelivery is because the 80804

addressee fails to acknowledge or accept the notice or order. 80805

Sec. 5703.80. There is hereby created in the state treasury 80806
the property tax administration fund. All money to the credit of 80807
the fund shall be used to defray the costs incurred by the 80808
department of taxation in administering the taxation of property 80809
and the equalization of real property valuation. 80810

Each fiscal year between the first and fifteenth days of 80811
July, the tax commissioner shall compute the following amounts for 80812
the property in each taxing district in each county, and certify 80813
to the director of budget and management the sum of those amounts 80814
for all taxing districts in all counties: 80815

(A) For fiscal year ~~2006~~ 2010, ~~thirty-three~~ forty-two 80816
hundredths of one per cent of the total amount by which taxes 80817
charged against real property on the general tax list of real and 80818
public utility property were reduced under section 319.302 of the 80819
Revised Code for the preceding tax year; 80820

(B) For fiscal year ~~2007~~ 2011 and thereafter, ~~thirty-five~~ 80821
forty-eight hundredths of one per cent of the total amount by 80822
which taxes charged against real property on the general tax list 80823
of real and public utility property were reduced under section 80824
319.302 of the Revised Code for the preceding tax year; 80825

(C) For fiscal year ~~2006~~ 2010, ~~one-half~~ eight-tenths of one 80826
per cent of the total amount of taxes charged and payable against 80827
public utility personal property on the general tax list of real 80828
and public utility property for the preceding tax year and of the 80829
total amount of taxes charged and payable against tangible 80830
personal property on the general tax list of personal property of 80831
the preceding tax year and for which returns were filed with the 80832
tax commissioner under section 5711.13 of the Revised Code; 80833

(D) For fiscal year ~~2007~~ 2011 and thereafter, ~~fifty-six~~ 80834

~~hundredths~~ nine hundred fifty-one thousandths of one per cent of 80835
the total amount of taxes charged and payable against public 80836
utility personal property on the general tax list of real and 80837
public utility property for the preceding tax year and of the 80838
total amount of taxes charged and payable against tangible 80839
personal property on the general tax list of personal property of 80840
the preceding tax year and for which returns were filed with the 80841
tax commissioner under section 5711.13 of the Revised Code; 80842

~~(E) For fiscal year 2008, six tenths of one per cent of the 80843
total amount of taxes charged and payable against public utility 80844
personal property on the general tax list of real and public 80845
utility property for the preceding tax year and of the total 80846
amount of taxes charged and payable against tangible personal 80847
property on the general tax list of personal property of the 80848
preceding tax year and for which returns were filed with the tax 80849
commissioner under section 5711.13 of the Revised Code; 80850~~

~~(F) For fiscal year 2009 and thereafter, seven hundred 80851
twenty five one thousandths of one per cent of the total amount of 80852
taxes charged and payable against public utility personal property 80853
on the general tax list of real and public utility property for 80854
the preceding tax year and of the total amount of taxes charged 80855
and payable against tangible personal property on the general tax 80856
list of personal property of the preceding tax year and for which 80857
returns were filed with the tax commissioner under section 5711.13 80858
of the Revised Code. 80859~~

After receiving the tax commissioner's certification, the 80860
director of budget and management shall transfer from the general 80861
revenue fund to the property tax administration fund one-fourth of 80862
the amount certified on or before each of the following days: the 80863
first days of August, November, February, and May. 80864

On or before the thirtieth day of June of the fiscal year, 80865
the tax commissioner shall certify to the director of budget and 80866

management the sum of the amounts by which the amounts computed 80867
for a taxing district under this section exceeded the 80868
distributions to the taxing district under division (F) of section 80869
321.24 of the Revised Code, and the director shall transfer that 80870
sum from the property tax administration fund to the general 80871
revenue fund. 80872

Sec. 5705.214. Not more than three elections during any 80873
calendar year shall include the questions by a school district of 80874
tax levies proposed under any one or any combination of the 80875
following sections: sections 5705.194, 5705.199, 5705.21, 80876
5705.212, 5705.213, 5705.217, ~~and~~ 5705.218, and 5705.219 of the 80877
Revised Code. 80878

Sec. 5705.219. (A) As used in this section: 80879

(1) "Eligible school district" means a city, local, or 80880
exempted village school district in which the taxes charged and 80881
payable for current expenses on residential/agricultural real 80882
property in the tax year preceding the year in which the levy 80883
authorized by this section will be submitted for elector approval 80884
or rejection are greater than two per cent of the taxable value of 80885
the residential/agricultural real property. 80886

(2) "Residential/agricultural real property" and 80887
"nonresidential/agricultural real property" means the property 80888
classified as such under section 5713.041 of the Revised Code. 80889

(3) "Effective tax rate" and "taxes charged and payable" have 80890
the same meanings as in division (B) of section 319.301 of the 80891
Revised Code. 80892

(B) On or after January 1, 2010, the board of education of an 80893
eligible school district, by a vote of two-thirds of all its 80894
members, may adopt a resolution proposing to convert existing 80895
levies imposed for the purpose of current expenses into a levy 80896

raising a specified amount of tax money by repealing all or a 80897
portion of one or more of those existing levies and imposing a 80898
levy in excess of the ten-mill limitation that will raise a 80899
specified amount of money for current expenses of the district. 80900

The board of education shall certify a copy of the resolution 80901
to the tax commissioner not later than ninety days before the 80902
election upon which the repeal and levy authorized by this section 80903
will be proposed to the electors. Within ten days after receiving 80904
the copy of the resolution, the tax commissioner shall determine 80905
each of the following and certify the determinations to the board 80906
of education: 80907

(1) The dollar amount to be raised by the proposed levy, 80908
which shall be the product of: 80909

(a) The difference between the aggregate effective tax rate 80910
for residential/agricultural real property for the tax year 80911
preceding the year in which the repeal and levy will be proposed 80912
to the electors and twenty mills per dollar of taxable value; 80913

(b) The total taxable value of all property on the tax list 80914
of real and public utility property for the tax year preceding the 80915
year in which the repeal and levy will be proposed to the 80916
electors. 80917

(2) The estimated tax rate of the proposed levy. 80918

(3) The existing levies and any portion of an existing levy 80919
to be repealed upon approval of the question. Levies shall be 80920
repealed in reverse chronological order from most recently imposed 80921
to least recently imposed until the sum of the effective tax rates 80922
repealed for residential/agricultural real property is equal to 80923
the difference calculated in division (B)(1)(a) of this section. 80924

(4) The sum of the following: 80925

(a) The total taxable value of nonresidential/agricultural 80926

real property for the tax year preceding the year in which the 80927
repeal and levy will be proposed to the electors multiplied by the 80928
difference between (i) the aggregate effective tax rate for 80929
nonresidential/agricultural real property for the existing levies 80930
and any portion of an existing levy to be repealed and (ii) the 80931
amount determined under division (B)(1)(a) of this section, but 80932
not less than zero; 80933

(b) The total taxable value of public utility tangible 80934
personal property for the tax year preceding the year in which the 80935
repeal and levy will be proposed to the electors multiplied by the 80936
difference between (i) the aggregate voted tax rate for the 80937
existing levies and any portion of an existing levy to be repealed 80938
and (ii) the amount determined under division (B)(1)(a) of this 80939
section, but not less than zero. 80940

(C) Upon receipt of the certification from the tax 80941
commissioner under division (B) of this section, a majority of the 80942
members of the board of education may adopt a resolution proposing 80943
the repeal of the existing levies as identified in the 80944
certification and the imposition of a levy in excess of the 80945
ten-mill limitation that will raise annually the amount certified 80946
by the commissioner. If the board determines that the tax should 80947
be for an amount less than that certified by the commissioner, the 80948
board may request that the commissioner redetermine the rate under 80949
division (B)(2) of this section on the basis of the lesser amount 80950
the levy is to raise as specified by the board. The amount 80951
certified under division (B)(4) and the levies to be repealed as 80952
certified under division (B)(3) of this section shall not be 80953
redetermined. Within ten days after receiving a timely request 80954
specifying the lesser amount to be raised by the levy, the 80955
commissioner shall redetermine the rate and recertify it to the 80956
board as otherwise provided in division (B) of this section. Only 80957
one such request may be made by the board of education of an 80958

eligible school district. 80959

The resolution shall state the first calendar year in which 80960
the levy will be due; the existing levies and any portion of an 80961
existing levy that will be repealed, as certified by the 80962
commissioner; the term of the levy expressed in years, which may 80963
be any number not exceeding ten, or that it will be levied for a 80964
continuing period of time; and the date of the election, which 80965
shall be the date of a primary or general election. 80966

Immediately upon its passage, the resolution shall go into 80967
effect and shall be certified by the board of education to the 80968
county auditor of the proper county. The county auditor and the 80969
board of education shall proceed as required under section 80970
5705.195 of the Revised Code. No publication of the resolution is 80971
necessary other than that provided for in the notice of election. 80972
Section 5705.196 of the Revised Code shall govern the matters 80973
concerning the election. The submission of a question to the 80974
electors under this section is subject to the limitation on the 80975
number of election dates established by section 5705.214 of the 80976
Revised Code. 80977

(D) The form of the ballot to be used at the election 80978
provided for in this section shall be as follows: 80979

"Shall the existing levy of . . . (insert the voted millage 80980
rate of the levy to be repealed), currently being charged against 80981
residential and agricultural property by the . . . (insert the 80982
name of school district) at a rate of . . . (insert the 80983
residential/agricultural real property effective tax rate of the 80984
levy being repealed) for the purpose of . . . (insert the purpose 80985
of the existing levy) be repealed, and shall a levy be imposed by 80986
the . . . (insert the name of school district) in excess of the 80987
ten-mill limitation for the necessary requirements of the school 80988
district in the sum of . . . (insert the annual amount the levy is 80989
to produce), estimated by the tax commissioner to require . . . 80990

(insert the number of mills) mills for each one dollar of valuation, which amounts to . . . (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation for the initial year of the tax, for a period of . . . (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), commencing in . . . (insert the first year the tax is to be levied), first due in calendar year . . . (insert the first calendar year in which the tax shall be due)?

	<u>FOR THE REPEAL AND TAX</u>	
	<u>AGAINST THE REPEAL AND TAX</u>	"

If the question submitted is a proposal to repeal all or a portion of more than one existing levy, the form of the ballot shall be modified by substituting the statement "shall the existing levy of" with "shall existing levies of" and inserting the aggregate voted and aggregate effective tax rates to be repealed.

(E) If a majority of the electors voting on the question submitted in an election vote in favor of the repeal and levy, the result shall be certified immediately after the canvass by the board of elections to the board of education. The board of education may make the levy necessary to raise the amount specified in the resolution for the purpose stated in the resolution and shall certify it to the county auditor, who shall extend it on the current year tax lists for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission.

(F) A levy imposed under this section for a continuing period of time may be decreased or repealed pursuant to section 5705.261

of the Revised Code. If a levy imposed under this section is 81022
decreased, the amount calculated under division (B)(4) of this 81023
section and paid under section 5705.2110 of the Revised Code shall 81024
be decreased by the same proportion as the levy is decreased. If 81025
the levy is repealed, no further payments shall be made to the 81026
district under that section. 81027

(G) At any time, the board of education, by a vote of 81028
two-thirds of all of its members, may adopt a resolution to renew 81029
a tax levied under this section. The resolution shall provide for 81030
levying the tax and specifically all of the following: 81031

(1) That the tax shall be called, and designated on the 81032
ballot as, a renewal levy; 81033

(2) The amount of the renewal tax, which shall be no more 81034
than the amount of tax previously collected; 81035

(3) The number of years, not to exceed ten, that the renewal 81036
tax will be levied, or that it will be levied for a continuing 81037
period of time; 81038

(4) That the purpose of the renewal tax is for current 81039
expenses. 81040

The board shall certify a copy of the resolution to the board 81041
of elections not later than seventy-five days before the date of 81042
the election at which the question is to be submitted, which shall 81043
be the date of a primary or general election. 81044

(H) The form of the ballot to be used at the election on the 81045
question of renewing a levy under this section shall be as 81046
follows: 81047

"Shall a tax levy renewing an existing levy of . . . (insert 81048
the annual dollar amount the levy is to produce each year), 81049
estimated to require . . . (insert the number of mills) mills for 81050
each one dollar of valuation be imposed by the . . . (insert the 81051

name of school district) for the purpose of current expenses for a 81052
period of . . . (insert the number of years the levy is to be 81053
imposed, or that it will be levied for a continuing period of 81054
time), commencing in . . . (insert the first year the tax is to be 81055
levied), first due in calendar year . . . (insert the first 81056
calendar year in which the tax shall be due)? 81057

	<u>FOR THE RENEWAL OF THE TAX</u>	
	<u>LEVY</u>	
	<u>AGAINST THE RENEWAL OF THE</u>	"
	<u>TAX LEVY</u>	"

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If the levy submitted is to be for less than the amount of 81062
money previously collected, the form of the ballot shall be 81063
modified to add "and reducing" after "renewing" and to add before 81064
"estimated to require" the statement "be approved at a tax rate 81065
necessary to produce . . . (insert the lower annual dollar amount 81066
the levy is to produce each year)." 81067

Sec. 5705.2110. (A) For purposes of this section: 81068

(1) "Carryover property" has the same meaning as in section 81069
319.301 of the Revised Code. 81070

(2) "Residential/agricultural real property" has the same 81071
meaning as in section 5705.219 of the Revised Code. 81072

(B) For each city, local, or exempted village school district 81073
in which the tax authorized by section 5705.219 of the Revised 81074
Code has been approved by electors in the preceding year, the tax 81075
commissioner, not later than the twenty-eighth day of February, 81076
shall certify to the department of education the amount determined 81077
in division (B)(4) of section 5705.219 of the Revised Code. Not 81078
later than the twenty-eighth day of February of each year 81079

thereafter for twelve years, the commissioner shall certify an 81080
amount equal to the difference between the amount certified in the 81081
preceding year under this division and the product of ten mills 81082
per dollar multiplied by the excess, if any, of the value of 81083
carryover property for residential/agricultural real property for 81084
the preceding tax year over the value of carryover property for 81085
residential/agricultural real property in the second preceding tax 81086
year. If the amount to be certified in any year is zero, in the 81087
commissioner's certification the commissioner shall state that no 81088
further certifications shall be forthcoming. 81089

(C) Not later than the last day of April and of October 81090
beginning in the first year in which a certification under 81091
division (B) of this section is received, the department of 81092
education shall pay to the school district for which the 81093
certification is made one-half of the amount most recently 81094
certified by the tax commissioner. 81095

Sec. 5705.29. This section does not apply to a subdivision or 81096
taxing unit for which the county budget commission has waived the 81097
requirement to adopt a tax budget pursuant to section 5705.281 of 81098
the Revised Code. The tax budget shall present the following 81099
information in such detail as is prescribed by the auditor of 81100
state: 81101

(A)(1) A statement of the necessary current operating 81102
expenses for the ensuing fiscal year for each department and 81103
division of the subdivision, classified as to personal services 81104
and other expenses, and the fund from which such expenditures are 81105
to be made. Except in the case of a school district, this estimate 81106
may include a contingent expense not designated for any particular 81107
purpose, and not to exceed three per cent of the total amount of 81108
appropriations for current expenses. In the case of a school 81109
district, this estimate may include a contingent expense not 81110

designated for any particular purpose and not to exceed thirteen 81111
per cent of the total amount of appropriations for current 81112
expenses. 81113

(2) A statement of the expenditures for the ensuing fiscal 81114
year necessary for permanent improvements, exclusive of any 81115
expense to be paid from bond issues, classified as to the 81116
improvements contemplated by the subdivision and the fund from 81117
which such expenditures are to be made; 81118

(3) The amounts required for the payment of final judgments; 81119

(4) A statement of expenditures for the ensuing fiscal year 81120
necessary for any purpose for which a special levy is authorized, 81121
and the fund from which such expenditures are to be made; 81122

(5) Comparative statements, so far as possible, in parallel 81123
columns of corresponding items of expenditures for the current 81124
fiscal year and the two preceding fiscal years. 81125

(B)(1) An estimate of receipts from other sources than the 81126
general property tax during the ensuing fiscal year, which shall 81127
include an estimate of unencumbered balances at the end of the 81128
current fiscal year, and the funds to which such estimated 81129
receipts are credited; 81130

(2) The amount each fund requires from the general property 81131
tax, which shall be the difference between the contemplated 81132
expenditure from the fund and the estimated receipts, as provided 81133
in this section. The section of the Revised Code under which the 81134
tax is authorized shall be set forth. 81135

(3) Comparative statements, so far as possible, in parallel 81136
columns of taxes and other revenues for the current fiscal year 81137
and the two preceding fiscal years. 81138

(C)(1) The amount required for debt charges; 81139

(2) The estimated receipts from sources other than the tax 81140

levy for payment of such debt charges, including the proceeds of 81141
refunding bonds to be issued to refund bonds maturing in the next 81142
succeeding fiscal year; 81143

(3) The net amount for which a tax levy shall be made, 81144
classified as to bonds authorized and issued prior to January 1, 81145
1922, and those authorized and issued subsequent to such date, and 81146
as to what portion of the levy will be within and what in excess 81147
of the ten-mill limitation. 81148

(D) An estimate of amounts from taxes authorized to be levied 81149
in excess of the ten-mill limitation on the tax rate, and the fund 81150
to which such amounts will be credited, together with the sections 81151
of the Revised Code under which each such tax is exempted from all 81152
limitations on the tax rate. 81153

(E)(1) A board of education may include in its budget for the 81154
fiscal year in which a levy proposed under section 5705.194, 81155
5705.199, 5705.21, ~~or 5705.213,~~ or 5705.219, or the original levy 81156
under section 5705.212 of the Revised Code is first extended on 81157
the tax list and duplicate an estimate of expenditures to be known 81158
as a voluntary contingency reserve balance, which shall not be 81159
greater than twenty-five per cent of the total amount of the levy 81160
estimated to be available for appropriation in such year. 81161

(2) A board of education may include in its budget for the 81162
fiscal year following the year in which a levy proposed under 81163
section 5705.194, 5705.199, 5705.21, ~~or 5705.213,~~ or 5705.219, or 81164
the original levy under section 5705.212 of the Revised Code is 81165
first extended on the tax list and duplicate an estimate of 81166
expenditures to be known as a voluntary contingency reserve 81167
balance, which shall not be greater than twenty per cent of the 81168
amount of the levy estimated to be available for appropriation in 81169
such year. 81170

(3) Except as provided in division (E)(4) of this section, 81171

the full amount of any reserve balance the board includes in its 81172
budget shall be retained by the county auditor and county 81173
treasurer out of the first semiannual settlement of taxes until 81174
the beginning of the next succeeding fiscal year, and thereupon, 81175
with the depository interest apportioned thereto, it shall be 81176
turned over to the board of education, to be used for the purposes 81177
of such fiscal year. 81178

(4) A board of education, by a two-thirds vote of all members 81179
of the board, may appropriate any amount withheld as a voluntary 81180
contingency reserve balance during the fiscal year for any lawful 81181
purpose, provided that prior to such appropriation the board of 81182
education has authorized the expenditure of all amounts 81183
appropriated for contingencies under section 5705.40 of the 81184
Revised Code. Upon request by the board of education, the county 81185
auditor shall draw a warrant on the district's account in the 81186
county treasury payable to the district in the amount requested. 81187

(F)(1) A board of education may include a spending reserve in 81188
its budget for fiscal years ending on or before June 30, 2002. The 81189
spending reserve shall consist of an estimate of expenditures not 81190
to exceed the district's spending reserve balance. A district's 81191
spending reserve balance is the amount by which the designated 81192
percentage of the district's estimated personal property taxes to 81193
be settled during the calendar year in which the fiscal year ends 81194
exceeds the estimated amount of personal property taxes to be so 81195
settled and received by the district during that fiscal year. 81196
Moneys from a spending reserve shall be appropriated in accordance 81197
with section 133.301 of the Revised Code. 81198

(2) For the purposes of computing a school district's 81199
spending reserve balance for a fiscal year, the designated 81200
percentage shall be as follows: 81201

Fiscal year ending in:	Designated percentage	
1998	50%	81203

1999	40%	81204
2000	30%	81205
2001	20%	81206
2002	10%	81207

(G) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance account. Except as otherwise provided in this division, the county budget commission shall not consider the amount in a reserve balance account of a township, county, or municipal corporation as an unencumbered balance or as revenue for the purposes of division (E)(3) or (4) of section 5747.51 of the Revised Code. The county budget commission may require documentation of the reasonableness of the reserve balance held in any reserve balance account. The commission shall consider any amount in a reserve balance account that it determines to be unreasonable as unencumbered and as revenue for the purposes of section 5747.51 of the Revised Code and may take such amounts into consideration when determining whether to reduce the taxing authority of a subdivision.

Sec. 5705.341. Any person required to pay taxes on real, public utility, or tangible personal property in any taxing district or other political subdivision of this state may appeal to the board of tax appeals from the action of the county budget commission of any county which relates to the fixing of uniform rates of taxation and the rate necessary to be levied by each taxing authority within its subdivision or taxing unit and which action has been certified by the county budget commission to the taxing authority of any political subdivision or other taxing district within the county.

Such appeal shall be in writing and shall set forth the tax rate complained of and the reason that such a tax rate is not necessary to produce the revenue needed by the taxing district or

political subdivision for the ensuing fiscal year as those needs 81236
are set out in the tax budget of said taxing unit or, if adoption 81237
of a tax budget was waived under section 5705.281 of the Revised 81238
Code, as set out in such other information the district or 81239
subdivision was required to provide under that section, or that 81240
the action of the budget commission appealed from does not 81241
otherwise comply with sections 5705.01 to 5705.47 of the Revised 81242
Code. The notice of appeal shall be filed with the board of tax 81243
appeals, and a true copy thereof shall be filed with the tax 81244
commissioner, the county auditor, and with the fiscal officer of 81245
each taxing district or political subdivision authorized to levy 81246
the tax complained of, and such notice of appeal and copies 81247
thereof must be filed within thirty days after the budget 81248
commission has certified its action as provided by section 5705.34 81249
of the Revised Code. Such notice of appeal and the copies thereof 81250
may be filed either in person or by certified mail. If filed by 81251
certified mail, the date of the United States postmark placed on 81252
the sender's receipt by the postal employee to whom the notice of 81253
appeal is presented shall be treated as the date of filing. 81254

Prior to filing the appeal provided by this section, the 81255
appellant shall deposit with the county auditor of the county or, 81256
in the event the appeal concerns joint taxing districts in two or 81257
more counties, with the county auditor of the county with the 81258
greatest valuation of taxable property the sum of five hundred 81259
dollars to cover the costs of the proceeding. The county auditor 81260
shall forthwith issue a pay-in order and pay such money into the 81261
county treasury to the credit of the general fund. The appellant 81262
shall produce the receipt of the county treasurer for such deposit 81263
and shall file such receipt with the notice of appeal. 81264

The board of tax appeals shall forthwith consider the matter 81265
presented on appeal from the action of the county budget 81266
commission and may modify any action of the commission with 81267

reference to the fixing of tax rates, to the end that no tax rate 81268
shall be levied above that necessary to produce the revenue needed 81269
by the taxing district or political subdivision for the ensuing 81270
fiscal year and to the end that the action of the budget 81271
commission appealed from shall otherwise be in conformity with 81272
sections 5705.01 to 5705.47 of the Revised Code. The findings of 81273
the board of tax appeals shall be substituted for the findings of 81274
the budget commission and shall be ~~certified~~ sent to the county 81275
auditor and the taxing authority of the taxing district or 81276
political subdivision affected as the action of such budget 81277
commission under sections 5705.01 to 5705.47 of the Revised Code 81278
and to the tax commissioner. At the request of an appellant, the 81279
findings of the board of tax appeals shall be sent by certified 81280
mail at the appellant's expense. 81281

The board of tax appeals shall promptly prepare a cost bill 81282
listing the expenses incurred by the board in conducting any 81283
hearing on the appeal and certify the cost bill to the county 81284
auditor of the county receiving the deposit for costs, who shall 81285
forthwith draw a warrant on the general fund of the county in 81286
favor of the person or persons named in the bill of costs 81287
certified by the board of tax appeals. 81288

In the event the appellant prevails, the board of tax appeals 81289
promptly shall direct the county auditor to refund the deposit to 81290
the appellant and the costs shall be taxed to the taxing district 81291
or political subdivision involved in the appeal. The county 81292
auditor shall withhold from any funds then or thereafter in the 81293
auditor's possession belonging to the taxing district or political 81294
subdivision named in the order of the board of tax appeals and 81295
shall reimburse the general fund of the county. 81296

If the appellant fails, the costs shall be deducted from the 81297
deposit provided for in this section and any balance which remains 81298
shall be refunded promptly to the appellant by warrant of the 81299

county auditor drawn on the general fund of the county. 81300

Nothing in this section or any section of the Revised Code 81301
shall permit or require the levying of any rate of taxation, 81302
whether within the ten-mill limitation or whether the levy has 81303
been approved by the electors of the taxing district, the 81304
political subdivision, or the charter of a municipal corporation 81305
in excess of such ten-mill limitation, unless such rate of 81306
taxation for the ensuing fiscal year is clearly required by a 81307
budget of the taxing district or political subdivision properly 81308
and lawfully adopted under this chapter, or by other information 81309
that must be provided under section 5705.281 of the Revised Code 81310
if a tax budget was waived. 81311

In the event more than one appeal is filed involving the same 81312
taxing district or political subdivision, all such appeals may be 81313
consolidated by the board of tax appeals and heard at the same 81314
time. 81315

Nothing herein contained shall be construed to bar or 81316
prohibit the tax commissioner from initiating an investigation or 81317
hearing on the commissioner's own motion. 81318

The tax commissioner shall adopt and issue such orders, 81319
rules, and instructions, not inconsistent with law, as the 81320
commissioner deems necessary, as to the exercise of the powers and 81321
the discharge of the duties of any particular county budget 81322
commission, county auditor, or other officer which relate to the 81323
budget, the assessment of property, or the levy and collection of 81324
taxes. The commissioner shall cause the orders and instructions 81325
issued by the commissioner to be obeyed. 81326

Sec. 5705.37. The taxing authority of any subdivision, or the 81327
board of trustees of any public library, nonprofit corporation, or 81328
library association maintaining a free public library that has 81329
adopted and certified rules under section 5705.28 of the Revised 81330

Code, that is dissatisfied with any action of the county budget 81331
commission may, through its fiscal officer, appeal to the board of 81332
tax appeals within thirty days after the receipt by the 81333
subdivision of the official certificate or notice of the 81334
commission's action. In like manner, but through its clerk, any 81335
park district may appeal to the board of tax appeals. An appeal 81336
under this section shall be taken by the filing of a notice of 81337
appeal, either in person or by certified mail, express mail, or 81338
authorized delivery service as provided in section 5703.056 of the 81339
Revised Code, with the board and with the commission. If notice of 81340
appeal is filed by certified mail, express mail, or authorized 81341
delivery service, date of the United States postmark placed on the 81342
sender's receipt by the postal service or the date of receipt 81343
recorded by the authorized delivery service shall be treated as 81344
the date of filing. Upon receipt of the notice of appeal, the 81345
commission, by certified mail, shall notify all persons who were 81346
parties to the proceeding before the commission of the filing of 81347
the notice of appeal and shall file proof of notice with the board 81348
of tax appeals. The secretary of the commission shall forthwith 81349
certify to the board a transcript of the full and accurate record 81350
of all proceedings before the commission, together with all 81351
evidence presented in the proceedings or considered by the 81352
commission, pertaining to the action from which the appeal is 81353
taken. The secretary of the commission also shall certify to the 81354
board any additional information that the board may request. 81355

81356
The board of tax appeals, in a de novo proceeding, shall 81357
forthwith consider the matter presented to the commission, and may 81358
modify any action of the commission with reference to the budget, 81359
the estimate of revenues and balances, the allocation of the 81360
public library fund, or the fixing of tax rates. The finding of 81361
the board of tax appeals shall be substituted for the findings of 81362
the commission, and shall be ~~certified~~ sent to the tax 81363

commissioner, the county auditor, and the taxing authority of the 81364
subdivision affected, or to the board of public library trustees 81365
affected, as the action of the commission under sections 5705.01 81366
to 5705.47 of the Revised Code. At the request of the taxing 81367
authority, board of trustees, or park district that appealed an 81368
action of the county budget commission under this section, the 81369
findings of the board of tax appeals shall be sent by certified 81370
mail at the requestor's expense. 81371

This section does not give the board of tax appeals any 81372
authority to place any tax levy authorized by law within the 81373
ten-mill limitation outside of that limitation, or to reduce any 81374
levy below any minimum fixed by law. 81375

Sec. 5709.62. (A) In any municipal corporation that is 81376
defined by the United States office of management and budget as a 81377
principal city of a metropolitan statistical area, the legislative 81378
authority of the municipal corporation may designate one or more 81379
areas within its municipal corporation as proposed enterprise 81380
zones. Upon designating an area, the legislative authority shall 81381
petition the director of development for certification of the area 81382
as having the characteristics set forth in division (A)(1) of 81383
section 5709.61 of the Revised Code as amended by Substitute 81384
Senate Bill No. 19 of the 120th general assembly. Except as 81385
otherwise provided in division (E) of this section, on and after 81386
July 1, 1994, legislative authorities shall not enter into 81387
agreements under this section unless the legislative authority has 81388
petitioned the director and the director has certified the zone 81389
under this section as amended by that act; however, all agreements 81390
entered into under this section as it existed prior to July 1, 81391
1994, and the incentives granted under those agreements shall 81392
remain in effect for the period agreed to under those agreements. 81393
Within sixty days after receiving such a petition, the director 81394
shall determine whether the area has the characteristics set forth 81395

in division (A)(1) of section 5709.61 of the Revised Code, and 81396
shall forward the findings to the legislative authority of the 81397
municipal corporation. If the director certifies the area as 81398
having those characteristics, and thereby certifies it as a zone, 81399
the legislative authority may enter into an agreement with an 81400
enterprise under division (C) of this section. 81401

(B) Any enterprise that wishes to enter into an agreement 81402
with a municipal corporation under division (C) of this section 81403
shall submit a proposal to the legislative authority of the 81404
municipal corporation on a form prescribed by the director of 81405
development, together with the application fee established under 81406
section 5709.68 of the Revised Code. The form shall require the 81407
following information: 81408

(1) An estimate of the number of new employees whom the 81409
enterprise intends to hire, or of the number of employees whom the 81410
enterprise intends to retain, within the zone at a facility that 81411
is a project site, and an estimate of the amount of payroll of the 81412
enterprise attributable to these employees; 81413

(2) An estimate of the amount to be invested by the 81414
enterprise to establish, expand, renovate, or occupy a facility, 81415
including investment in new buildings, additions or improvements 81416
to existing buildings, machinery, equipment, furniture, fixtures, 81417
and inventory; 81418

(3) A listing of the enterprise's current investment, if any, 81419
in a facility as of the date of the proposal's submission. 81420

The enterprise shall review and update the listings required 81421
under this division to reflect material changes, and any agreement 81422
entered into under division (C) of this section shall set forth 81423
final estimates and listings as of the time the agreement is 81424
entered into. The legislative authority may, on a separate form 81425
and at any time, require any additional information necessary to 81426

determine whether an enterprise is in compliance with an agreement 81427
and to collect the information required to be reported under 81428
section 5709.68 of the Revised Code. 81429

(C) Upon receipt and investigation of a proposal under 81430
division (B) of this section, if the legislative authority finds 81431
that the enterprise submitting the proposal is qualified by 81432
financial responsibility and business experience to create and 81433
preserve employment opportunities in the zone and improve the 81434
economic climate of the municipal corporation, the legislative 81435
authority, on or before October 15, ~~2009~~ 2010, may do one of the 81436
following: 81437

(1) Enter into an agreement with the enterprise under which 81438
the enterprise agrees to establish, expand, renovate, or occupy a 81439
facility and hire new employees, or preserve employment 81440
opportunities for existing employees, in return for one or more of 81441
the following incentives: 81442

(a) Exemption for a specified number of years, not to exceed 81443
fifteen, of a specified portion, up to seventy-five per cent, of 81444
the assessed value of tangible personal property first used in 81445
business at the project site as a result of the agreement. If an 81446
exemption for inventory is specifically granted in the agreement 81447
pursuant to this division, the exemption applies to inventory 81448
required to be listed pursuant to sections 5711.15 and 5711.16 of 81449
the Revised Code, except that, in the instance of an expansion or 81450
other situations in which an enterprise was in business at the 81451
facility prior to the establishment of the zone, the inventory 81452
that is exempt is that amount or value of inventory in excess of 81453
the amount or value of inventory required to be listed in the 81454
personal property tax return of the enterprise in the return for 81455
the tax year in which the agreement is entered into. 81456

(b) Exemption for a specified number of years, not to exceed 81457
fifteen, of a specified portion, up to seventy-five per cent, of 81458

the increase in the assessed valuation of real property 81459
constituting the project site subsequent to formal approval of the 81460
agreement by the legislative authority; 81461

(c) Provision for a specified number of years, not to exceed 81462
fifteen, of any optional services or assistance that the municipal 81463
corporation is authorized to provide with regard to the project 81464
site. 81465

(2) Enter into an agreement under which the enterprise agrees 81466
to remediate an environmentally contaminated facility, to spend an 81467
amount equal to at least two hundred fifty per cent of the true 81468
value in money of the real property of the facility prior to 81469
remediation as determined for the purposes of property taxation to 81470
establish, expand, renovate, or occupy the remediated facility, 81471
and to hire new employees or preserve employment opportunities for 81472
existing employees at the remediated facility, in return for one 81473
or more of the following incentives: 81474

(a) Exemption for a specified number of years, not to exceed 81475
fifteen, of a specified portion, not to exceed fifty per cent, of 81476
the assessed valuation of the real property of the facility prior 81477
to remediation; 81478

(b) Exemption for a specified number of years, not to exceed 81479
fifteen, of a specified portion, not to exceed one hundred per 81480
cent, of the increase in the assessed valuation of the real 81481
property of the facility during or after remediation; 81482

(c) The incentive under division (C)(1)(a) of this section, 81483
except that the percentage of the assessed value of such property 81484
exempted from taxation shall not exceed one hundred per cent; 81485

(d) The incentive under division (C)(1)(c) of this section. 81486

(3) Enter into an agreement with an enterprise that plans to 81487
purchase and operate a large manufacturing facility that has 81488
ceased operation or announced its intention to cease operation, in 81489

return for exemption for a specified number of years, not to 81490
exceed fifteen, of a specified portion, up to one hundred per 81491
cent, of the assessed value of tangible personal property used in 81492
business at the project site as a result of the agreement, or of 81493
the assessed valuation of real property constituting the project 81494
site, or both. 81495

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 81496
section, the portion of the assessed value of tangible personal 81497
property or of the increase in the assessed valuation of real 81498
property exempted from taxation under those divisions may exceed 81499
seventy-five per cent in any year for which that portion is 81500
exempted if the average percentage exempted for all years in which 81501
the agreement is in effect does not exceed sixty per cent, or if 81502
the board of education of the city, local, or exempted village 81503
school district within the territory of which the property is or 81504
will be located approves a percentage in excess of seventy-five 81505
per cent. 81506

(2) Notwithstanding any provision of the Revised Code to the 81507
contrary, the exemptions described in divisions (C)(1)(a), (b), 81508
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 81509
be for up to fifteen years if the board of education of the city, 81510
local, or exempted village school district within the territory of 81511
which the property is or will be located approves a number of 81512
years in excess of ten. 81513

(3) For the purpose of obtaining the approval of a city, 81514
local, or exempted village school district under division (D)(1) 81515
or (2) of this section, the legislative authority shall deliver to 81516
the board of education a notice not later than forty-five days 81517
prior to approving the agreement, excluding Saturdays, Sundays, 81518
and legal holidays as defined in section 1.14 of the Revised Code. 81519
The notice shall state the percentage to be exempted, an estimate 81520
of the true value of the property to be exempted, and the number 81521

of years the property is to be exempted. The board of education, 81522
by resolution adopted by a majority of the board, shall approve or 81523
disapprove the agreement and certify a copy of the resolution to 81524
the legislative authority not later than fourteen days prior to 81525
the date stipulated by the legislative authority as the date upon 81526
which approval of the agreement is to be formally considered by 81527
the legislative authority. The board of education may include in 81528
the resolution conditions under which the board would approve the 81529
agreement, including the execution of an agreement to compensate 81530
the school district under division (B) of section 5709.82 of the 81531
Revised Code. The legislative authority may approve the agreement 81532
at any time after the board of education certifies its resolution 81533
approving the agreement to the legislative authority, or, if the 81534
board approves the agreement conditionally, at any time after the 81535
conditions are agreed to by the board and the legislative 81536
authority. 81537

If a board of education has adopted a resolution waiving its 81538
right to approve agreements and the resolution remains in effect, 81539
approval of an agreement by the board is not required under this 81540
division. If a board of education has adopted a resolution 81541
allowing a legislative authority to deliver the notice required 81542
under this division fewer than forty-five business days prior to 81543
the legislative authority's approval of the agreement, the 81544
legislative authority shall deliver the notice to the board not 81545
later than the number of days prior to such approval as prescribed 81546
by the board in its resolution. If a board of education adopts a 81547
resolution waiving its right to approve agreements or shortening 81548
the notification period, the board shall certify a copy of the 81549
resolution to the legislative authority. If the board of education 81550
rescinds such a resolution, it shall certify notice of the 81551
rescission to the legislative authority. 81552

(4) The legislative authority shall comply with section 81553

5709.83 of the Revised Code unless the board of education has 81554
adopted a resolution under that section waiving its right to 81555
receive such notice. 81556

(E) This division applies to zones certified by the director 81557
of development under this section prior to July 22, 1994. 81558

On or before October 15, ~~2009~~ 2010, the legislative authority 81559
that designated a zone to which this division applies may enter 81560
into an agreement with an enterprise if the legislative authority 81561
finds that the enterprise satisfies one of the criteria described 81562
in divisions (E)(1) to (5) of this section: 81563

(1) The enterprise currently has no operations in this state 81564
and, subject to approval of the agreement, intends to establish 81565
operations in the zone; 81566

(2) The enterprise currently has operations in this state 81567
and, subject to approval of the agreement, intends to establish 81568
operations at a new location in the zone that would not result in 81569
a reduction in the number of employee positions at any of the 81570
enterprise's other locations in this state; 81571

(3) The enterprise, subject to approval of the agreement, 81572
intends to relocate operations, currently located in another 81573
state, to the zone; 81574

(4) The enterprise, subject to approval of the agreement, 81575
intends to expand operations at an existing site in the zone that 81576
the enterprise currently operates; 81577

(5) The enterprise, subject to approval of the agreement, 81578
intends to relocate operations, currently located in this state, 81579
to the zone, and the director of development has issued a waiver 81580
for the enterprise under division (B) of section 5709.633 of the 81581
Revised Code. 81582

The agreement shall require the enterprise to agree to 81583

establish, expand, renovate, or occupy a facility in the zone and 81584
hire new employees, or preserve employment opportunities for 81585
existing employees, in return for one or more of the incentives 81586
described in division (C) of this section. 81587

(F) All agreements entered into under this section shall be 81588
in the form prescribed under section 5709.631 of the Revised Code. 81589
After an agreement is entered into under this section, if the 81590
legislative authority revokes its designation of a zone, or if the 81591
director of development revokes a zone's certification, any 81592
entitlements granted under the agreement shall continue for the 81593
number of years specified in the agreement. 81594

(G) Except as otherwise provided in this division, an 81595
agreement entered into under this section shall require that the 81596
enterprise pay an annual fee equal to the greater of one per cent 81597
of the dollar value of incentives offered under the agreement or 81598
five hundred dollars; provided, however, that if the value of the 81599
incentives exceeds two hundred fifty thousand dollars, the fee 81600
shall not exceed two thousand five hundred dollars. The fee shall 81601
be payable to the legislative authority once per year for each 81602
year the agreement is effective on the days and in the form 81603
specified in the agreement. Fees paid shall be deposited in a 81604
special fund created for such purpose by the legislative authority 81605
and shall be used by the legislative authority exclusively for the 81606
purpose of complying with section 5709.68 of the Revised Code and 81607
by the tax incentive review council created under section 5709.85 81608
of the Revised Code exclusively for the purposes of performing the 81609
duties prescribed under that section. The legislative authority 81610
may waive or reduce the amount of the fee charged against an 81611
enterprise, but such a waiver or reduction does not affect the 81612
obligations of the legislative authority or the tax incentive 81613
review council to comply with section 5709.68 or 5709.85 of the 81614
Revised Code. 81615

(H) When an agreement is entered into pursuant to this 81616
section, the legislative authority authorizing the agreement shall 81617
forward a copy of the agreement to the director of development and 81618
to the tax commissioner within fifteen days after the agreement is 81619
entered into. If any agreement includes terms not provided for in 81620
section 5709.631 of the Revised Code affecting the revenue of a 81621
city, local, or exempted village school district or causing 81622
revenue to be foregone by the district, including any compensation 81623
to be paid to the school district pursuant to section 5709.82 of 81624
the Revised Code, those terms also shall be forwarded in writing 81625
to the director of development along with the copy of the 81626
agreement forwarded under this division. 81627

(I) After an agreement is entered into, the enterprise shall 81628
file with each personal property tax return required to be filed, 81629
or annual report required to be filed under section 5727.08 of the 81630
Revised Code, while the agreement is in effect, an informational 81631
return, on a form prescribed by the tax commissioner for that 81632
purpose, setting forth separately the property, and related costs 81633
and values, exempted from taxation under the agreement. 81634

(J) Enterprises may agree to give preference to residents of 81635
the zone within which the agreement applies relative to residents 81636
of this state who do not reside in the zone when hiring new 81637
employees under the agreement. 81638

(K) An agreement entered into under this section may include 81639
a provision requiring the enterprise to create one or more 81640
temporary internship positions for students enrolled in a course 81641
of study at a school or other educational institution in the 81642
vicinity, and to create a scholarship or provide another form of 81643
educational financial assistance for students holding such a 81644
position in exchange for the student's commitment to work for the 81645
enterprise at the completion of the internship. 81646

(L) The tax commissioner's authority in determining the 81647

accuracy of any exemption granted by an agreement entered into 81648
under this section is limited to divisions (C)(1)(a) and (b), 81649
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 81650
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 81651
and, as authorized by law, to enforcing any modification to, or 81652
revocation of, that agreement by the legislative authority of a 81653
municipal corporation or the director of development. 81654

Sec. 5709.63. (A) With the consent of the legislative 81655
authority of each affected municipal corporation or of a board of 81656
township trustees, a board of county commissioners may, in the 81657
manner set forth in section 5709.62 of the Revised Code, designate 81658
one or more areas in one or more municipal corporations or in 81659
unincorporated areas of the county as proposed enterprise zones. A 81660
board of county commissioners may designate no more than one area 81661
within a township, or within adjacent townships, as a proposed 81662
enterprise zone. The board shall petition the director of 81663
development for certification of the area as having the 81664
characteristics set forth in division (A)(1) or (2) of section 81665
5709.61 of the Revised Code as amended by Substitute Senate Bill 81666
No. 19 of the 120th general assembly. Except as otherwise provided 81667
in division (D) of this section, on and after July 1, 1994, boards 81668
of county commissioners shall not enter into agreements under this 81669
section unless the board has petitioned the director and the 81670
director has certified the zone under this section as amended by 81671
that act; however, all agreements entered into under this section 81672
as it existed prior to July 1, 1994, and the incentives granted 81673
under those agreements shall remain in effect for the period 81674
agreed to under those agreements. The director shall make the 81675
determination in the manner provided under section 5709.62 of the 81676
Revised Code. 81677

Any enterprise wishing to enter into an agreement with the 81678
board under division (B) or (D) of this section shall submit a 81679

proposal to the board on the form and accompanied by the 81680
application fee prescribed under division (B) of section 5709.62 81681
of the Revised Code. The enterprise shall review and update the 81682
estimates and listings required by the form in the manner required 81683
under that division. The board may, on a separate form and at any 81684
time, require any additional information necessary to determine 81685
whether an enterprise is in compliance with an agreement and to 81686
collect the information required to be reported under section 81687
5709.68 of the Revised Code. 81688

(B) If the board of county commissioners finds that an 81689
enterprise submitting a proposal is qualified by financial 81690
responsibility and business experience to create and preserve 81691
employment opportunities in the zone and to improve the economic 81692
climate of the municipal corporation or municipal corporations or 81693
the unincorporated areas in which the zone is located and to which 81694
the proposal applies, the board, on or before October 15, ~~2009~~ 81695
2010, and with the consent of the legislative authority of each 81696
affected municipal corporation or of the board of township 81697
trustees may do either of the following: 81698

(1) Enter into an agreement with the enterprise under which 81699
the enterprise agrees to establish, expand, renovate, or occupy a 81700
facility in the zone and hire new employees, or preserve 81701
employment opportunities for existing employees, in return for the 81702
following incentives: 81703

(a) When the facility is located in a municipal corporation, 81704
the board may enter into an agreement for one or more of the 81705
incentives provided in division (C) of section 5709.62 of the 81706
Revised Code, subject to division (D) of that section; 81707

(b) When the facility is located in an unincorporated area, 81708
the board may enter into an agreement for one or more of the 81709
following incentives: 81710

(i) Exemption for a specified number of years, not to exceed 81711
fifteen, of a specified portion, up to sixty per cent, of the 81712
assessed value of tangible personal property first used in 81713
business at a project site as a result of the agreement. If an 81714
exemption for inventory is specifically granted in the agreement 81715
pursuant to this division, the exemption applies to inventory 81716
required to be listed pursuant to sections 5711.15 and 5711.16 of 81717
the Revised Code, except, in the instance of an expansion or other 81718
situations in which an enterprise was in business at the facility 81719
prior to the establishment of the zone, the inventory that is 81720
exempt is that amount or value of inventory in excess of the 81721
amount or value of inventory required to be listed in the personal 81722
property tax return of the enterprise in the return for the tax 81723
year in which the agreement is entered into. 81724

(ii) Exemption for a specified number of years, not to exceed 81725
fifteen, of a specified portion, up to sixty per cent, of the 81726
increase in the assessed valuation of real property constituting 81727
the project site subsequent to formal approval of the agreement by 81728
the board; 81729

(iii) Provision for a specified number of years, not to 81730
exceed fifteen, of any optional services or assistance the board 81731
is authorized to provide with regard to the project site; 81732

(iv) The incentive described in division (C)(2) of section 81733
5709.62 of the Revised Code. 81734

(2) Enter into an agreement with an enterprise that plans to 81735
purchase and operate a large manufacturing facility that has 81736
ceased operation or has announced its intention to cease 81737
operation, in return for exemption for a specified number of 81738
years, not to exceed fifteen, of a specified portion, up to one 81739
hundred per cent, of tangible personal property used in business 81740
at the project site as a result of the agreement, or of real 81741
property constituting the project site, or both. 81742

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 81743
this section, the portion of the assessed value of tangible 81744
personal property or of the increase in the assessed valuation of 81745
real property exempted from taxation under those divisions may 81746
exceed sixty per cent in any year for which that portion is 81747
exempted if the average percentage exempted for all years in which 81748
the agreement is in effect does not exceed fifty per cent, or if 81749
the board of education of the city, local, or exempted village 81750
school district within the territory of which the property is or 81751
will be located approves a percentage in excess of sixty per cent. 81752

(b) Notwithstanding any provision of the Revised Code to the 81753
contrary, the exemptions described in divisions (B)(1)(b)(i), 81754
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 81755
fifteen years if the board of education of the city, local, or 81756
exempted village school district within the territory of which the 81757
property is or will be located approves a number of years in 81758
excess of ten. 81759

(c) For the purpose of obtaining the approval of a city, 81760
local, or exempted village school district under division 81761
(C)(1)(a) or (b) of this section, the board of county 81762
commissioners shall deliver to the board of education a notice not 81763
later than forty-five days prior to approving the agreement, 81764
excluding Saturdays, Sundays, and legal holidays as defined in 81765
section 1.14 of the Revised Code. The notice shall state the 81766
percentage to be exempted, an estimate of the true value of the 81767
property to be exempted, and the number of years the property is 81768
to be exempted. The board of education, by resolution adopted by a 81769
majority of the board, shall approve or disapprove the agreement 81770
and certify a copy of the resolution to the board of county 81771
commissioners not later than fourteen days prior to the date 81772
stipulated by the board of county commissioners as the date upon 81773
which approval of the agreement is to be formally considered by 81774

the board of county commissioners. The board of education may 81775
include in the resolution conditions under which the board would 81776
approve the agreement, including the execution of an agreement to 81777
compensate the school district under division (B) of section 81778
5709.82 of the Revised Code. The board of county commissioners may 81779
approve the agreement at any time after the board of education 81780
certifies its resolution approving the agreement to the board of 81781
county commissioners, or, if the board of education approves the 81782
agreement conditionally, at any time after the conditions are 81783
agreed to by the board of education and the board of county 81784
commissioners. 81785

If a board of education has adopted a resolution waiving its 81786
right to approve agreements and the resolution remains in effect, 81787
approval of an agreement by the board of education is not required 81788
under division (C) of this section. If a board of education has 81789
adopted a resolution allowing a board of county commissioners to 81790
deliver the notice required under this division fewer than 81791
forty-five business days prior to approval of the agreement by the 81792
board of county commissioners, the board of county commissioners 81793
shall deliver the notice to the board of education not later than 81794
the number of days prior to such approval as prescribed by the 81795
board of education in its resolution. If a board of education 81796
adopts a resolution waiving its right to approve agreements or 81797
shortening the notification period, the board of education shall 81798
certify a copy of the resolution to the board of county 81799
commissioners. If the board of education rescinds such a 81800
resolution, it shall certify notice of the rescission to the board 81801
of county commissioners. 81802

(2) The board of county commissioners shall comply with 81803
section 5709.83 of the Revised Code unless the board of education 81804
has adopted a resolution under that section waiving its right to 81805
receive such notice. 81806

(D) This division applies to zones certified by the director 81807
of development under this section prior to July 22, 1994. 81808

On or before October 15, ~~2009~~ 2010, and with the consent of 81809
the legislative authority of each affected municipal corporation 81810
or board of township trustees of each affected township, the board 81811
of county commissioners that designated a zone to which this 81812
division applies may enter into an agreement with an enterprise if 81813
the board finds that the enterprise satisfies one of the criteria 81814
described in divisions (D)(1) to (5) of this section: 81815

(1) The enterprise currently has no operations in this state 81816
and, subject to approval of the agreement, intends to establish 81817
operations in the zone; 81818

(2) The enterprise currently has operations in this state 81819
and, subject to approval of the agreement, intends to establish 81820
operations at a new location in the zone that would not result in 81821
a reduction in the number of employee positions at any of the 81822
enterprise's other locations in this state; 81823

(3) The enterprise, subject to approval of the agreement, 81824
intends to relocate operations, currently located in another 81825
state, to the zone; 81826

(4) The enterprise, subject to approval of the agreement, 81827
intends to expand operations at an existing site in the zone that 81828
the enterprise currently operates; 81829

(5) The enterprise, subject to approval of the agreement, 81830
intends to relocate operations, currently located in this state, 81831
to the zone, and the director of development has issued a waiver 81832
for the enterprise under division (B) of section 5709.633 of the 81833
Revised Code. 81834

The agreement shall require the enterprise to agree to 81835
establish, expand, renovate, or occupy a facility in the zone and 81836
hire new employees, or preserve employment opportunities for 81837

existing employees, in return for one or more of the incentives 81838
described in division (B) of this section. 81839

(E) All agreements entered into under this section shall be 81840
in the form prescribed under section 5709.631 of the Revised Code. 81841
After an agreement under this section is entered into, if the 81842
board of county commissioners revokes its designation of a zone, 81843
or if the director of development revokes a zone's certification, 81844
any entitlements granted under the agreement shall continue for 81845
the number of years specified in the agreement. 81846

(F) Except as otherwise provided in this division, an 81847
agreement entered into under this section shall require that the 81848
enterprise pay an annual fee equal to the greater of one per cent 81849
of the dollar value of incentives offered under the agreement or 81850
five hundred dollars; provided, however, that if the value of the 81851
incentives exceeds two hundred fifty thousand dollars, the fee 81852
shall not exceed two thousand five hundred dollars. The fee shall 81853
be payable to the board of county commissioners once per year for 81854
each year the agreement is effective on the days and in the form 81855
specified in the agreement. Fees paid shall be deposited in a 81856
special fund created for such purpose by the board and shall be 81857
used by the board exclusively for the purpose of complying with 81858
section 5709.68 of the Revised Code and by the tax incentive 81859
review council created under section 5709.85 of the Revised Code 81860
exclusively for the purposes of performing the duties prescribed 81861
under that section. The board may waive or reduce the amount of 81862
the fee charged against an enterprise, but such waiver or 81863
reduction does not affect the obligations of the board or the tax 81864
incentive review council to comply with section 5709.68 or 5709.85 81865
of the Revised Code, respectively. 81866

(G) With the approval of the legislative authority of a 81867
municipal corporation or the board of township trustees of a 81868
township in which a zone is designated under division (A) of this 81869

section, the board of county commissioners may delegate to that 81870
legislative authority or board any powers and duties of the board 81871
of county commissioners to negotiate and administer agreements 81872
with regard to that zone under this section. 81873

(H) When an agreement is entered into pursuant to this 81874
section, the board of county commissioners authorizing the 81875
agreement or the legislative authority or board of township 81876
trustees that negotiates and administers the agreement shall 81877
forward a copy of the agreement to the director of development and 81878
to the tax commissioner within fifteen days after the agreement is 81879
entered into. If any agreement includes terms not provided for in 81880
section 5709.631 of the Revised Code affecting the revenue of a 81881
city, local, or exempted village school district or causing 81882
revenue to be foregone by the district, including any compensation 81883
to be paid to the school district pursuant to section 5709.82 of 81884
the Revised Code, those terms also shall be forwarded in writing 81885
to the director of development along with the copy of the 81886
agreement forwarded under this division. 81887

(I) After an agreement is entered into, the enterprise shall 81888
file with each personal property tax return required to be filed, 81889
or annual report that is required to be filed under section 81890
5727.08 of the Revised Code, while the agreement is in effect, an 81891
informational return, on a form prescribed by the tax commissioner 81892
for that purpose, setting forth separately the property, and 81893
related costs and values, exempted from taxation under the 81894
agreement. 81895

(J) Enterprises may agree to give preference to residents of 81896
the zone within which the agreement applies relative to residents 81897
of this state who do not reside in the zone when hiring new 81898
employees under the agreement. 81899

(K) An agreement entered into under this section may include 81900
a provision requiring the enterprise to create one or more 81901

temporary internship positions for students enrolled in a course 81902
of study at a school or other educational institution in the 81903
vicinity, and to create a scholarship or provide another form of 81904
educational financial assistance for students holding such a 81905
position in exchange for the student's commitment to work for the 81906
enterprise at the completion of the internship. 81907

(L) The tax commissioner's authority in determining the 81908
accuracy of any exemption granted by an agreement entered into 81909
under this section is limited to divisions (B)(1)(b)(i) and (ii), 81910
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 81911
this section as it pertains to divisions (C)(2)(a), (b), and (c) 81912
of section 5709.62 of the Revised Code, and divisions (B)(1) to 81913
(10) of section 5709.631 of the Revised Code and, as authorized by 81914
law, to enforcing any modification to, or revocation of, that 81915
agreement by the board of county commissioners or the director of 81916
development or, if the board's powers and duties are delegated 81917
under division (G) of this section, by the legislative authority 81918
of a municipal corporation or board of township trustees. 81919

Sec. 5709.632. (A)(1) The legislative authority of a 81920
municipal corporation defined by the United States office of 81921
management and budget as a principal city of a metropolitan 81922
statistical area may, in the manner set forth in section 5709.62 81923
of the Revised Code, designate one or more areas in the municipal 81924
corporation as a proposed enterprise zone. 81925

(2) With the consent of the legislative authority of each 81926
affected municipal corporation or of a board of township trustees, 81927
a board of county commissioners may, in the manner set forth in 81928
section 5709.62 of the Revised Code, designate one or more areas 81929
in one or more municipal corporations or in unincorporated areas 81930
of the county as proposed urban jobs and enterprise zones, except 81931
that a board of county commissioners may designate no more than 81932

one area within a township, or within adjacent townships, as a 81933
proposed urban jobs and enterprise zone. 81934

(3) The legislative authority or board of county 81935
commissioners may petition the director of development for 81936
certification of the area as having the characteristics set forth 81937
in division (A)(3) of section 5709.61 of the Revised Code. Within 81938
sixty days after receiving such a petition, the director shall 81939
determine whether the area has the characteristics set forth in 81940
that division and forward the findings to the legislative 81941
authority or board of county commissioners. If the director 81942
certifies the area as having those characteristics and thereby 81943
certifies it as a zone, the legislative authority or board may 81944
enter into agreements with enterprises under division (B) of this 81945
section. Any enterprise wishing to enter into an agreement with a 81946
legislative authority or board of county commissioners under this 81947
section and satisfying one of the criteria described in divisions 81948
(B)(1) to (5) of this section shall submit a proposal to the 81949
legislative authority or board on the form prescribed under 81950
division (B) of section 5709.62 of the Revised Code and shall 81951
review and update the estimates and listings required by the form 81952
in the manner required under that division. The legislative 81953
authority or board may, on a separate form and at any time, 81954
require any additional information necessary to determine whether 81955
an enterprise is in compliance with an agreement and to collect 81956
the information required to be reported under section 5709.68 of 81957
the Revised Code. 81958

(B) Prior to entering into an agreement with an enterprise, 81959
the legislative authority or board of county commissioners shall 81960
determine whether the enterprise submitting the proposal is 81961
qualified by financial responsibility and business experience to 81962
create and preserve employment opportunities in the zone and to 81963
improve the economic climate of the municipal corporation or 81964

municipal corporations or the unincorporated areas in which the 81965
zone is located and to which the proposal applies, and whether the 81966
enterprise satisfies one of the following criteria: 81967

(1) The enterprise currently has no operations in this state 81968
and, subject to approval of the agreement, intends to establish 81969
operations in the zone; 81970

(2) The enterprise currently has operations in this state 81971
and, subject to approval of the agreement, intends to establish 81972
operations at a new location in the zone that would not result in 81973
a reduction in the number of employee positions at any of the 81974
enterprise's other locations in this state; 81975

(3) The enterprise, subject to approval of the agreement, 81976
intends to relocate operations, currently located in another 81977
state, to the zone; 81978

(4) The enterprise, subject to approval of the agreement, 81979
intends to expand operations at an existing site in the zone that 81980
the enterprise currently operates; 81981

(5) The enterprise, subject to approval of the agreement, 81982
intends to relocate operations, currently located in this state, 81983
to the zone, and the director of development has issued a waiver 81984
for the enterprise under division (B) of section 5709.633 of the 81985
Revised Code. 81986

(C) If the legislative authority or board determines that the 81987
enterprise is so qualified and satisfies one of the criteria 81988
described in divisions (B)(1) to (5) of this section, the 81989
legislative authority or board may, after complying with section 81990
5709.83 of the Revised Code and on or before October 15, ~~2009~~ 81991
2010, and, in the case of a board of commissioners, with the 81992
consent of the legislative authority of each affected municipal 81993
corporation or of the board of township trustees, enter into an 81994
agreement with the enterprise under which the enterprise agrees to 81995

establish, expand, renovate, or occupy a facility in the zone and 81996
hire new employees, or preserve employment opportunities for 81997
existing employees, in return for the following incentives: 81998

(1) When the facility is located in a municipal corporation, 81999
a legislative authority or board of commissioners may enter into 82000
an agreement for one or more of the incentives provided in 82001
division (C) of section 5709.62 of the Revised Code, subject to 82002
division (D) of that section; 82003

(2) When the facility is located in an unincorporated area, a 82004
board of commissioners may enter into an agreement for one or more 82005
of the incentives provided in divisions (B)(1)(b), (B)(2), and 82006
(B)(3) of section 5709.63 of the Revised Code, subject to division 82007
(C) of that section. 82008

(D) All agreements entered into under this section shall be 82009
in the form prescribed under section 5709.631 of the Revised Code. 82010
After an agreement under this section is entered into, if the 82011
legislative authority or board of county commissioners revokes its 82012
designation of the zone, or if the director of development revokes 82013
the zone's certification, any entitlements granted under the 82014
agreement shall continue for the number of years specified in the 82015
agreement. 82016

(E) Except as otherwise provided in this division, an 82017
agreement entered into under this section shall require that the 82018
enterprise pay an annual fee equal to the greater of one per cent 82019
of the dollar value of incentives offered under the agreement or 82020
five hundred dollars; provided, however, that if the value of the 82021
incentives exceeds two hundred fifty thousand dollars, the fee 82022
shall not exceed two thousand five hundred dollars. The fee shall 82023
be payable to the legislative authority or board of commissioners 82024
once per year for each year the agreement is effective on the days 82025
and in the form specified in the agreement. Fees paid shall be 82026
deposited in a special fund created for such purpose by the 82027

legislative authority or board and shall be used by the 82028
legislative authority or board exclusively for the purpose of 82029
complying with section 5709.68 of the Revised Code and by the tax 82030
incentive review council created under section 5709.85 of the 82031
Revised Code exclusively for the purposes of performing the duties 82032
prescribed under that section. The legislative authority or board 82033
may waive or reduce the amount of the fee charged against an 82034
enterprise, but such waiver or reduction does not affect the 82035
obligations of the legislative authority or board or the tax 82036
incentive review council to comply with section 5709.68 or 5709.85 82037
of the Revised Code, respectively. 82038

(F) With the approval of the legislative authority of a 82039
municipal corporation or the board of township trustees of a 82040
township in which a zone is designated under division (A)(2) of 82041
this section, the board of county commissioners may delegate to 82042
that legislative authority or board any powers and duties of the 82043
board to negotiate and administer agreements with regard to that 82044
zone under this section. 82045

(G) When an agreement is entered into pursuant to this 82046
section, the legislative authority or board of commissioners 82047
authorizing the agreement shall forward a copy of the agreement to 82048
the director of development and to the tax commissioner within 82049
fifteen days after the agreement is entered into. If any agreement 82050
includes terms not provided for in section 5709.631 of the Revised 82051
Code affecting the revenue of a city, local, or exempted village 82052
school district or causing revenue to be foregone by the district, 82053
including any compensation to be paid to the school district 82054
pursuant to section 5709.82 of the Revised Code, those terms also 82055
shall be forwarded in writing to the director of development along 82056
with the copy of the agreement forwarded under this division. 82057

82058

(H) After an agreement is entered into, the enterprise shall 82059

file with each personal property tax return required to be filed 82060
while the agreement is in effect, an informational return, on a 82061
form prescribed by the tax commissioner for that purpose, setting 82062
forth separately the property, and related costs and values, 82063
exempted from taxation under the agreement. 82064

(I) An agreement entered into under this section may include 82065
a provision requiring the enterprise to create one or more 82066
temporary internship positions for students enrolled in a course 82067
of study at a school or other educational institution in the 82068
vicinity, and to create a scholarship or provide another form of 82069
educational financial assistance for students holding such a 82070
position in exchange for the student's commitment to work for the 82071
enterprise at the completion of the internship. 82072

Sec. 5711.33. (A)(1) When a county treasurer receives a 82073
certificate from a county auditor pursuant to division (A) of 82074
section 5711.32 of the Revised Code charging the treasurer with 82075
the collection of an amount of taxes due as the result of a 82076
deficiency assessment, the treasurer shall immediately prepare and 82077
mail a tax bill to the taxpayer owing such tax. The tax bill shall 82078
contain the name of the taxpayer; the taxable value, tax rate, and 82079
taxes charged for each year being assessed; the total amount of 82080
taxes due; the final date payment may be made without additional 82081
penalty; and any other information the treasurer considers 82082
pertinent or necessary. Taxes due and payable as a result of a 82083
deficiency assessment, less any amount specifically excepted from 82084
collection under division (B) of section 5711.32 of the Revised 82085
Code, shall be paid with interest thereon as prescribed by section 82086
5719.041 of the Revised Code on or before the sixtieth day 82087
following the date of issuance of the certificate by the county 82088
auditor. The balance of taxes found due and payable after a final 82089
determination by the tax commissioner or a final judgment of the 82090
board of tax appeals or any court to which such final judgment may 82091

be appealed shall be paid with interest thereon as prescribed by 82092
section 5719.041 of the Revised Code on or before the sixtieth day 82093
following the date of certification by the auditor to the 82094
treasurer pursuant to division (C) of section 5711.32 of the 82095
Revised Code of such final determination or judgment. Such final 82096
dates for payment shall be determined and exhibited on the tax 82097
bill by the treasurer. 82098

(2) If, on or before the sixtieth day following the date of a 82099
certification of a deficiency assessment under division (A) of 82100
section 5711.32 of the Revised Code or of a certification of a 82101
final determination or judgment under division (C) of section 82102
5711.32 of the Revised Code, the taxpayer pays the full amount of 82103
taxes and interest due at the time of the receipt of certification 82104
with respect to that assessment, determination, or judgment, no 82105
interest shall accrue or be charged with respect to that 82106
assessment, determination, or judgment for the period that begins 82107
on the first day of the month in which the certification is made 82108
and that ends on the last day of the month preceding the month in 82109
which such sixtieth day occurs. 82110

(B) When the taxes charged, as mentioned in division (A) of 82111
this section, are not paid within the time prescribed by such 82112
division, a penalty of ten per cent of the amount due and unpaid 82113
and interest for the period described in division (A)(2) of this 82114
section shall accrue at the time the treasurer closes the 82115
treasurer's office for business on the last day so prescribed, but 82116
if the taxes are paid within ten days subsequent to the last day 82117
prescribed, the treasurer shall waive the collection of and the 82118
auditor shall remit one-half of the penalty. The treasurer shall 82119
not thereafter accept less than the full amount of taxes and 82120
penalty except as otherwise authorized by law. Such penalty shall 82121
be distributed in the same manner and at the same time as the tax 82122
upon which it has accrued. The whole amount collected shall be 82123

included in the next succeeding settlement of appropriate taxes. 82124

(C) When the taxes charged, as mentioned in division (A) of 82125
this section, remain unpaid after the final date for payment 82126
prescribed by such division, such charges shall be deemed to be 82127
delinquent taxes. The county auditor shall cause such charges, 82128
including the penalty that has accrued pursuant to this section, 82129
to be added to the delinquent tax duplicate in accordance with 82130
section 5719.04 of the Revised Code. 82131

(D) The county auditor, upon consultation with the county 82132
treasurer, shall remit a penalty imposed under division (B) of 82133
this section or division ~~(C)~~(D) of section 5719.03 of the Revised 82134
Code for the late payment of taxes when: 82135

(1) The taxpayer could not make timely payment of the tax 82136
because of the negligence or error of the county auditor or county 82137
treasurer in the performance of a statutory duty relating to the 82138
levy or collection of such tax. 82139

(2) In cases other than those described in division (D)(1) of 82140
this section, the taxpayer failed to receive a tax bill or a 82141
correct tax bill, and the taxpayer made a good faith effort to 82142
obtain such bill within thirty days after the last day for payment 82143
of the tax. 82144

(3) The tax was not timely paid because of the death or 82145
serious injury of the taxpayer, or the taxpayer's confinement in a 82146
hospital within sixty days preceding the last day for payment of 82147
the tax if, in any case, the tax was subsequently paid within 82148
sixty days after the last day for payment of such tax. 82149

(4) The taxpayer demonstrates that the full payment was 82150
properly deposited in the mail in sufficient time for the envelope 82151
to be postmarked by the United States postal service on or before 82152
the last day for payment of such tax. A private meter postmark on 82153
an envelope is not a valid postmark for purposes of establishing 82154

the date of payment of such tax. 82155

(5) In cases other than those described in divisions (D)(1) 82156
to (4) of this section, the taxpayer's failure to make timely 82157
payment of the tax is due to reasonable cause and not willful 82158
neglect. 82159

(E) The taxpayer, upon application within sixty days after 82160
the mailing of the county auditor's decision, may request the tax 82161
commissioner to review the denial of the remission of a penalty by 82162
the county auditor. The application may be filed in person or by 82163
certified mail. If the application is filed by certified mail, the 82164
date of the United States postmark placed on the sender's receipt 82165
by the postal service shall be treated as the date of filing. The 82166
commissioner shall consider the application, determine whether the 82167
penalty should be remitted, and certify the determination to the 82168
taxpayer and to the county treasurer and county auditor, who shall 82169
correct the tax list and duplicate accordingly. The commissioner 82170
may issue orders and instructions for the uniform implementation 82171
of this section by all county auditors and county treasurers, and 82172
such orders and instructions shall be followed by such officers. 82173

Sec. 5715.02. The county treasurer, county auditor, and ~~the~~ 82174
~~president of a member of~~ the board of county commissioners 82175
selected by the board of county commissioners shall constitute the 82176
county board of revision, or they may provide for one or more 82177
hearing boards when they deem the creation of such to be necessary 82178
to the expeditious hearing of valuation complaints. Each such 82179
official may ~~7~~ appoint one qualified employee from ~~his~~ the 82180
official's office to serve in ~~his~~ the official's place and stead 82181
on each such board for the purpose of hearing complaints as to the 82182
value of real property only, each such hearing board has the same 82183
authority to hear and decide complaints and sign the journal as 82184
the board of revision, and shall proceed in the manner provided 82185

for the board of revision by sections 5715.08 to 5715.20~~7~~ 82186
~~inclusive~~, of the Revised Code. Any decision by a hearing board 82187
shall be the decision of the board of revision. 82188

A majority of a county board of revision or hearing board 82189
shall constitute a quorum to hear and determine any complaint, and 82190
any vacancy shall not impair the right of the remaining members of 82191
such board, whether elected officials or appointees, to exercise 82192
all the powers thereof so long as a majority remains. 82193

Each member of a county board of revision or hearing board 82194
may administer oaths. 82195

Sec. 5715.251. The county auditor may appeal to the board of 82196
tax appeals any determination of change in the abstract of real 82197
property of a taxing district in ~~his~~ the auditor's county that is 82198
made by the tax commissioner under section 5715.24 of the Revised 82199
Code. The appeal shall be taken within thirty days after receipt 82200
of the statement by the county auditor of the commissioner's 82201
determination by the filing by the county auditor of a notice of 82202
appeal with the board and the commissioner. Such notice of appeal 82203
shall set forth the determination of the commissioner appealed 82204
from and the errors therein complained of. Proof of the filing of 82205
such notice with the commissioner shall be filed with the board. 82206
The board shall have exclusive jurisdiction of the appeal. 82207

In all such appeals the commissioner shall be made appellee. 82208
Unless waived, notice of the appeal shall be served upon the 82209
commissioner by certified mail. The prosecuting attorney shall 82210
represent the county auditor in such an appeal. 82211

The commissioner, upon written demand filed by the county 82212
auditor, shall within thirty days after the filing of such demand 82213
file with the board a certified transcript of the record of the 82214
commissioner's proceedings pertaining to the determination 82215
complained of and the evidence ~~he~~ the commissioner considered in 82216

making such determination. 82217

If upon hearing and consideration of such record and evidence 82218
the board decides that the determination appealed from is 82219
reasonable and lawful, it shall affirm the same, but if the board 82220
decides that such determination is unreasonable or unlawful, the 82221
board shall reverse and vacate the determination or modify it and 82222
enter final order in accordance with such modification. 82223

The secretary of the board shall ~~certify~~ send the order of 82224
the board to the county auditor and to the commissioner, and they 82225
shall take such action in connection therewith as is required to 82226
give effect to the order of the board. At the request of the 82227
county auditor, the board of tax appeal's order shall be sent by 82228
certified mail at the county auditor's expense. 82229

Sec. 5717.03. (A) A decision of the board of tax appeals on 82230
an appeal filed with it pursuant to section 5717.01, 5717.011, or 82231
5717.02 of the Revised Code shall be entered of record on the 82232
journal together with the date when the order is filed with the 82233
secretary for journalization. 82234

(B) In case of an appeal from a decision of a county board of 82235
revision, the board of tax appeals shall determine the taxable 82236
value of the property whose valuation or assessment by the county 82237
board of revision is complained of, or in the event the complaint 82238
and appeal is against a discriminatory valuation, shall determine 82239
a valuation which shall correct such discrimination, and shall 82240
determine the liability of the property for taxation, if that 82241
question is in issue, and the board of tax ~~appeals's~~ appeals' 82242
decision and the date when it was filed with the secretary for 82243
journalization shall be ~~certified~~ sent by the board ~~by certified~~ 82244
~~mail~~ to all persons who were parties to the appeal before the 82245
board, to the person in whose name the property is listed, or 82246
sought to be listed, if such person is not a party to the appeal, 82247

to the county auditor of the county in which the property involved 82248
in the appeal is located, and to the tax commissioner. 82249

In correcting a discriminatory valuation, the board of tax 82250
appeals shall increase or decrease the value of the property whose 82251
valuation or assessment by the county board of revision is 82252
complained of by a per cent or amount which will cause such 82253
property to be listed and valued for taxation by an equal and 82254
uniform rule. 82255

(C) In the case of an appeal from a review, redetermination, 82256
or correction of a tax assessment, valuation, determination, 82257
finding, computation, or order of the tax commissioner, the order 82258
of the board of tax appeals and the date of the entry thereof upon 82259
its journal shall be ~~certified~~ sent by the board ~~by certified mail~~ 82260
to all persons who were parties to the appeal before the board, 82261
the person in whose name the property is listed or sought to be 82262
listed, if the decision determines the valuation or liability of 82263
property for taxation and if such person is not a party to the 82264
appeal, the taxpayer or other person to whom notice of the tax 82265
assessment, valuation, determination, finding, computation, or 82266
order, or correction or redetermination thereof, by the tax 82267
commissioner was by law required to be given, the director of 82268
budget and management, if the revenues affected by such decision 82269
would accrue primarily to the state treasury, and the county 82270
auditors of the counties to the undivided general tax funds of 82271
which the revenues affected by such decision would primarily 82272
accrue. 82273

(D) In the case of an appeal from a municipal board of appeal 82274
created under section 718.11 of the Revised Code, the order of the 82275
board of tax appeals and the date of the entry thereof upon the 82276
board's journal shall be ~~certified~~ sent by the board ~~by certified~~ 82277
~~mail~~ to all persons who were parties to the appeal before the 82278
board. 82279

(E) In the case of all other appeals or applications filed 82280
with and determined by the board, the board's order and the date 82281
when the order was filed by the secretary for journalization shall 82282
be ~~certified~~ sent by the board ~~by certified mail~~ to the person who 82283
is a party to such appeal or application, to such persons as the 82284
law requires, and to such other persons as the board deems proper. 82285

(F) The orders of the board may affirm, reverse, vacate, 82286
modify, or remand the tax assessments, valuations, determinations, 82287
findings, computations, or orders complained of in the appeals 82288
determined by the board, and the board's decision shall become 82289
final and conclusive for the current year unless reversed, 82290
vacated, or modified as provided in section 5717.04 of the Revised 82291
Code. When an order of the board becomes final the tax 82292
commissioner and all officers to whom such decision has been 82293
~~certified~~ sent shall make the changes in their tax lists or other 82294
records which the decision requires. 82295

(G) If the board finds that issues not raised on the appeal 82296
are important to a determination of a controversy, the board may 82297
remand the cause for an administrative determination and the 82298
issuance of a new tax assessment, valuation, determination, 82299
finding, computation, or order, unless the parties stipulate to 82300
the determination of such other issues without remand. An order 82301
remanding the cause is a final order. If the order relates to any 82302
issue other than a municipal income tax matter appealed under 82303
sections 718.11 and 5717.011 of the Revised Code, the order may be 82304
appealed to the court of appeals in Franklin county. If the order 82305
relates to a municipal income tax matter appealed under sections 82306
718.11 and 5717.011 of the Revised Code, the order may be appealed 82307
to the court of appeals for the county in which the municipal 82308
corporation in which the dispute arose is primarily situated. 82309

(H) At the request of any person that filed an appeal subject 82310
to this section, the decision or order of the board of tax appeals 82311

issued pursuant to division (B), (C), (D), or (E) of this section 82312
shall be sent by certified mail at the requestor's expense. 82313

Sec. 5717.04. The proceeding to obtain a reversal, vacation, 82314
or modification of a decision of the board of tax appeals shall be 82315
by appeal to the supreme court or the court of appeals for the 82316
county in which the property taxed is situate or in which the 82317
taxpayer resides. If the taxpayer is a corporation, then the 82318
proceeding to obtain such reversal, vacation, or modification 82319
shall be by appeal to the supreme court or to the court of appeals 82320
for the county in which the property taxed is situate, or the 82321
county of residence of the agent for service of process, tax 82322
notices, or demands, or the county in which the corporation has 82323
its principal place of business. In all other instances, the 82324
proceeding to obtain such reversal, vacation, or modification 82325
shall be by appeal to the court of appeals for Franklin county. 82326

Appeals from decisions of the board determining appeals from 82327
decisions of county boards of revision may be instituted by any of 82328
the persons who were parties to the appeal before the board of tax 82329
appeals, by the person in whose name the property involved in the 82330
appeal is listed or sought to be listed, if such person was not a 82331
party to the appeal before the board of tax appeals, or by the 82332
county auditor of the county in which the property involved in the 82333
appeal is located. 82334

Appeals from decisions of the board of tax appeals 82335
determining appeals from final determinations by the tax 82336
commissioner of any preliminary, amended, or final tax 82337
assessments, reassessments, valuations, determinations, findings, 82338
computations, or orders made by the commissioner may be instituted 82339
by any of the persons who were parties to the appeal or 82340
application before the board, by the person in whose name the 82341
property is listed or sought to be listed, if the decision 82342

appealed from determines the valuation or liability of property 82343
for taxation and if any such person was not a party to the appeal 82344
or application before the board, by the taxpayer or any other 82345
person to whom the decision of the board appealed from was by law 82346
required to be ~~certified~~ sent, by the director of budget and 82347
management, if the revenue affected by the decision of the board 82348
appealed from would accrue primarily to the state treasury, by the 82349
county auditor of the county to the undivided general tax funds of 82350
which the revenues affected by the decision of the board appealed 82351
from would primarily accrue, or by the tax commissioner. 82352

Appeals from decisions of the board upon all other appeals or 82353
applications filed with and determined by the board may be 82354
instituted by any of the persons who were parties to such appeal 82355
or application before the board, by any persons to whom the 82356
decision of the board appealed from was by law required to be 82357
~~certified~~ sent, or by any other person to whom the board ~~certified~~ 82358
sent the decision appealed from, as authorized by section 5717.03 82359
of the Revised Code. 82360

Such appeals shall be taken within thirty days after the date 82361
of the entry of the decision of the board on the journal of its 82362
proceedings, as provided by such section, by the filing by 82363
appellant of a notice of appeal with the court to which the appeal 82364
is taken and the board. If a timely notice of appeal is filed by a 82365
party, any other party may file a notice of appeal within ten days 82366
of the date on which the first notice of appeal was filed or 82367
within the time otherwise prescribed in this section, whichever is 82368
later. A notice of appeal shall set forth the decision of the 82369
board appealed from and the errors therein complained of. Proof of 82370
the filing of such notice with the board shall be filed with the 82371
court to which the appeal is being taken. The court in which 82372
notice of appeal is first filed shall have exclusive jurisdiction 82373
of the appeal. 82374

In all such appeals the tax commissioner or all persons to whom the decision of the board appealed from is required by such section to be ~~certified~~ sent, other than the appellant, shall be made appellees. Unless waived, notice of the appeal shall be served upon all appellees by certified mail. The prosecuting attorney shall represent the county auditor in any such appeal in which the auditor is a party.

The board, upon written demand filed by an appellant, shall within thirty days after the filing of such demand file with the court to which the appeal is being taken a certified transcript of the record of the proceedings of the board pertaining to the decision complained of and the evidence considered by the board in making such decision.

If upon hearing and consideration of such record and evidence the court decides that the decision of the board appealed from is reasonable and lawful it shall affirm the same, but if the court decides that such decision of the board is unreasonable or unlawful, the court shall reverse and vacate the decision or modify it and enter final judgment in accordance with such modification.

The clerk of the court shall certify the judgment of the court to the board, which shall certify such judgment to such public officials or take such other action in connection therewith as is required to give effect to the decision. The "taxpayer" includes any person required to return any property for taxation.

Any party to the appeal shall have the right to appeal from the judgment of the court of appeals on questions of law, as in other cases.

Sec. 5721.01. (A) As used in this chapter:

(1) "Delinquent lands" means all lands upon which delinquent

taxes, as defined in section 323.01 of the Revised Code, remain 82405
unpaid at the time a settlement is made between the county 82406
treasurer and auditor pursuant to division (C) of section 321.24 82407
of the Revised Code. 82408

(2) "Delinquent vacant lands" means all lands that have been 82409
delinquent lands for at least one year and that are unimproved by 82410
any dwelling. 82411

(3) "County land reutilization corporation" means a county 82412
land reutilization corporation organized under Chapter 1724. of 82413
the Revised Code. 82414

(B) As used in sections 5719.04, 5721.03, and 5721.31 of the 82415
Revised Code and in any other sections of the Revised Code to 82416
which those sections are applicable, a newspaper or newspaper of 82417
general circulation shall be a publication bearing a title or 82418
name, regularly issued as frequently as once a week ~~for a definite~~ 82419
~~price or consideration paid for by not less than fifty per cent of~~ 82420
~~those to whom distribution is made, having a second class mailing~~ 82421
~~privilege,~~ being not less than four pages, published continuously 82422
during the immediately preceding one-year period, and circulated 82423
generally in the political subdivision in which it is published. 82424
Such publication shall be of a type to which the general public 82425
resorts for passing events of a political, religious, commercial, 82426
and social nature, current happenings, announcements, 82427
miscellaneous reading matter, advertisements, and other notices, 82428
that has at least twenty-five per cent editorial, nonadvertising 82429
content, exclusive of inserts, measured relative to total 82430
publication space, and an audited circulation to at least fifty 82431
per cent of the households in the newspaper's retail trade zone as 82432
defined by the audit. 82433

Sec. 5721.012. Any notice required to be published in a 82434
newspaper or newspaper of general circulation as defined in 82435

section 5721.01 of the Revised Code may appear on an insert placed 82436
in such a newspaper. A responsible party who is required to 82437
publish such a notice shall consider various advertising media to 82438
determine which media might reach the intended public most 82439
broadly. The responsible party need publish the notice in only one 82440
qualified medium to meet the requirements of law. 82441

Sec. 5721.03. (A) At the time of making the delinquent land 82442
list, as provided in section 5721.011 of the Revised Code, the 82443
county auditor shall compile a delinquent tax list consisting of 82444
all lands on the delinquent land list on which taxes have become 82445
delinquent at the close of the collection period immediately 82446
preceding the making of the delinquent land list. The auditor 82447
shall also compile a delinquent vacant land tax list of all 82448
delinquent vacant lands prior to the institution of any 82449
foreclosure and forfeiture actions against delinquent vacant lands 82450
under section 5721.14 of the Revised Code or any foreclosure 82451
actions against delinquent vacant lands under section 5721.18 of 82452
the Revised Code. 82453

The delinquent tax list, and the delinquent vacant land tax 82454
list if one is compiled, shall contain all of the information 82455
included on the delinquent land list, except that, if the 82456
auditor's records show that the name of the person in whose name 82457
the property currently is listed is not the name that appears on 82458
the delinquent land list, the name used in the delinquent tax list 82459
or the delinquent vacant land tax list shall be the name of the 82460
person the auditor's records show as the person in whose name the 82461
property currently is listed. 82462

Lands that have been included in a previously published 82463
delinquent tax list shall not be included in the delinquent tax 82464
list so long as taxes have remained delinquent on such lands for 82465
the entire intervening time. 82466

In either list, there may be included lands that have been 82467
omitted in error from a prior list and lands with respect to which 82468
the auditor has received a certification that a delinquent tax 82469
contract has become void since the publication of the last 82470
previously published list, provided the name of the owner was 82471
stricken from a prior list under section 5721.02 of the Revised 82472
Code. 82473

(B)(1) The Except as provided in division (B)(5) of this 82474
section, the county auditor shall cause the delinquent tax list 82475
and the delinquent vacant land tax list, if one is compiled, to be 82476
published twice within sixty days after the delivery of the 82477
delinquent land duplicate to the county treasurer, in a newspaper 82478
of general circulation in the county. The publication shall be 82479
printed in the English language. 82480

The auditor shall insert display notices of the forthcoming 82481
publication of the delinquent tax list and, if it is to be 82482
published, the delinquent vacant land tax list once a week for two 82483
consecutive weeks in a newspaper of general circulation in the 82484
county. The display notices shall contain the times and methods of 82485
payment of taxes provided by law, including information concerning 82486
installment payments made in accordance with a written delinquent 82487
tax contract. The display notice for the delinquent tax list also 82488
shall include a notice that an interest charge will accrue on 82489
accounts remaining unpaid after the last day of November unless 82490
the taxpayer enters into a written delinquent tax contract to pay 82491
such taxes in installments. The display notice for the delinquent 82492
vacant land tax list if it is to be published also shall include a 82493
notice that delinquent vacant lands in the list are lands on which 82494
taxes have remained unpaid for one year after being certified 82495
delinquent, and that they are subject to foreclosure proceedings 82496
as provided in section 323.25, sections 323.65 to 323.79, or 82497
section 5721.18 of the Revised Code, or foreclosure and forfeiture 82498

proceedings as provided in section 5721.14 of the Revised Code. 82499
Each display notice also shall state that the lands are subject to 82500
a tax certificate sale under section 5721.32 or 5721.33 of the 82501
Revised Code or assignment to a county land reutilization 82502
corporation, as the case may be, and shall include any other 82503
information that the auditor considers pertinent to the purpose of 82504
the notice. The display notices shall be furnished by the auditor 82505
to the newspapers selected to publish the lists at least ten days 82506
before their first publication. 82507

(2) Publication of the list or lists may be made by a 82508
newspaper in installments, provided the complete publication of 82509
each list is made twice during the sixty-day period. 82510

(3) There shall be attached to the delinquent tax list a 82511
notice that the delinquent lands will be certified for foreclosure 82512
by the auditor unless the taxes, assessments, interest, and 82513
penalties due and owing on them are paid. There shall be attached 82514
to the delinquent vacant land tax list, if it is to be published, 82515
a notice that delinquent vacant lands will be certified for 82516
foreclosure or foreclosure and forfeiture by the auditor unless 82517
the taxes, assessments, interest, and penalties due and owing on 82518
them are paid within twenty-eight days after the final publication 82519
of the notice. 82520

(4) The auditor shall review the first publication of each 82521
list for accuracy and completeness and may correct any errors 82522
appearing in the list in the second publication. 82523

(5) In lieu of publication of the display notices and list in 82524
a newspaper as otherwise required in division (B) of this section, 82525
a county auditor who maintains a web site accessible to the public 82526
via the internet may publish the display notice and list by 82527
posting them on the web site. The list shall first be posted 82528
within thirty days after the delinquent land duplicate is 82529
delivered to the county treasurer and, once posted, shall continue 82530

to be posted for at least sixty days after such delivery. The 82531
notice required by division (B)(3) of this section shall be in the 82532
form prescribed by section 5721.06 of the Revised Code and shall 82533
be prominently displayed on the posting. The display notice shall 82534
be posted not later than two weeks before the date the list is 82535
required to be posted and, once posted, shall continue to be 82536
posted until the list is posted. The county auditor may correct 82537
any errors on the list during the time it is posted. 82538

(C) For the purposes of section 5721.18 of the Revised Code, 82539
land is first certified delinquent on the date of the 82540
certification of the delinquent land list containing that land. 82541

Sec. 5725.151. (A) As used in this section, "certificate 82542
owner" has the same meaning as in section 149.311 of the Revised 82543
Code. 82544

(B) There is allowed a credit against the tax imposed by 82545
section 5707.03 and assessed under section 5725.15 of the Revised 82546
Code for a dealer in intangibles subject to that tax that is a 82547
certificate owner of a rehabilitation tax credit certificate 82548
issued under section 149.311 of the Revised Code. The credit shall 82549
equal twenty-five per cent of the dollar amount indicated on the 82550
certificate, but the amount of the credit allowed for any dealer 82551
for any year shall not exceed five million dollars. The credit 82552
shall be claimed in the calendar year specified in the 82553
certificate. If the credit exceeds the amount of tax otherwise due 82554
in that year, the excess shall be refunded to the dealer but, if 82555
any amount of the credit is refunded, the sum of the amount 82556
refunded and the amount applied to reduce the tax otherwise due in 82557
that year shall not exceed three million dollars. The dealer may 82558
carry forward any balance of the credit in excess of the amount 82559
claimed in that year for not more than five ensuing years, and 82560
shall deduct any amount claimed in any such year from the amount 82561

claimed in an ensuing year. 82562

If the dealer is a pass-through entity as defined in section 82563
5733.04 of the Revised Code, the credit may be allocated among the 82564
dealer's equity owners in proportion to their ownership interests 82565
or in such proportions or amounts as the equity owners mutually 82566
agree. 82567

(C) A dealer in intangibles claiming a credit under this 82568
section shall retain the rehabilitation tax credit certificate for 82569
four years following the end of the year in which the credit was 82570
claimed, and shall make the certificate available for inspection 82571
by the tax commissioner upon the request of the tax commissioner 82572
during that period. 82573

(D) For the purpose of division (C) of section 5725.24 of the 82574
Revised Code, reductions in the amount of taxes collected on 82575
account of credits allowed under this section shall be applied to 82576
reduce the amount credited to the general revenue fund and shall 82577
not be applied to reduce the amount to be credited to the 82578
undivided local government funds of the counties in which such 82579
taxes originate. 82580

Sec. 5725.18. (A) An annual franchise tax on the privilege of 82581
being an insurance company is hereby levied on each domestic 82582
insurance company. In the month of May, annually, the treasurer of 82583
state shall charge for collection from each domestic insurance 82584
company a franchise tax in the amount computed in accordance with 82585
the following, as applicable: 82586

(1) With respect to a domestic insurance company that is a 82587
health insuring corporation, one per cent of all premium rate 82588
payments received, exclusive of payments received under the 82589
medicare program established under Title XVIII of the "Social 82590
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 82591
~~or pursuant to the medical assistance program established under 82592~~

~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 82593
report for the preceding calendar year; 82594

(2) With respect to a domestic insurance company that is not 82595
a health insuring corporation, one and four-tenths per cent of the 82596
gross amount of premiums received from policies covering risks 82597
within this state, exclusive of premiums received under the 82598
medicare program established under Title XVIII of the "Social 82599
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 82600
~~or pursuant to the medical assistance program established under~~ 82601
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 82602
statement for the preceding calendar year, and, if the company 82603
operates a health insuring corporation as a line of business, one 82604
per cent of all premium rate payments received from that line of 82605
business, exclusive of payments received under the medicare 82606
program established under Title XVIII of the "Social Security 82607
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or~~ 82608
~~pursuant to the medical assistance program established under~~ 82609
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 82610
statement for the preceding calendar year. 82611

(B) The gross amount of premium rate payments or premiums 82612
used to compute the applicable tax in accordance with division (A) 82613
of this section is subject to the deductions prescribed by section 82614
5729.03 of the Revised Code for foreign insurance companies. The 82615
objects of such tax are those declared in section 5725.24 of the 82616
Revised Code, to which only such tax shall be applied. 82617

(C) In no case shall such tax be less than two hundred fifty 82618
dollars. 82619

Sec. 5725.33. (A) Except as otherwise provided in this 82620
section, terms used in this section have the same meaning as 82621
section 45D of the Internal Revenue Code, any related proposed, 82622
temporary or final regulations promulgated under the Internal 82623

Revenue Code, any rules or guidance of the internal revenue 82624
service or the United States department of the treasury, and any 82625
related rules or guidance issued by the community development 82626
financial institutions fund of the United States department of the 82627
treasury, as such law, regulations, rules, and guidance exist on 82628
the effective date of the enactment of this section by H.B. 1 of 82629
the 128th general assembly. 82630

As used in this section: 82631

(1) "Adjusted purchase price" means the amount paid for 82632
qualified equity investments multiplied by the qualified 82633
low-income community investments made by the issuer in projects 82634
located in this state as a percentage of the total amount of 82635
qualified low-income community investments made by the issuer in 82636
projects located in all states on the credit allowance date during 82637
the applicable tax year, subject to divisions (B)(1) and (2) of 82638
this section. 82639

(2) "Applicable percentage" means zero per cent for each of 82640
the first two credit allowance dates, seven per cent for the third 82641
credit allowance date, and eight per cent for the four following 82642
credit allowance dates. 82643

(3) "Credit allowance date" means the date, on or after 82644
January 1, 2010, a qualified equity investment is made and each of 82645
the six anniversary dates thereafter. For qualified equity 82646
investments made after the effective date of this section but 82647
before January 1, 2010, the initial credit allowance date is 82648
January 1, 2010, and each of the six anniversary dates thereafter 82649
is on the first day of January of each year. 82650

(4) "Qualified active low-income community business" excludes 82651
any business that derives or projects to derive fifteen per cent 82652
or more of annual revenue from the rental or sale of real 82653
property, except any business that is a special purpose entity 82654

principally owned by a principal user of that property formed 82655
solely for the purpose of renting, either directly or indirectly, 82656
or selling real property back to such principal user if such 82657
principal user does not derive fifteen per cent or more of its 82658
gross annual revenue from the rental or sale of real property. 82659

(5) "Qualified community development entity" includes only 82660
entities: 82661

(a) That have entered into an allocation agreement with the 82662
community development financial institutions fund of the United 82663
States department of the treasury with respect to credits 82664
authorized by section 45D of the Internal Revenue Code; 82665

(b) Whose service area includes any portion of this state; 82666
and 82667

(c) That will designate an equity investment in such entities 82668
as a qualified equity investment for purposes of both section 45D 82669
of the Internal Revenue Code and this section. 82670

(6) "Qualified equity investment" is limited to an equity 82671
investment in a qualified community development entity that: 82672

(a) Is acquired after the effective date of the enactment of 82673
this section at its original issuance solely in exchange for cash; 82674
82675

(b) Has at least eighty-five per cent of its cash purchase 82676
price used by the qualified community development entity to make 82677
qualified low-income community investments, provided that in the 82678
seventh year after a qualified equity investment is made, only 82679
seventy-five per cent of such cash purchase price must be used by 82680
the qualified community development entity to make qualified 82681
low-income community investments; and 82682

(c) Is designated by the issuer as a qualified equity 82683
investment. 82684

"Qualified equity investment" includes any equity investment that would, but for division (A)(6)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder. 82685
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(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price of qualified low-income community investments, subject to divisions (B)(1) and (2) of this section: 82690
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(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh anniversary of the issuance of the qualified equity investment, the qualified community development entity reinvests an amount equal to the capital returned to or received or recovered by the qualified community development entity from the original investment, exclusive of any profits realized and costs incurred in the sale or repayment, in another qualified low-income community investment within twelve months of the receipt of such capital. If the qualified low-income community investment is sold or repaid after the sixth anniversary of the issuance of the qualified equity investment, the qualified low-income community investment shall be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance. 82697
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(2) The qualified low-income community investment made in this state shall equal the sum of the qualified low-income 82715
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community investments in each qualified active low-income 82717
community business in this state, not to exceed two million five 82718
hundred sixty-four thousand dollars, in which the qualified 82719
community development entity invests, including such investments 82720
in any such businesses in this state related to that qualified 82721
active low-income community business through majority ownership or 82722
control. 82723

The credit shall be claimed in the order prescribed by 82724
section 5725.98 of the Revised Code. If the amount of the credit 82725
exceeds the amount of tax otherwise due after deducting all other 82726
credits in that order, the excess may be carried forward and 82727
applied to the tax due for not more than four ensuing years. 82728

By claiming a tax credit under this section, an insurance 82729
company waives its rights under section 5725.222 of the Revised 82730
Code with respect to the time limitation for the assessment of 82731
taxes as it relates to credits claimed that later become subject 82732
to recapture under division (E) of this section. 82733

(C) The amount of qualified equity investments on the basis 82734
of which credits may be claimed under this section and sections 82735
5729.16 and 5733.58 of the Revised Code shall not exceed the 82736
amount, estimated by the director of development, that would cause 82737
the total amount of credits allowed each fiscal year to exceed ten 82738
million dollars, computed without regard to the potential for 82739
taxpayers to carry tax credits forward to later years. 82740

(D) If any amount of the federal tax credit allowed for a 82742
qualified equity investment for which a credit was received under 82743
this section is recaptured under section 45D of the Internal 82744
Revenue Code, or if the director of development determines that an 82745
investment for which a tax credit is claimed under this section is 82746
not a qualified equity investment or that the proceeds of an 82747
investment for which a tax credit is claimed under this section 82748

are used to make qualified low-income community investments other 82749
than in a qualified active low-income community business, all or a 82750
portion of the credit received on account of that investment shall 82751
be paid by the insurance company that received the credit to the 82752
superintendent of insurance. The amount to be recovered shall be 82753
determined by the director of development pursuant to rules 82754
adopted under division (E) of this section. The director shall 82755
certify any amount due under this division to the superintendent 82756
of insurance, and the superintendent shall notify the treasurer of 82757
state of the amount due. Upon notification, the treasurer shall 82758
invoice the insurance company for the amount due. The amount due 82759
is payable not later than thirty days after the date the treasurer 82760
invoices the insurance company. The amount due shall be considered 82761
to be tax due under section 5725.18 of the Revised Code, and may 82762
be collected by assessment without regard to the time limitations 82763
imposed under section 5725.222 of the Revised Code for the 82764
assessment of taxes by the superintendent. All amounts collected 82765
under this division shall be credited as revenue from the tax 82766
levied under section 5725.18 of the Revised Code. 82767

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(E) The tax credits authorized under this section and 82769
sections 5729.16 and 5733.58 of the Revised Code shall be 82770
administered by the department of development. The director of 82771
development, in consultation with the tax commissioner and the 82772
superintendent of insurance, pursuant to Chapter 119. of the 82773
Revised Code, shall adopt rules for the administration of this 82774
section and sections 5729.16 and 5733.58 of the Revised Code. The 82775
rules shall provide for determining the recovery of credits under 82776
division (D) of this section, division (D) of section 5729.16, and 82777
section 5733.58 of the Revised Code, including prorating the 82778
amount of the credit to be recovered on any reasonable basis, the 82779
manner in which credits may be allocated among claimants, and the 82780
amount of any application or other fees to be charged in 82781

connection with a recovery. 82782

(F) There is hereby created in the state treasury the new 82783
markets tax credit operating fund. The director of development is 82784
authorized to charge reasonable application and other fees in 82785
connection with the administration of tax credits authorized by 82786
this section and sections 5729.16 and 5733.58 of the Revised Code. 82787
Any such fees collected shall be credited to the fund. The 82788
director of development shall use money in the fund to pay 82789
expenses related to the administration of tax credits authorized 82790
under sections 5725.33, 5729.16, and 5733.58 of the Revised Code. 82791

Sec. 5725.98. (A) To provide a uniform procedure for 82792
calculating the amount of tax imposed by section 5725.18 of the 82793
Revised Code that is due under this chapter, a taxpayer shall 82794
claim any credits and offsets against tax liability to which it is 82795
entitled in the following order: 82796

(1) The credit for an insurance company or insurance company 82797
group under section 5729.031 of the Revised Code. 82798

(2) The credit for eligible employee training costs under 82799
section 5725.31 of the Revised Code. 82800

(3) The credit for purchasers of qualified low-income 82801
community investments under section 5725.33 of the Revised Code; 82802

(4) The job retention credit under section 122.171 of the 82803
Revised Code; 82804

(5) The offset of assessments by the Ohio life and health 82805
insurance guaranty association permitted by section 3956.20 of the 82806
Revised Code. 82807

~~(4)~~(6) The refundable credit for Ohio job creation under 82808
section 5725.32 of the Revised Code. 82809

~~(5)~~(7) The refundable credit under section ~~5729.08~~ 5725.19 of 82810
the Revised Code for losses on loans made under the Ohio venture 82811

capital program under sections 150.01 to 150.10 of the Revised Code. 82812
82813

(B) For any credit except the credits enumerated in divisions (A)~~(4)~~(6) and ~~(5)~~(7) of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 82814
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Sec. 5727.811. (A) For the purpose of raising revenue for public education and state and local government operations, an excise tax is hereby levied on every natural gas distribution company for all natural gas volumes billed by, or on behalf of, the company beginning with the measurement period that includes July 1, 2001. Except as provided in divisions (C) or (D) of this section, the tax shall be levied at the following rates per MCF of natural gas distributed by the company through a meter of an end user in this state: 82823
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MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	82833
For the next 101 to 2000 MCF per month	\$.0877	82834
For 2001 and above MCF per month	\$.0411	82835

If no meter is used to measure the MCF of natural gas distributed by the company, the rates shall apply to the estimated MCF of natural gas distributed to an unmetered location in this state. 82836
82837
82838
82839

(B) A natural gas distribution company shall base the tax on the MCF of natural gas distributed to an end user through the meter of the end user in this state that is estimated to be 82840
82841
82842

consumed by the end user as reflected on the end user's customer 82843
statement from the natural gas distribution company. Until January 82844
1, 2003, the natural gas distribution company shall pay the tax 82845
levied by this section to the treasurer of state in accordance 82846
with section 5727.82 of the Revised Code. Beginning January 1, 82847
2003, the natural gas distribution company shall pay the tax 82848
levied by this section to the tax commissioner in accordance with 82849
section 5727.82 of the Revised Code unless required to remit 82850
payment to the treasurer of state in accordance with section 82851
5727.83 of the Revised Code. 82852

(C) A natural gas distribution company with ~~fifty~~ seventy 82853
thousand customers or less may elect to apply the rates specified 82854
in division (A) of this section to the aggregate of the natural 82855
gas distributed by the company through the meter of all its 82856
customers in this state, and upon such election, this method shall 82857
be used to determine the amount of tax to be paid by such company. 82858

(D) A natural gas distribution company shall pay the tax 82859
imposed by this section at the rate of \$.02 per MCF of natural gas 82860
distributed by the company through the meter of a flex customer. 82861
The natural gas distribution company correspondingly shall reduce 82862
the per MCF rate that it charges the flex customer for natural gas 82863
distribution services by \$.02 per MCF of natural gas distributed 82864
to the flex customer. 82865

(E) Except as provided in division (F) of this section, each 82866
natural gas distribution company shall pay the tax imposed by this 82867
section in all of the following circumstances: 82868

(1) The natural gas is distributed by the company through a 82869
meter of an end user in this state; 82870

(2) The natural gas distribution company is distributing 82871
natural gas through a meter located in another state, but the 82872
natural gas is consumed in this state in the manner prescribed by 82873

the tax commissioner; 82874

(3) The natural gas distribution company is distributing 82875
natural gas in this state without the use of a meter, but the 82876
natural gas is consumed in this state as estimated and in the 82877
manner prescribed by the tax commissioner. 82878

(F) The tax levied by this section does not apply to the 82879
distribution of natural gas to the federal government, or natural 82880
gas produced by an end user in this state that is consumed by that 82881
end user or its affiliates and is not distributed through the 82882
facilities of a natural gas company. 82883

Sec. 5727.84. (A) As used in this section and sections 82884
5727.85, 5727.86, and 5727.87 of the Revised Code: 82885

(1) "School district" means a city, local, or exempted 82886
village school district. 82887

(2) "Joint vocational school district" means a joint 82888
vocational school district created under section 3311.16 of the 82889
Revised Code, and includes a cooperative education school district 82890
created under section 3311.52 or 3311.521 of the Revised Code and 82891
a county school financing district created under section 3311.50 82892
of the Revised Code. 82893

(3) "Local taxing unit" means a subdivision or taxing unit, 82894
as defined in section 5705.01 of the Revised Code, a park district 82895
created under Chapter 1545. of the Revised Code, or a township 82896
park district established under section 511.23 of the Revised 82897
Code, but excludes school districts and joint vocational school 82898
districts. 82899

(4) "State education aid," for a school district, means the 82900
sum of state aid amounts computed for the district under divisions 82901
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 82902
divisions (B), (C), and (D) of section 3317.023; divisions (G), 82903

(L), and (N) of section 3317.024; and sections 3317.029, 82904
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 82905
the Revised Code; and the adjustments required by: division (C) of 82906
section 3310.08; division (C)(2) of section 3310.41; section 82907
3310.55; division (C) of section 3314.08; division (D)(2) of 82908
section 3314.091; division (D) of section 3314.13; divisions (E), 82909
(K), (L), (M), and (N) of section 3317.023; division (C) of 82910
section 3317.20; and sections 3313.979 and 3313.981 of the Revised 82911
Code. However, when calculating state education aid for a school 82912
district for fiscal years 2008 and 2009, include the amount 82913
computed for the district under Section 269.20.80 of H.B. 119 of 82914
the 127th general assembly, as subsequently amended, instead of 82915
division (D) of section 3317.022 of the Revised Code; and include 82916
amounts calculated under Section 269.30.80 of this act, as 82917
subsequently amended; ~~and account for adjustments under division~~ 82918
~~(C)(2) of section 3310.41 of the Revised Code.~~ 82919

82920

(5) "State education aid," for a joint vocational school 82921
district, means the sum of the state aid amounts computed for the 82922
district under division (N) of section 3317.024 and section 82923
3317.16 of the Revised Code. However, when calculating state 82924
education aid for a joint vocational school district for fiscal 82925
years 2008 and 2009, include the amount computed for the district 82926
under Section 269.30.90 of H.B. 119 of the 127th general assembly, 82927
as subsequently amended. 82928

(6) "State education aid offset" means the amount determined 82929
for each school district or joint vocational school district under 82930
division (A)(1) of section 5727.85 of the Revised Code. 82931

(7) "Recognized valuation" has the same meaning as in section 82932
3317.02 of the Revised Code. 82933

(8) "Electric company tax value loss" means the amount 82934
determined under division (D) of this section. 82935

(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.	82936 82937
(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	82938 82939
(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	82940 82941
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	82942 82943
(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.	82944 82945 82946 82947 82948
(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	82949 82950
(15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	82951 82952 82953
(B) The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.81 of the Revised Code. All money in the kilowatt-hour tax receipts fund shall be credited as follows:	82954 82955 82956 82957
(1) Sixty-three per cent shall be credited to the general revenue fund.	82958 82959
(2) Twenty-five and four-tenths per cent shall be credited to the school district property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.85 of the Revised Code.	82960 82961 82962 82963
(3) Eleven and six-tenths per cent shall be credited to the local government property tax replacement fund, which is hereby	82964 82965

created in the state treasury for the purpose of making the 82966
payments described in section 5727.86 of the Revised Code. 82967

(C) The natural gas tax receipts fund is hereby created in 82968
the state treasury and shall consist of money arising from the tax 82969
imposed by section 5727.811 of the Revised Code. All money in the 82970
fund shall be credited as follows: 82971

(1) Sixty-eight and seven-tenths per cent shall be credited 82972
to the school district property tax replacement fund for the 82973
purpose of making the payments described in section 5727.85 of the 82974
Revised Code. 82975

(2) Thirty-one and three-tenths per cent shall be credited to 82976
the local government property tax replacement fund for the purpose 82977
of making the payments described in section 5727.86 of the Revised 82978
Code. 82979

(D) Not later than January 1, 2002, the tax commissioner 82980
shall determine for each taxing district its electric company tax 82981
value loss, which is the sum of the applicable amounts described 82982
in divisions (D)(1) to (4) of this section: 82983

(1) The difference obtained by subtracting the amount 82984
described in division (D)(1)(b) from the amount described in 82985
division (D)(1)(a) of this section. 82986

(a) The value of electric company and rural electric company 82987
tangible personal property as assessed by the tax commissioner for 82988
tax year 1998 on a preliminary assessment, or an amended 82989
preliminary assessment if issued prior to March 1, 1999, and as 82990
apportioned to the taxing district for tax year 1998; 82991

(b) The value of electric company and rural electric company 82992
tangible personal property as assessed by the tax commissioner for 82993
tax year 1998 had the property been apportioned to the taxing 82994
district for tax year 2001, and assessed at the rates in effect 82995
for tax year 2001. 82996

(2) The difference obtained by subtracting the amount 82997
described in division (D)(2)(b) from the amount described in 82998
division (D)(2)(a) of this section. 82999

(a) The three-year average for tax years 1996, 1997, and 1998 83000
of the assessed value from nuclear fuel materials and assemblies 83001
assessed against a person under Chapter 5711. of the Revised Code 83002
from the leasing of them to an electric company for those 83003
respective tax years, as reflected in the preliminary assessments; 83004

(b) The three-year average assessed value from nuclear fuel 83005
materials and assemblies assessed under division (D)(2)(a) of this 83006
section for tax years 1996, 1997, and 1998, as reflected in the 83007
preliminary assessments, using an assessment rate of twenty-five 83008
per cent. 83009

(3) In the case of a taxing district having a nuclear power 83010
plant within its territory, any amount, resulting in an electric 83011
company tax value loss, obtained by subtracting the amount 83012
described in division (D)(1) of this section from the difference 83013
obtained by subtracting the amount described in division (D)(3)(b) 83014
of this section from the amount described in division (D)(3)(a) of 83015
this section. 83016

(a) The value of electric company tangible personal property 83017
as assessed by the tax commissioner for tax year 2000 on a 83018
preliminary assessment, or an amended preliminary assessment if 83019
issued prior to March 1, 2001, and as apportioned to the taxing 83020
district for tax year 2000; 83021

(b) The value of electric company tangible personal property 83022
as assessed by the tax commissioner for tax year 2001 on a 83023
preliminary assessment, or an amended preliminary assessment if 83024
issued prior to March 1, 2002, and as apportioned to the taxing 83025
district for tax year 2001. 83026

(4) In the case of a taxing district having a nuclear power 83027

plant within its territory, the difference obtained by subtracting 83028
the amount described in division (D)(4)(b) of this section from 83029
the amount described in division (D)(4)(a) of this section, 83030
provided that such difference is greater than ten per cent of the 83031
amount described in division (D)(4)(a) of this section. 83032

(a) The value of electric company tangible personal property 83033
as assessed by the tax commissioner for tax year 2005 on a 83034
preliminary assessment, or an amended preliminary assessment if 83035
issued prior to March 1, 2006, and as apportioned to the taxing 83036
district for tax year 2005; 83037

(b) The value of electric company tangible personal property 83038
as assessed by the tax commissioner for tax year 2006 on a 83039
preliminary assessment, or an amended preliminary assessment if 83040
issued prior to March 1, 2007, and as apportioned to the taxing 83041
district for tax year 2006. 83042

(E) Not later than January 1, 2002, the tax commissioner 83043
shall determine for each taxing district its natural gas company 83044
tax value loss, which is the sum of the amounts described in 83045
divisions (E)(1) and (2) of this section: 83046

(1) The difference obtained by subtracting the amount 83047
described in division (E)(1)(b) from the amount described in 83048
division (E)(1)(a) of this section. 83049

(a) The value of all natural gas company tangible personal 83050
property, other than property described in division (E)(2) of this 83051
section, as assessed by the tax commissioner for tax year 1999 on 83052
a preliminary assessment, or an amended preliminary assessment if 83053
issued prior to March 1, 2000, and apportioned to the taxing 83054
district for tax year 1999; 83055

(b) The value of all natural gas company tangible personal 83056
property, other than property described in division (E)(2) of this 83057
section, as assessed by the tax commissioner for tax year 1999 had 83058

the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section.

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years;

(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, and 1999, as reflected in the preliminary assessment, using an assessment rate of twenty-five per cent.

(F) The tax commissioner may request that natural gas companies, electric companies, and rural electric companies file a report to help determine the tax value loss under divisions (D) and (E) of this section. The report shall be filed within thirty days of the commissioner's request. A company that fails to file the report or does not timely file the report is subject to the penalty in section 5727.60 of the Revised Code.

(G) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-rate levy loss, which is the sum of its electric company tax value loss multiplied by the tax rate in effect in tax year 1998 for fixed-rate levies and its natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999 for fixed-rate levies.

(H) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss, which is

the amount obtained by subtracting the amount described in 83090
division (H)(2) of this section from the amount described in 83091
division (H)(1) of this section: 83092

(1) The sum of the electric company tax value loss multiplied 83093
by the tax rate in effect in tax year 1998, and the natural gas 83094
company tax value loss multiplied by the tax rate in effect in tax 83095
year 1999, for fixed-sum levies for all taxing districts within 83096
each school district, joint vocational school district, and local 83097
taxing unit. For the years 2002 through 2006, this computation 83098
shall include school district emergency levies that existed in 83099
1998 in the case of the electric company tax value loss, and 1999 83100
in the case of the natural gas company tax value loss, and all 83101
other fixed-sum levies that existed in 1998 in the case of the 83102
electric company tax value loss and 1999 in the case of the 83103
natural gas company tax value loss and continue to be charged in 83104
the tax year preceding the distribution year. For the years 2007 83105
through 2016 in the case of school district emergency levies, and 83106
for all years after 2006 in the case of all other fixed-sum 83107
levies, this computation shall exclude all fixed-sum levies that 83108
existed in 1998 in the case of the electric company tax value loss 83109
and 1999 in the case of the natural gas company tax value loss, 83110
but are no longer in effect in the tax year preceding the 83111
distribution year. For the purposes of this section, an emergency 83112
levy that existed in 1998 in the case of the electric company tax 83113
value loss, and 1999 in the case of the natural gas company tax 83114
value loss, continues to exist in a year beginning on or after 83115
January 1, 2007, but before January 1, 2017, if, in that year, the 83116
board of education levies a school district emergency levy for an 83117
annual sum at least equal to the annual sum levied by the board in 83118
tax year 1998 or 1999, respectively, less the amount of the 83119
payment certified under this division for 2002. 83120

(2) The total taxable value in tax year 1999 less the tax 83121

value loss in each school district, joint vocational school 83122
district, and local taxing unit multiplied by one-fourth of one 83123
mill. 83124

If the amount computed under division (H) of this section for 83125
any school district, joint vocational school district, or local 83126
taxing unit is greater than zero, that amount shall equal the 83127
fixed-sum levy loss reimbursed pursuant to division (E) of section 83128
5727.85 of the Revised Code or division (A)(2) of section 5727.86 83129
of the Revised Code, and the one-fourth of one mill that is 83130
subtracted under division (H)(2) of this section shall be 83131
apportioned among all contributing fixed-sum levies in the 83132
proportion of each levy to the sum of all fixed-sum levies within 83133
each school district, joint vocational school district, or local 83134
taxing unit. 83135

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 83136
section, in computing the tax value loss, fixed-rate levy loss, 83137
and fixed-sum levy loss, the tax commissioner shall use the 83138
greater of the 1998 tax rate or the 1999 tax rate in the case of 83139
levy losses associated with the electric company tax value loss, 83140
but the 1999 tax rate shall not include for this purpose any tax 83141
levy approved by the voters after June 30, 1999, and the tax 83142
commissioner shall use the greater of the 1999 or the 2000 tax 83143
rate in the case of levy losses associated with the natural gas 83144
company tax value loss. 83145

(J) Not later than January 1, 2002, the tax commissioner 83146
shall certify to the department of education the tax value loss 83147
determined under divisions (D) and (E) of this section for each 83148
taxing district, the fixed-rate levy loss calculated under 83149
division (G) of this section, and the fixed-sum levy loss 83150
calculated under division (H) of this section. The calculations 83151
under divisions (G) and (H) of this section shall separately 83152
display the levy loss for each levy eligible for reimbursement. 83153

(K) Not later than September 1, 2001, the tax commissioner 83154
shall certify the amount of the fixed-sum levy loss to the county 83155
auditor of each county in which a school district with a fixed-sum 83156
levy loss has territory. 83157

Sec. 5728.12. Any non-resident of this state who accepts the 83158
privilege extended by the laws of this state to non-residents of 83159
operating a commercial car or commercial tractor, which is subject 83160
to the tax levied in section 5728.06 of the Revised Code, or of 83161
having the same operated within this state, and any resident of 83162
this state who operates a commercial car or commercial tractor, 83163
which is subject to the tax levied in section 5728.06 of the 83164
Revised Code, or has the same operated within this state and 83165
subsequently becomes a non-resident or conceals ~~his~~ the person's 83166
whereabouts, makes the secretary of state of the state of Ohio ~~his~~ 83167
the person's agent for the service of process or notice in any 83168
assessment, action or proceeding instituted in this state against 83169
such person out of the failure to pay the taxes imposed ~~upon him~~ 83170
by the provisions of section 5728.06 of the Revised Code. 83171

Such process or notice shall be served, ~~by the officer to~~ 83172
~~whom the same is directed or by the tax commissioner, or by the~~ 83173
~~sheriff of Franklin county, who may be deputized for such purpose~~ 83174
~~by the officer to whom the service is directed, upon the secretary~~ 83175
~~of state by leaving at the office of the secretary of state, at~~ 83176
~~least fifteen days before the return day of such process or~~ 83177
~~notice, a true and attested copy thereof, and by sending to the~~ 83178
~~defendant by registered or certified mail, postage prepaid, a like~~ 83179
~~and true attested copy, with an endorsement thereon of the service~~ 83180
~~upon said secretary of state, addressed to such defendant at his~~ 83181
~~last known address. The registered or certified mail return~~ 83182
~~receipt of such defendant shall be attached to and made a part of~~ 83183
~~the return of such service of process as provided under section~~ 83184
5703.37 of the Revised Code. 83185

Sec. 5729.03. (A) If the superintendent of insurance finds 83186
the annual statement required by section 5729.02 of the Revised 83187
Code to be correct, the superintendent shall compute the following 83188
amount, as applicable, of the balance of such gross amount, after 83189
deducting such return premiums and considerations received for 83190
reinsurance, and charge such amount to such company as a tax upon 83191
the business done by it in this state for the period covered by 83192
such annual statement: 83193

(1) If the company is a health insuring corporation, one per 83194
cent of the balance of premium rate payments received, exclusive 83195
of payments received under the medicare program established under 83196
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 83197
U.S.C.A. 301, as amended, ~~or pursuant to the medical assistance~~ 83198
~~program established under Chapter 5111. of the Revised Code,~~ as 83199
reflected in its annual report; 83200

(2) If the company is not a health insuring corporation, one 83201
and four-tenths per cent of the balance of premiums received, 83202
exclusive of premiums received under the medicare program 83203
established under Title XVIII of the "Social Security Act," 49 83204
Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or pursuant to the~~ 83205
~~medical assistance program established under Chapter 5111. of the~~ 83206
~~Revised Code,~~ as reflected in its annual statement, and, if the 83207
company operates a health insuring corporation as a line of 83208
business, one per cent of the balance of premium rate payments 83209
received from that line of business, exclusive of payments 83210
received under the medicare program established under Title XVIII 83211
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 83212
301, as amended, ~~or pursuant to the medical assistance program~~ 83213
~~established under Chapter 5111. of the Revised Code,~~ as reflected 83214
in its annual statement. 83215

(B) Any insurance policies that were not issued in violation 83216

of Title XXXIX of the Revised Code and that were issued prior to 83217
April 15, 1967, by a life insurance company organized and operated 83218
without profit to any private shareholder or individual, 83219
exclusively for the purpose of aiding educational or scientific 83220
institutions organized and operated without profit to any private 83221
shareholder or individual, are not subject to the tax imposed by 83222
this section. All taxes collected pursuant to this section shall 83223
be credited to the general revenue fund. 83224

(C) In no case shall the tax imposed under this section be 83225
less than two hundred fifty dollars. 83226

Sec. 5729.16. (A) Terms used in this section have the same 83227
meaning as in section 5725.33 of the Revised Code. 83228

(B) There is hereby allowed a nonrefundable credit against 83229
the tax imposed by section 5729.03 of the Revised Code for a 83230
foreign insurance company holding a qualified equity investment on 83231
the credit allowance date occurring in the calendar year for which 83232
the tax is due. The credit shall be computed in the same manner 83233
prescribed for the computation of credits allowed under section 83234
5725.33 of the Revised Code. 83235

The credit shall be claimed in the order prescribed by 83236
section 5729.98 of the Revised Code. If the amount of the credit 83237
exceeds the amount of tax otherwise due after deducting all other 83238
credits in that order, the excess may be carried forward and 83239
applied to the tax due for not more than four ensuing years. 83240

By claiming a tax credit under this section, an insurance 83241
company waives its rights under section 5729.102 of the Revised 83242
Code with respect to the time limitation for the assessment of 83243
taxes as it relates to credits claimed that later become subject 83244
to recapture under division (D) of this section. 83245

(C) The total amount of qualified equity investments on the 83246

basis of which credits may be claimed under this section, section 83247
5725.33, and section 5733.58 of the Revised Code is subject to the 83248
limitation of division (C) of section 5725.33 of the Revised Code. 83249

83250

(D) If any amount of the federal tax credit allowed for a 83251
qualified equity investment for which a credit was received under 83252
this section is recaptured under section 45D of the Internal 83253
Revenue Code, or if the director of development determines that an 83254
investment for which a tax credit is claimed under this section is 83255
not a qualified equity investment or that the proceeds of an 83256
investment for which a tax credit is claimed under this section 83257
are used to make qualified low-income community investments other 83258
than in a qualified active low-income community business, all or a 83259
portion of the credit received on account of that investment shall 83260
be paid by the insurance company that received the credit to the 83261
superintendent of insurance. The amount to be recovered shall be 83262
determined by the director of development pursuant to rules 83263
adopted under section 5725.33 of the Revised Code. The director 83264
shall certify any amount due under this division to the 83265
superintendent of insurance, and the superintendent shall notify 83266
the treasurer of state of the amount due. Upon notification, the 83267
treasurer shall invoice the insurance company for the amount due. 83268
The amount due is payable not later than thirty days after the 83269
date the treasurer invoices the insurance company. The amount due 83270
shall be considered to be tax due under section 5729.03 of the 83271
Revised Code, and may be collected by assessment without regard to 83272
the time limitations imposed under section 5729.102 of the Revised 83273
Code for the assessment of taxes by the superintendent. All 83274
amounts collected under this division shall be credited as revenue 83275
from the tax levied under section 5729.03 of the Revised Code. 83276

83277

Sec. 5729.98. (A) To provide a uniform procedure for 83278

calculating the amount of tax due under this chapter, a taxpayer 83279
shall claim any credits and offsets against tax liability to which 83280
it is entitled in the following order: 83281

(1) The credit for an insurance company or insurance company 83282
group under section 5729.031 of the Revised Code. 83283

(2) The credit for eligible employee training costs under 83284
section 5729.07 of the Revised Code. 83285

(3) The credit for purchases of qualified low-income 83286
community investments under section 5729.16 of the Revised Code; 83287

(4) The job retention credit under section 122.171 of the 83288
Revised Code. 83289

(5) The offset of assessments by the Ohio life and health 83290
insurance guaranty association against tax liability permitted by 83291
section 3956.20 of the Revised Code. 83292

~~(4)~~(6) The refundable credit for Ohio job creation under 83293
section 5729.032 of the Revised Code. 83294

~~(5)~~(7) The refundable credit under section 5729.08 of the 83295
Revised Code for losses on loans made under the Ohio venture 83296
capital program under sections 150.01 to 150.10 of the Revised 83297
Code. 83298

(B) For any credit except the credits enumerated in divisions 83299
(A)~~(4)~~(6) and ~~(5)~~(7) of this section, the amount of the credit for 83300
a taxable year shall not exceed the tax due after allowing for any 83301
other credit that precedes it in the order required under this 83302
section. Any excess amount of a particular credit may be carried 83303
forward if authorized under the section creating that credit. 83304
Nothing in this chapter shall be construed to allow a taxpayer to 83305
claim, directly or indirectly, a credit more than once for a 83306
taxable year. 83307

Sec. 5733.01. (A) The tax provided by this chapter for 83308

domestic corporations shall be the amount charged against each 83309
corporation organized for profit under the laws of this state and 83310
each nonprofit corporation organized pursuant to Chapter 1729. of 83311
the Revised Code, except as provided in sections 5733.09 and 83312
5733.10 of the Revised Code, for the privilege of exercising its 83313
franchise during the calendar year in which that amount is 83314
payable, and the tax provided by this chapter for foreign 83315
corporations shall be the amount charged against each corporation 83316
organized for profit and each nonprofit corporation organized or 83317
operating in the same or similar manner as nonprofit corporations 83318
organized under Chapter 1729. of the Revised Code, under the laws 83319
of any state or country other than this state, except as provided 83320
in sections 5733.09 and 5733.10 of the Revised Code, for the 83321
privilege of doing business in this state, owning or using a part 83322
or all of its capital or property in this state, holding a 83323
certificate of compliance with the laws of this state authorizing 83324
it to do business in this state, or otherwise having nexus in or 83325
with this state under the Constitution of the United States, 83326
during the calendar year in which that amount is payable. 83327

(B) A corporation is subject to the tax imposed by section 83328
5733.06 of the Revised Code for each calendar year that it is so 83329
organized, doing business, owning or using a part or all of its 83330
capital or property, holding a certificate of compliance, or 83331
otherwise having nexus in or with this state under the 83332
Constitution of the United States, on the first day of January of 83333
that calendar year. 83334

(C) Any corporation subject to this chapter that is not 83335
subject to the federal income tax shall file its returns and 83336
compute its tax liability as required by this chapter in the same 83337
manner as if that corporation were subject to the federal income 83338
tax. 83339

(D) For purposes of this chapter, a federally chartered 83340

financial institution shall be deemed to be organized under the 83341
laws of the state within which its principal office is located. 83342

(E) For purposes of this chapter, any person, as defined in 83343
section 5701.01 of the Revised Code, shall be treated as a 83344
corporation if the person is classified for federal income tax 83345
purposes as an association taxable as a corporation, and an equity 83346
interest in the person shall be treated as capital stock of the 83347
person. 83348

(F) For the purposes of this chapter, "disregarded entity" 83349
has the same meaning as in division (D) of section 5745.01 of the 83350
Revised Code. 83351

(1) A person's interest in a disregarded entity, whether held 83352
directly or indirectly, shall be treated as the person's ownership 83353
of the assets and liabilities of the disregarded entity, and the 83354
income, including gain or loss, shall be included in the person's 83355
net income under this chapter. 83356

(2) Any sale, exchange, or other disposition of the person's 83357
interest in the disregarded entity, whether held directly or 83358
indirectly, shall be treated as a sale, exchange, or other 83359
disposition of the person's share of the disregarded entity's 83360
underlying assets or liabilities, and the gain or loss from such 83361
sale, exchange, or disposition shall be included in the person's 83362
net income under this chapter. 83363

(3) The disregarded entity's payroll, property, and sales 83364
factors shall be included in the person's factors. 83365

(G) The tax a corporation is required to pay under this 83366
chapter shall be as follows: 83367

(1)(a) For financial institutions, the greater of the minimum 83368
payment required under division (E) of section 5733.06 of the 83369
Revised Code or the difference between all taxes charged the 83370
financial institution under this chapter, without regard to 83371

division (G)(2) of this section, less any credits allowable 83372
against such tax. 83373

(b) A corporation satisfying the description in division 83374
(E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised 83375
Code that is not a financial institution, insurance company, or 83376
dealer in intangibles is subject to the taxes imposed under this 83377
chapter as a corporation and not subject to tax as a financial 83378
institution, and shall pay the greater of the minimum payment 83379
required under division (E) of section 5733.06 of the Revised Code 83380
or the difference between all the taxes charged under this 83381
chapter, without regard to division (G)(2) of this section, less 83382
any credits allowable against such tax. 83383

(2) For all corporations other than those persons described 83384
in division (G)(1)(a) or (b) of this section, the amount under 83385
division (G)(2)(a) of this section applicable to the tax year 83386
specified less the amount under division (G)(2)(b) of this 83387
section: 83388

(a)(i) For tax year 2005, the greater of the minimum payment 83389
required under division (E) of section 5733.06 of the Revised Code 83390
or the difference between all taxes charged the corporation under 83391
this chapter and any credits allowable against such tax; 83392

(ii) For tax year 2006, the greater of the minimum payment 83393
required under division (E) of section 5733.06 of the Revised Code 83394
or four-fifths of the difference between all taxes charged the 83395
corporation under this chapter and any credits allowable against 83396
such tax, except the qualifying pass-through entity tax credit 83397
described in division (A)~~(29)~~(30) and the refundable credits 83398
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 83399
of the Revised Code; 83400

(iii) For tax year 2007, the greater of the minimum payment 83401
required under division (E) of section 5733.06 of the Revised Code 83402

or three-fifths of the difference between all taxes charged the 83403
corporation under this chapter and any credits allowable against 83404
such tax, except the qualifying pass-through entity tax credit 83405
described in division (A)~~(29)~~(30) and the refundable credits 83406
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 83407
of the Revised Code; 83408

(iv) For tax year 2008, the greater of the minimum payment 83409
required under division (E) of section 5733.06 of the Revised Code 83410
or two-fifths of the difference between all taxes charged the 83411
corporation under this chapter and any credits allowable against 83412
such tax, except the qualifying pass-through entity tax credit 83413
described in division (A)~~(29)~~(30) and the refundable credits 83414
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 83415
of the Revised Code; 83416

(v) For tax year 2009, the greater of the minimum payment 83417
required under division (E) of section 5733.06 of the Revised Code 83418
or one-fifth of the difference between all taxes charged the 83419
corporation under this chapter and any credits allowable against 83420
such tax, except the qualifying pass-through entity tax credit 83421
described in division (A)~~(29)~~(30) and the refundable credits 83422
described in divisions (A)~~(30)~~, (31), (32), ~~and~~ (33), and (34) of 83423
section 5733.98 of the Revised Code; 83424

(vi) For tax year 2010 and each tax year thereafter, no tax. 83425

(b) A corporation shall subtract from the amount calculated 83426
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 83427
any qualifying pass-through entity tax credit described in 83428
division (A)~~(29)~~(30) and any refundable credits described in 83429
divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 of the 83430
Revised Code to which the corporation is entitled. Any unused 83431
qualifying pass-through entity tax credit is not refundable. 83432

(c) For the purposes of computing the amount of a credit that 83433

may be carried forward to a subsequent tax year under division 83434
(G)(2) of this section, a credit is utilized against the tax for a 83435
tax year to the extent the credit applies against the tax for that 83436
tax year, even if the difference is then multiplied by the 83437
applicable fraction under division (G)(2)(a) of this section. 83438

(3) Nothing in division (G) of this section eliminates or 83439
reduces the tax imposed by section 5733.41 of the Revised Code on 83440
a qualifying pass-through entity. 83441

Sec. 5733.04. As used in this chapter: 83442

(A) "Issued and outstanding shares of stock" applies to 83443
nonprofit corporations, as provided in section 5733.01 of the 83444
Revised Code, and includes, but is not limited to, membership 83445
certificates and other instruments evidencing ownership of an 83446
interest in such nonprofit corporations, and with respect to a 83447
financial institution that does not have capital stock, "issued 83448
and outstanding shares of stock" includes, but is not limited to, 83449
ownership interests of depositors in the capital employed in such 83450
an institution. 83451

(B) "Taxpayer" means a corporation subject to the tax imposed 83452
by section 5733.06 of the Revised Code. 83453

(C) "Resident" means a corporation organized under the laws 83454
of this state. 83455

(D) "Commercial domicile" means the principal place from 83456
which the trade or business of the taxpayer is directed or 83457
managed. 83458

(E) "Taxable year" means the period prescribed by division 83459
(A) of section 5733.031 of the Revised Code upon the net income of 83460
which the value of the taxpayer's issued and outstanding shares of 83461
stock is determined under division (B) of section 5733.05 of the 83462
Revised Code or the period prescribed by division (A) of section 83463

5733.031 of the Revised Code that immediately precedes the date as 83464
of which the total value of the corporation is determined under 83465
division (A) or (C) of section 5733.05 of the Revised Code. 83466

(F) "Tax year" means the calendar year in and for which the 83467
tax imposed by section 5733.06 of the Revised Code is required to 83468
be paid. 83469

(G) "Internal Revenue Code" means the "Internal Revenue Code 83470
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 83471

(H) "Federal income tax" means the income tax imposed by the 83472
Internal Revenue Code. 83473

(I) Except as provided in section 5733.058 of the Revised 83474
Code, "net income" means the taxpayer's taxable income before 83475
operating loss deduction and special deductions, as required to be 83476
reported for the taxpayer's taxable year under the Internal 83477
Revenue Code, subject to the following adjustments: 83478

(1)(a) Deduct any net operating loss incurred in any taxable 83479
years ending in 1971 or thereafter, but exclusive of any net 83480
operating loss incurred in taxable years ending prior to January 83481
1, 1971. This deduction shall not be allowed in any tax year 83482
commencing before December 31, 1973, but shall be carried over and 83483
allowed in tax years commencing after December 31, 1973, until 83484
fully utilized in the next succeeding taxable year or years in 83485
which the taxpayer has net income, but in no case for more than 83486
the designated carryover period as described in division (I)(1)(b) 83487
of this section. The amount of such net operating loss, as 83488
determined under the allocation and apportionment provisions of 83489
section 5733.051 and division (B) of section 5733.05 of the 83490
Revised Code for the year in which the net operating loss occurs, 83491
shall be deducted from net income, as determined under the 83492
allocation and apportionment provisions of section 5733.051 and 83493
division (B) of section 5733.05 of the Revised Code, to the extent 83494

necessary to reduce net income to zero with the remaining unused 83495
portion of the deduction, if any, carried forward to the remaining 83496
years of the designated carryover period as described in division 83497
(I)(1)(b) of this section, or until fully utilized, whichever 83498
occurs first. 83499

(b) For losses incurred in taxable years ending on or before 83500
December 31, 1981, the designated carryover period shall be the 83501
five consecutive taxable years after the taxable year in which the 83502
net operating loss occurred. For losses incurred in taxable years 83503
ending on or after January 1, 1982, and beginning before August 6, 83504
1997, the designated carryover period shall be the fifteen 83505
consecutive taxable years after the taxable year in which the net 83506
operating loss occurs. For losses incurred in taxable years 83507
beginning on or after August 6, 1997, the designated carryover 83508
period shall be the twenty consecutive taxable years after the 83509
taxable year in which the net operating loss occurs. 83510

(c) The tax commissioner may require a taxpayer to furnish 83511
any information necessary to support a claim for deduction under 83512
division (I)(1)(a) of this section and no deduction shall be 83513
allowed unless the information is furnished. 83514

(2) Deduct any amount included in net income by application 83515
of section 78 or 951 of the Internal Revenue Code, amounts 83516
received for royalties, technical or other services derived from 83517
sources outside the United States, and dividends received from a 83518
subsidiary, associate, or affiliated corporation that neither 83519
transacts any substantial portion of its business nor regularly 83520
maintains any substantial portion of its assets within the United 83521
States. For purposes of determining net foreign source income 83522
deductible under division (I)(2) of this section, the amount of 83523
gross income from all such sources other than dividend income and 83524
income derived by application of section 78 or 951 of the Internal 83525
Revenue Code shall be reduced by: 83526

(a) The amount of any reimbursed expenses for personal 83527
services performed by employees of the taxpayer for the 83528
subsidiary, associate, or affiliated corporation; 83529

(b) Ten per cent of the amount of royalty income and 83530
technical assistance fees; 83531

(c) Fifteen per cent of the amount of all other income. 83532

The amounts described in divisions (I)(2)(a) to (c) of this 83533
section are deemed to be the expenses attributable to the 83534
production of deductible foreign source income unless the taxpayer 83535
shows, by clear and convincing evidence, less actual expenses, or 83536
the tax commissioner shows, by clear and convincing evidence, more 83537
actual expenses. 83538

(3) Add any loss or deduct any gain resulting from the sale, 83539
exchange, or other disposition of a capital asset, or an asset 83540
described in section 1231 of the Internal Revenue Code, to the 83541
extent that such loss or gain occurred prior to the first taxable 83542
year on which the tax provided for in section 5733.06 of the 83543
Revised Code is computed on the corporation's net income. For 83544
purposes of division (I)(3) of this section, the amount of the 83545
prior loss or gain shall be measured by the difference between the 83546
original cost or other basis of the asset and the fair market 83547
value as of the beginning of the first taxable year on which the 83548
tax provided for in section 5733.06 of the Revised Code is 83549
computed on the corporation's net income. At the option of the 83550
taxpayer, the amount of the prior loss or gain may be a percentage 83551
of the gain or loss, which percentage shall be determined by 83552
multiplying the gain or loss by a fraction, the numerator of which 83553
is the number of months from the acquisition of the asset to the 83554
beginning of the first taxable year on which the fee provided in 83555
section 5733.06 of the Revised Code is computed on the 83556
corporation's net income, and the denominator of which is the 83557
number of months from the acquisition of the asset to the sale, 83558

exchange, or other disposition of the asset. The adjustments 83559
described in this division do not apply to any gain or loss where 83560
the gain or loss is recognized by a qualifying taxpayer, as 83561
defined in section 5733.0510 of the Revised Code, with respect to 83562
a qualifying taxable event, as defined in that section. 83563

(4) Deduct the dividend received deduction provided by 83564
section 243 of the Internal Revenue Code. 83565

(5) Deduct any interest or interest equivalent on public 83566
obligations and purchase obligations to the extent included in 83567
federal taxable income. As used in divisions (I)(5) and (6) of 83568
this section, "public obligations," "purchase obligations," and 83569
"interest or interest equivalent" have the same meanings as in 83570
section 5709.76 of the Revised Code. 83571

(6) Add any loss or deduct any gain resulting from the sale, 83572
exchange, or other disposition of public obligations to the extent 83573
included in federal taxable income. 83574

(7) To the extent not otherwise allowed, deduct any dividends 83575
or distributions received by a taxpayer from a public utility, 83576
excluding an electric company and a combined company, and, for tax 83577
years 2005 and thereafter, a telephone company, if the taxpayer 83578
owns at least eighty per cent of the issued and outstanding common 83579
stock of the public utility. As used in division (I)(7) of this 83580
section, "public utility" means a public utility as defined in 83581
Chapter 5727. of the Revised Code, whether or not the public 83582
utility is doing business in the state. 83583

(8) To the extent not otherwise allowed, deduct any dividends 83584
received by a taxpayer from an insurance company, if the taxpayer 83585
owns at least eighty per cent of the issued and outstanding common 83586
stock of the insurance company. As used in division (I)(8) of this 83587
section, "insurance company" means an insurance company that is 83588
taxable under Chapter 5725. or 5729. of the Revised Code. 83589

(9) Deduct expenditures for modifying existing buildings or structures to meet American national standards institute standard A-117.1-1961 (R-1971), as amended; provided, that no deduction shall be allowed to the extent that such deduction is not permitted under federal law or under rules of the tax commissioner. Those deductions as are allowed may be taken over a period of five years. The tax commissioner shall adopt rules under Chapter 119. of the Revised Code establishing reasonable limitations on the extent that expenditures for modifying existing buildings or structures are attributable to the purpose of making the buildings or structures accessible to and usable by physically handicapped persons.

(10) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income before operating loss deduction and special deductions for the taxable year, had the targeted jobs credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect.

(11) Deduct net interest income on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent the laws of the United States prohibit inclusion of the net interest for purposes of determining the value of the taxpayer's issued and outstanding shares of stock under division (B) of section 5733.05 of the Revised Code. As used in division (I)(11) of this section, "net interest" means interest net of any expenses taken on the federal income tax return that would not have been allowed under section 265 of the Internal Revenue Code if the interest were exempt from federal income tax.

(12)(a) Except as set forth in division (I)(12)(d) of this section, to the extent not included in computing the taxpayer's

federal taxable income before operating loss deduction and special 83622
deductions, add gains and deduct losses from direct or indirect 83623
sales, exchanges, or other dispositions, made by a related entity 83624
who is not a taxpayer, of the taxpayer's indirect, beneficial, or 83625
constructive investment in the stock or debt of another entity, 83626
unless the gain or loss has been included in computing the federal 83627
taxable income before operating loss deduction and special 83628
deductions of another taxpayer with a more closely related 83629
investment in the stock or debt of the other entity. The amount of 83630
gain added or loss deducted shall not exceed the product obtained 83631
by multiplying such gain or loss by the taxpayer's proportionate 83632
share, directly, indirectly, beneficially, or constructively, of 83633
the outstanding stock of the related entity immediately prior to 83634
the direct or indirect sale, exchange, or other disposition. 83635

(b) Except as set forth in division (I)(12)(e) of this 83636
section, to the extent not included in computing the taxpayer's 83637
federal taxable income before operating loss deduction and special 83638
deductions, add gains and deduct losses from direct or indirect 83639
sales, exchanges, or other dispositions made by a related entity 83640
who is not a taxpayer, of intangible property other than stock, 83641
securities, and debt, if such property was owned, or used in whole 83642
or in part, at any time prior to or at the time of the sale, 83643
exchange, or disposition by either the taxpayer or by a related 83644
entity that was a taxpayer at any time during the related entity's 83645
ownership or use of such property, unless the gain or loss has 83646
been included in computing the federal taxable income before 83647
operating loss deduction and special deductions of another 83648
taxpayer with a more closely related ownership or use of such 83649
intangible property. The amount of gain added or loss deducted 83650
shall not exceed the product obtained by multiplying such gain or 83651
loss by the taxpayer's proportionate share, directly, indirectly, 83652
beneficially, or constructively, of the outstanding stock of the 83653
related entity immediately prior to the direct or indirect sale, 83654

exchange, or other disposition. 83655

(c) As used in division (I)(12) of this section, "related 83656
entity" means those entities described in divisions (I)(12)(c)(i) 83657
to (iii) of this section: 83658

(i) An individual stockholder, or a member of the 83659
stockholder's family enumerated in section 318 of the Internal 83660
Revenue Code, if the stockholder and the members of the 83661
stockholder's family own, directly, indirectly, beneficially, or 83662
constructively, in the aggregate, at least fifty per cent of the 83663
value of the taxpayer's outstanding stock; 83664

(ii) A stockholder, or a stockholder's partnership, estate, 83665
trust, or corporation, if the stockholder and the stockholder's 83666
partnerships, estates, trusts, and corporations own directly, 83667
indirectly, beneficially, or constructively, in the aggregate, at 83668
least fifty per cent of the value of the taxpayer's outstanding 83669
stock; 83670

(iii) A corporation, or a party related to the corporation in 83671
a manner that would require an attribution of stock from the 83672
corporation to the party or from the party to the corporation 83673
under division (I)(12)(c)(iv) of this section, if the taxpayer 83674
owns, directly, indirectly, beneficially, or constructively, at 83675
least fifty per cent of the value of the corporation's outstanding 83676
stock. 83677

(iv) The attribution rules of section 318 of the Internal 83678
Revenue Code apply for purposes of determining whether the 83679
ownership requirements in divisions (I)(12)(c)(i) to (iii) of this 83680
section have been met. 83681

(d) For purposes of the adjustments required by division 83682
(I)(12)(a) of this section, the term "investment in the stock or 83683
debt of another entity" means only those investments where the 83684
taxpayer and the taxpayer's related entities directly, indirectly, 83685

beneficially, or constructively own, in the aggregate, at any time 83686
during the twenty-four month period commencing one year prior to 83687
the direct or indirect sale, exchange, or other disposition of 83688
such investment at least fifty per cent or more of the value of 83689
either the outstanding stock or such debt of such other entity. 83690

(e) For purposes of the adjustments required by division 83691
(I)(12)(b) of this section, the term "related entity" excludes all 83692
of the following: 83693

(i) Foreign corporations as defined in section 7701 of the 83694
Internal Revenue Code; 83695

(ii) Foreign partnerships as defined in section 7701 of the 83696
Internal Revenue Code; 83697

(iii) Corporations, partnerships, estates, and trusts created 83698
or organized in or under the laws of the Commonwealth of Puerto 83699
Rico or any possession of the United States; 83700

(iv) Foreign estates and foreign trusts as defined in section 83701
7701 of the Internal Revenue Code. 83702

The exclusions described in divisions (I)(12)(e)(i) to (iv) 83703
of this section do not apply if the corporation, partnership, 83704
estate, or trust is described in any one of divisions (C)(1) to 83705
(5) of section 5733.042 of the Revised Code. 83706

(f) Nothing in division (I)(12) of this section shall require 83707
or permit a taxpayer to add any gains or deduct any losses 83708
described in divisions (I)(12)(f)(i) and (ii) of this section: 83709

(i) Gains or losses recognized for federal income tax 83710
purposes by an individual, estate, or trust without regard to the 83711
attribution rules described in division (I)(12)(c) of this 83712
section; 83713

(ii) A related entity's gains or losses described in division 83714
(I)(12)(b) of this section if the taxpayer's ownership of or use 83715

of such intangible property was limited to a period not exceeding 83716
nine months and was attributable to a transaction or a series of 83717
transactions executed in accordance with the election or elections 83718
made by the taxpayer or a related entity pursuant to section 338 83719
of the Internal Revenue Code. 83720

(13) Any adjustment required by section 5733.042 of the 83721
Revised Code. 83722

(14) Add any amount claimed as a credit under section 83723
5733.0611 of the Revised Code to the extent that such amount 83724
satisfies either of the following: 83725

(a) It was deducted or excluded from the computation of the 83726
corporation's taxable income before operating loss deduction and 83727
special deductions as required to be reported for the 83728
corporation's taxable year under the Internal Revenue Code; 83729

(b) It resulted in a reduction of the corporation's taxable 83730
income before operating loss deduction and special deductions as 83731
required to be reported for any of the corporation's taxable years 83732
under the Internal Revenue Code. 83733

(15) Deduct the amount contributed by the taxpayer to an 83734
individual development account program established by a county 83735
department of job and family services pursuant to sections 329.11 83736
to 329.14 of the Revised Code for the purpose of matching funds 83737
deposited by program participants. On request of the tax 83738
commissioner, the taxpayer shall provide any information that, in 83739
the tax commissioner's opinion, is necessary to establish the 83740
amount deducted under division (I)(15) of this section. 83741

(16) Any adjustment required by section 5733.0510 or 83742
5733.0511 of the Revised Code. 83743

(17)(a)(i) Add five-sixths of the amount of depreciation 83744
expense allowed under subsection (k) of section 168 of the 83745
Internal Revenue Code, including a person's proportionate or 83746

distributive share of the amount of depreciation expense allowed 83747
by that subsection to any pass-through entity in which the person 83748
has direct or indirect ownership. 83749

(ii) Add five-sixths of the amount of qualifying section 179 83750
depreciation expense, including a person's proportionate or 83751
distributive share of the amount of qualifying section 179 83752
depreciation expense allowed to any pass-through entity in which 83753
the person has a direct or indirect ownership. For the purposes of 83754
this division, "qualifying section 179 depreciation expense" means 83755
the difference between (I) the amount of depreciation expense 83756
directly or indirectly allowed to the taxpayer under section 179 83757
of the Internal Revenue Code, and (II) the amount of depreciation 83758
expense directly or indirectly allowed to the taxpayer under 83759
section 179 of the Internal Revenue Code as that section existed 83760
on December 31, 2002. 83761

The tax commissioner, under procedures established by the 83762
commissioner, may waive the add-backs related to a pass-through 83763
entity if the person owns, directly or indirectly, less than five 83764
per cent of the pass-through entity. 83765

(b) Nothing in division (I)(17) of this section shall be 83766
construed to adjust or modify the adjusted basis of any asset. 83767

(c) To the extent the add-back is attributable to property 83768
generating income or loss allocable under section 5733.051 of the 83769
Revised Code, the add-back shall be allocated to the same location 83770
as the income or loss generated by that property. Otherwise, the 83771
add-back shall be apportioned, subject to division (B)(2)(d) of 83772
section 5733.05 of the Revised Code. 83773

(18)(a) If a person is required to make the add-back under 83774
division (I)(17)(a) of this section for a tax year, the person 83775
shall deduct one-fifth of the amount added back for each of the 83776
succeeding five tax years. 83777

(b) If the amount deducted under division (I)(18)(a) of this section is attributable to an add-back allocated under division (I)(17)(c) of this section, the amount deducted shall be allocated to the same location. Otherwise, the amount shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to division (B)(2)(d) of section 5733.05 of the Revised Code.

(J) Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(K) "Financial institution" has the meaning given by section 5725.01 of the Revised Code but does not include a production credit association as described in 85 Stat. 597, 12 U.S.C.A. 2091.

(L)(1) A "qualifying holding company" is any corporation satisfying all of the following requirements:

(a) Subject to divisions (L)(2) and (3) of this section, the net book value of the corporation's intangible assets is greater than or equal to ninety per cent of the net book value of all of its assets and at least fifty per cent of the net book value of all of its assets represents direct or indirect investments in the equity of, loans and advances to, and accounts receivable due from related members;

(b) At least ninety per cent of the corporation's gross income for the taxable year is attributable to the following:

(i) The maintenance, management, ownership, acquisition, use, and disposition of its intangible property, its aircraft the use of which is not subject to regulation under 14 C.F.R. part 121 or part 135, and any real property described in division (L)(2)(c) of

this section; 83809

(ii) The collection and distribution of income from such 83810
property. 83811

(c) The corporation is not a financial institution on the 83812
last day of the taxable year ending prior to the first day of the 83813
tax year; 83814

(d) The corporation's related members make a good faith and 83815
reasonable effort to make timely and fully the adjustments 83816
required by division ~~(C)(2)~~(D) of section 5733.05 of the Revised 83817
Code and to pay timely and fully all uncontested taxes, interest, 83818
penalties, and other fees and charges imposed under this chapter; 83819

(e) Subject to division (L)(4) of this section, the 83820
corporation elects to be treated as a qualifying holding company 83821
for the tax year. 83822

A corporation otherwise satisfying divisions (L)(1)(a) to (e) 83823
of this section that does not elect to be a qualifying holding 83824
company is not a qualifying holding company for the purposes of 83825
this chapter. 83826

(2)(a)(i) For purposes of making the ninety per cent 83827
computation under division (L)(1)(a) of this section, the net book 83828
value of the corporation's assets shall not include the net book 83829
value of aircraft or real property described in division 83830
(L)(1)(b)(i) of this section. 83831

(ii) For purposes of making the fifty per cent computation 83832
under division (L)(1)(a) of this section, the net book value of 83833
assets shall include the net book value of aircraft or real 83834
property described in division (L)(1)(b)(i) of this section. 83835

(b)(i) As used in division (L) of this section, "intangible 83836
asset" includes, but is not limited to, the corporation's direct 83837
interest in each pass-through entity only if at all times during 83838

the corporation's taxable year ending prior to the first day of 83839
the tax year the corporation's and the corporation's related 83840
members' combined direct and indirect interests in the capital or 83841
profits of such pass-through entity do not exceed fifty per cent. 83842
If the corporation's interest in the pass-through entity is an 83843
intangible asset for that taxable year, then the distributive 83844
share of any income from the pass-through entity shall be income 83845
from an intangible asset for that taxable year. 83846

(ii) If a corporation's and the corporation's related 83847
members' combined direct and indirect interests in the capital or 83848
profits of a pass-through entity exceed fifty per cent at any time 83849
during the corporation's taxable year ending prior to the first 83850
day of the tax year, "intangible asset" does not include the 83851
corporation's direct interest in the pass-through entity, and the 83852
corporation shall include in its assets its proportionate share of 83853
the assets of any such pass-through entity and shall include in 83854
its gross income its distributive share of the gross income of 83855
such pass-through entity in the same form as was earned by the 83856
pass-through entity. 83857

(iii) A pass-through entity's direct or indirect 83858
proportionate share of any other pass-through entity's assets 83859
shall be included for the purpose of computing the corporation's 83860
proportionate share of the pass-through entity's assets under 83861
division (L)(2)(b)(ii) of this section, and such pass-through 83862
entity's distributive share of any other pass-through entity's 83863
gross income shall be included for purposes of computing the 83864
corporation's distributive share of the pass-through entity's 83865
gross income under division (L)(2)(b)(ii) of this section. 83866

(c) For the purposes of divisions (L)(1)(b)(i), (1)(b)(ii), 83867
(2)(a)(i), and (2)(a)(ii) of this section, real property is 83868
described in division (L)(2)(c) of this section only if all of the 83869
following conditions are present at all times during the taxable 83870

year ending prior to the first day of the tax year: 83871

(i) The real property serves as the headquarters of the 83872
corporation's trade or business, or is the place from which the 83873
corporation's trade or business is principally managed or 83874
directed; 83875

(ii) Not more than ten per cent of the value of the real 83876
property and not more than ten per cent of the square footage of 83877
the building or buildings that are part of the real property is 83878
used, made available, or occupied for the purpose of providing, 83879
acquiring, transferring, selling, or disposing of tangible 83880
property or services in the normal course of business to persons 83881
other than related members, the corporation's employees and their 83882
families, and such related members' employees and their families. 83883

(d) As used in division (L) of this section, "related member" 83884
has the same meaning as in division (A)(6) of section 5733.042 of 83885
the Revised Code without regard to division (B) of that section. 83886

(3) The percentages described in division (L)(1)(a) of this 83887
section shall be equal to the quarterly average of those 83888
percentages as calculated during the corporation's taxable year 83889
ending prior to the first day of the tax year. 83890

(4) With respect to the election described in division 83891
(L)(1)(e) of this section: 83892

(a) The election need not accompany a timely filed report; 83893

(b) The election need not accompany the report; rather, the 83894
election may accompany a subsequently filed but timely application 83895
for refund and timely amended report, or a subsequently filed but 83896
timely petition for reassessment; 83897

(c) The election is not irrevocable; 83898

(d) The election applies only to the tax year specified by 83899
the corporation; 83900

(e) The corporation's related members comply with division 83901
(L)(1)(d) of this section. 83902

Nothing in division (L)(4) of this section shall be construed 83903
to extend any statute of limitations set forth in this chapter. 83904

(M) "Qualifying controlled group" means two or more 83905
corporations that satisfy the ownership and control requirements 83906
of division (A) of section 5733.052 of the Revised Code. 83907

(N) "Limited liability company" means any limited liability 83908
company formed under Chapter 1705. of the Revised Code or under 83909
the laws of any other state. 83910

(O) "Pass-through entity" means a corporation that has made 83911
an election under subchapter S of Chapter 1 of Subtitle A of the 83912
Internal Revenue Code for its taxable year under that code, or a 83913
partnership, limited liability company, or any other person, other 83914
than an individual, trust, or estate, if the partnership, limited 83915
liability company, or other person is not classified for federal 83916
income tax purposes as an association taxed as a corporation. 83917

(P) "Electric company," "combined company," and "telephone 83918
company" have the same meanings as in section 5727.01 of the 83919
Revised Code. 83920

(Q) "Business income" means income arising from transactions, 83921
activities, and sources in the regular course of a trade or 83922
business and includes income from real property, tangible personal 83923
property, and intangible personal property if the acquisition, 83924
rental, management, and disposition of the property constitute 83925
integral parts of the regular course of a trade or business 83926
operation. "Business income" includes income, including gain or 83927
loss, from a partial or complete liquidation of a business, 83928
including, but not limited to, gain or loss from the sale or other 83929
disposition of goodwill. 83930

(R) "Nonbusiness income" means all income other than business 83931

income. 83932

Sec. 5733.58. (A) Terms used in this section have the same meaning as in section 5725.33 of the Revised Code. 83933
83934

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code for a financial institution holding a qualified equity investment on the credit allowance date occurring in the calendar year immediately preceding the tax year for which the tax is due. The credit shall be computed in the same manner prescribed for the computation of credits allowed under section 5725.33 of the Revised Code. 83935
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By claiming a tax credit under this section, a financial institution waives its rights under section 5733.11 of the Revised Code with respect to the time limitation for the assessment of taxes as it relates to credits claimed that later become subject to recapture under division (D) of this section. 83942
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The credit shall be claimed in the order prescribed by section 5733.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits in that order, the excess may be carried forward and applied to the tax due for not more than four ensuing tax years. 83947
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(C) The total amount of qualified equity investments on the basis of which credits may be claimed under this section and sections 5725.33 and 5729.16 of the Revised Code is subject to the limitation of division (C) of section 5725.33 of the Revised Code. 83952
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(D) If any amount of the federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the director of development determines that an investment for which a tax credit is claimed under this section is not a qualified equity investment or that the proceeds of an 83956
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investment for which a tax credit is claimed under this section 83962
are used to make qualified low-income community investments other 83963
than in a qualified active low-income community business, all or a 83964
portion of the credit received on account of that investment shall 83965
be paid by the financial institution that received the credit to 83966
the tax commissioner. The amount to be recovered shall be 83967
determined by the director of development pursuant to rules 83968
adopted under section 5725.33 of the Revised Code. The director 83969
shall certify any amount due under this division to the tax 83970
commissioner, and the commissioner shall notify the financial 83971
institution of the amount due. The amount due is payable not later 83972
than thirty days after the day the commissioner issues the notice. 83973
The amount due shall be considered to be tax due under section 83974
5733.06 of the Revised Code, and may be collected by assessment 83975
without regard to the limitations imposed under section 5733.11 of 83976
the Revised Code for the assessment of taxes by the commissioner. 83977
All amounts collected under this division shall be credited as 83978
revenue from the tax levied under section 5733.06 of the Revised 83979
Code. 83980

Sec. 5733.98. (A) To provide a uniform procedure for 83981
calculating the amount of tax imposed by section 5733.06 of the 83982
Revised Code that is due under this chapter, a taxpayer shall 83983
claim any credits to which it is entitled in the following order, 83984
except as otherwise provided in section 5733.058 of the Revised 83985
Code: 83986

(1) For tax year 2005, the credit for taxes paid by a 83987
qualifying pass-through entity allowed under section 5733.0611 of 83988
the Revised Code; 83989

(2) The credit allowed for financial institutions under 83990
section 5733.45 of the Revised Code; 83991

(3) The credit for qualifying affiliated groups under section 83992

5733.068 of the Revised Code;	83993
(4) The subsidiary corporation credit under section 5733.067 of the Revised Code;	83994 83995
(5) The savings and loan assessment credit under section 5733.063 of the Revised Code;	83996 83997
(6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;	83998 83999
(7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	84000 84001
(8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	84002 84003
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	84004 84005
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	84006 84007
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	84008 84009
(12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;	84010 84011
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	84012 84013
(14) The job training credit under section 5733.42 of the Revised Code;	84014 84015
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	84016 84017
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	84018 84019
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	84020 84021

(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	84022 84023
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	84024 84025
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	84026 84027
(21) The export sales credit under section 5733.069 of the Revised Code;	84028 84029
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	84030 84031
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	84032 84033
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	84034 84035
(25) <u>The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;</u>	84036 84037
<u>(26)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;	84038 84039
(26) <u>(27)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	84040 84041
(27) <u>(28)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	84042 84043 84044
(28) <u>(29)</u> The research and development credit under section 5733.352 of the Revised Code;	84045 84046
(29) <u>(30)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	84047 84048 84049
(30) <u>(31)</u> The refundable credit for rehabilitating a historic	84050

building under section 5733.47 of the Revised Code; 84051

~~(31)~~(32) The refundable jobs creation credit under division 84052
(A) of section 5733.0610 of the Revised Code; 84053

~~(32)~~(33) The refundable credit for tax withheld under 84054
division (B)(2) of section 5747.062 of the Revised Code; 84055

~~(33)~~(34) The refundable credit under section 5733.49 of the 84056
Revised Code for losses on loans made to the Ohio venture capital 84057
program under sections 150.01 to 150.10 of the Revised Code; 84058

~~(34)~~(35) For tax years 2006, 2007, and 2008, the refundable 84059
credit allowable under division (B) of section 5733.56 of the 84060
Revised Code. 84061

(B) For any credit except the credits enumerated in divisions 84062
(A)~~(30)~~(31) to ~~(34)~~(35) of this section, the amount of the credit 84063
for a tax year shall not exceed the tax due after allowing for any 84064
other credit that precedes it in the order required under this 84065
section. Any excess amount of a particular credit may be carried 84066
forward if authorized under the section creating that credit. 84067
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Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on 84069
which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of 84070
the Revised Code has been paid, for the purpose of operating a 84071
transit bus shall be reimbursed in the amount of ~~the~~ such tax paid 84072
on motor fuel used by public transportation systems providing 84073
transit or paratransit service on a regular and continuing basis 84074
within the state; 84075

(2) A city, exempted village, joint vocational, or local 84076
school district or educational service center that purchases any 84077
motor fuel for school district or service center operations, on 84078
which any tax imposed by section 5735.29 of the Revised Code that 84079
became effective on or after July 1, 2003, has been paid, may, if 84080

an application is filed under this section, be reimbursed in the 84081
amount of all but two cents per gallon of the total tax imposed by 84082
such section and paid on motor fuel. 84083

(3) A county board of mental retardation and developmental 84084
disabilities that, on or after July 1, 2005, purchases any motor 84085
fuel for county board operations, on which any tax imposed by 84086
section 5735.29 of the Revised Code has been paid may, if an 84087
application is filed under this section, be reimbursed in the 84088
amount of all but two cents per gallon of the total tax imposed by 84089
such section and paid on motor fuel purchased on or after July 1, 84090
2005. 84091

(B) Such person, school district, educational service center, 84092
or county board shall file with the tax commissioner an 84093
application for refund within one year from the date of purchase, 84094
stating the quantity of fuel used for operating transit buses used 84095
by local transit systems in furnishing scheduled common carrier, 84096
public passenger land transportation service along regular routes 84097
primarily in one or more municipal corporations or for operating 84098
vehicles used for school district, service center, or county board 84099
operations. However, no claim shall be made for the tax on fewer 84100
than one hundred gallons of motor fuel. A school district, 84101
educational service center, or county board shall not apply for a 84102
refund for any tax paid on motor fuel that is sold by the 84103
district, service center, or county board. The application shall 84104
be accompanied by the statement described in section 5735.15 of 84105
the Revised Code showing the purchase, together with evidence of 84106
payment thereof. 84107

(C) After consideration of the application and statement, the 84108
commissioner shall determine the amount of refund to which the 84109
applicant is entitled. If the amount is not less than that 84110
claimed, the commissioner shall certify the amount to the director 84111
of budget and management and treasurer of state for payment from 84112

the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code. 84113
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The commissioner may require that the application be supported by the affidavit of the claimant. No refund shall be authorized or ordered for any single claim for the tax on fewer than one hundred gallons of motor fuel. No refund shall be authorized or ordered on motor fuel that is sold by a school district, educational service center, or county board. 84117
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(D) The refund authorized by this section or section 5703.70 of the Revised Code shall be reduced by the cents per gallon amount of any qualified fuel credit received under section 5735.145 of the Revised Code, as determined by the commissioner, for each gallon of qualified fuel included in the total gallonage of motor fuel upon which the refund is computed. 84123
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(E) The right to receive any refund under this section or section 5703.70 of the Revised Code is not assignable. The payment of this refund shall not be made to any person or entity other than the person or entity originally entitled thereto who used the motor fuel upon which the claim for refund is based, except that the refund when allowed and certified, as provided in this section, may be paid to the executor, the administrator, the receiver, the trustee in bankruptcy, or the assignee in insolvency proceedings of the person. 84129
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Sec. 5739.01. As used in this chapter: 84138

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form. 84139
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(B) "Sale" and "selling" include all of the following	84144
transactions for a consideration in any manner, whether absolutely	84145
or conditionally, whether for a price or rental, in money or by	84146
exchange, and by any means whatsoever:	84147
(1) All transactions by which title or possession, or both,	84148
of tangible personal property, is or is to be transferred, or a	84149
license to use or consume tangible personal property is or is to	84150
be granted;	84151
(2) All transactions by which lodging by a hotel is or is to	84152
be furnished to transient guests;	84153
(3) All transactions by which:	84154
(a) An item of tangible personal property is or is to be	84155
repaired, except property, the purchase of which would not be	84156
subject to the tax imposed by section 5739.02 of the Revised Code;	84157
(b) An item of tangible personal property is or is to be	84158
installed, except property, the purchase of which would not be	84159
subject to the tax imposed by section 5739.02 of the Revised Code	84160
or property that is or is to be incorporated into and will become	84161
a part of a production, transmission, transportation, or	84162
distribution system for the delivery of a public utility service;	84163
(c) The service of washing, cleaning, waxing, polishing, or	84164
painting a motor vehicle is or is to be furnished;	84165
(d) Until August 1, 2003, industrial laundry cleaning	84166
services are or are to be provided and, on and after August 1,	84167
2003, laundry and dry cleaning services are or are to be provided;	84168
(e) Automatic data processing, computer services, or	84169
electronic information services are or are to be provided for use	84170
in business when the true object of the transaction is the receipt	84171
by the consumer of automatic data processing, computer services,	84172
or electronic information services rather than the receipt of	84173

personal or professional services to which automatic data 84174
processing, computer services, or electronic information services 84175
are incidental or supplemental. Notwithstanding any other 84176
provision of this chapter, such transactions that occur between 84177
members of an affiliated group are not sales. An "affiliated 84178
group" means two or more persons related in such a way that one 84179
person owns or controls the business operation of another member 84180
of the group. In the case of corporations with stock, one 84181
corporation owns or controls another if it owns more than fifty 84182
per cent of the other corporation's common stock with voting 84183
rights. 84184

(f) Telecommunications service, including prepaid calling 84185
service, prepaid wireless calling service, or ancillary service, 84186
is or is to be provided, but not including coin-operated telephone 84187
service; 84188

(g) Landscaping and lawn care service is or is to be 84189
provided; 84190

(h) Private investigation and security service is or is to be 84191
provided; 84192

(i) Information services or tangible personal property is 84193
provided or ordered by means of a nine hundred telephone call; 84194

(j) Building maintenance and janitorial service is or is to 84195
be provided; 84196

(k) Employment service is or is to be provided; 84197

(l) Employment placement service is or is to be provided; 84198

(m) Exterminating service is or is to be provided; 84199

(n) Physical fitness facility service is or is to be 84200
provided; 84201

(o) Recreation and sports club service is or is to be 84202
provided; 84203

(p) On and after August 1, 2003, satellite broadcasting 84204
service is or is to be provided; 84205

(q) On and after August 1, 2003, personal care service is or 84206
is to be provided to an individual. As used in this division, 84207
"personal care service" includes skin care, the application of 84208
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 84209
piercing, tanning, massage, and other similar services. "Personal 84210
care service" does not include a service provided by or on the 84211
order of a licensed physician or licensed chiropractor, or the 84212
cutting, coloring, or styling of an individual's hair. 84213

(r) On and after August 1, 2003, the transportation of 84214
persons by motor vehicle or aircraft is or is to be provided, when 84215
the transportation is entirely within this state, except for 84216
transportation provided by an ambulance service, by a transit bus, 84217
as defined in section 5735.01 of the Revised Code, and 84218
transportation provided by a citizen of the United States holding 84219
a certificate of public convenience and necessity issued under 49 84220
U.S.C. 41102; 84221

(s) On and after August 1, 2003, motor vehicle towing service 84222
is or is to be provided. As used in this division, "motor vehicle 84223
towing service" means the towing or conveyance of a wrecked, 84224
disabled, or illegally parked motor vehicle. 84225

(t) On and after August 1, 2003, snow removal service is or 84226
is to be provided. As used in this division, "snow removal 84227
service" means the removal of snow by any mechanized means, but 84228
does not include the providing of such service by a person that 84229
has less than five thousand dollars in sales of such service 84230
during the calendar year. 84231

(u) Electronic publishing service is or is to be provided to 84232
a consumer for use in business, except that such transactions 84233
occurring between members of an affiliated group, as defined in 84234

division (B)(3)(e) of this section, are not sales. 84235

(4) All transactions by which printed, imprinted, 84236
overprinted, lithographic, multilithic, blueprinted, photostatic, 84237
or other productions or reproductions of written or graphic matter 84238
are or are to be furnished or transferred; 84239

(5) The production or fabrication of tangible personal 84240
property for a consideration for consumers who furnish either 84241
directly or indirectly the materials used in the production of 84242
fabrication work; and include the furnishing, preparing, or 84243
serving for a consideration of any tangible personal property 84244
consumed on the premises of the person furnishing, preparing, or 84245
serving such tangible personal property. Except as provided in 84246
section 5739.03 of the Revised Code, a construction contract 84247
pursuant to which tangible personal property is or is to be 84248
incorporated into a structure or improvement on and becoming a 84249
part of real property is not a sale of such tangible personal 84250
property. The construction contractor is the consumer of such 84251
tangible personal property, provided that the sale and 84252
installation of carpeting, the sale and installation of 84253
agricultural land tile, the sale and erection or installation of 84254
portable grain bins, or the provision of landscaping and lawn care 84255
service and the transfer of property as part of such service is 84256
never a construction contract. 84257

As used in division (B)(5) of this section: 84258

(a) "Agricultural land tile" means fired clay or concrete 84259
tile, or flexible or rigid perforated plastic pipe or tubing, 84260
incorporated or to be incorporated into a subsurface drainage 84261
system appurtenant to land used or to be used directly in 84262
production by farming, agriculture, horticulture, or floriculture. 84263
The term does not include such materials when they are or are to 84264
be incorporated into a drainage system appurtenant to a building 84265
or structure even if the building or structure is used or to be 84266

used in such production. 84267

(b) "Portable grain bin" means a structure that is used or to 84268
be used by a person engaged in farming or agriculture to shelter 84269
the person's grain and that is designed to be disassembled without 84270
significant damage to its component parts. 84271

(6) All transactions in which all of the shares of stock of a 84272
closely held corporation are transferred, if the corporation is 84273
not engaging in business and its entire assets consist of boats, 84274
planes, motor vehicles, or other tangible personal property 84275
operated primarily for the use and enjoyment of the shareholders; 84276

(7) All transactions in which a warranty, maintenance or 84277
service contract, or similar agreement by which the vendor of the 84278
warranty, contract, or agreement agrees to repair or maintain the 84279
tangible personal property of the consumer is or is to be 84280
provided; 84281

(8) The transfer of copyrighted motion picture films used 84282
solely for advertising purposes, except that the transfer of such 84283
films for exhibition purposes is not a sale; 84284

(9) On and after August 1, 2003, all transactions by which 84285
tangible personal property is or is to be stored, except such 84286
property that the consumer of the storage holds for sale in the 84287
regular course of business; 84288

(10) All transactions in which "guaranteed auto protection" 84289
is provided whereby a person promises to pay to the consumer the 84290
difference between the amount the consumer receives from motor 84291
vehicle insurance and the amount the consumer owes to a person 84292
holding title to or a lien on the consumer's motor vehicle in the 84293
event the consumer's motor vehicle suffers a total loss under the 84294
terms of the motor vehicle insurance policy or is stolen and not 84295
recovered, if the protection and its price are included in the 84296
purchase or lease agreement; 84297

(11)(a) Except as provided in division (B)(11)(b) of this section, on and after October 1, 2009, all transactions by which health care services are paid for, reimbursed, provided, delivered, arranged for, or otherwise made available by a medicaid health insuring corporation pursuant to the corporation's contract with the state.

(b) If the centers for medicare and medicaid services of the United States department of health and human services determines that the taxation of transactions described in division (B)(11)(a) of this section constitutes an impermissible health care-related tax under section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations adopted thereunder, the director of job and family services shall notify the tax commissioner of that determination. Beginning with the first day of the month following that notification, the transactions described in division (B)(11)(a) of this section are not sales for the purposes of this chapter or Chapter 5741. of the Revised Code. The tax commissioner shall order that the collection of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code shall cease for transactions occurring on or after that date.

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides

the nine hundred telephone service; if two or more persons are 84330
engaged in business at the same place of business under a single 84331
trade name in which all collections on account of sales by each 84332
are made, such persons shall constitute a single vendor. 84333

Physicians, dentists, hospitals, and veterinarians who are 84334
engaged in selling tangible personal property as received from 84335
others, such as eyeglasses, mouthwashes, dentifrices, or similar 84336
articles, are vendors. Veterinarians who are engaged in 84337
transferring to others for a consideration drugs, the dispensing 84338
of which does not require an order of a licensed veterinarian or 84339
physician under federal law, are vendors. 84340

(D)(1) "Consumer" means the person for whom the service is 84341
provided, to whom the transfer effected or license given by a sale 84342
is or is to be made or given, to whom the service described in 84343
division (B)(3)(f) or (i) of this section is charged, or to whom 84344
the admission is granted. 84345

(2) Physicians, dentists, hospitals, and blood banks operated 84346
by nonprofit institutions and persons licensed to practice 84347
veterinary medicine, surgery, and dentistry are consumers of all 84348
tangible personal property and services purchased by them in 84349
connection with the practice of medicine, dentistry, the rendition 84350
of hospital or blood bank service, or the practice of veterinary 84351
medicine, surgery, and dentistry. In addition to being consumers 84352
of drugs administered by them or by their assistants according to 84353
their direction, veterinarians also are consumers of drugs that 84354
under federal law may be dispensed only by or upon the order of a 84355
licensed veterinarian or physician, when transferred by them to 84356
others for a consideration to provide treatment to animals as 84357
directed by the veterinarian. 84358

(3) A person who performs a facility management, or similar 84359
service contract for a contractee is a consumer of all tangible 84360
personal property and services purchased for use in connection 84361

with the performance of such contract, regardless of whether title 84362
to any such property vests in the contractee. The purchase of such 84363
property and services is not subject to the exception for resale 84364
under division (E)(1) of this section. 84365

(4)(a) In the case of a person who purchases printed matter 84366
for the purpose of distributing it or having it distributed to the 84367
public or to a designated segment of the public, free of charge, 84368
that person is the consumer of that printed matter, and the 84369
purchase of that printed matter for that purpose is a sale. 84370

(b) In the case of a person who produces, rather than 84371
purchases, printed matter for the purpose of distributing it or 84372
having it distributed to the public or to a designated segment of 84373
the public, free of charge, that person is the consumer of all 84374
tangible personal property and services purchased for use or 84375
consumption in the production of that printed matter. That person 84376
is not entitled to claim exemption under division (B)(42)(f) of 84377
section 5739.02 of the Revised Code for any material incorporated 84378
into the printed matter or any equipment, supplies, or services 84379
primarily used to produce the printed matter. 84380

(c) The distribution of printed matter to the public or to a 84381
designated segment of the public, free of charge, is not a sale to 84382
the members of the public to whom the printed matter is 84383
distributed or to any persons who purchase space in the printed 84384
matter for advertising or other purposes. 84385

(5) A person who makes sales of any of the services listed in 84386
division (B)(3) of this section is the consumer of any tangible 84387
personal property used in performing the service. The purchase of 84388
that property is not subject to the resale exception under 84389
division (E)(1) of this section. 84390

(6) A person who engages in highway transportation for hire 84391
is the consumer of all packaging materials purchased by that 84392

person and used in performing the service, except for packaging 84393
materials sold by such person in a transaction separate from the 84394
service. 84395

(7) In the case of a transaction for health care services 84396
under division (B)(11) of this section, a medicaid health insuring 84397
corporation is the consumer of such services. The purchase of such 84398
services by a medicaid health insuring corporation is not subject 84399
to the exception for resale under division (E)(1) of this section 84400
or to the exemptions provided under divisions (B)(12), (18), (19), 84401
and (22) of section 5739.02 of the Revised Code. 84402

(E) "Retail sale" and "sales at retail" include all sales, 84403
except those in which the purpose of the consumer is to resell the 84404
thing transferred or benefit of the service provided, by a person 84405
engaging in business, in the form in which the same is, or is to 84406
be, received by the person. 84407

(F) "Business" includes any activity engaged in by any person 84408
with the object of gain, benefit, or advantage, either direct or 84409
indirect. "Business" does not include the activity of a person in 84410
managing and investing the person's own funds. 84411

(G) "Engaging in business" means commencing, conducting, or 84412
continuing in business, and liquidating a business when the 84413
liquidator thereof holds itself out to the public as conducting 84414
such business. Making a casual sale is not engaging in business. 84415

(H)(1)(a) "Price," except as provided in divisions (H)(2) 84416
~~and~~, (3), and (4) of this section, means the total amount of 84417
consideration, including cash, credit, property, and services, for 84418
which tangible personal property or services are sold, leased, or 84419
rented, valued in money, whether received in money or otherwise, 84420
without any deduction for any of the following: 84421

(i) The vendor's cost of the property sold; 84422

(ii) The cost of materials used, labor or service costs, 84423

interest, losses, all costs of transportation to the vendor, all 84424
taxes imposed on the vendor, including the tax imposed under 84425
Chapter 5751. of the Revised Code, and any other expense of the 84426
vendor; 84427

(iii) Charges by the vendor for any services necessary to 84428
complete the sale; 84429

(iv) On and after August 1, 2003, delivery charges. As used 84430
in this division, "delivery charges" means charges by the vendor 84431
for preparation and delivery to a location designated by the 84432
consumer of tangible personal property or a service, including 84433
transportation, shipping, postage, handling, crating, and packing. 84434

(v) Installation charges; 84435

(vi) Credit for any trade-in. 84436

(b) "Price" includes consideration received by the vendor 84437
from a third party, if the vendor actually receives the 84438
consideration from a party other than the consumer, and the 84439
consideration is directly related to a price reduction or discount 84440
on the sale; the vendor has an obligation to pass the price 84441
reduction or discount through to the consumer; the amount of the 84442
consideration attributable to the sale is fixed and determinable 84443
by the vendor at the time of the sale of the item to the consumer; 84444
and one of the following criteria is met: 84445

(i) The consumer presents a coupon, certificate, or other 84446
document to the vendor to claim a price reduction or discount 84447
where the coupon, certificate, or document is authorized, 84448
distributed, or granted by a third party with the understanding 84449
that the third party will reimburse any vendor to whom the coupon, 84450
certificate, or document is presented; 84451

(ii) The consumer identifies the consumer's self to the 84452
seller as a member of a group or organization entitled to a price 84453
reduction or discount. A preferred customer card that is available 84454

to any patron does not constitute membership in such a group or organization. 84455
84456

(iii) The price reduction or discount is identified as a 84457
third party price reduction or discount on the invoice received by 84458
the consumer, or on a coupon, certificate, or other document 84459
presented by the consumer. 84460

(c) "Price" does not include any of the following: 84461

(i) Discounts, including cash, term, or coupons that are not 84462
reimbursed by a third party that are allowed by a vendor and taken 84463
by a consumer on a sale; 84464

(ii) Interest, financing, and carrying charges from credit 84465
extended on the sale of tangible personal property or services, if 84466
the amount is separately stated on the invoice, bill of sale, or 84467
similar document given to the purchaser; 84468

(iii) Any taxes legally imposed directly on the consumer that 84469
are separately stated on the invoice, bill of sale, or similar 84470
document given to the consumer. For the purpose of this division, 84471
the tax imposed under Chapter 5751. of the Revised Code is not a 84472
tax directly on the consumer, even if the tax or a portion thereof 84473
is separately stated. 84474

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 84475
section, any discount allowed by an automobile manufacturer to its 84476
employee, or to the employee of a supplier, on the purchase of a 84477
new motor vehicle from a new motor vehicle dealer in this state. 84478

(2) In the case of a sale of any new motor vehicle by a new 84479
motor vehicle dealer, as defined in section 4517.01 of the Revised 84480
Code, in which another motor vehicle is accepted by the dealer as 84481
part of the consideration received, "price" has the same meaning 84482
as in division (H)(1) of this section, reduced by the credit 84483
afforded the consumer by the dealer for the motor vehicle received 84484
in trade. 84485

(3) In the case of a sale of any watercraft or outboard motor 84486
by a watercraft dealer licensed in accordance with section 84487
1547.543 of the Revised Code, in which another watercraft, 84488
watercraft and trailer, or outboard motor is accepted by the 84489
dealer as part of the consideration received, "price" has the same 84490
meaning as in division (H)(1) of this section, reduced by the 84491
credit afforded the consumer by the dealer for the watercraft, 84492
watercraft and trailer, or outboard motor received in trade. As 84493
used in this division, "watercraft" includes an outdrive unit 84494
attached to the watercraft. 84495

(4) In the case of transactions for health care services 84496
under division (B)(11) of this section, "price" means the amount 84497
of managed care premiums received each month by a medicaid health 84498
insuring corporation. 84499

(I) "Receipts" means the total amount of the prices of the 84500
sales of vendors, provided that cash discounts allowed and taken 84501
on sales at the time they are consummated are not included, minus 84502
any amount deducted as a bad debt pursuant to section 5739.121 of 84503
the Revised Code. "Receipts" does not include the sale price of 84504
property returned or services rejected by consumers when the full 84505
sale price and tax are refunded either in cash or by credit. 84506

(J) "Place of business" means any location at which a person 84507
engages in business. 84508

(K) "Premises" includes any real property or portion thereof 84509
upon which any person engages in selling tangible personal 84510
property at retail or making retail sales and also includes any 84511
real property or portion thereof designated for, or devoted to, 84512
use in conjunction with the business engaged in by such person. 84513

(L) "Casual sale" means a sale of an item of tangible 84514
personal property that was obtained by the person making the sale, 84515
through purchase or otherwise, for the person's own use and was 84516

previously subject to any state's taxing jurisdiction on its sale 84517
or use, and includes such items acquired for the seller's use that 84518
are sold by an auctioneer employed directly by the person for such 84519
purpose, provided the location of such sales is not the 84520
auctioneer's permanent place of business. As used in this 84521
division, "permanent place of business" includes any location 84522
where such auctioneer has conducted more than two auctions during 84523
the year. 84524

(M) "Hotel" means every establishment kept, used, maintained, 84525
advertised, or held out to the public to be a place where sleeping 84526
accommodations are offered to guests, in which five or more rooms 84527
are used for the accommodation of such guests, whether the rooms 84528
are in one or several structures. 84529

(N) "Transient guests" means persons occupying a room or 84530
rooms for sleeping accommodations for less than thirty consecutive 84531
days. 84532

(O) "Making retail sales" means the effecting of transactions 84533
wherein one party is obligated to pay the price and the other 84534
party is obligated to provide a service or to transfer title to or 84535
possession of the item sold. "Making retail sales" does not 84536
include the preliminary acts of promoting or soliciting the retail 84537
sales, other than the distribution of printed matter which 84538
displays or describes and prices the item offered for sale, nor 84539
does it include delivery of a predetermined quantity of tangible 84540
personal property or transportation of property or personnel to or 84541
from a place where a service is performed, regardless of whether 84542
the vendor is a delivery vendor. 84543

(P) "Used directly in the rendition of a public utility 84544
service" means that property that is to be incorporated into and 84545
will become a part of the consumer's production, transmission, 84546
transportation, or distribution system and that retains its 84547
classification as tangible personal property after such 84548

incorporation; fuel or power used in the production, transmission, 84549
transportation, or distribution system; and tangible personal 84550
property used in the repair and maintenance of the production, 84551
transmission, transportation, or distribution system, including 84552
only such motor vehicles as are specially designed and equipped 84553
for such use. Tangible personal property and services used 84554
primarily in providing highway transportation for hire are not 84555
used directly in the rendition of a public utility service. In 84556
this definition, "public utility" includes a citizen of the United 84557
States holding, and required to hold, a certificate of public 84558
convenience and necessity issued under 49 U.S.C. 41102. 84559

(Q) "Refining" means removing or separating a desirable 84560
product from raw or contaminated materials by distillation or 84561
physical, mechanical, or chemical processes. 84562

(R) "Assembly" and "assembling" mean attaching or fitting 84563
together parts to form a product, but do not include packaging a 84564
product. 84565

(S) "Manufacturing operation" means a process in which 84566
materials are changed, converted, or transformed into a different 84567
state or form from which they previously existed and includes 84568
refining materials, assembling parts, and preparing raw materials 84569
and parts by mixing, measuring, blending, or otherwise committing 84570
such materials or parts to the manufacturing process. 84571
"Manufacturing operation" does not include packaging. 84572

(T) "Fiscal officer" means, with respect to a regional 84573
transit authority, the secretary-treasurer thereof, and with 84574
respect to a county that is a transit authority, the fiscal 84575
officer of the county transit board if one is appointed pursuant 84576
to section 306.03 of the Revised Code or the county auditor if the 84577
board of county commissioners operates the county transit system. 84578

(U) "Transit authority" means a regional transit authority 84579

created pursuant to section 306.31 of the Revised Code or a county 84580
in which a county transit system is created pursuant to section 84581
306.01 of the Revised Code. For the purposes of this chapter, a 84582
transit authority must extend to at least the entire area of a 84583
single county. A transit authority that includes territory in more 84584
than one county must include all the area of the most populous 84585
county that is a part of such transit authority. County population 84586
shall be measured by the most recent census taken by the United 84587
States census bureau. 84588

(V) "Legislative authority" means, with respect to a regional 84589
transit authority, the board of trustees thereof, and with respect 84590
to a county that is a transit authority, the board of county 84591
commissioners. 84592

(W) "Territory of the transit authority" means all of the 84593
area included within the territorial boundaries of a transit 84594
authority as they from time to time exist. Such territorial 84595
boundaries must at all times include all the area of a single 84596
county or all the area of the most populous county that is a part 84597
of such transit authority. County population shall be measured by 84598
the most recent census taken by the United States census bureau. 84599

(X) "Providing a service" means providing or furnishing 84600
anything described in division (B)(3) of this section for 84601
consideration. 84602

(Y)(1)(a) "Automatic data processing" means processing of 84603
others' data, including keypunching or similar data entry services 84604
together with verification thereof, or providing access to 84605
computer equipment for the purpose of processing data. 84606

(b) "Computer services" means providing services consisting 84607
of specifying computer hardware configurations and evaluating 84608
technical processing characteristics, computer programming, and 84609
training of computer programmers and operators, provided in 84610

conjunction with and to support the sale, lease, or operation of 84611
taxable computer equipment or systems. 84612

(c) "Electronic information services" means providing access 84613
to computer equipment by means of telecommunications equipment for 84614
the purpose of either of the following: 84615

(i) Examining or acquiring data stored in or accessible to 84616
the computer equipment; 84617

(ii) Placing data into the computer equipment to be retrieved 84618
by designated recipients with access to the computer equipment. 84619

For transactions occurring on or after the effective date of 84620
the amendment of this section by H.B. 157 of the 127th general 84621
assembly, December 21, 2007, "electronic information services" 84622
does not include electronic publishing as defined in division 84623
(LLL) of this section. 84624

(d) "Automatic data processing, computer services, or 84625
electronic information services" shall not include personal or 84626
professional services. 84627

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 84628
section, "personal and professional services" means all services 84629
other than automatic data processing, computer services, or 84630
electronic information services, including but not limited to: 84631

(a) Accounting and legal services such as advice on tax 84632
matters, asset management, budgetary matters, quality control, 84633
information security, and auditing and any other situation where 84634
the service provider receives data or information and studies, 84635
alters, analyzes, interprets, or adjusts such material; 84636

(b) Analyzing business policies and procedures; 84637

(c) Identifying management information needs; 84638

(d) Feasibility studies, including economic and technical 84639
analysis of existing or potential computer hardware or software 84640

needs and alternatives;	84641
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	84642 84643 84644 84645
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	84646 84647 84648
(g) Testing of business procedures;	84649
(h) Training personnel in business procedure applications;	84650
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	84651 84652 84653 84654 84655 84656
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	84657 84658
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	84659 84660
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	84661 84662 84663
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;	84664 84665 84666 84667 84668
(2) A person who engages in the transportation of personal property belonging to others for consideration over or on	84669 84670

highways, roadways, streets, or any similar public thoroughfare 84671
but who could not have engaged in such transportation on December 84672
11, 1985, unless the person was the holder of a permit or 84673
certificate of the types described in division (Z)(1) of this 84674
section; 84675

(3) A person who leases a motor vehicle to and operates it 84676
for a person described by division (Z)(1) or (2) of this section. 84677

(AA)(1) "Telecommunications service" means the electronic 84678
transmission, conveyance, or routing of voice, data, audio, video, 84679
or any other information or signals to a point, or between or 84680
among points. "Telecommunications service" includes such 84681
transmission, conveyance, or routing in which computer processing 84682
applications are used to act on the form, code, or protocol of the 84683
content for purposes of transmission, conveyance, or routing 84684
without regard to whether the service is referred to as voice-over 84685
internet protocol service or is classified by the federal 84686
communications commission as enhanced or value-added. 84687
"Telecommunications service" does not include any of the 84688
following: 84689

(a) Data processing and information services that allow data 84690
to be generated, acquired, stored, processed, or retrieved and 84691
delivered by an electronic transmission to a consumer where the 84692
consumer's primary purpose for the underlying transaction is the 84693
processed data or information; 84694

(b) Installation or maintenance of wiring or equipment on a 84695
customer's premises; 84696

(c) Tangible personal property; 84697

(d) Advertising, including directory advertising; 84698

(e) Billing and collection services provided to third 84699
parties; 84700

(f) Internet access service; 84701

(g) Radio and television audio and video programming 84702
services, regardless of the medium, including the furnishing of 84703
transmission, conveyance, and routing of such services by the 84704
programming service provider. Radio and television audio and video 84705
programming services include, but are not limited to, cable 84706
service, as defined in 47 U.S.C. 522(6), and audio and video 84707
programming services delivered by commercial mobile radio service 84708
providers, as defined in 47 C.F.R. 20.3; 84709

(h) Ancillary service; 84710

(i) Digital products delivered electronically, including 84711
software, music, video, reading materials, or ring tones. 84712

(2) "Ancillary service" means a service that is associated 84713
with or incidental to the provision of telecommunications service, 84714
including conference bridging service, detailed telecommunications 84715
billing service, directory assistance, vertical service, and voice 84716
mail service. As used in this division: 84717

(a) "Conference bridging service" means an ancillary service 84718
that links two or more participants of an audio or video 84719
conference call, including providing a telephone number. 84720
"Conference bridging service" does not include telecommunications 84721
services used to reach the conference bridge. 84722

(b) "Detailed telecommunications billing service" means an 84723
ancillary service of separately stating information pertaining to 84724
individual calls on a customer's billing statement. 84725

(c) "Directory assistance" means an ancillary service of 84726
providing telephone number or address information. 84727

(d) "Vertical service" means an ancillary service that is 84728
offered in connection with one or more telecommunications 84729
services, which offers advanced calling features that allow 84730

customers to identify callers and manage multiple calls and call connections, including conference bridging service. 84731
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(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service. 84733
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(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900" service and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer. 84738
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(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units of dollars of which the number declines with use in a known amount. 84747
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(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital products delivered electronically, and content and ancillary services, that must be paid for in advance and that is sold in predetermined units of dollars of which the number declines with use in a known amount. 84753
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(6) "Value-added non-voice data service" means a 84761

telecommunications service in which computer processing 84762
applications are used to act on the form, content, code, or 84763
protocol of the information or data primarily for a purpose other 84764
than transmission, conveyance, or routing. 84765

(7) "Coin-operated telephone service" means a 84766
telecommunications service paid for by inserting money into a 84767
telephone accepting direct deposits of money to operate. 84768

(8) "Customer" has the same meaning as in section 5739.034 of 84769
the Revised Code. 84770

(BB) "Laundry and dry cleaning services" means removing soil 84771
or dirt from towels, linens, articles of clothing, or other fabric 84772
items that belong to others and supplying towels, linens, articles 84773
of clothing, or other fabric items. "Laundry and dry cleaning 84774
services" does not include the provision of self-service 84775
facilities for use by consumers to remove soil or dirt from 84776
towels, linens, articles of clothing, or other fabric items. 84777

(CC) "Magazines distributed as controlled circulation 84778
publications" means magazines containing at least twenty-four 84779
pages, at least twenty-five per cent editorial content, issued at 84780
regular intervals four or more times a year, and circulated 84781
without charge to the recipient, provided that such magazines are 84782
not owned or controlled by individuals or business concerns which 84783
conduct such publications as an auxiliary to, and essentially for 84784
the advancement of the main business or calling of, those who own 84785
or control them. 84786

(DD) "Landscaping and lawn care service" means the services 84787
of planting, seeding, sodding, removing, cutting, trimming, 84788
pruning, mulching, aerating, applying chemicals, watering, 84789
fertilizing, and providing similar services to establish, promote, 84790
or control the growth of trees, shrubs, flowers, grass, ground 84791
cover, and other flora, or otherwise maintaining a lawn or 84792

landscape grown or maintained by the owner for ornamentation or 84793
other nonagricultural purpose. However, "landscaping and lawn care 84794
service" does not include the providing of such services by a 84795
person who has less than five thousand dollars in sales of such 84796
services during the calendar year. 84797

(EE) "Private investigation and security service" means the 84798
performance of any activity for which the provider of such service 84799
is required to be licensed pursuant to Chapter 4749. of the 84800
Revised Code, or would be required to be so licensed in performing 84801
such services in this state, and also includes the services of 84802
conducting polygraph examinations and of monitoring or overseeing 84803
the activities on or in, or the condition of, the consumer's home, 84804
business, or other facility by means of electronic or similar 84805
monitoring devices. "Private investigation and security service" 84806
does not include special duty services provided by off-duty police 84807
officers, deputy sheriffs, and other peace officers regularly 84808
employed by the state or a political subdivision. 84809

(FF) "Information services" means providing conversation, 84810
giving consultation or advice, playing or making a voice or other 84811
recording, making or keeping a record of the number of callers, 84812
and any other service provided to a consumer by means of a nine 84813
hundred telephone call, except when the nine hundred telephone 84814
call is the means by which the consumer makes a contribution to a 84815
recognized charity. 84816

(GG) "Research and development" means designing, creating, or 84817
formulating new or enhanced products, equipment, or manufacturing 84818
processes, and also means conducting scientific or technological 84819
inquiry and experimentation in the physical sciences with the goal 84820
of increasing scientific knowledge which may reveal the bases for 84821
new or enhanced products, equipment, or manufacturing processes. 84822

(HH) "Qualified research and development equipment" means 84823
capitalized tangible personal property, and leased personal 84824

property that would be capitalized if purchased, used by a person 84825
primarily to perform research and development. Tangible personal 84826
property primarily used in testing, as defined in division (A)(4) 84827
of section 5739.011 of the Revised Code, or used for recording or 84828
storing test results, is not qualified research and development 84829
equipment unless such property is primarily used by the consumer 84830
in testing the product, equipment, or manufacturing process being 84831
created, designed, or formulated by the consumer in the research 84832
and development activity or in recording or storing such test 84833
results. 84834

(II) "Building maintenance and janitorial service" means 84835
cleaning the interior or exterior of a building and any tangible 84836
personal property located therein or thereon, including any 84837
services incidental to such cleaning for which no separate charge 84838
is made. However, "building maintenance and janitorial service" 84839
does not include the providing of such service by a person who has 84840
less than five thousand dollars in sales of such service during 84841
the calendar year. 84842

(JJ) "Employment service" means providing or supplying 84843
personnel, on a temporary or long-term basis, to perform work or 84844
labor under the supervision or control of another, when the 84845
personnel so provided or supplied receive their wages, salary, or 84846
other compensation from the provider or supplier of the employment 84847
service or from a third party that provided or supplied the 84848
personnel to the provider or supplier. "Employment service" does 84849
not include: 84850

(1) Acting as a contractor or subcontractor, where the 84851
personnel performing the work are not under the direct control of 84852
the purchaser. 84853

(2) Medical and health care services. 84854

(3) Supplying personnel to a purchaser pursuant to a contract 84855

of at least one year between the service provider and the 84856
purchaser ~~that~~ under either of the following circumstances: 84857

(a) The contract specifies that each employee covered under 84858
the contract is assigned to the purchaser on a permanent basis; 84859

(b) The personnel are provided for work in the construction 84860
and building trades industry to construct, improve, repair, or 84861
maintain real property and are subject to a multi-employer 84862
collective bargaining agreement. 84863

(4) Transactions between members of an affiliated group, as 84864
defined in division (B)(3)(e) of this section. 84865

(5) Transactions where the personnel so provided or supplied 84866
by a provider or supplier to a purchaser of an employment service 84867
are then provided or supplied by that purchaser to a third party 84868
as an employment service, except "employment service" does include 84869
the transaction between that purchaser and the third party. 84870

(KK) "Employment placement service" means locating or finding 84871
employment for a person or finding or locating an employee to fill 84872
an available position. 84873

(LL) "Exterminating service" means eradicating or attempting 84874
to eradicate vermin infestations from a building or structure, or 84875
the area surrounding a building or structure, and includes 84876
activities to inspect, detect, or prevent vermin infestation of a 84877
building or structure. 84878

(MM) "Physical fitness facility service" means all 84879
transactions by which a membership is granted, maintained, or 84880
renewed, including initiation fees, membership dues, renewal fees, 84881
monthly minimum fees, and other similar fees and dues, by a 84882
physical fitness facility such as an athletic club, health spa, or 84883
gymnasium, which entitles the member to use the facility for 84884
physical exercise. 84885

(NN) "Recreation and sports club service" means all 84886
transactions by which a membership is granted, maintained, or 84887
renewed, including initiation fees, membership dues, renewal fees, 84888
monthly minimum fees, and other similar fees and dues, by a 84889
recreation and sports club, which entitles the member to use the 84890
facilities of the organization. "Recreation and sports club" means 84891
an organization that has ownership of, or controls or leases on a 84892
continuing, long-term basis, the facilities used by its members 84893
and includes an aviation club, gun or shooting club, yacht club, 84894
card club, swimming club, tennis club, golf club, country club, 84895
riding club, amateur sports club, or similar organization. 84896

(OO) "Livestock" means farm animals commonly raised for food 84897
or food production, and includes but is not limited to cattle, 84898
sheep, goats, swine, and poultry. "Livestock" does not include 84899
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 84900
animals for use in laboratories or for exhibition, or other 84901
animals not commonly raised for food or food production. 84902

(PP) "Livestock structure" means a building or structure used 84903
exclusively for the housing, raising, feeding, or sheltering of 84904
livestock, and includes feed storage or handling structures and 84905
structures for livestock waste handling. 84906

(QQ) "Horticulture" means the growing, cultivation, and 84907
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 84908
and nursery stock. As used in this division, "nursery stock" has 84909
the same meaning as in section 927.51 of the Revised Code. 84910

(RR) "Horticulture structure" means a building or structure 84911
used exclusively for the commercial growing, raising, or 84912
overwintering of horticultural products, and includes the area 84913
used for stocking, storing, and packing horticultural products 84914
when done in conjunction with the production of those products. 84915

(SS) "Newspaper" means an unbound publication bearing a title 84916

or name that is regularly published, at least as frequently as 84917
biweekly, and distributed from a fixed place of business to the 84918
public in a specific geographic area, and that contains a 84919
substantial amount of news matter of international, national, or 84920
local events of interest to the general public. 84921

(TT) "Professional racing team" means a person that employs 84922
at least twenty full-time employees for the purpose of conducting 84923
a motor vehicle racing business for profit. The person must 84924
conduct the business with the purpose of racing one or more motor 84925
racing vehicles in at least ten competitive professional racing 84926
events each year that comprise all or part of a motor racing 84927
series sanctioned by one or more motor racing sanctioning 84928
organizations. A "motor racing vehicle" means a vehicle for which 84929
the chassis, engine, and parts are designed exclusively for motor 84930
racing, and does not include a stock or production model vehicle 84931
that may be modified for use in racing. For the purposes of this 84932
division: 84933

(1) A "competitive professional racing event" is a motor 84934
vehicle racing event sanctioned by one or more motor racing 84935
sanctioning organizations, at which aggregate cash prizes in 84936
excess of eight hundred thousand dollars are awarded to the 84937
competitors. 84938

(2) "Full-time employee" means an individual who is employed 84939
for consideration for thirty-five or more hours a week, or who 84940
renders any other standard of service generally accepted by custom 84941
or specified by contract as full-time employment. 84942

(UU)(1) "Lease" or "rental" means any transfer of the 84943
possession or control of tangible personal property for a fixed or 84944
indefinite term, for consideration. "Lease" or "rental" includes 84945
future options to purchase or extend, and agreements described in 84946
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 84947
the amount of consideration may be increased or decreased by 84948

reference to the amount realized upon the sale or disposition of 84949
the property. "Lease" or "rental" does not include: 84950

(a) A transfer of possession or control of tangible personal 84951
property under a security agreement or a deferred payment plan 84952
that requires the transfer of title upon completion of the 84953
required payments; 84954

(b) A transfer of possession or control of tangible personal 84955
property under an agreement that requires the transfer of title 84956
upon completion of required payments and payment of an option 84957
price that does not exceed the greater of one hundred dollars or 84958
one per cent of the total required payments; 84959

(c) Providing tangible personal property along with an 84960
operator for a fixed or indefinite period of time, if the operator 84961
is necessary for the property to perform as designed. For purposes 84962
of this division, the operator must do more than maintain, 84963
inspect, or set-up the tangible personal property. 84964

(2) "Lease" and "rental," as defined in division (UU) of this 84965
section, shall not apply to leases or rentals that exist before 84966
June 26, 2003. 84967

(3) "Lease" and "rental" have the same meaning as in division 84968
(UU)(1) of this section regardless of whether a transaction is 84969
characterized as a lease or rental under generally accepted 84970
accounting principles, the Internal Revenue Code, Title XIII of 84971
the Revised Code, or other federal, state, or local laws. 84972

(VV) "Mobile telecommunications service" has the same meaning 84973
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 84974
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 84975
on and after August 1, 2003, includes related fees and ancillary 84976
services, including universal service fees, detailed billing 84977
service, directory assistance, service initiation, voice mail 84978
service, and vertical services, such as caller ID and three-way 84979

calling. 84980

(WW) "Certified service provider" has the same meaning as in 84981
section 5740.01 of the Revised Code. 84982

(XX) "Satellite broadcasting service" means the distribution 84983
or broadcasting of programming or services by satellite directly 84984
to the subscriber's receiving equipment without the use of ground 84985
receiving or distribution equipment, except the subscriber's 84986
receiving equipment or equipment used in the uplink process to the 84987
satellite, and includes all service and rental charges, premium 84988
channels or other special services, installation and repair 84989
service charges, and any other charges having any connection with 84990
the provision of the satellite broadcasting service. 84991

(YY) "Tangible personal property" means personal property 84992
that can be seen, weighed, measured, felt, or touched, or that is 84993
in any other manner perceptible to the senses. For purposes of 84994
this chapter and Chapter 5741. of the Revised Code, "tangible 84995
personal property" includes motor vehicles, electricity, water, 84996
gas, steam, and prewritten computer software. 84997

(ZZ) "Direct mail" means printed material delivered or 84998
distributed by United States mail or other delivery service to a 84999
mass audience or to addressees on a mailing list provided by the 85000
consumer or at the direction of the consumer when the cost of the 85001
items are not billed directly to the recipients. "Direct mail" 85002
includes tangible personal property supplied directly or 85003
indirectly by the consumer to the direct mail vendor for inclusion 85004
in the package containing the printed material. "Direct mail" does 85005
not include multiple items of printed material delivered to a 85006
single address. 85007

(AAA) "Computer" means an electronic device that accepts 85008
information in digital or similar form and manipulates it for a 85009
result based on a sequence of instructions. 85010

(BBB) "Computer software" means a set of coded instructions 85011
designed to cause a computer or automatic data processing 85012
equipment to perform a task. 85013

(CCC) "Delivered electronically" means delivery of computer 85014
software from the seller to the purchaser by means other than 85015
tangible storage media. 85016

(DDD) "Prewritten computer software" means computer software, 85017
including prewritten upgrades, that is not designed and developed 85018
by the author or other creator to the specifications of a specific 85019
purchaser. The combining of two or more prewritten computer 85020
software programs or prewritten portions thereof does not cause 85021
the combination to be other than prewritten computer software. 85022
"Prewritten computer software" includes software designed and 85023
developed by the author or other creator to the specifications of 85024
a specific purchaser when it is sold to a person other than the 85025
purchaser. If a person modifies or enhances computer software of 85026
which the person is not the author or creator, the person shall be 85027
deemed to be the author or creator only of such person's 85028
modifications or enhancements. Prewritten computer software or a 85029
prewritten portion thereof that is modified or enhanced to any 85030
degree, where such modification or enhancement is designed and 85031
developed to the specifications of a specific purchaser, remains 85032
prewritten computer software; provided, however, that where there 85033
is a reasonable, separately stated charge or an invoice or other 85034
statement of the price given to the purchaser for the modification 85035
or enhancement, the modification or enhancement shall not 85036
constitute prewritten computer software. 85037

(EEE)(1) "Food" means substances, whether in liquid, 85038
concentrated, solid, frozen, dried, or dehydrated form, that are 85039
sold for ingestion or chewing by humans and are consumed for their 85040
taste or nutritional value. "Food" does not include alcoholic 85041
beverages, dietary supplements, soft drinks, or tobacco. 85042

- (2) As used in division (EEE)(1) of this section: 85043
- (a) "Alcoholic beverages" means beverages that are suitable 85044
for human consumption and contain one-half of one per cent or more 85045
of alcohol by volume. 85046
- (b) "Dietary supplements" means any product, other than 85047
tobacco, that is intended to supplement the diet and that is 85048
intended for ingestion in tablet, capsule, powder, softgel, 85049
gelcap, or liquid form, or, if not intended for ingestion in such 85050
a form, is not represented as conventional food for use as a sole 85051
item of a meal or of the diet; that is required to be labeled as a 85052
dietary supplement, identifiable by the "supplement facts" box 85053
found on the label, as required by 21 C.F.R. 101.36; and that 85054
contains one or more of the following dietary ingredients: 85055
- (i) A vitamin; 85056
- (ii) A mineral; 85057
- (iii) An herb or other botanical; 85058
- (iv) An amino acid; 85059
- (v) A dietary substance for use by humans to supplement the 85060
diet by increasing the total dietary intake; 85061
- (vi) A concentrate, metabolite, constituent, extract, or 85062
combination of any ingredient described in divisions 85063
(EEE)(2)(b)(i) to (v) of this section. 85064
- (c) "Soft drinks" means nonalcoholic beverages that contain 85065
natural or artificial sweeteners. "Soft drinks" does not include 85066
beverages that contain milk or milk products, soy, rice, or 85067
similar milk substitutes, or that contains greater than fifty per 85068
cent vegetable or fruit juice by volume. 85069
- (d) "Tobacco" means cigarettes, cigars, chewing or pipe 85070
tobacco, or any other item that contains tobacco. 85071
- (FFF) "Drug" means a compound, substance, or preparation, and 85072

any component of a compound, substance, or preparation, other than 85073
food, dietary supplements, or alcoholic beverages that is 85074
recognized in the official United States pharmacopoeia, official 85075
homeopathic pharmacopoeia of the United States, or official 85076
national formulary, and supplements to them; is intended for use 85077
in the diagnosis, cure, mitigation, treatment, or prevention of 85078
disease; or is intended to affect the structure or any function of 85079
the body. 85080

(GGG) "Prescription" means an order, formula, or recipe 85081
issued in any form of oral, written, electronic, or other means of 85082
transmission by a duly licensed practitioner authorized by the 85083
laws of this state to issue a prescription. 85084

(HHH) "Durable medical equipment" means equipment, including 85085
repair and replacement parts for such equipment, that can 85086
withstand repeated use, is primarily and customarily used to serve 85087
a medical purpose, generally is not useful to a person in the 85088
absence of illness or injury, and is not worn in or on the body. 85089
"Durable medical equipment" does not include mobility enhancing 85090
equipment. 85091

(III) "Mobility enhancing equipment" means equipment, 85092
including repair and replacement parts for such equipment, that is 85093
primarily and customarily used to provide or increase the ability 85094
to move from one place to another and is appropriate for use 85095
either in a home or a motor vehicle, that is not generally used by 85096
persons with normal mobility, and that does not include any motor 85097
vehicle or equipment on a motor vehicle normally provided by a 85098
motor vehicle manufacturer. "Mobility enhancing equipment" does 85099
not include durable medical equipment. 85100

(JJJ) "Prosthetic device" means a replacement, corrective, or 85101
supportive device, including repair and replacement parts for the 85102
device, worn on or in the human body to artificially replace a 85103
missing portion of the body, prevent or correct physical deformity 85104

or malfunction, or support a weak or deformed portion of the body. 85105
As used in this division, "prosthetic device" does not include 85106
corrective eyeglasses, contact lenses, or dental prosthesis. 85107

(KKK)(1) "Fractional aircraft ownership program" means a 85108
program in which persons within an affiliated group sell and 85109
manage fractional ownership program aircraft, provided that at 85110
least one hundred airworthy aircraft are operated in the program 85111
and the program meets all of the following criteria: 85112

(a) Management services are provided by at least one program 85113
manager within an affiliated group on behalf of the fractional 85114
owners. 85115

(b) Each program aircraft is owned or possessed by at least 85116
one fractional owner. 85117

(c) Each fractional owner owns or possesses at least a 85118
one-sixteenth interest in at least one fixed-wing program 85119
aircraft. 85120

(d) A dry-lease aircraft interchange arrangement is in effect 85121
among all of the fractional owners. 85122

(e) Multi-year program agreements are in effect regarding the 85123
fractional ownership, management services, and dry-lease aircraft 85124
interchange arrangement aspects of the program. 85125

(2) As used in division (KKK)(1) of this section: 85126

(a) "Affiliated group" has the same meaning as in division 85127
(B)(3)(e) of this section. 85128

(b) "Fractional owner" means a person that owns or possesses 85129
at least a one-sixteenth interest in a program aircraft and has 85130
entered into the agreements described in division (KKK)(1)(e) of 85131
this section. 85132

(c) "Fractional ownership program aircraft" or "program 85133
aircraft" means a turbojet aircraft that is owned or possessed by 85134

a fractional owner and that has been included in a dry-lease 85135
aircraft interchange arrangement and agreement under divisions 85136
(KKK)(1)(d) and (e) of this section, or an aircraft a program 85137
manager owns or possesses primarily for use in a fractional 85138
aircraft ownership program. 85139

(d) "Management services" means administrative and aviation 85140
support services furnished under a fractional aircraft ownership 85141
program in accordance with a management services agreement under 85142
division (KKK)(1)(e) of this section, and offered by the program 85143
manager to the fractional owners, including, at a minimum, the 85144
establishment and implementation of safety guidelines; the 85145
coordination of the scheduling of the program aircraft and crews; 85146
program aircraft maintenance; program aircraft insurance; crew 85147
training for crews employed, furnished, or contracted by the 85148
program manager or the fractional owner; the satisfaction of 85149
record-keeping requirements; and the development and use of an 85150
operations manual and a maintenance manual for the fractional 85151
aircraft ownership program. 85152

(e) "Program manager" means the person that offers management 85153
services to fractional owners pursuant to a management services 85154
agreement under division (KKK)(1)(e) of this section. 85155

(LLL) "Electronic publishing" means providing access to one 85156
or more of the following primarily for business customers, 85157
including the federal government or a state government or a 85158
political subdivision thereof, to conduct research: news; 85159
business, financial, legal, consumer, or credit materials; 85160
editorials, columns, reader commentary, or features; photos or 85161
images; archival or research material; legal notices, identity 85162
verification, or public records; scientific, educational, 85163
instructional, technical, professional, trade, or other literary 85164
materials; or other similar information which has been gathered 85165
and made available by the provider to the consumer in an 85166

electronic format. Providing electronic publishing includes the 85167
functions necessary for the acquisition, formatting, editing, 85168
storage, and dissemination of data or information that is the 85169
subject of a sale. 85170

(MMM) "Medicaid health insuring corporation" means a health 85171
insuring corporation that holds a certificate of authority under 85172
Chapter 1751. of the Revised Code and is under contract with the 85173
department of job and family services pursuant to section 5111.17 85174
of the Revised Code. 85175

(NNN) "Managed care premium" means any premium, capitation, 85176
or other payment a medicaid health insuring corporation receives 85177
for providing or arranging for the provision of health care 85178
services to its members or enrollees residing in this state. 85179

Sec. 5739.011. (A) As used in this section: 85180

(1) "Manufacturer" means a person who is engaged in 85181
manufacturing, processing, assembling, or refining a product for 85182
sale and, solely for the purposes of division (B)(12) of this 85183
section, a person who meets all the qualifications of that 85184
division. 85185

(2) "Manufacturing facility" means a single location where a 85186
manufacturing operation is conducted, including locations 85187
consisting of one or more buildings or structures in a contiguous 85188
area owned or controlled by the manufacturer. 85189

(3) "Materials handling" means the movement of the product 85190
being or to be manufactured, during which movement the product is 85191
not undergoing any substantial change or alteration in its state 85192
or form. 85193

(4) "Testing" means a process or procedure to identify the 85194
properties or assure the quality of a material or product. 85195

(5) "Completed product" means a manufactured item that is in 85196

the form and condition as it will be sold by the manufacturer. An 85197
item is completed when all processes that change or alter its 85198
state or form or enhance its value are finished, even though the 85199
item subsequently will be tested to ensure its quality or be 85200
packaged for storage or shipment. 85201

(6) "Continuous manufacturing operation" means the process in 85202
which raw materials or components are moved through the steps 85203
whereby manufacturing occurs. Materials handling of raw materials 85204
or parts from the point of receipt or preproduction storage or of 85205
a completed product, to or from storage, to or from packaging, or 85206
to the place from which the completed product will be shipped, is 85207
not a part of a continuous manufacturing operation. 85208

(B) For purposes of division (B)(42)(g) of section 5739.02 of 85209
the Revised Code, the "thing transferred" includes, but is not 85210
limited to, any of the following: 85211

(1) Production machinery and equipment that act upon the 85212
product or machinery and equipment that treat the materials or 85213
parts in preparation for the manufacturing operation; 85214

(2) Materials handling equipment that moves the product 85215
through a continuous manufacturing operation; equipment that 85216
temporarily stores the product during the manufacturing operation; 85217
or, excluding motor vehicles licensed to operate on public 85218
highways, equipment used in intraplant or interplant transfers of 85219
work in process where the plant or plants between which such 85220
transfers occur are manufacturing facilities operated by the same 85221
person; 85222

(3) Catalysts, solvents, water, acids, oil, and similar 85223
consumables that interact with the product and that are an 85224
integral part of the manufacturing operation; 85225

(4) Machinery, equipment, and other tangible personal 85226
property used during the manufacturing operation that control, 85227

physically support, produce power for, lubricate, or are otherwise	85228
necessary for the functioning of production machinery and	85229
equipment and the continuation of the manufacturing operation;	85230
(5) Machinery, equipment, fuel, power, material, parts, and	85231
other tangible personal property used to manufacture machinery,	85232
equipment, or other tangible personal property used in	85233
manufacturing a product for sale;	85234
(6) Machinery, equipment, and other tangible personal	85235
property used by a manufacturer to test raw materials, the product	85236
being manufactured, or the completed product;	85237
(7) Machinery and equipment used to handle or temporarily	85238
store scrap that is intended to be reused in the manufacturing	85239
operation at the same manufacturing facility;	85240
(8) Coke, gas, water, steam, and similar substances used in	85241
the manufacturing operation; machinery and equipment used for, and	85242
fuel consumed in, producing or extracting those substances;	85243
machinery, equipment, and other tangible personal property used to	85244
treat, filter, pump, or otherwise make the substance suitable for	85245
use in the manufacturing operation; and machinery and equipment	85246
used for, and fuel consumed in, producing electricity for use in	85247
the manufacturing operation;	85248
(9) Machinery, equipment, and other tangible personal	85249
property used to transport or transmit electricity, coke, gas,	85250
water, steam, or similar substances used in the manufacturing	85251
operation from the point of generation, if produced by the	85252
manufacturer, or from the point where the substance enters the	85253
manufacturing facility, if purchased by the manufacturer, to the	85254
manufacturing operation;	85255
(10) Machinery, equipment, and other tangible personal	85256
property that treats, filters, cools, refines, or otherwise	85257
renders water, steam, acid, oil, solvents, or similar substances	85258

used in the manufacturing operation reusable, provided that the 85259
substances are intended for reuse and not for disposal, sale, or 85260
transportation from the manufacturing facility; 85261

(11) Parts, components, and repair and installation services 85262
for items described in division (B) of this section; 85263

(12) Machinery and equipment, detergents, supplies, solvents, 85264
and any other tangible personal property located at a 85265
manufacturing facility that are used in the process of removing 85266
soil, dirt, or other contaminants from, or otherwise preparing in 85267
a suitable condition for use, towels, linens, articles of 85268
clothing, floor mats, mop heads, or other similar items, to be 85269
supplied to a consumer as part of laundry and dry cleaning 85270
services as defined in division (BB) of section 5739.01 of the 85271
Revised Code, only when the towels, linens, articles of clothing, 85272
floor mats, mop heads, or other similar items belong to the 85273
provider of the services; 85274

(13) Equipment and supplies used to clean processing 85275
equipment that is part of a continuous manufacturing operation to 85276
produce milk, ice cream, yogurt, cheese, and similar dairy 85277
products for human consumption; 85278

(14) Machinery and equipment, including motor vehicles 85279
powered by a single power source and registered or not registered 85280
for operation on public highways, used to pump concrete or 85281
concrete-related products. 85282

(C) For purposes of division (B)(42)(g) of section 5739.02 of 85283
the Revised Code, the "thing transferred" does not include any of 85284
the following: 85285

(1) Tangible personal property used in administrative, 85286
personnel, security, inventory control, record-keeping, ordering, 85287
billing, or similar functions; 85288

(2) Tangible personal property used in storing raw materials 85289

or parts prior to the commencement of the manufacturing operation	85290
or used to handle or store a completed product, including storage	85291
that actively maintains a completed product in a marketable state	85292
or form;	85293
(3) Tangible personal property used to handle or store scrap	85294
or waste intended for disposal, sale, or other disposition, other	85295
than reuse in the manufacturing operation at the same	85296
manufacturing facility;	85297
(4) Tangible personal property that is or is to be	85298
incorporated into realty;	85299
(5) Machinery, equipment, and other tangible personal	85300
property used for ventilation, dust or gas collection, humidity or	85301
temperature regulation, or similar environmental control, except	85302
machinery, equipment, and other tangible personal property that	85303
totally regulates the environment in a special and limited area of	85304
the manufacturing facility where the regulation is essential for	85305
production to occur;	85306
(6) Tangible personal property used for the protection and	85307
safety of workers, unless the property is attached to or	85308
incorporated into machinery and equipment used in a continuous	85309
manufacturing operation;	85310
(7) Tangible personal property used to store fuel, water,	85311
solvents, acid, oil, or similar items consumed in the	85312
manufacturing operation;	85313
(8) Except as provided in division (B)(13) of this section,	85314
machinery, equipment, and other tangible personal property used to	85315
clean, repair, or maintain real or personal property in the	85316
manufacturing facility;	85317
(9) Motor vehicles registered for operation on public	85318
highways.	85319

(D) For purposes of division (B)(42)(g) of section 5739.02 of the Revised Code, if the "thing transferred" is a machine used by a manufacturer in both a taxable and an exempt manner, it shall be totally taxable or totally exempt from taxation based upon its quantified primary use. If the "things transferred" are fungibles, they shall be taxed based upon the proportion of the fungibles used in a taxable manner.

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and one-half per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft, outboard motor, or aircraft, or of any tangible personal property, other than motor vehicles designed by the manufacturer to carry a load of more than one ton, to be used by the lessee or renter primarily for business purposes, the tax shall be collected by the vendor at the time the lease or rental is consummated and shall be

calculated by the vendor on the basis of the total amount to be 85351
paid by the lessee or renter under the lease agreement. If the 85352
total amount of the consideration for the lease or rental includes 85353
amounts that are not calculated at the time the lease or rental is 85354
executed, the tax shall be calculated and collected by the vendor 85355
at the time such amounts are billed to the lessee or renter. In 85356
the case of an open-end lease or rental, the tax shall be 85357
calculated by the vendor on the basis of the total amount to be 85358
paid during the initial fixed term of the lease or rental, and for 85359
each subsequent renewal period as it comes due. As used in this 85360
division, "motor vehicle" has the same meaning as in section 85361
4501.01 of the Revised Code, and "watercraft" includes an outdrive 85362
unit attached to the watercraft. 85363

A lease with a renewal clause and a termination penalty or 85364
similar provision that applies if the renewal clause is not 85365
exercised is presumed to be a sham transaction. In such a case, 85366
the tax shall be calculated and paid on the basis of the entire 85367
length of the lease period, including any renewal periods, until 85368
the termination penalty or similar provision no longer applies. 85369
The taxpayer shall bear the burden, by a preponderance of the 85370
evidence, that the transaction or series of transactions is not a 85371
sham transaction. 85372

(3) Except as provided in division (A)(2) of this section, in 85373
the case of a sale, the price of which consists in whole or in 85374
part of the lease or rental of tangible personal property, the tax 85375
shall be measured by the installments of that lease or rental. 85376

(4) In the case of a sale of a physical fitness facility 85377
service or recreation and sports club service, the price of which 85378
consists in whole or in part of a membership for the receipt of 85379
the benefit of the service, the tax applicable to the sale shall 85380
be measured by the installments thereof. 85381

(B) The tax does not apply to the following: 85382

(1) Sales to the state or any of its political subdivisions,	85383
or to any other state or its political subdivisions if the laws of	85384
that state exempt from taxation sales made to this state and its	85385
political subdivisions;	85386
(2) Sales of food for human consumption off the premises	85387
where sold;	85388
(3) Sales of food sold to students only in a cafeteria,	85389
dormitory, fraternity, or sorority maintained in a private,	85390
public, or parochial school, college, or university;	85391
(4) Sales of newspapers and of magazine subscriptions and	85392
sales or transfers of magazines distributed as controlled	85393
circulation publications;	85394
(5) The furnishing, preparing, or serving of meals without	85395
charge by an employer to an employee provided the employer records	85396
the meals as part compensation for services performed or work	85397
done;	85398
(6) Sales of motor fuel upon receipt, use, distribution, or	85399
sale of which in this state a tax is imposed by the law of this	85400
state, but this exemption shall not apply to the sale of motor	85401
fuel on which a refund of the tax is allowable under division (A)	85402
of section 5735.14 of the Revised Code; and the tax commissioner	85403
may deduct the amount of tax levied by this section applicable to	85404
the price of motor fuel when granting a refund of motor fuel tax	85405
pursuant to division (A) of section 5735.14 of the Revised Code	85406
and shall cause the amount deducted to be paid into the general	85407
revenue fund of this state;	85408
(7) Sales of natural gas by a natural gas company, of water	85409
by a water-works company, or of steam by a heating company, if in	85410
each case the thing sold is delivered to consumers through pipes	85411
or conduits, and all sales of communications services by a	85412
telegraph company, all terms as defined in section 5727.01 of the	85413

Revised Code, and sales of electricity delivered through wires; 85414

(8) Casual sales by a person, or auctioneer employed directly 85415
by the person to conduct such sales, except as to such sales of 85416
motor vehicles, watercraft or outboard motors required to be 85417
titled under section 1548.06 of the Revised Code, watercraft 85418
documented with the United States coast guard, snowmobiles, and 85419
all-purpose vehicles as defined in section 4519.01 of the Revised 85420
Code; 85421

(9)(a) Sales of services or tangible personal property, other 85422
than motor vehicles, mobile homes, and manufactured homes, by 85423
churches, organizations exempt from taxation under section 85424
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 85425
organizations operated exclusively for charitable purposes as 85426
defined in division (B)(12) of this section, provided that the 85427
number of days on which such tangible personal property or 85428
services, other than items never subject to the tax, are sold does 85429
not exceed six in any calendar year, except as otherwise provided 85430
in division (B)(9)(b) of this section. If the number of days on 85431
which such sales are made exceeds six in any calendar year, the 85432
church or organization shall be considered to be engaged in 85433
business and all subsequent sales by it shall be subject to the 85434
tax. In counting the number of days, all sales by groups within a 85435
church or within an organization shall be considered to be sales 85436
of that church or organization. 85437

(b) The limitation on the number of days on which tax-exempt 85438
sales may be made by a church or organization under division 85439
(B)(9)(a) of this section does not apply to sales made by student 85440
clubs and other groups of students of a primary or secondary 85441
school, or a parent-teacher association, booster group, or similar 85442
organization that raises money to support or fund curricular or 85443
extracurricular activities of a primary or secondary school. 85444

(c) Divisions (B)(9)(a) and (b) of this section do not apply 85445

to sales by a noncommercial educational radio or television 85446
broadcasting station. 85447

(10) Sales not within the taxing power of this state under 85448
the Constitution of the United States; 85449

(11) Except for transactions that are sales under division 85450
(B)(3)(r) of section 5739.01 of the Revised Code, the 85451
transportation of persons or property, unless the transportation 85452
is by a private investigation and security service; 85453

(12) Sales of tangible personal property or services to 85454
churches, to organizations exempt from taxation under section 85455
501(c)(3) of the Internal Revenue Code of 1986, and to any other 85456
nonprofit organizations operated exclusively for charitable 85457
purposes in this state, no part of the net income of which inures 85458
to the benefit of any private shareholder or individual, and no 85459
substantial part of the activities of which consists of carrying 85460
on propaganda or otherwise attempting to influence legislation; 85461
sales to offices administering one or more homes for the aged or 85462
one or more hospital facilities exempt under section 140.08 of the 85463
Revised Code; and sales to organizations described in division (D) 85464
of section 5709.12 of the Revised Code. 85465

"Charitable purposes" means the relief of poverty; the 85466
improvement of health through the alleviation of illness, disease, 85467
or injury; the operation of an organization exclusively for the 85468
provision of professional, laundry, printing, and purchasing 85469
services to hospitals or charitable institutions; the operation of 85470
a home for the aged, as defined in section 5701.13 of the Revised 85471
Code; the operation of a radio or television broadcasting station 85472
that is licensed by the federal communications commission as a 85473
noncommercial educational radio or television station; the 85474
operation of a nonprofit animal adoption service or a county 85475
humane society; the promotion of education by an institution of 85476
learning that maintains a faculty of qualified instructors, 85477

teaches regular continuous courses of study, and confers a 85478
recognized diploma upon completion of a specific curriculum; the 85479
operation of a parent-teacher association, booster group, or 85480
similar organization primarily engaged in the promotion and 85481
support of the curricular or extracurricular activities of a 85482
primary or secondary school; the operation of a community or area 85483
center in which presentations in music, dramatics, the arts, and 85484
related fields are made in order to foster public interest and 85485
education therein; the production of performances in music, 85486
dramatics, and the arts; or the promotion of education by an 85487
organization engaged in carrying on research in, or the 85488
dissemination of, scientific and technological knowledge and 85489
information primarily for the public. 85490

Nothing in this division shall be deemed to exempt sales to 85491
any organization for use in the operation or carrying on of a 85492
trade or business, or sales to a home for the aged for use in the 85493
operation of independent living facilities as defined in division 85494
(A) of section 5709.12 of the Revised Code. 85495

(13) Building and construction materials and services sold to 85496
construction contractors for incorporation into a structure or 85497
improvement to real property under a construction contract with 85498
this state or a political subdivision of this state, or with the 85499
United States government or any of its agencies; building and 85500
construction materials and services sold to construction 85501
contractors for incorporation into a structure or improvement to 85502
real property that are accepted for ownership by this state or any 85503
of its political subdivisions, or by the United States government 85504
or any of its agencies at the time of completion of the structures 85505
or improvements; building and construction materials sold to 85506
construction contractors for incorporation into a horticulture 85507
structure or livestock structure for a person engaged in the 85508
business of horticulture or producing livestock; building 85509

materials and services sold to a construction contractor for 85510
incorporation into a house of public worship or religious 85511
education, or a building used exclusively for charitable purposes 85512
under a construction contract with an organization whose purpose 85513
is as described in division (B)(12) of this section; building 85514
materials and services sold to a construction contractor for 85515
incorporation into a building under a construction contract with 85516
an organization exempt from taxation under section 501(c)(3) of 85517
the Internal Revenue Code of 1986 when the building is to be used 85518
exclusively for the organization's exempt purposes; building and 85519
construction materials sold for incorporation into the original 85520
construction of a sports facility under section 307.696 of the 85521
Revised Code; and building and construction materials and services 85522
sold to a construction contractor for incorporation into real 85523
property outside this state if such materials and services, when 85524
sold to a construction contractor in the state in which the real 85525
property is located for incorporation into real property in that 85526
state, would be exempt from a tax on sales levied by that state; 85527

(14) Sales of ships or vessels or rail rolling stock used or 85528
to be used principally in interstate or foreign commerce, and 85529
repairs, alterations, fuel, and lubricants for such ships or 85530
vessels or rail rolling stock; 85531

(15) Sales to persons primarily engaged in any of the 85532
activities mentioned in division (B)(42)(a) or (g) of this 85533
section, to persons engaged in making retail sales, or to persons 85534
who purchase for sale from a manufacturer tangible personal 85535
property that was produced by the manufacturer in accordance with 85536
specific designs provided by the purchaser, of packages, including 85537
material, labels, and parts for packages, and of machinery, 85538
equipment, and material for use primarily in packaging tangible 85539
personal property produced for sale, including any machinery, 85540
equipment, and supplies used to make labels or packages, to 85541

prepare packages or products for labeling, or to label packages or 85542
products, by or on the order of the person doing the packaging, or 85543
sold at retail. "Packages" includes bags, baskets, cartons, 85544
crates, boxes, cans, bottles, bindings, wrappings, and other 85545
similar devices and containers, but does not include motor 85546
vehicles or bulk tanks, trailers, or similar devices attached to 85547
motor vehicles. "Packaging" means placing in a package. Division 85548
(B)(15) of this section does not apply to persons engaged in 85549
highway transportation for hire. 85550

(16) Sales of food to persons using ~~food stamp~~ supplemental 85551
nutrition assistance program benefits to purchase the food. As 85552
used in this division, "food" has the same meaning as in ~~the "Food~~ 85553
~~Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended,~~ and 85554
federal regulations adopted pursuant to ~~that act~~ the Food and 85555
Nutrition Act of 2008. 85556

(17) Sales to persons engaged in farming, agriculture, 85557
horticulture, or floriculture, of tangible personal property for 85558
use or consumption directly in the production by farming, 85559
agriculture, horticulture, or floriculture of other tangible 85560
personal property for use or consumption directly in the 85561
production of tangible personal property for sale by farming, 85562
agriculture, horticulture, or floriculture; or material and parts 85563
for incorporation into any such tangible personal property for use 85564
or consumption in production; and of tangible personal property 85565
for such use or consumption in the conditioning or holding of 85566
products produced by and for such use, consumption, or sale by 85567
persons engaged in farming, agriculture, horticulture, or 85568
floriculture, except where such property is incorporated into real 85569
property; 85570

(18) Sales of drugs for a human being that may be dispensed 85571
only pursuant to a prescription; insulin as recognized in the 85572
official United States pharmacopoeia; urine and blood testing 85573

materials when used by diabetics or persons with hypoglycemia to 85574
test for glucose or acetone; hypodermic syringes and needles when 85575
used by diabetics for insulin injections; epoetin alfa when 85576
purchased for use in the treatment of persons with medical 85577
disease; hospital beds when purchased by hospitals, nursing homes, 85578
or other medical facilities; and medical oxygen and medical 85579
oxygen-dispensing equipment when purchased by hospitals, nursing 85580
homes, or other medical facilities; 85581

(19) Sales of prosthetic devices, durable medical equipment 85582
for home use, or mobility enhancing equipment, when made pursuant 85583
to a prescription and when such devices or equipment are for use 85584
by a human being. 85585

(20) Sales of emergency and fire protection vehicles and 85586
equipment to nonprofit organizations for use solely in providing 85587
fire protection and emergency services, including trauma care and 85588
emergency medical services, for political subdivisions of the 85589
state; 85590

(21) Sales of tangible personal property manufactured in this 85591
state, if sold by the manufacturer in this state to a retailer for 85592
use in the retail business of the retailer outside of this state 85593
and if possession is taken from the manufacturer by the purchaser 85594
within this state for the sole purpose of immediately removing the 85595
same from this state in a vehicle owned by the purchaser; 85596

(22) Sales of services provided by the state or any of its 85597
political subdivisions, agencies, instrumentalities, institutions, 85598
or authorities, or by governmental entities of the state or any of 85599
its political subdivisions, agencies, instrumentalities, 85600
institutions, or authorities; 85601

(23) Sales of motor vehicles to nonresidents of this state 85602
under the circumstances described in division (B) of section 85603
5739.029 of the Revised Code; 85604

(24) Sales to persons engaged in the preparation of eggs for 85605
sale of tangible personal property used or consumed directly in 85606
such preparation, including such tangible personal property used 85607
for cleaning, sanitizing, preserving, grading, sorting, and 85608
classifying by size; packages, including material and parts for 85609
packages, and machinery, equipment, and material for use in 85610
packaging eggs for sale; and handling and transportation equipment 85611
and parts therefor, except motor vehicles licensed to operate on 85612
public highways, used in intraplant or interplant transfers or 85613
shipment of eggs in the process of preparation for sale, when the 85614
plant or plants within or between which such transfers or 85615
shipments occur are operated by the same person. "Packages" 85616
includes containers, cases, baskets, flats, fillers, filler flats, 85617
cartons, closure materials, labels, and labeling materials, and 85618
"packaging" means placing therein. 85619

(25)(a) Sales of water to a consumer for residential use, 85620
except the sale of bottled water, distilled water, mineral water, 85621
carbonated water, or ice; 85622

(b) Sales of water by a nonprofit corporation engaged 85623
exclusively in the treatment, distribution, and sale of water to 85624
consumers, if such water is delivered to consumers through pipes 85625
or tubing. 85626

(26) Fees charged for inspection or reinspection of motor 85627
vehicles under section 3704.14 of the Revised Code; 85628

(27) Sales to persons licensed to conduct a food service 85629
operation pursuant to section 3717.43 of the Revised Code, of 85630
tangible personal property primarily used directly for the 85631
following: 85632

(a) To prepare food for human consumption for sale; 85633

(b) To preserve food that has been or will be prepared for 85634
human consumption for sale by the food service operator, not 85635

including tangible personal property used to display food for selection by the consumer;	85636 85637
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	85638 85639
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	85640 85641
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	85642 85643 85644 85645
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	85646 85647 85648
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	85649 85650 85651
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	85652 85653 85654 85655 85656 85657
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	85658 85659 85660 85661 85662
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used	85663 85664 85665

directly and primarily in transmitting, receiving, switching, or 85666
recording any interactive, one- or two-way electromagnetic 85667
communications, including voice, image, data, and information, 85668
through the use of any medium, including, but not limited to, 85669
poles, wires, cables, switching equipment, computers, and record 85670
storage devices and media, and component parts for the tangible 85671
personal property. The exemption provided in this division shall 85672
be in lieu of all other exemptions under division (B)(42)(a) of 85673
this section to which the vendor may otherwise be entitled, based 85674
upon the use of the thing purchased in providing the 85675
telecommunications, mobile telecommunications, or satellite 85676
broadcasting service. 85677

(35)(a) Sales where the purpose of the consumer is to use or 85678
consume the things transferred in making retail sales and 85679
consisting of newspaper inserts, catalogues, coupons, flyers, gift 85680
certificates, or other advertising material that prices and 85681
describes tangible personal property offered for retail sale. 85682

(b) Sales to direct marketing vendors of preliminary 85683
materials such as photographs, artwork, and typesetting that will 85684
be used in printing advertising material; of printed matter that 85685
offers free merchandise or chances to win sweepstake prizes and 85686
that is mailed to potential customers with advertising material 85687
described in division (B)(35)(a) of this section; and of equipment 85688
such as telephones, computers, facsimile machines, and similar 85689
tangible personal property primarily used to accept orders for 85690
direct marketing retail sales. 85691

(c) Sales of automatic food vending machines that preserve 85692
food with a shelf life of forty-five days or less by refrigeration 85693
and dispense it to the consumer. 85694

For purposes of division (B)(35) of this section, "direct 85695
marketing" means the method of selling where consumers order 85696
tangible personal property by United States mail, delivery 85697

service, or telecommunication and the vendor delivers or ships the 85698
tangible personal property sold to the consumer from a warehouse, 85699
catalogue distribution center, or similar fulfillment facility by 85700
means of the United States mail, delivery service, or common 85701
carrier. 85702

(36) Sales to a person engaged in the business of 85703
horticulture or producing livestock of materials to be 85704
incorporated into a horticulture structure or livestock structure; 85705

(37) Sales of personal computers, computer monitors, computer 85706
keyboards, modems, and other peripheral computer equipment to an 85707
individual who is licensed or certified to teach in an elementary 85708
or a secondary school in this state for use by that individual in 85709
preparation for teaching elementary or secondary school students; 85710

(38) Sales to a professional racing team of any of the 85711
following: 85712

(a) Motor racing vehicles; 85713

(b) Repair services for motor racing vehicles; 85714

(c) Items of property that are attached to or incorporated in 85715
motor racing vehicles, including engines, chassis, and all other 85716
components of the vehicles, and all spare, replacement, and 85717
rebuilt parts or components of the vehicles; except not including 85718
tires, consumable fluids, paint, and accessories consisting of 85719
instrumentation sensors and related items added to the vehicle to 85720
collect and transmit data by means of telemetry and other forms of 85721
communication. 85722

(39) Sales of used manufactured homes and used mobile homes, 85723
as defined in section 5739.0210 of the Revised Code, made on or 85724
after January 1, 2000; 85725

(40) Sales of tangible personal property and services to a 85726
provider of electricity used or consumed directly and primarily in 85727

generating, transmitting, or distributing electricity for use by 85728
others, including property that is or is to be incorporated into 85729
and will become a part of the consumer's production, transmission, 85730
or distribution system and that retains its classification as 85731
tangible personal property after incorporation; fuel or power used 85732
in the production, transmission, or distribution of electricity; 85733
and tangible personal property and services used in the repair and 85734
maintenance of the production, transmission, or distribution 85735
system, including only those motor vehicles as are specially 85736
designed and equipped for such use. The exemption provided in this 85737
division shall be in lieu of all other exemptions in division 85738
(B)(42)(a) of this section to which a provider of electricity may 85739
otherwise be entitled based on the use of the tangible personal 85740
property or service purchased in generating, transmitting, or 85741
distributing electricity. 85742

(41) Sales to a person providing services under division 85743
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 85744
personal property and services used directly and primarily in 85745
providing taxable services under that section. 85746

(42) Sales where the purpose of the purchaser is to do any of 85747
the following: 85748

(a) To incorporate the thing transferred as a material or a 85749
part into tangible personal property to be produced for sale by 85750
manufacturing, assembling, processing, or refining; or to use or 85751
consume the thing transferred directly in producing tangible 85752
personal property for sale by mining, including, without 85753
limitation, the extraction from the earth of all substances that 85754
are classed geologically as minerals, production of crude oil and 85755
natural gas, farming, agriculture, horticulture, or floriculture, 85756
or directly in the rendition of a public utility service, except 85757
that the sales tax levied by this section shall be collected upon 85758
all meals, drinks, and food for human consumption sold when 85759

transporting persons. Persons engaged in rendering farming, 85760
agricultural, horticultural, or floricultural services, and 85761
services in the exploration for, and production of, crude oil and 85762
natural gas, for others are deemed engaged directly in farming, 85763
agriculture, horticulture, and floriculture, or exploration for, 85764
and production of, crude oil and natural gas. This paragraph does 85765
not exempt from "retail sale" or "sales at retail" the sale of 85766
tangible personal property that is to be incorporated into a 85767
structure or improvement to real property. 85768

(b) To hold the thing transferred as security for the 85769
performance of an obligation of the vendor; 85770

(c) To resell, hold, use, or consume the thing transferred as 85771
evidence of a contract of insurance; 85772

(d) To use or consume the thing directly in commercial 85773
fishing; 85774

(e) To incorporate the thing transferred as a material or a 85775
part into, or to use or consume the thing transferred directly in 85776
the production of, magazines distributed as controlled circulation 85777
publications; 85778

(f) To use or consume the thing transferred in the production 85779
and preparation in suitable condition for market and sale of 85780
printed, imprinted, overprinted, lithographic, multilithic, 85781
blueprinted, photostatic, or other productions or reproductions of 85782
written or graphic matter; 85783

(g) To use the thing transferred, as described in section 85784
5739.011 of the Revised Code, primarily in a manufacturing 85785
operation to produce tangible personal property for sale; 85786

(h) To use the benefit of a warranty, maintenance or service 85787
contract, or similar agreement, as described in division (B)(7) of 85788
section 5739.01 of the Revised Code, to repair or maintain 85789
tangible personal property, if all of the property that is the 85790

subject of the warranty, contract, or agreement would not be 85791
subject to the tax imposed by this section; 85792

(i) To use the thing transferred as qualified research and 85793
development equipment; 85794

(j) To use or consume the thing transferred primarily in 85795
storing, transporting, mailing, or otherwise handling purchased 85796
sales inventory in a warehouse, distribution center, or similar 85797
facility when the inventory is primarily distributed outside this 85798
state to retail stores of the person who owns or controls the 85799
warehouse, distribution center, or similar facility, to retail 85800
stores of an affiliated group of which that person is a member, or 85801
by means of direct marketing. This division does not apply to 85802
motor vehicles registered for operation on the public highways. As 85803
used in this division, "affiliated group" has the same meaning as 85804
in division (B)(3)(e) of section 5739.01 of the Revised Code and 85805
"direct marketing" has the same meaning as in division (B)(35) of 85806
this section. 85807

(k) To use or consume the thing transferred to fulfill a 85808
contractual obligation incurred by a warrantor pursuant to a 85809
warranty provided as a part of the price of the tangible personal 85810
property sold or by a vendor of a warranty, maintenance or service 85811
contract, or similar agreement the provision of which is defined 85812
as a sale under division (B)(7) of section 5739.01 of the Revised 85813
Code; 85814

(l) To use or consume the thing transferred in the production 85815
of a newspaper for distribution to the public; 85816

(m) To use tangible personal property to perform a service 85817
listed in division (B)(3) of section 5739.01 of the Revised Code, 85818
if the property is or is to be permanently transferred to the 85819
consumer of the service as an integral part of the performance of 85820
the service; 85821

(n) To use or consume the thing transferred in acquiring, 85822
formatting, editing, storing, and disseminating data or 85823
information by electronic publishing. 85824

As used in division (B)(42) of this section, "thing" includes 85825
all transactions included in divisions (B)(3)(a), (b), and (e) of 85826
section 5739.01 of the Revised Code. 85827

(43) Sales conducted through a coin operated device that 85828
activates vacuum equipment or equipment that dispenses water, 85829
whether or not in combination with soap or other cleaning agents 85830
or wax, to the consumer for the consumer's use on the premises in 85831
washing, cleaning, or waxing a motor vehicle, provided no other 85832
personal property or personal service is provided as part of the 85833
transaction. 85834

(44) Sales of replacement and modification parts for engines, 85835
airframes, instruments, and interiors in, and paint for, aircraft 85836
used primarily in a fractional aircraft ownership program, and 85837
sales of services for the repair, modification, and maintenance of 85838
such aircraft, and machinery, equipment, and supplies primarily 85839
used to provide those services. 85840

(45) Sales of telecommunications service that is used 85841
directly and primarily to perform the functions of a call center. 85842
As used in this division, "call center" means any physical 85843
location where telephone calls are placed or received in high 85844
volume for the purpose of making sales, marketing, customer 85845
service, technical support, or other specialized business 85846
activity, and that employs at least fifty individuals that engage 85847
in call center activities on a full-time basis, or sufficient 85848
individuals to fill fifty full-time equivalent positions. 85849

(46) Sales by a telecommunications service vendor of 900 85850
service to a subscriber. This division does not apply to 85851
information services, as defined in division (FF) of section 85852

5739.01 of the Revised Code. 85853

(47) Sales of value-added non-voice data service. This 85854
division does not apply to any similar service that is not 85855
otherwise a telecommunications service. 85856

(48)(a) Sales of machinery, equipment, and software to a 85857
qualified direct selling entity for use in a warehouse or 85858
distribution center primarily for storing, transporting, or 85859
otherwise handling inventory that is held for sale to independent 85860
salespersons who operate as direct sellers and that is held 85861
primarily for distribution outside this state; 85862

(b) As used in division (B)(48)(a) of this section: 85863

(i) "Direct seller" means a person selling consumer products 85864
to individuals for personal or household use and not from a fixed 85865
retail location, including selling such product at in-home product 85866
demonstrations, parties, and other one-on-one selling. 85867

(ii) "Qualified direct selling entity" means an entity 85868
selling to direct sellers at the time the entity enters into a tax 85869
credit agreement with the tax credit authority pursuant to section 85870
122.17 of the Revised Code, provided that the agreement was 85871
entered into on or after January 1, 2007. Neither contingencies 85872
relevant to the granting of, nor later developments with respect 85873
to, the tax credit shall impair the status of the qualified direct 85874
selling entity under division (B)(48) of this section after 85875
execution of the tax credit agreement by the tax credit authority. 85876

(c) Division (B)(48) of this section is limited to machinery, 85877
equipment, and software first stored, used, or consumed in this 85878
state within the period commencing June 24, 2008, and ending on 85879
the date that is five years after that date. 85880

(49) Sales of materials, parts, equipment, or engines used in 85881
the repair or maintenance of aircraft or avionics systems of such 85882
aircraft, and sales of repair, remodeling, replacement, or 85883

maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B)(49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, and a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax

pursuant to section 5739.023 of the Revised Code. Except for the 85916
discount authorized under section 5739.12 of the Revised Code and 85917
the effects of any rounding pursuant to section 5703.055 of the 85918
Revised Code, no person other than the state or such a county or 85919
transit authority shall derive any benefit from the collection or 85920
payment of the tax levied by this section or section 5739.021, 85921
5739.023, or 5739.026 of the Revised Code. 85922

Sec. 5739.03. (A) Except as provided in section 5739.05 or 85923
section 5739.051 of the Revised Code, the tax imposed by or 85924
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 85925
the Revised Code shall be paid by the consumer to the vendor, and 85926
each vendor shall collect from the consumer, as a trustee for the 85927
state of Ohio, the full and exact amount of the tax payable on 85928
each taxable sale, in the manner and at the times provided as 85929
follows: 85930

(1) If the price is, at or prior to the provision of the 85931
service or the delivery of possession of the thing sold to the 85932
consumer, paid in currency passed from hand to hand by the 85933
consumer or the consumer's agent to the vendor or the vendor's 85934
agent, the vendor or the vendor's agent shall collect the tax with 85935
and at the same time as the price; 85936

(2) If the price is otherwise paid or to be paid, the vendor 85937
or the vendor's agent shall, at or prior to the provision of the 85938
service or the delivery of possession of the thing sold to the 85939
consumer, charge the tax imposed by or pursuant to section 85940
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 85941
the account of the consumer, which amount shall be collected by 85942
the vendor from the consumer in addition to the price. Such sale 85943
shall be reported on and the amount of the tax applicable thereto 85944
shall be remitted with the return for the period in which the sale 85945
is made, and the amount of the tax shall become a legal charge in 85946

favor of the vendor and against the consumer. 85947

(B)(1)(a) If any sale is claimed to be exempt under division 85948
(E) of section 5739.01 of the Revised Code or under section 85949
5739.02 of the Revised Code, with the exception of divisions 85950
(B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the 85951
consumer must provide to the vendor, and the vendor must obtain 85952
from the consumer, a certificate specifying the reason that the 85953
sale is not legally subject to the tax. The certificate shall be 85954
in such form, and shall be provided either in a hard copy form or 85955
electronic form, as the tax commissioner prescribes. 85956

(b) A vendor that obtains a fully completed exemption 85957
certificate from a consumer is relieved of liability for 85958
collecting and remitting tax on any sale covered by that 85959
certificate. If it is determined the exemption was improperly 85960
claimed, the consumer shall be liable for any tax due on that sale 85961
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 85962
5741. of the Revised Code. Relief under this division from 85963
liability does not apply to any of the following: 85964

(i) A vendor that fraudulently fails to collect tax; 85965

(ii) A vendor that solicits consumers to participate in the 85966
unlawful claim of an exemption; 85967

(iii) A vendor that accepts an exemption certificate from a 85968
consumer that claims an exemption based on who purchases or who 85969
sells property or a service, when the subject of the transaction 85970
sought to be covered by the exemption certificate is actually 85971
received by the consumer at a location operated by the vendor in 85972
this state, and this state has posted to its web site an exemption 85973
certificate form that clearly and affirmatively indicates that the 85974
claimed exemption is not available in this state; 85975

(iv) A vendor that accepts an exemption certificate from a 85976
consumer who claims a multiple points of use exemption under 85977

division (D) of section 5739.033 of the Revised Code, if the item 85978
purchased is tangible personal property, other than prewritten 85979
computer software. 85980

(2) The vendor shall maintain records, including exemption 85981
certificates, of all sales on which a consumer has claimed an 85982
exemption, and provide them to the tax commissioner on request. 85983

(3) The tax commissioner may establish an identification 85984
system whereby the commissioner issues an identification number to 85985
a consumer that is exempt from payment of the tax. The consumer 85986
must present the number to the vendor, if any sale is claimed to 85987
be exempt as provided in this section. 85988

(4) If no certificate is provided or obtained within ninety 85989
days after the date on which such sale is consummated, it shall be 85990
presumed that the tax applies. Failure to have so provided or 85991
obtained a certificate shall not preclude a vendor, within one 85992
hundred twenty days after the tax commissioner gives written 85993
notice of intent to levy an assessment, from either establishing 85994
that the sale is not subject to the tax, or obtaining, in good 85995
faith, a fully completed exemption certificate. 85996

(5) Certificates need not be obtained nor provided where the 85997
identity of the consumer is such that the transaction is never 85998
subject to the tax imposed or where the item of tangible personal 85999
property sold or the service provided is never subject to the tax 86000
imposed, regardless of use, or when the sale is in interstate 86001
commerce. 86002

(6) If a transaction is claimed to be exempt under division 86003
(B)(13) of section 5739.02 of the Revised Code, the contractor 86004
shall obtain certification of the claimed exemption from the 86005
contractee. This certification shall be in addition to an 86006
exemption certificate provided by the contractor to the vendor. A 86007
contractee that provides a certification under this division shall 86008

be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(C) As used in this division, "contractee" means a person who seeks to enter or enters into a contract or agreement with a contractor or vendor for the construction of real property or for the sale and installation onto real property of tangible personal property.

Any contractor or vendor may request from any contractee a certification of what portion of the property to be transferred under such contract or agreement is to be incorporated into the realty and what portion will retain its status as tangible personal property after installation is completed. The contractor or vendor shall request the certification by certified mail delivered to the contractee, return receipt requested. Upon receipt of such request and prior to entering into the contract or agreement, the contractee shall provide to the contractor or vendor a certification sufficiently detailed to enable the contractor or vendor to ascertain the resulting classification of all materials purchased or fabricated by the contractor or vendor and transferred to the contractee. This requirement applies to a contractee regardless of whether the contractee holds a direct payment permit under section 5739.031 of the Revised Code or provides to the contractor or vendor an exemption certificate as provided under this section.

For the purposes of the taxes levied by this chapter and Chapter 5741. of the Revised Code, the contractor or vendor may in good faith rely on the contractee's certification. Notwithstanding division (B) of section 5739.01 of the Revised Code, if the tax commissioner determines that certain property certified by the

contractee as tangible personal property pursuant to this division 86041
is, in fact, real property, the contractee shall be considered to 86042
be the consumer of all materials so incorporated into that real 86043
property and shall be liable for the applicable tax, and the 86044
contractor or vendor shall be excused from any liability on those 86045
materials. 86046

If a contractee fails to provide such certification upon the 86047
request of the contractor or vendor, the contractor or vendor 86048
shall comply with the provisions of this chapter and Chapter 5741. 86049
of the Revised Code without the certification. If the tax 86050
commissioner determines that such compliance has been performed in 86051
good faith and that certain property treated as tangible personal 86052
property by the contractor or vendor is, in fact, real property, 86053
the contractee shall be considered to be the consumer of all 86054
materials so incorporated into that real property and shall be 86055
liable for the applicable tax, and the construction contractor or 86056
vendor shall be excused from any liability on those materials. 86057

This division does not apply to any contract or agreement 86058
where the tax commissioner determines as a fact that a 86059
certification under this division was made solely on the decision 86060
or advice of the contractor or vendor. 86061

(D) Notwithstanding division (B) of section 5739.01 of the 86062
Revised Code, whenever the total rate of tax imposed under this 86063
chapter is increased after the date after a construction contract 86064
is entered into, the contractee shall reimburse the construction 86065
contractor for any additional tax paid on tangible property 86066
consumed or services received pursuant to the contract. 86067

(E) A vendor who files a petition for reassessment contesting 86068
the assessment of tax on sales for which the vendor obtained no 86069
valid exemption certificates and for which the vendor failed to 86070
establish that the sales were properly not subject to the tax 86071
during the one-hundred-twenty-day period allowed under division 86072

(B) of this section, may present to the tax commissioner 86073
additional evidence to prove that the sales were properly subject 86074
to a claim of exception or exemption. The vendor shall file such 86075
evidence within ninety days of the receipt by the vendor of the 86076
notice of assessment, except that, upon application and for 86077
reasonable cause, the period for submitting such evidence shall be 86078
extended thirty days. 86079

The commissioner shall consider such additional evidence in 86080
reaching the final determination on the assessment and petition 86081
for reassessment. 86082

(F) Whenever a vendor refunds the price, minus any separately 86083
stated delivery charge, of an item of tangible personal property 86084
on which the tax imposed under this chapter has been paid, the 86085
vendor shall also refund the amount of tax paid, minus the amount 86086
of tax attributable to the delivery charge. 86087

Sec. 5739.033. (A) Except as provided in division (B) of this 86088
section, divisions (C) to (I) of this section apply to sales made 86089
on and after January 1, 2008. Any vendor previously required to 86090
comply with divisions (C) to (I) of this section and any vendor 86091
that irrevocably elects to comply with divisions (C) to (I) of 86092
this section for all of the vendor's sales and places of business 86093
in this state shall continue to source its sales under those 86094
divisions. 86095

The amount of tax due pursuant to sections 5739.02, 5739.021, 86096
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 86097
imposed pursuant to those sections at the sourcing location of the 86098
sale as determined under this section or, if applicable, under 86099
division (C) of section 5739.031 or section 5739.034 of the 86100
Revised Code, or at the situs of the sale as determined under 86101
section 5739.035 of the Revised Code. This section applies only to 86102
a vendor's or seller's obligation to collect and remit sales taxes 86103

under section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code or use taxes under section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code. Division (A) of this section does not apply in determining the jurisdiction for which sellers are required to collect the use tax under section 5741.05 of the Revised Code. This section does not affect the obligation of a consumer to remit use taxes on the storage, use, or other consumption of tangible personal property or on the benefit realized of any service provided, to the jurisdiction of that storage, use, or consumption, or benefit realized.

(B)(1) As used in this division:

(a) "Delivery sale" means the taxable sale of tangible personal property or a service that is received by a consumer, or a donee designated by the consumer, in a taxing jurisdiction that is not the taxing jurisdiction in which the vendor has a fixed place of business.

(b) "Agreement" has the same meaning as in section 5740.01 of the Revised Code.

(c) "Governing board" has the same meaning as in section 5740.02 of the Revised Code.

(2) If the tax commissioner does not make the certification under section 5740.10 of the Revised Code, a vendor that is not required by division (A) of this section to situs sales under divisions (C) to (I) of this section on the date of the commissioner's certification may continue after that date to situs its sales under section 5739.035 of the Revised Code unless it is required, under division (B)(5) of this section, to situs its sales under divisions (C) to (I) of this section.

(3) Except as otherwise provided in divisions (B)(4) and (5) of this section, a vendor with total delivery sales within this state in prior calendar years, beginning with calendar year 2007,

of less than five hundred thousand dollars may situs its sales 86135
under section 5739.035 of the Revised Code. 86136

(4) Once a vendor has total delivery sales in this state of 86137
five hundred thousand dollars or more for a prior calendar year, 86138
the vendor shall source its sales under divisions (C) to (I) of 86139
this section and shall continue to source its sales under those 86140
divisions regardless of the amount of the vendor's total delivery 86141
sales in future years. 86142

(5) A vendor permitted under division (B)(3) of this section 86143
to situs its sales under section 5739.035 of the Revised Code that 86144
fails to provide, absent a clerical error, the notices required 86145
under division (I)(1) of section 5739.035 of the Revised Code 86146
shall situs all subsequent sales as required under divisions (C) 86147
to (I) of this section. 86148

(C) Except for sales, other than leases, of titled motor 86149
vehicles, titled watercraft, or titled outboard motors as provided 86150
in section 5741.05 of the Revised Code, or as otherwise provided 86151
in this section and section 5739.034 of the Revised Code, all 86152
sales shall be sourced as follows: 86153

(1) If the consumer or a donee designated by the consumer 86154
receives tangible personal property or a service at a vendor's 86155
place of business, the sale shall be sourced to that place of 86156
business. 86157

(2) When the tangible personal property or service is not 86158
received at a vendor's place of business, the sale shall be 86159
sourced to the location known to the vendor where the consumer or 86160
the donee designated by the consumer receives the tangible 86161
personal property or service, including the location indicated by 86162
instructions for delivery to the consumer or the consumer's donee. 86163

(3) If divisions (C)(1) and (2) of this section do not apply, 86164
the sale shall be sourced to the location indicated by an address 86165

for the consumer that is available from the vendor's business 86166
records that are maintained in the ordinary course of the vendor's 86167
business, when use of that address does not constitute bad faith. 86168

86169

(4) If divisions (C)(1), (2), and (3) of this section do not 86170
apply, the sale shall be sourced to the location indicated by an 86171
address for the consumer obtained during the consummation of the 86172
sale, including the address associated with the consumer's payment 86173
instrument, if no other address is available, when use of that 86174
address does not constitute bad faith. 86175

(5) If divisions (C)(1), (2), (3), and (4) of this section do 86176
not apply, including in the circumstance where the vendor is 86177
without sufficient information to apply any of those divisions, 86178
the sale shall be sourced to the address from which tangible 86179
personal property was shipped, or from which the service was 86180
provided, disregarding any location that merely provided the 86181
electronic transfer of the property sold or service provided. 86182

(6) As used in division (C) of this section, "receive" means 86183
taking possession of tangible personal property or making first 86184
use of a service. "Receive" does not include possession by a 86185
shipping company on behalf of a consumer. 86186

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 86187
section, a business consumer that is not a holder of a direct 86188
payment permit granted under section 5739.031 of the Revised Code, 86189
that purchases a digital good, computer software, except computer 86190
software received in person by a business consumer at a vendor's 86191
place of business, or a service, and that knows at the time of 86192
purchase that such digital good, software, or service will be 86193
concurrently available for use in more than one taxing 86194
jurisdiction shall deliver to the vendor in conjunction with its 86195
purchase an exemption certificate claiming multiple points of use, 86196
or shall meet the requirements of division (D)(2) of this section. 86197

On receipt of the exemption certificate claiming multiple points 86198
of use, the vendor is relieved of its obligation to collect, pay, 86199
or remit the tax due, and the business consumer must pay the tax 86200
directly to the state. 86201

(b) A business consumer that delivers the exemption 86202
certificate claiming multiple points of use to a vendor may use 86203
any reasonable, consistent, and uniform method of apportioning the 86204
tax due on the digital good, computer software, or service that is 86205
supported by the consumer's business records as they existed at 86206
the time of the sale. The business consumer shall report and pay 86207
the appropriate tax to each jurisdiction where concurrent use 86208
occurs. The tax due shall be calculated as if the apportioned 86209
amount of the digital good, computer software, or service had been 86210
delivered to each jurisdiction to which the sale is apportioned 86211
under this division. 86212

(c) The exemption certificate claiming multiple points of use 86213
shall remain in effect for all future sales by the vendor to the 86214
business consumer until it is revoked in writing by the business 86215
consumer, except as to the business consumer's specific 86216
apportionment of a subsequent sale under division (D)(1)(b) of 86217
this section and the facts existing at the time of the sale. 86218

(2) When the vendor knows that a digital good, computer 86219
software, or service sold will be concurrently available for use 86220
by the business consumer in more than one jurisdiction, but the 86221
business consumer does not provide an exemption certificate 86222
claiming multiple points of use as required by division (D)(1) of 86223
this section, the vendor may work with the business consumer to 86224
produce the correct apportionment. Governed by the principles of 86225
division (D)(1)(b) of this section, the vendor and business 86226
consumer may use any reasonable, but consistent and uniform, 86227
method of apportionment that is supported by the vendor's and 86228
business consumer's books and records as they exist at the time 86229

the sale is reported for purposes of the taxes levied under this 86230
chapter. If the business consumer certifies to the accuracy of the 86231
apportionment and the vendor accepts the certification, the vendor 86232
shall collect and remit the tax accordingly. In the absence of bad 86233
faith, the vendor is relieved of any further obligation to collect 86234
tax on any transaction where the vendor has collected tax pursuant 86235
to the information certified by the business consumer. 86236

(3) When the vendor knows that the digital good, computer 86237
software, or service will be concurrently available for use in 86238
more than one jurisdiction, and the business consumer does not 86239
have a direct pay permit and does not provide to the vendor an 86240
exemption certificate claiming multiple points of use as required 86241
in division (D)(1) of this section, or certification pursuant to 86242
division (D)(2) of this section, the vendor shall collect and 86243
remit the tax based on division (C) of this section. 86244

(4) Nothing in this section shall limit a person's obligation 86245
for sales or use tax to any state in which a digital good, 86246
computer software, or service is concurrently available for use, 86247
nor limit a person's ability under local, state, or federal law, 86248
to claim a credit for sales or use taxes legally due and paid to 86249
other jurisdictions. 86250

(E) A person who holds a direct payment permit issued under 86251
section 5739.031 of the Revised Code is not required to deliver an 86252
exemption certificate claiming multiple points of use to a vendor. 86253
But such permit holder shall comply with division (D)(2) of this 86254
section in apportioning the tax due on a digital good, computer 86255
software, or a service for use in business that will be 86256
concurrently available for use in more than one taxing 86257
jurisdiction. 86258

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 86259
section, the consumer of direct mail that is not a holder of a 86260
direct payment permit shall provide to the vendor in conjunction 86261

with the sale either an exemption certificate claiming direct mail 86262
prescribed by the tax commissioner, or information to show the 86263
jurisdictions to which the direct mail is delivered to recipients. 86264

(2) Upon receipt of such exemption certificate, the vendor is 86265
relieved of all obligations to collect, pay, or remit the 86266
applicable tax and the consumer is obligated to pay that tax on a 86267
direct pay basis. An exemption certificate claiming direct mail 86268
shall remain in effect for all future sales of direct mail by the 86269
vendor to the consumer until it is revoked in writing. 86270

(3) Upon receipt of information from the consumer showing the 86271
jurisdictions to which the direct mail is delivered to recipients, 86272
the vendor shall collect the tax according to the delivery 86273
information provided by the consumer. In the absence of bad faith, 86274
the vendor is relieved of any further obligation to collect tax on 86275
any transaction where the vendor has collected tax pursuant to the 86276
delivery information provided by the consumer. 86277

(4) If the consumer of direct mail does not have a direct 86278
payment permit and does not provide the vendor with either an 86279
exemption certificate claiming direct mail or delivery information 86280
as required by division (F)(1) of this section, the vendor shall 86281
collect the tax according to division (C)(5) of this section. 86282
Nothing in division (F)(4) of this section shall limit a 86283
consumer's obligation to pay sales or use tax to any state to 86284
which the direct mail is delivered. 86285

(5) If a consumer of direct mail provides the vendor with 86286
documentation of direct payment authority, the consumer shall not 86287
be required to provide an exemption certificate claiming direct 86288
mail or delivery information to the vendor. 86289

(G) If the vendor provides lodging to transient guests as 86290
specified in division (B)(2) of section 5739.01 of the Revised 86291
Code, the sale shall be sourced to the location where the lodging 86292

is located. 86293

(H)(1) As used in this division and division (I) of this 86294
section, "transportation equipment" means any of the following: 86295

(a) Locomotives and railcars that are utilized for the 86296
carriage of persons or property in interstate commerce. 86297

(b) Trucks and truck-tractors with a gross vehicle weight 86298
rating of greater than ten thousand pounds, trailers, 86299
semi-trailers, or passenger buses that are registered through the 86300
international registration plan and are operated under authority 86301
of a carrier authorized and certificated by the United States 86302
department of transportation or another federal authority to 86303
engage in the carriage of persons or property in interstate 86304
commerce. 86305

(c) Aircraft that are operated by air carriers authorized and 86306
certificated by the United States department of transportation or 86307
another federal authority to engage in the carriage of persons or 86308
property in interstate or foreign commerce. 86309

(d) Containers designed for use on and component parts 86310
attached to or secured on the items set forth in division 86311
(H)(1)(a), (b), or (c) of this section. 86312

(2) A sale, lease, or rental of transportation equipment 86313
shall be sourced pursuant to division (C) of this section. 86314

(I)(1) A lease or rental of tangible personal property that 86315
does not require recurring periodic payments shall be sourced 86316
pursuant to division (C) of this section. 86317

(2) A lease or rental of tangible personal property that 86318
requires recurring periodic payments shall be sourced as follows: 86319

(a) In the case of a motor vehicle, other than a motor 86320
vehicle that is transportation equipment, or an aircraft, other 86321
than an aircraft that is transportation equipment, such lease or 86322

rental shall be sourced as follows: 86323

(i) An accelerated tax payment on a lease or rental taxed 86324
pursuant to division (A)(2) of section 5739.02 of the Revised Code 86325
shall be sourced to the primary property location at the time the 86326
lease or rental is consummated. Any subsequent taxable charges on 86327
the lease or rental shall be sourced to the primary property 86328
location for the period in which the charges are incurred. 86329

(ii) For a lease or rental taxed pursuant to division (A)(3) 86330
of section 5739.02 of the Revised Code, each lease or rental 86331
installment shall be sourced to the primary property location for 86332
the period covered by the installment. 86333

(b) In the case of a lease or rental of all other tangible 86334
personal property, other than transportation equipment, such lease 86335
or rental shall be sourced as follows: 86336

(i) An accelerated tax payment on a lease or rental that is 86337
taxed pursuant to division (A)(2) of section 5739.02 of the 86338
Revised Code shall be sourced pursuant to division (C) of this 86339
section at the time the lease or rental is consummated. Any 86340
subsequent taxable charges on the lease or rental shall be sourced 86341
to the primary property location for the period in which the 86342
charges are incurred. 86343

(ii) For a lease or rental that is taxed pursuant to division 86344
(A)(3) of section 5739.02 of the Revised Code, the initial lease 86345
or rental installment shall be sourced pursuant to division (C) of 86346
this section. Each subsequent installment shall be sourced to the 86347
primary property location for the period covered by the 86348
installment. 86349

(3) As used in division (I) of this section, "primary 86350
property location" means an address for tangible personal property 86351
provided by the lessee or renter that is available to the lessor 86352
or owner from its records maintained in the ordinary course of 86353

business, when use of that address does not constitute bad faith. 86354

(J) Sales described in division (B)(11) of section 5739.01 of 86355
the Revised Code shall be sourced to the location of the enrollee 86356
for whom a medicaid health insuring corporation receives managed 86357
care premiums. Such sales shall be sourced to the locations of the 86358
enrollees in the same proportion as the managed care premiums 86359
received by the medicaid health insuring corporation on behalf of 86360
enrollees located in a particular taxing jurisdiction in Ohio as 86361
compared to all managed care premiums received by the medicaid 86362
health insuring corporation. 86363

Sec. 5739.051. (A) The tax commissioner shall issue a direct 86364
payment permit to a medicaid health insuring corporation that 86365
authorizes the medicaid health insuring corporation to pay all 86366
taxes due on sales described in division (B)(11) of section 86367
5739.01 of the Revised Code directly to the state. Each medicaid 86368
health insuring corporation shall pay pursuant to such direct 86369
payment authority all sales tax levied on such sales by sections 86370
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code and 86371
all use tax levied on such sales pursuant to sections 5741.02, 86372
5741.021, 5741.022, and 5741.023 of the Revised Code, unless 86373
division (B)(11)(b) of section 5739.01 of the Revised Code 86374
applies. 86375

(B) Each medicaid health insuring corporation shall, on or 86376
before the twenty-third day of each month, file a return for the 86377
preceding month on a form prescribed by the tax commissioner and 86378
shall pay the tax shown on the return to be due, unless division 86379
(B)(11)(b) of section 5739.01 of the Revised Code applies. The 86380
return shall show the amount of tax due from the medicaid health 86381
care insuring corporation for the period covered by the return and 86382
other such information as the commissioner deems necessary. Upon 86383
written request, the commissioner may extend the time for filing 86384

the return and paying the tax. The commissioner may require each 86385
medicaid health insuring corporation to file returns and remit 86386
payment by electronic means as provided in section 5739.032 of the 86387
Revised Code. 86388

Sec. 5739.131. Any nonresident of this state who accepts the 86389
privilege extended by the laws of this state to nonresidents of 86390
engaging in the business of selling in this state, as defined in 86391
section 5741.01 of the Revised Code, and any resident of this 86392
state who is required by sections 5739.17 and 5739.31 of the 86393
Revised Code to have a vendor's license and subsequently becomes a 86394
nonresident or conceals his the person's whereabouts, makes the 86395
secretary of state his the person's agent for the service of 86396
process or notice in any assessment, action, or proceedings 86397
instituted in this state against such person under sections 86398
5739.01 to 5739.31 and 5741.01 to 5741.22 of the Revised Code. 86399

~~Such process or notice shall be served, by the officer to~~ 86400
~~whom the same is directed or by the tax commissioner, or by the~~ 86401
~~sheriff of Franklin county, who may be deputized for such purpose~~ 86402
~~by the officer to whom the service is directed, upon the secretary~~ 86403
~~of state by leaving at the office of the secretary of state, at~~ 86404
~~least fifteen days before the return day of such process or~~ 86405
~~notice, a true and attested copy thereof, and by sending to the~~ 86406
~~defendant by certified mail, postage prepaid, a like and true~~ 86407
~~attested copy, with an endorsement thereon of the service upon the~~ 86408
~~secretary of state, addressed to such defendant at his last known~~ 86409
~~address as provided under section 5703.37 of the Revised Code.~~ 86410

Sec. 5743.15. (A) ~~No~~ Except as otherwise provided in this 86411
division, no person shall engage in this state in the wholesale or 86412
retail business of trafficking in cigarettes or in the business of 86413
a manufacturer or importer of cigarettes without having a license 86414
to conduct each such activity issued by a county auditor under 86415

division (B) of this section or the tax commissioner under 86416
~~division (E) divisions (C) and (F) of this section, except that~~ 86417
~~en.~~ On dissolution of a partnership by death, the surviving 86418
partner may operate under the license of the partnership until 86419
expiration of the license, and the heirs or legal representatives 86420
of deceased persons, and receivers and trustees in bankruptcy 86421
appointed by any competent authority, may operate under the 86422
license of the person succeeded in possession by such heir, 86423
representative, receiver, or trustee in bankruptcy if the partner 86424
or successor notifies the issuer of the license of the dissolution 86425
or succession within thirty days after the dissolution or 86426
succession. 86427

(B)(1) Each applicant for a license to engage in the 86428
~~wholesale or~~ retail business of trafficking in cigarettes under 86429
this section, annually, on or before the fourth Monday of May, 86430
shall make and deliver to the county auditor of the county in 86431
which the applicant desires to engage in the ~~wholesale or~~ retail 86432
business of trafficking in cigarettes, upon a blank form furnished 86433
by such auditor for that purpose, a statement showing the name of 86434
the applicant, each physical place in the county where the 86435
applicant's business is conducted, the nature of the business, and 86436
any other information the tax commissioner requires in the form of 86437
statement prescribed by the commissioner. If the applicant is a 86438
firm, partnership, or association other than a corporation, the 86439
application shall state the name and address of each of its 86440
members. If the applicant is a corporation, the application shall 86441
state the name and address of each of its officers. At the time of 86442
making the application required by this section, every person 86443
~~desiring to engage in the wholesale business of trafficking in~~ 86444
~~cigarettes shall pay into the county treasury a license tax in the~~ 86445
~~sum of two hundred dollars, or if desiring to engage in the retail~~ 86446
business of trafficking in cigarettes, shall pay an 86447
application fee in the sum of thirty one hundred twenty-five 86448

dollars for each ~~of the first five places~~ physical place where the 86449
person proposes to carry on such business ~~and twenty five dollars~~ 86450
~~for each additional place~~. Each place of business shall be deemed 86451
such space, under lease or license to, or under the control of, or 86452
under the supervision of the applicant, as is contained in one or 86453
more contiguous, adjacent, or adjoining buildings constituting an 86454
industrial plant or a place of business operated by, or under the 86455
control of, one person, or under one roof and connected by doors, 86456
halls, stairways, or elevators, which space may contain any number 86457
of points at which cigarettes are offered for sale, provided that 86458
each additional point at which cigarettes are offered for sale 86459
shall be listed in the application. 86460

86461

(2) Upon receipt of the application and exhibition of the 86462
county treasurer's receipt showing the payment of the ~~tax~~ 86463
application fee, the county auditor shall issue to the applicant a 86464
license for each place of business designated in the application, 86465
authorizing the applicant to engage in such business at such place 86466
for one year commencing on the fourth Monday of May. ~~Companies~~ 86467
~~operating club or dining cars or other cars upon which cigarettes~~ 86468
~~are sold shall obtain licenses at railroad terminals within the~~ 86469
~~state, under such rules as are prescribed by the commissioner.~~ The 86470
form of the license shall be prescribed by the commissioner. A 86471
duplicate license may be obtained from the county auditor upon 86472
payment of a ~~fifty cent~~ five-dollar fee if the original license is 86473
lost, destroyed, or defaced. When an application is filed after 86474
the fourth Monday of May, the ~~license tax~~ application fee required 86475
to be paid shall be proportioned in amount to the remainder of the 86476
license year, except that it shall not be less than ~~one fifth of~~ 86477
~~the whole amount~~ twenty-five dollars in any one year. 86478

86479

(3) The holder of a ~~wholesale or~~ retail dealer's cigarette 86480

license may transfer the license to a place of business within the 86481
same county other than that designated on the license ~~or may~~ 86482
~~assign the license to another person for use in the same county on~~ 86483
condition that the licensee or assignee, whichever is applicable, 86484
make application licensee's ownership interest and business 86485
structure remain unchanged, and that the licensee applies to the 86486
county auditor therefor, upon forms approved by the commissioner 86487
and the payment of a fee of ~~one dollar~~ five dollars into the 86488
county treasury. 86489

(C)(1) Each applicant for a license to engage in the 86490
wholesale business of trafficking in cigarettes under this 86491
section, annually, on or before the fourth Monday in May, shall 86492
make and deliver to the tax commissioner, upon a blank form 86493
furnished by the commissioner for that purpose, a statement 86494
showing the name of the applicant, physical street address where 86495
the applicant's business is conducted, the nature of the business, 86496
and any other information required by the commissioner. If the 86497
applicant is a firm, partnership, or association other than a 86498
corporation, the applicant shall state the name and address of 86499
each of its members. If the applicant is a corporation, the 86500
applicant shall state the name and address of each of its 86501
officers. At the time of making the application required by this 86502
section, every person desiring to engage in the wholesale business 86503
of trafficking in cigarettes shall pay an application fee of one 86504
thousand dollars for each physical place where the person proposes 86505
to carry on such business. Each place of business shall be deemed 86506
such space, under lease or license to, or under the control of, or 86507
under the supervision of the applicant, as is contained in one or 86508
more contiguous, adjacent, or adjoining buildings constituting an 86509
industrial plant or a place of business operated by, or under the 86510
control of, one person, or under one roof and connected by doors, 86511
halls, stairways, or elevators. A duplicate license may be 86512
obtained from the commissioner upon payment of a 86513

twenty-five-dollar fee if the original license is lost, destroyed, 86514
or defaced. 86515

(2) Upon receipt of the application and payment of any 86516
application fee required by this section, the commissioner shall 86517
verify that the applicant is in good standing under Chapter 1346. 86518
and Title LVII of the Revised Code. Upon approval, the 86519
commissioner shall issue to the applicant a license for each 86520
physical place of business designated in the application 86521
authorizing the applicant to engage in business at that location 86522
for one year commencing on the fourth Monday in May. For licenses 86523
issued after the fourth Monday in May, the application fee shall 86524
be reduced proportionately by the remainder of the twelve-month 86525
period for which the license is issued, except that the 86526
application fee required to be paid under this section shall be 86527
not less than two hundred dollars in any one year. 86528

(3) The holder of a wholesale dealer cigarette license may 86529
transfer the license to a place of business other than that 86530
designated on the license on condition that the licensee's 86531
ownership or business structure remains unchanged, and that the 86532
licensee applies to the commissioner for such a transfer upon a 86533
form promulgated by the commissioner and pays a fee of twenty-five 86534
dollars, which shall be deposited into the cigarette tax 86535
enforcement fund created in division (E) of this section. 86536

(D)(1) The wholesale cigarette license ~~tax revenue~~ 86537
~~application fees~~ collected under this section shall be ~~distributed~~ 86538
~~as follows:~~ 86539

~~(a) Thirty seven and one half per cent shall be paid upon the~~ 86540
~~warrant of the county auditor into the treasury of the municipal~~ 86541
~~corporation or township in which the place of business for which~~ 86542
~~the tax revenue was received is located;~~ 86543

~~(b) Fifteen per cent shall be credited to the general fund of~~ 86544

~~the county;~~ 86545

~~(c) Forty seven and one half per cent shall be paid into the~~ 86546
~~cigarette tax enforcement fund created by division (C) of this~~ 86547
~~section.~~ 86548

(2) The ~~revenue~~ retail cigarette license application fees 86549
~~collected from the thirty dollar tax imposed upon the first five~~ 86550
~~places of business of a person engaged in the retail business of~~ 86551
~~trafficking in cigarettes~~ under this section shall be distributed 86552
as follows: 86553

(a) ~~Sixty two and one half~~ Thirty per cent shall be paid upon 86554
the warrant of the county auditor into the treasury of the 86555
municipal corporation or township in which the places of business 86556
for which the tax revenue was received are located; 86557

(b) ~~Twenty two and one half~~ Ten per cent shall be credited to 86558
the general fund of the county; 86559

(c) ~~Fifteen~~ Sixty per cent shall be paid into the cigarette 86560
tax enforcement fund ~~created by division (C) of this section.~~ 86561

(3) The remainder of the revenues and fines collected under 86562
this section and the penal laws relating to cigarettes shall be 86563
distributed as follows: 86564

(a) Three-fourths shall be paid upon the warrant of the 86565
county auditor into the treasury of the municipal corporation or 86566
township in which the place of business, on account of which the 86567
revenues and fines were received, is located; 86568

(b) One-fourth shall be credited to the general fund of the 86569
county. 86570

~~(D)~~(E) There is hereby created within the state treasury the 86571
cigarette tax enforcement fund for the purpose of providing funds 86572
to assist in paying the costs of enforcing sections 1333.11 to 86573
1333.21 and Chapter 5743. of the Revised Code. 86574

The portion of cigarette license ~~tax revenues~~ application 86575
fees received by a county auditor during the annual application 86576
period that ends ~~before~~ on the fourth Monday in May ~~which and that~~ 86577
is required to be deposited in the cigarette tax enforcement fund 86578
shall be sent to the treasurer of state by the thirtieth day of 86579
June each year accompanied by the form prescribed by the tax 86580
commissioner. The portion of cigarette license ~~tax money~~ 86581
application fees received by each county auditor after the fourth 86582
Monday in May ~~which and that~~ is required to be deposited in the 86583
cigarette tax enforcement fund shall be sent to the treasurer of 86584
state by the ~~thirty first day of December~~ last day of the month 86585
following the month in which such fees were collected. 86586

~~(E)~~(F)(1) Every person who desires to engage in the business 86587
of a manufacturer or importer of cigarettes shall, annually, on or 86588
before the fourth Monday of May, make and deliver to the tax 86589
commissioner, upon a blank form furnished by the commissioner for 86590
that purpose, a statement showing the name of the applicant, the 86591
nature of the applicant's business, and any other information 86592
required by the commissioner. If the applicant is a firm, 86593
partnership, or association other than a corporation, the 86594
applicant shall state the name and address of each of its members. 86595
If the applicant is a corporation, the applicant shall state the 86596
name and address of each of its officers. 86597

(2) Upon receipt of the application required under this 86598
section, the commissioner shall verify that the applicant is in 86599
good standing under Chapter 1346. and Title LVII of the Revised 86600
Code. Upon approval, the commissioner shall issue to the applicant 86601
a license authorizing the applicant to engage in the business of 86602
manufacturer or importer, whichever the case may be, for one year 86603
commencing on the fourth Monday of May. 86604

~~(2)~~(3) The issuing of a license under division ~~(E)~~(F)(1) of 86605
this section to a manufacturer does not excuse a manufacturer from 86606

the certification process required under section 1346.05 of the Revised Code. A manufacturer who is issued a license under division ~~(E)~~(F)(1) of this section and who is not listed on the directory required under section 1346.05 of the Revised Code shall not be permitted to sell cigarettes in this state other than to a licensed cigarette wholesaler for sale outside this state. Such a manufacturer shall provide documentation to the commissioner evidencing that the cigarettes are legal for sale in another state.

~~(3)~~(G) The tax commissioner may adopt rules necessary to administer ~~division (E)~~ of this section.

Sec. 5743.61. (A) ~~No~~ Except as otherwise provided in this division, no distributor shall engage in the business of distributing tobacco products within this state without having a license issued by the department of taxation to engage in that business, ~~except that on~~. On the dissolution of a partnership by death, the surviving partner may operate under the license of the partnership until the expiration of the license, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license of the person succeeded in possession by the heir, representative, receiver, or trustee in bankruptcy if the partner or successor notifies the department of taxation of the dissolution or succession within thirty days after the dissolution or succession.

(B)(1) Each applicant for a license to engage in the business of distributing tobacco products, annually, on or before the first day of February, shall make and deliver to the tax commissioner, upon a form furnished by the commissioner for that purpose, a statement showing the name of the applicant, each physical place from which the applicant distributes to distributors, retail

dealers, or wholesale dealers, and any other information the 86638
commissioner considers necessary for the administration of 86639
sections 5743.51 to 5743.66 of the Revised Code. 86640

(2) At the time of making the license application, the 86641
applicant shall pay ~~a license~~ an application fee of one ~~hundred~~ 86642
thousand dollars for each place listed ~~in~~ on the application where 86643
~~he~~ the applicant proposes to carry on that business. The fee 86644
charged for the ~~license~~ application shall accompany the 86645
application and shall be made payable to the treasurer of state 86646
for deposit into the cigarette tax enforcement fund. 86647

(3) Upon receipt of the application and payment of any 86648
licensing fee required by this section, the commissioner shall 86649
issue to the applicant a license for each place of distribution 86650
designated in the application authorizing the applicant to engage 86651
in business at that location for one year commencing on the first 86652
day of February. For licenses issued after the first day of 86653
February, the license application fee shall be reduced 86654
proportionately by the remainder of the twelve-month period for 86655
which the license is issued, except that the application fee 86656
required to be paid under this section shall be not less than two 86657
hundred dollars. If the original license is lost, destroyed, or 86658
defaced, a duplicate license may be obtained from the commissioner 86659
upon payment of a license replacement fee of twenty-five dollars. 86660
86661

(C) The holder of a tobacco products license may transfer the 86662
license to a place of business ~~or may assign the license to~~ 86663
~~another person for use,~~ on condition that the licensee's ownership 86664
and business structure remains unchanged and the licensee ~~or~~ 86665
~~assignee~~ applies to the commissioner for the transfer, ~~upon forms~~ 86666
on a form issued by the commissioner, and pays a transfer fee of 86667
twenty-five dollars. 86668

(D) If a distributor fails to file ~~the returns~~ forms as 86669

required under Chapter 1346. or section 5743.52 of the Revised Code, or pay the tax due ~~thereon,~~ on for two consecutive ~~months~~ periods or three ~~months~~ periods during any twelve-month period, the commissioner may suspend the license issued to the distributor under this section. The suspension is effective ten days after the commissioner notifies the distributor of the suspension in writing personally or by certified mail. The commissioner shall lift the suspension when the distributor files the delinquent ~~returns~~ forms and pays the tax due, including any penalties, interest, and additional charges. The commissioner may refuse to issue the annual renewal of the license required by this section and may refuse to issue a new license for the same location until all delinquent ~~returns~~ forms are filed and outstanding taxes are paid. This division does not apply to any unpaid or underpaid tax liability that is the subject of a ~~petition~~ petition or appeal filed pursuant to section 5743.56, 5717.02, or 5717.04 of the Revised Code.

Sec. 5747.113. (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code ~~for taxable years ending on or after October 14, 1983,~~ who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5101.98 of the Revised Code, the Ohio historical society income tax contribution fund created in section 149.308 of the Revised Code, the Ohio veterans' home agency income tax contribution fund created in section 5907.111 of the Revised Code, or all of those funds, may designate on the taxpayer's income tax return the amount that the taxpayer wishes to contribute to the fund or funds. A designated contribution is irrevocable upon the filing of the return and shall be made in the full amount designated if the refund found

due the taxpayer upon the initial processing of the taxpayer's 86702
return, after any deductions including those required by section 86703
5747.12 of the Revised Code, is greater than or equal to the 86704
designated contribution. If the refund due as initially determined 86705
is less than the designated contribution, the contribution shall 86706
be made in the full amount of the refund. The tax commissioner 86707
shall subtract the amount of the contribution from the amount of 86708
the refund initially found due the taxpayer and shall certify the 86709
difference to the director of budget and management and treasurer 86710
of state for payment to the taxpayer in accordance with section 86711
5747.11 of the Revised Code. For the purpose of any subsequent 86712
determination of the taxpayer's net tax payment, the contribution 86713
shall be considered a part of the refund paid to the taxpayer. 86714

86715

(B) The tax commissioner shall provide a space on the income 86716
tax return form in which a taxpayer may indicate that the taxpayer 86717
wishes to make a donation in accordance with this section. The tax 86718
commissioner shall also print in the instructions accompanying the 86719
income tax return form a description of the purposes for which the 86720
natural areas and preserves fund, the nongame and endangered 86721
wildlife fund, ~~and~~ the military injury relief fund, the Ohio 86722
historical society income tax contribution fund, and the Ohio 86723
veterans' home agency income tax contribution fund were created 86724
and the use of moneys from the income tax refund contribution 86725
system established in this section. No person shall designate on 86726
the person's income tax return any part of a refund claimed under 86727
section 5747.11 of the Revised Code as a contribution to any fund 86728
other than the natural areas and preserves fund, the nongame and 86729
endangered wildlife fund, the military injury relief fund ~~or all~~ 86730
~~of those funds,~~ the Ohio historical society income tax 86731
contribution fund, or the Ohio veterans' home agency income tax 86732
contribution fund. 86733

(C) The money collected under the income tax refund contribution system established in this section shall be deposited by the tax commissioner into the natural areas and preserves fund, the nongame and endangered wildlife fund, ~~and~~ the military injury relief fund, the Ohio historical society income tax contribution fund, and the Ohio veterans' home agency income tax contribution fund in the amounts designated on the tax returns.

(D) No later than the thirtieth day of September each year, the tax commissioner shall determine the total amount contributed to each fund under this section during the preceding eight months, any adjustments to prior months, and the cost to the department of taxation of administering the income tax refund contribution system during that eight-month period. The commissioner shall make an additional determination no later than the thirty-first day of January of each year of the total amount contributed to each fund under this section during the preceding four calendar months, any adjustments to prior years made during that four-month period, and the cost to the department of taxation of administering the income tax contribution system during that period. The cost of administering the income tax contribution system shall be certified by the tax commissioner to the director of budget and management, who shall transfer an amount equal to ~~one-third~~ one-fifth of such administrative costs from the natural areas and preserves fund, ~~one-third~~ one-fifth of such costs from the nongame and endangered wildlife fund, ~~and one-third~~ one-fifth of such costs from the military injury relief fund, one-fifth of such costs from the Ohio historical society income tax contribution fund, and one-fifth of such costs from the Ohio veterans' home agency income tax contribution fund to the ~~litter control and natural resource~~ income tax contribution administration fund, which is hereby created, provided that the moneys that the department receives to pay the cost of administering the income tax refund contribution system in any year shall not exceed two

and one-half per cent of the total amount contributed under that system during that year. 86767
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(E)(1) The director of natural resources, in January of every odd-numbered year, shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the natural areas and preserves fund and the nongame and endangered wildlife fund. The report shall include the amount of money contributed to each fund in each of the previous five years, the amount of money contributed directly to each fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended. 86769
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(2) The director of job and family services, the director of the Ohio historical society, and the superintendent of the Ohio veterans' home agency, in January of every odd-numbered year, each shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the military injury relief fund, the Ohio historical society income tax contribution fund, and the Ohio veterans' home agency income tax contribution fund, respectively. The report shall include the amount of money contributed to the fund in each of the previous five years, the amount of money contributed directly to the fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended. 86779
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Sec. 5747.13. (A) If any employer collects the tax imposed by section 5747.02 or under Chapter 5748. of the Revised Code and fails to remit the tax as required by law, or fails to collect the tax, the employer is personally liable for any amount collected that the employer fails to remit, or any amount that the employer fails to collect. If any taxpayer fails to file a return or fails 86792
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to pay the tax imposed by section 5747.02 or under Chapter 5748. 86798
of the Revised Code, the taxpayer is personally liable for the 86799
amount of the tax. 86800

If any employer, taxpayer, or qualifying entity required to 86801
file a return under this chapter fails to file the return within 86802
the time prescribed, files an incorrect return, fails to remit the 86803
full amount of the taxes due for the period covered by the return, 86804
or fails to remit any additional tax due as a result of a 86805
reduction in the amount of the credit allowed under division (B) 86806
of section 5747.05 of the Revised Code together with interest on 86807
the additional tax within the time prescribed by that division, 86808
the tax commissioner may make an assessment against any person 86809
liable for any deficiency for the period for which the return is 86810
or taxes are due, based upon any information in the commissioner's 86811
possession. 86812

An assessment issued against either the employer or the 86813
taxpayer pursuant to this section shall not be considered an 86814
election of remedies or a bar to an assessment against the other 86815
for failure to report or pay the same tax. No assessment shall be 86816
issued against any person if the tax actually has been paid by 86817
another. 86818

No assessment shall be made or issued against an employer, 86819
taxpayer, or qualifying entity more than four years after the 86820
final date the return subject to assessment was required to be 86821
filed or the date the return was filed, whichever is later. 86822
However, the commissioner may assess any balance due as the result 86823
of a reduction in the credit allowed under division (B) of section 86824
5747.05 of the Revised Code, including applicable penalty and 86825
interest, within four years of the date on which the taxpayer 86826
reports a change in either the portion of the taxpayer's adjusted 86827
gross income subjected to an income tax or tax measured by income 86828
in another state or the District of Columbia, or the amount of 86829

liability for an income tax or tax measured by income to another 86830
state or the District of Columbia, as required by division (B)(3) 86831
of section 5747.05 of the Revised Code. Such time limits may be 86832
extended if both the employer, taxpayer, or qualifying entity and 86833
the commissioner consent in writing to the extension or if an 86834
agreement waiving or extending the time limits has been entered 86835
into pursuant to section 122.171 of the Revised Code. Any such 86836
extension shall extend the four-year time limit in division (B) of 86837
section 5747.11 of the Revised Code for the same period of time. 86838
There shall be no bar or limit to an assessment against an 86839
employer for taxes withheld from employees and not remitted to the 86840
state, against an employer, taxpayer, or qualifying entity that 86841
fails to file a return subject to assessment as required by this 86842
chapter, or against an employer, taxpayer, or qualifying entity 86843
that files a fraudulent return. 86844

The commissioner shall give the party assessed written notice 86845
of the assessment in the manner provided in section 5703.37 of the 86846
Revised Code. With the notice, the commissioner shall provide 86847
instructions on how to petition for reassessment and request a 86848
hearing on the petition. 86849

(B) Unless the party assessed files with the tax commissioner 86850
within sixty days after service of the notice of assessment, 86851
either personally or by certified mail, a written petition for 86852
reassessment, signed by the party assessed or that party's 86853
authorized agent having knowledge of the facts, the assessment 86854
becomes final, and the amount of the assessment is due and payable 86855
from the party assessed to the commissioner with remittance made 86856
payable to the treasurer of state. The petition shall indicate the 86857
objections of the party assessed, but additional objections may be 86858
raised in writing if received by the commissioner prior to the 86859
date shown on the final determination. If the petition has been 86860
properly filed, the commissioner shall proceed under section 86861

5703.60 of the Revised Code. 86862

(C) After an assessment becomes final, if any portion of the 86863
assessment remains unpaid, including accrued interest, a certified 86864
copy of the tax commissioner's entry making the assessment final 86865
may be filed in the office of the clerk of the court of common 86866
pleas in the county in which the employer's, taxpayer's, or 86867
qualifying entity's place of business is located or the county in 86868
which the party assessed resides. If the party assessed is not a 86869
resident of this state, the certified copy of the entry may be 86870
filed in the office of the clerk of the court of common pleas of 86871
Franklin county. 86872

Immediately upon the filing of the entry, the clerk shall 86873
enter a judgment against the party assessed in the amount shown on 86874
the entry. The judgment shall be filed by the clerk in one of two 86875
loose-leaf books, one entitled "special judgments for state and 86876
school district income taxes," and the other entitled "special 86877
judgments for qualifying entity taxes." The judgment shall have 86878
the same effect as other judgments. Execution shall issue upon the 86879
judgment upon the request of the tax commissioner, and all laws 86880
applicable to sales on execution shall apply to sales made under 86881
the judgment. 86882

The portion of the assessment not paid within sixty days 86883
after the assessment was issued shall bear interest at the rate 86884
per annum prescribed by section 5703.47 of the Revised Code from 86885
the day the tax commissioner issues the assessment until it is 86886
paid. Interest shall be paid in the same manner as the tax and may 86887
be collected by the issuance of an assessment under this section. 86888

(D) All money collected under this section shall be 86889
considered as revenue arising from the taxes imposed by this 86890
chapter or Chapter 5733. or 5748. of the Revised Code, as 86891
appropriate. 86892

~~(E) The portion of an assessment that must be paid upon the filing of a petition for reassessment shall be as follows:~~ 86893
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~~(1) If the sole item objected to is the assessed penalty or interest, payment of the assessment, including interest but not penalty, is required;~~ 86895
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~~(2) If the taxpayer or qualifying entity that is assessed failed to file, prior to the date of issuance of the assessment, the annual return or report required by section 5747.08 or 5747.42 of the Revised Code, any amended return or amended report required by section 5747.10 or 5747.45 of the Revised Code for the taxable year at issue, or any report required by division (B) of section 5747.05 of the Revised Code to indicate a reduction in the amount of the credit provided under that division, payment of the assessment, including interest but not penalty, is required, except as otherwise provided under division (E)(6) or (7) of this section;~~ 86898
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~~(3) If the employer assessed had not filed, prior to the date of issuance of the assessment, the annual return required by division (E)(2) of section 5747.07 of the Revised Code covering the period at issue, payment of the assessment, including interest but not penalty, is required;~~ 86909
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~~(4) If the taxpayer or qualifying entity that is assessed filed, prior to the date of issuance of the assessment, the annual return or report required by section 5747.08 or 5747.42 of the Revised Code, all amended returns or reports required by section 5747.10 or 5747.45 of the Revised Code for the taxable year at issue, and all reports required by division (B) of section 5747.05 of the Revised Code to indicate a reduction in the amount of the credit provided under that division, and a balance of the taxes shown due on the returns or reports as computed on the returns or reports remains unpaid, payment of only that portion of the assessment representing the unpaid balance of tax and interest is~~ 86914
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required; 86925

~~(5) If the employer assessed filed, prior to the date of
issuance of the assessment, the annual return required by division
(E)(2) of section 5747.07 of the Revised Code covering the period
at issue, and a balance of the taxes shown due on the return as
computed on the return remains unpaid, payment of only that
portion of the assessment representing the unpaid balance of tax
and interest is required;~~ 86926
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~~(6) In the case of a party assessed as a qualifying entity
subject to the tax levied under section 5733.41 or 5747.41 of the
Revised Code, if the party does not dispute that it is a
qualifying entity subject to that tax but claims the protections
of section 101 of Public Law 86-272, 73 Stat. 555, 15 U.S.C.A.
381, as amended, no payment is required;~~ 86933
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~~(7) In the case of a party assessed as a qualifying entity
subject to the tax levied under section 5733.41 or 5747.41 of the
Revised Code, if the party does dispute that it is a qualifying
entity subject to that tax, no payment is required;~~ 86939
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~~(8) If none of the conditions specified in divisions (E)(1)
to (7) of this section apply, no payment is required If the party
assessed files a petition for reassessment under division (B) of
this section, the person, on or before the last day the petition
may be filed, shall pay the assessed amount, including assessed
interest and assessed penalties, if any of the following
conditions exists:~~ 86943
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(1) The person files a tax return reporting Ohio adjusted
gross income, less the exemptions allowed by section 5747.025 of
the Revised Code, in an amount less than one cent, and the
reported amount is not based on the computations required under
division (A) of section 5747.01 or section 5747.025 of the Revised
Code. 86950
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(2) The person files a tax return that the tax commissioner determines to be incomplete, false, fraudulent, or frivolous. 86956
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(3) The person fails to file a tax return, and the basis for this failure is not either of the following: 86958
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(a) An assertion that the person has no nexus with this state; 86960
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(b) The computations required under division (A) of section 5747.01 of the Revised Code or the application of credits allowed under this chapter has the result that the person's tax liability is less than one dollar and one cent. 86962
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(F) Notwithstanding the fact that a petition for reassessment is pending, the petitioner may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition. 86966
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If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the party assessed under the corrected assessment is less than the portion paid, there shall be issued to the petitioner or to the petitioner's assigns or legal representative a refund in the amount of the overpayment as provided by section 5747.11 of the Revised Code, with interest on that amount as provided by such section, subject to section 5747.12 of the Revised Code. 86971
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Sec. 5747.16. Any nonresident who accepts the privileges extended by the laws of this state to nonresidents earning or receiving income in this state, and any resident who becomes a nonresident or conceals ~~his~~ the person's whereabouts thereby makes 86982
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the secretary of state ~~his~~ the person's agent for the service of 86986
process or notice in any assessment, action, or proceedings 86987
instituted in this state against such person under this chapter, 86988
such process or notice shall be served ~~by the officer to whom the~~ 86989
~~same is directed by the tax commissioner, or by the sheriff of~~ 86990
~~Franklin county, who may be deputized for such purpose by the~~ 86991
~~officer to whom the service is directed, upon the secretary of~~ 86992
~~state by leaving at the secretary's office at least fifteen days~~ 86993
~~before the return day of such process or notice, a true and~~ 86994
~~attested copy thereof, and by sending to the defendant by~~ 86995
~~certified mail, postage prepaid, a like and true attested copy,~~ 86996
~~with an endorsement thereon of the service upon the secretary of~~ 86997
~~state, addressed to such defendant at his last known address as~~ 86998
~~provided under section 5703.37 of the Revised Code.~~ 86999

Sec. 5747.18. The tax commissioner shall enforce and 87000
administer this chapter. In addition to any other powers conferred 87001
upon the commissioner by law, the commissioner may: 87002

(A) Prescribe all forms required to be filed pursuant to this 87003
chapter; 87004

(B) Adopt such rules as the commissioner finds necessary to 87005
carry out this chapter; 87006

(C) Appoint and employ such personnel as are necessary to 87007
carry out the duties imposed upon the commissioner by this 87008
chapter. 87009

Any information gained as the result of returns, 87010
investigations, hearings, or verifications required or authorized 87011
by this chapter is confidential, and no person shall disclose such 87012
information, except for official purposes, or as provided by 87013
section 3125.43, 4123.271, 4123.591, 4507.023, ~~or~~ 5101.182, 87014
~~division (B) of section~~ or 5703.21 of the Revised Code, or in 87015
accordance with a proper judicial order. The tax commissioner may 87016

furnish the internal revenue service with copies of returns or 87017
reports filed and may furnish the officer of a municipal 87018
corporation charged with the duty of enforcing a tax subject to 87019
Chapter 718. of the Revised Code with the names, addresses, and 87020
identification numbers of taxpayers who may be subject to such 87021
tax. A municipal corporation shall use this information for tax 87022
collection purposes only. This section does not prohibit the 87023
publication of statistics in a form which does not disclose 87024
information with respect to individual taxpayers. 87025

Sec. 5747.66. Any term used in this section has the same 87026
meaning as in section 122.85 of the Revised Code. 87027

A nonrefundable credit is allowed against the tax imposed by 87028
section 5747.02 of the Revised Code for any individual who, on the 87029
last day of the individual's taxable year, is the certificate 87030
owner of a tax credit certificate issued under section 122.85 of 87031
the Revised Code. If the individual is the qualifying investor, 87032
the credit shall be claimed for the individual's taxable year that 87033
includes the day the base investment was made. If the individual 87034
is not the qualifying investor, the credit shall be claimed for 87035
the individual's taxable year that includes the last day of the 87036
qualifying investor's taxable year in which the qualifying 87037
investor's base investment was made. The amount of the credit 87038
shall equal the credit amount certified by the transfer agent 87039
under division (G) of section 122.85 of the Revised Code. The 87040
credit shall be claimed in the order required under section 87041
5747.98 of the Revised Code. If the credit amount exceeds the tax 87042
otherwise due under section 5747.02 of the Revised Code after 87043
deducting all other credits in that order, the excess may be 87044
carried forward for not more than ten taxable years following the 87045
taxable year in which the credit is first claimed, and the amount 87046
claimed in any year shall be deducted from the balance carried 87047
forward to an ensuing year. 87048

Sec. 5747.76. (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code. 87049
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(B) There is allowed a credit against the tax imposed under section 5747.02 of the Revised Code for a taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code. The credit shall equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of credit allowed for any taxpayer shall not exceed five million dollars. The credit shall be claimed for the taxable year specified in the certificate and in the order required under section 5747.98 of the Revised Code. 87052
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(C) Nothing in this section limits or disallows pass-through treatment of the credit if the certificate owner is a pass-through entity. If the certificate owner is a pass-through entity, the amount of the credit allowed for the pass-through entity shall not exceed five million dollars. If the certificate owner is a pass-through entity, the credit may be allocated among the entity's equity owners in proportion to their ownership interests or in such proportions or amounts as the equity owners mutually agree. 87062
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(D) If the credit allowed for any taxable year exceeds the tax otherwise due under section 5747.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by section 5747.98 of the Revised Code, the excess shall be refunded to the taxpayer but, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due for that year shall not exceed three million dollars or, if the certificate owner is a pass-through entity, shall not exceed the taxpayer's distributive 87071
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or proportionate share, as allocated under division (C) of this section, of three million dollars. The taxpayer may carry forward any balance of the credit in excess of the amount claimed for that year for not more than five ensuing taxable years, and shall deduct any amount claimed for any such year from the amount claimed in an ensuing year.

(E) A taxpayer claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following the end of the taxable year to which the credit was applied, and shall make the certificate available for inspection by the tax commissioner upon the request of the tax commissioner during that period.

Sec. 5747.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;

(4) The dependent care credit under section 5747.054 of the Revised Code;

(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;

(8) The low-income credit under section 5747.056 of the Revised Code;	87110 87111
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	87112 87113
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	87114 87115
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	87116 87117
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	87118 87119
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	87120 87121
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	87122 87123
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	87124 87125
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	87126 87127
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	87128 87129
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	87130 87131
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	87132 87133
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	87134 87135
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	87136 87137 87138

(22) The job training credit under section 5747.39 of the Revised Code;	87139 87140
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	87141 87142
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	87143 87144
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	87145 87146
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	87147 87148
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	87149 87150
(28) The export sales credit under section 5747.057 of the Revised Code;	87151 87152
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	87153 87154
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	87155 87156
(31) <u>The credit for investment in a motion picture production under section 5747.66 of the Revised Code;</u>	87157 87158
<u>(32)</u> The research and development credit under section 5747.331 of the Revised Code;	87159 87160
(32) <u>(33)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	87161 87162
(33) <u>(34)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	87163 87164
(34) <u>(35)</u> The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	87165 87166
(35) <u>(36)</u> The refundable credit for taxes paid by a qualifying	87167

entity granted under section 5747.059 of the Revised Code; 87168

~~(36)~~(37) The refundable credits for taxes paid by a 87169
qualifying pass-through entity granted under division (J) of 87170
section 5747.08 of the Revised Code; 87171

~~(37)~~(38) The refundable credit for tax withheld under 87172
division (B)(1) of section 5747.062 of the Revised Code; 87173

~~(38)~~(39) The refundable credit under section 5747.80 of the 87174
Revised Code for losses on loans made to the Ohio venture capital 87175
program under sections 150.01 to 150.10 of the Revised Code. 87176

(B) For any credit, except the refundable credits enumerated 87177
in ~~divisions (A)(33) to (38)~~ of this section and the credit 87178
granted under division (I) of section 5747.08 of the Revised Code, 87179
the amount of the credit for a taxable year shall not exceed the 87180
tax due after allowing for any other credit that precedes it in 87181
the order required under this section. Any excess amount of a 87182
particular credit may be carried forward if authorized under the 87183
section creating that credit. Nothing in this chapter shall be 87184
construed to allow a taxpayer to claim, directly or indirectly, a 87185
credit more than once for a taxable year. 87186
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Sec. 5748.02. (A) The board of education of any school 87188
district, except a joint vocational school district, may declare, 87189
by resolution, the necessity of raising annually a specified 87190
amount of money for school district purposes. The resolution shall 87191
specify whether the income that is to be subject to the tax is 87192
taxable income of individuals and estates as defined in divisions 87193
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 87194
taxable income of individuals as defined in division (E)(1)(b) of 87195
that section. A copy of the resolution shall be certified to the 87196
tax commissioner no later than eighty-five days prior to the date 87197
of the election at which the board intends to propose a levy under 87198

this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution proposing an income tax under division (B) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The commissioner's certification applies only to the board's proposal to levy an income tax at the election for which the board requested the certification. If the board intends to submit a proposal to levy an income tax at any other election, it shall request another certification for that election in the manner prescribed in this division.

(B)(1) Upon the receipt of a certification from the tax commissioner under division (A) of this section, a majority of the members of a board of education may adopt a resolution proposing the levy of an annual tax for school district purposes on school district income. The proposed levy may be for a continuing period of time or for a specified number of years. The resolution shall set forth the purpose for which the tax is to be imposed, the rate of the tax, which shall be the rate set forth in the commissioner's certification rounded to the nearest one-fourth of one per cent, the number of years the tax will be levied or that it will be levied for a continuing period of time, the date on which the tax shall take effect, which shall be the first day of

January of any year following the year in which the question is 87231
submitted, and the date of the election at which the proposal 87232
shall be submitted to the electors of the district, which shall be 87233
on the date of a primary, general, or special election the date of 87234
which is consistent with section 3501.01 of the Revised Code. The 87235
resolution shall specify whether the income that is to be subject 87236
to the tax is taxable income of individuals and estates as defined 87237
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 87238
Code or taxable income of individuals as defined in division 87239
(E)(1)(b) of that section. The specification shall be the same as 87240
the specification in the resolution adopted and certified under 87241
division (A) of this section. 87242

If the tax is to be levied for current expenses and permanent 87243
improvements, the resolution shall apportion the annual rate of 87244
the tax. The apportionment may be the same or different for each 87245
year the tax is levied, but the respective portions of the rate 87246
actually levied each year for current expenses and for permanent 87247
improvements shall be limited by the apportionment. 87248

If the board of education currently imposes an income tax 87249
pursuant to this chapter that is due to expire and a question is 87250
submitted under this section for a proposed income tax to take 87251
effect upon the expiration of the existing tax, the board may 87252
specify in the resolution that the proposed tax renews the 87253
expiring tax ~~and is not an additional income tax, provided that,~~ 87254
Two or more expiring income taxes may be renewed under this 87255
paragraph if the taxes are due to expire on the same date. If the 87256
tax rate being proposed is no higher than the total tax rate that 87257
is currently imposed by the expiring tax or taxes, the resolution 87258
may state that the proposed tax is not an additional income tax. 87259

(2) A board of education adopting a resolution under division 87260
(B)(1) of this section proposing a school district income tax for 87261
a continuing period of time and limited to the purpose of current 87262

expenses may propose in that resolution to reduce the rate or 87263
rates of one or more of the school district's property taxes 87264
levied for a continuing period of time in excess of the ten-mill 87265
limitation for the purpose of current expenses. The reduction in 87266
the rate of a property tax may be any amount, expressed in mills 87267
per one dollar in valuation, not exceeding the rate at which the 87268
tax is authorized to be levied. The reduction in the rate of a tax 87269
shall first take effect for the tax year that includes the day on 87270
which the school district income tax first takes effect, and shall 87271
continue for each tax year that both the school district income 87272
tax and the property tax levy are in effect. 87273

In addition to the matters required to be set forth in the 87274
resolution under division (B)(1) of this section, a resolution 87275
containing a proposal to reduce the rate of one or more property 87276
taxes shall state for each such tax the maximum rate at which it 87277
currently may be levied and the maximum rate at which the tax 87278
could be levied after the proposed reduction, expressed in mills 87279
per one dollar in valuation, and that the tax is levied for a 87280
continuing period of time. 87281

If a board of education proposes to reduce the rate of one or 87282
more property taxes under division (B)(2) of this section, the 87283
board, when it makes the certification required under division (A) 87284
of this section, shall designate the specific levy or levies to be 87285
reduced, the maximum rate at which each levy currently is 87286
authorized to be levied, and the rate by which each levy is 87287
proposed to be reduced. The tax commissioner, when making the 87288
certification to the board under division (A) of this section, 87289
also shall certify the reduction in the total effective tax rate 87290
for current expenses for each class of property that would have 87291
resulted if the proposed reduction in the rate or rates had been 87292
in effect the previous tax year. As used in this paragraph, 87293
"effective tax rate" has the same meaning as in section 323.08 of 87294

the Revised Code. 87295

(C) A resolution adopted under division (B) of this section 87296
shall go into immediate effect upon its passage, and no 87297
publication of the resolution shall be necessary other than that 87298
provided for in the notice of election. Immediately after its 87299
adoption and at least seventy-five days prior to the election at 87300
which the question will appear on the ballot, a copy of the 87301
resolution shall be certified to the board of elections of the 87302
proper county, which shall submit the proposal to the electors on 87303
the date specified in the resolution. The form of the ballot shall 87304
be as provided in section 5748.03 of the Revised Code. Publication 87305
of notice of the election shall be made in one or more newspapers 87306
of general circulation in the county once a week for two 87307
consecutive weeks prior to the election, and, if the board of 87308
elections operates and maintains a web site, the board of 87309
elections shall post notice of the election on its web site for 87310
thirty days prior to the election. The notice shall contain the 87311
time and place of the election and the question to be submitted to 87312
the electors. The question covered by the resolution shall be 87313
submitted as a separate proposition, but may be printed on the 87314
same ballot with any other proposition submitted at the same 87315
election, other than the election of officers. 87316

(D) No board of education shall submit the question of a tax 87317
on school district income to the electors of the district more 87318
than twice in any calendar year. If a board submits the question 87319
twice in any calendar year, one of the elections on the question 87320
shall be held on the date of the general election. 87321

(E)(1) No board of education may submit to the electors of 87322
the district the question of a tax on school district income on 87323
the taxable income of individuals as defined in division (E)(1)(b) 87324
of section 5748.01 of the Revised Code if that tax would be in 87325
addition to an existing tax on the taxable income of individuals 87326

and estates as defined in divisions (E)(1)(a) and (2) of that section. 87327
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(2) No board of education may submit to the electors of the district the question of a tax on school district income on the taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on the taxable income of individuals as defined in division (E)(1)(b) of that section. 87329
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Sec. 5748.03. (A) The form of the ballot on a question submitted to the electors under section 5748.02 of the Revised Code shall be as follows: 87335
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"Shall an annual income tax of (state the proposed rate of tax) on the school district income of individuals and of estates be imposed by (state the name of the school district), for (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning (state the date the tax would first take effect), for the purpose of (state the purpose of the tax)? 87338
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	FOR THE TAX
	AGAINST THE TAX

"

(B)(1) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates." 87345
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(2) If the question submitted to electors proposes to renew 87356

~~an~~ one or more expiring income tax levies, the ballot shall be 87357
modified by adding the following language immediately after the 87358
name of the school district that would impose the tax: "to renew 87359
an income tax (or income taxes) expiring at the end of 87360
(state the last year the existing income tax or taxes may be 87361
levied)." 87362

(3) If the question includes a proposal under division (B)(2) 87363
of section 5748.02 of the Revised Code to reduce the rate of one 87364
or more school district property taxes, the ballot shall state 87365
that the purpose of the school district income tax is for current 87366
expenses, and the form of the ballot shall be modified by adding 87367
the following language immediately after the statement of the 87368
purpose of the proposed income tax: ", and shall the rate of an 87369
existing tax on property, currently levied for the purpose of 87370
current expenses at the rate of mills, be REDUCED to 87371
..... mills until any such time as the income tax is repealed." 87372
In lieu of "for the tax" and "against the tax," the phrases "for 87373
the issue" and "against the issue," respectively, shall be used. 87374
If a board of education proposes a reduction in the rates of more 87375
than one tax, the ballot language shall be modified accordingly to 87376
express the rates at which those taxes currently are levied and 87377
the rates to which the taxes will be reduced. 87378

(C) The board of elections shall certify the results of the 87379
election to the board of education and to the tax commissioner. If 87380
a majority of the electors voting on the question vote in favor of 87381
it, the income tax, the applicable provisions of Chapter 5747. of 87382
the Revised Code, and the reduction in the rate or rates of 87383
existing property taxes if the question included such a reduction 87384
shall take effect on the date specified in the resolution. If the 87385
question approved by the voters includes a reduction in the rate 87386
of a school district property tax, the board of education shall 87387
not levy the tax at a rate greater than the rate to which the tax 87388

is reduced, unless the school district income tax is repealed in 87389
an election under section 5748.04 of the Revised Code. 87390

(D) If the rate at which a property tax is levied and 87391
collected is reduced pursuant to a question approved under this 87392
section, the tax commissioner shall compute the percentage 87393
required to be computed for that tax under division (D) of section 87394
319.301 of the Revised Code each year the rate is reduced as if 87395
the tax had been levied in the preceding year at the rate at which 87396
it has been reduced. If the rate of a property tax increases due 87397
to the repeal of the school district income tax pursuant to 87398
section 5748.04 of the Revised Code, the tax commissioner, for the 87399
first year for which the rate increases, shall compute the 87400
percentage as if the tax in the preceding year had been levied at 87401
the rate at which the tax was authorized to be levied prior to any 87402
rate reduction. 87403

Sec. 5749.12. Any nonresident of this state who accepts the 87404
privilege extended by the laws of this state to nonresidents 87405
severing natural resources in this state, and any resident of this 87406
state who subsequently becomes a nonresident or conceals ~~his~~ the 87407
resident's whereabouts, makes the secretary of state of Ohio ~~his~~ 87408
the person's agent for the service of process or notice in any 87409
assessment, action or proceedings instituted in this state against 87410
such person under this chapter. 87411

Such process or notice shall be served, ~~by the officer to~~ 87412
~~whom the same is directed by the tax commissioner or by the~~ 87413
~~sheriff of Franklin county, who may be deputized for such purpose~~ 87414
~~by the officer to whom the service is directed, upon the secretary~~ 87415
~~of state by leaving at the office of the secretary of state, at~~ 87416
~~least fifteen days before the return day of such process or~~ 87417
~~notice, a true and attested copy thereof, and by sending to the~~ 87418
~~defendant by certified mail, a like and true attested copy, with~~ 87419

~~an endorsement thereon of the service upon said secretary of~~ 87420
~~state, addressed to such defendant at his last known address as~~ 87421
~~provided under section 5703.37 of the Revised Code.~~ 87422

Sec. 5751.01. As used in this chapter: 87423

(A) "Person" means, but is not limited to, individuals, 87424
combinations of individuals of any form, receivers, assignees, 87425
trustees in bankruptcy, firms, companies, joint-stock companies, 87426
business trusts, estates, partnerships, limited liability 87427
partnerships, limited liability companies, associations, joint 87428
ventures, clubs, societies, for-profit corporations, S 87429
corporations, qualified subchapter S subsidiaries, qualified 87430
subchapter S trusts, trusts, entities that are disregarded for 87431
federal income tax purposes, and any other entities. ~~"Person" does~~ 87432
~~not include nonprofit organizations or the state, its agencies,~~ 87433
~~its instrumentalities, and its political subdivisions.~~ 87434

(B) "Consolidated elected taxpayer" means a group of two or 87435
more persons treated as a single taxpayer for purposes of this 87436
chapter as the result of an election made under section 5751.011 87437
of the Revised Code. 87438

(C) "Combined taxpayer" means a group of two or more persons 87439
treated as a single taxpayer for purposes of this chapter under 87440
section 5751.012 of the Revised Code. 87441

(D) "Taxpayer" means any person, or any group of persons in 87442
the case of a consolidated elected taxpayer or combined taxpayer 87443
treated as one taxpayer, required to register or pay tax under 87444
this chapter. "Taxpayer" does not include excluded persons. 87445

(E) "Excluded person" means any of the following: 87446

(1) Any person with not more than one hundred fifty thousand 87447
dollars of taxable gross receipts during the calendar year. 87448
Division (E)(1) of this section does not apply to a person that is 87449

a member of a ~~group that is a~~ consolidated elected taxpayer ~~or a~~ 87450
~~combined taxpayer;~~ 87451

(2) A public utility that paid the excise tax imposed by 87452
section 5727.24 or 5727.30 of the Revised Code based on one or 87453
more measurement periods that include the entire tax period under 87454
this chapter, except that a public utility that is a combined 87455
company is a taxpayer with regard to the following gross receipts: 87456

(a) Taxable gross receipts directly attributed to a public 87457
utility activity, but not directly attributed to an activity that 87458
is subject to the excise tax imposed by section 5727.24 or 5727.30 87459
of the Revised Code; 87460

(b) Taxable gross receipts that cannot be directly attributed 87461
to any activity, multiplied by a fraction whose numerator is the 87462
taxable gross receipts described in division (E)(2)(a) of this 87463
section and whose denominator is the total taxable gross receipts 87464
that can be directly attributed to any activity; 87465

(c) Except for any differences resulting from the use of an 87466
accrual basis method of accounting for purposes of determining 87467
gross receipts under this chapter and the use of the cash basis 87468
method of accounting for purposes of determining gross receipts 87469
under section 5727.24 of the Revised Code, the gross receipts 87470
directly attributed to the activity of a natural gas company shall 87471
be determined in a manner consistent with division (D) of section 87472
5727.03 of the Revised Code. 87473

As used in division (E)(2) of this section, "combined 87474
company" and "public utility" have the same meanings as in section 87475
5727.01 of the Revised Code. 87476

(3) A financial institution, as defined in section 5725.01 of 87477
the Revised Code, that paid the corporation franchise tax charged 87478
by division (D) of section 5733.06 of the Revised Code based on 87479
one or more taxable years that include the entire tax period under 87480

this chapter; 87481

(4) A dealer in intangibles, as defined in section 5725.01 of 87482
the Revised Code, that paid the dealer in intangibles tax levied 87483
by division (D) of section 5707.03 of the Revised Code based on 87484
one or more measurement periods that include the entire tax period 87485
under this chapter; 87486

(5) A financial holding company as defined in the "Bank 87487
Holding Company Act," 12 U.S.C. 1841(p); 87488

(6) A bank holding company as defined in the "Bank Holding 87489
Company Act," 12 U.S.C. 1841(a); 87490

(7) A savings and loan holding company as defined in the 87491
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 87492
only in activities or investments permissible for a financial 87493
holding company under 12 U.S.C. 1843(k); 87494

(8) A person directly or indirectly owned by one or more 87495
financial institutions, financial holding companies, bank holding 87496
companies, or savings and loan holding companies described in 87497
division (E)(3), (5), (6), or (7) of this section that is engaged 87498
in activities permissible for a financial holding company under 12 87499
U.S.C. 1843(k), except that any such person held pursuant to 87500
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 87501
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 87502
directly or indirectly owned by one or more insurance companies 87503
described in division (E)(9) of this section that is authorized to 87504
do the business of insurance in this state. 87505

For the purposes of division (E)(8) of this section, a person 87506
owns another person under the following circumstances: 87507

(a) In the case of corporations issuing capital stock, one 87508
corporation owns another corporation if it owns fifty per cent or 87509
more of the other corporation's capital stock with current voting 87510
rights; 87511

(b) In the case of a limited liability company, one person 87512
owns the company if that person's membership interest, as defined 87513
in section 1705.01 of the Revised Code, is fifty per cent or more 87514
of the combined membership interests of all persons owning such 87515
interests in the company; 87516

(c) In the case of a partnership, trust, or other 87517
unincorporated business organization other than a limited 87518
liability company, one person owns the organization if, under the 87519
articles of organization or other instrument governing the affairs 87520
of the organization, that person has a beneficial interest in the 87521
organization's profits, surpluses, losses, or distributions of 87522
fifty per cent or more of the combined beneficial interests of all 87523
persons having such an interest in the organization; 87524

(d) In the case of multiple ownership, the ownership 87525
interests of more than one person may be aggregated to meet the 87526
fifty per cent ownership tests in this division only when each 87527
such owner is described in division (E)(3), (5), (6), or (7) of 87528
this section and is engaged in activities permissible for a 87529
financial holding company under 12 U.S.C. 1843(k) or is a person 87530
directly or indirectly owned by one or more insurance companies 87531
described in division (E)(9) of this section that is authorized to 87532
do the business of insurance in this state. 87533

(9) A domestic insurance company or foreign insurance 87534
company, as defined in section 5725.01 of the Revised Code, that 87535
paid the insurance company premiums tax imposed by section 5725.18 87536
or Chapter 5729. of the Revised Code based on one or more 87537
measurement periods that include the entire tax period under this 87538
chapter; 87539

(10) A person that solely facilitates or services one or more 87540
securitizations or similar transactions for any person described 87541
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 87542
For purposes of this division, "securitization" means transferring 87543

one or more assets to one or more persons and then issuing 87544
securities backed by the right to receive payment from the asset 87545
or assets so transferred. 87546

(11) Except as otherwise provided in this division, a 87547
pre-income tax trust as defined in division (FF)(4) of section 87548
5747.01 of the Revised Code and any pass-through entity of which 87549
such pre-income tax trust owns or controls, directly, indirectly, 87550
or constructively through related interests, more than five per 87551
cent of the ownership or equity interests. If the pre-income tax 87552
trust has made a qualifying pre-income tax trust election under 87553
division (FF)(3) of section 5747.01 of the Revised Code, then the 87554
trust and the pass-through entities of which it owns or controls, 87555
directly, indirectly, or constructively through related interests, 87556
more than five per cent of the ownership or equity interests, 87557
shall not be excluded persons for purposes of the tax imposed 87558
under section 5751.02 of the Revised Code. 87559

(12) Nonprofit organizations or the state and its agencies, 87560
instrumentalities, or political subdivisions. 87561

(F) Except as otherwise provided in divisions (F)(2), (3), 87562
and (4) of this section, "gross receipts" means the total amount 87563
realized by a person, without deduction for the cost of goods sold 87564
or other expenses incurred, that contributes to the production of 87565
gross income of the person, including the fair market value of any 87566
property and any services received, and any debt transferred or 87567
forgiven as consideration. 87568

(1) The following are examples of gross receipts: 87569

(a) Amounts realized from the sale, exchange, or other 87570
disposition of the taxpayer's property to or with another; 87571

(b) Amounts realized from the taxpayer's performance of 87572
services for another; 87573

(c) Amounts realized from another's use or possession of the 87574

taxpayer's property or capital;	87575
(d) Any combination of the foregoing amounts.	87576
(2) "Gross receipts" excludes the following amounts:	87577
(a) Interest income except interest on credit sales;	87578
(b) Dividends and distributions from corporations, and	87579
distributive or proportionate shares of receipts and income from a	87580
pass-through entity as defined under section 5733.04 of the	87581
Revised Code;	87582
(c) Receipts from the sale, exchange, or other disposition of	87583
an asset described in section 1221 or 1231 of the Internal Revenue	87584
Code, without regard to the length of time the person held the	87585
asset. Notwithstanding section 1221 of the Internal Revenue Code,	87586
receipts from hedging transactions also are excluded to the extent	87587
the transactions are entered into primarily to protect a financial	87588
position, such as managing the risk of exposure to (i) foreign	87589
currency fluctuations that affect assets, liabilities, profits,	87590
losses, equity, or investments in foreign operations; (ii)	87591
interest rate fluctuations; or (iii) commodity price fluctuations.	87592
As used in division (F)(2)(c) of this section, "hedging	87593
transaction" has the same meaning as used in section 1221 of the	87594
Internal Revenue Code and also includes transactions accorded	87595
hedge accounting treatment under statement of financial accounting	87596
standards number 133 of the financial accounting standards board.	87597
For the purposes of division (F)(2)(c) of this section, the actual	87598
transfer of title of real or tangible personal property to another	87599
entity is not a hedging transaction.	87600
(d) Proceeds received attributable to the repayment,	87601
maturity, or redemption of the principal of a loan, bond, mutual	87602
fund, certificate of deposit, or marketable instrument;	87603
(e) The principal amount received under a repurchase	87604
agreement or on account of any transaction properly characterized	87605

as a loan to the person; 87606

(f) Contributions received by a trust, plan, or other 87607
arrangement, any of which is described in section 501(a) of the 87608
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 87609
1, Subchapter (D) of the Internal Revenue Code applies; 87610

(g) Compensation, whether current or deferred, and whether in 87611
cash or in kind, received or to be received by an employee, former 87612
employee, or the employee's legal successor for services rendered 87613
to or for an employer, including reimbursements received by or for 87614
an individual for medical or education expenses, health insurance 87615
premiums, or employee expenses, or on account of a dependent care 87616
spending account, legal services plan, any cafeteria plan 87617
described in section 125 of the Internal Revenue Code, or any 87618
similar employee reimbursement; 87619

(h) Proceeds received from the issuance of the taxpayer's own 87620
stock, options, warrants, puts, or calls, or from the sale of the 87621
taxpayer's treasury stock; 87622

(i) Proceeds received on the account of payments from ~~life~~ 87623
insurance policies, except those proceeds received for the loss of 87624
business revenue; 87625

(j) Gifts or charitable contributions received; ~~i~~ membership 87626
dues received, by trade, professional, homeowners', or condominium 87627
associations; and payments received for educational courses, 87628
meetings, meals, or similar payments to a trade, professional, or 87629
other similar association; and fundraising receipts received by 87630
any person when any excess receipts are donated or used 87631
exclusively for charitable purposes; ~~and proceeds received by a~~ 87632
~~nonprofit organization including proceeds realized with regard to~~ 87633
~~its unrelated business taxable income;~~ 87634

(k) Damages received as the result of litigation in excess of 87635
amounts that, if received without litigation, would be gross 87636

receipts;	87637
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	87638 87639 87640
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	87641 87642 87643 87644 87645 87646 87647 87648 87649 87650
(n) Pension reversions;	87651
(o) Contributions to capital;	87652
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;	87653 87654 87655 87656 87657
(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;	87658 87659 87660 87661 87662 87663 87664
(r) In the case of receipts from the sale of motor fuel by a licensed motor fuel dealer, licensed retail dealer, or licensed permissive motor fuel dealer, all as defined in section 5735.01 of	87665 87666 87667

the Revised Code, an amount equal to federal and state excise 87668
taxes paid by any person on such motor fuel under section 4081 of 87669
the Internal Revenue Code or Chapter 5735. of the Revised Code; 87670

(s) In the case of receipts from the sale of beer or 87671
intoxicating liquor, as defined in section 4301.01 of the Revised 87672
Code, by a person holding a permit issued under Chapter 4301. or 87673
4303. of the Revised Code, an amount equal to federal and state 87674
excise taxes paid by any person on or for such beer or 87675
intoxicating liquor under subtitle E of the Internal Revenue Code 87676
or Chapter 4301. or 4305. of the Revised Code; 87677

(t) Receipts realized by a new motor vehicle dealer or used 87678
motor vehicle dealer, as defined in section 4517.01 of the Revised 87679
Code, from the sale or other transfer of a motor vehicle, as 87680
defined in that section, to another motor vehicle dealer for the 87681
purpose of resale by the transferee motor vehicle dealer, but only 87682
if the sale or other transfer was based upon the transferee's need 87683
to meet a specific customer's preference for a motor vehicle; 87684

(u) Receipts from a financial institution described in 87685
division (E)(3) of this section for services provided to the 87686
financial institution in connection with the issuance, processing, 87687
servicing, and management of loans or credit accounts, if such 87688
financial institution and the recipient of such receipts have at 87689
least fifty per cent of their ownership interests owned or 87690
controlled, directly or constructively through related interests, 87691
by common owners; 87692

(v) Receipts realized from administering anti-neoplastic 87693
drugs and other cancer chemotherapy, biologicals, therapeutic 87694
agents, and supportive drugs in a physician's office to patients 87695
with cancer; 87696

(w) Funds received or used by a mortgage broker that is not a 87697
dealer in intangibles, other than fees or other consideration, 87698

pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer;

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts.

(i) For purposes of division (F)(2)(z) of this section:

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage.

(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere. "Further shipping" includes storing and repackaging such property into smaller or larger bundles, so long as such property is not subject to further manufacturing or

processing. 87730

(III) "Qualified distribution center" means a warehouse or 87731
other similar facility in this state that, for the qualifying 87732
year, is operated by a person that is not part of a combined 87733
taxpayer group and that has a qualifying certificate. However, all 87734
warehouses or other similar facilities that are operated by 87735
persons in the same taxpayer group and that are located within one 87736
mile of each other shall be treated as one qualified distribution 87737
center. 87738

(IV) "Qualifying year" means the calendar year to which the 87739
qualifying certificate applies. 87740

(V) "Qualifying period" means the period of the first day of 87741
July of the second year preceding the qualifying year through the 87742
thirtieth day of June of the year preceding the qualifying year. 87743

(VI) "Qualifying certificate" means the certificate issued by 87744
the tax commissioner after the operator of a distribution center 87745
files an annual application approved by the tax commissioner from 87746
an operator of a distribution center that has filed an application 87747
as prescribed by the commissioner and paid the annual fee for the 87748
qualifying certificate on or before the first day of September 87749
prior to the qualifying year or forty five days after the opening 87750
of the distribution center, whichever is later with the 87751
commissioner. The application and annual fee shall be filed and 87752
paid for each qualified distribution center on or before the first 87753
day of September before the qualifying year or within forty-five 87754
days after the distribution center opens, whichever is later. 87755

The applicant must substantiate to the commissioner's 87756
satisfaction that, for the qualifying period, all persons 87757
operating the distribution center have more than fifty per cent of 87758
the cost of the qualified property shipped to a location such that 87759
it would be sitused outside this state under the provisions of 87760

division (E) of section 5751.033 of the Revised Code. The 87761
applicant must also substantiate that the distribution center 87762
cumulatively had costs from its suppliers equal to or exceeding 87763
five hundred million dollars during the qualifying period. (For 87764
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 87765
excludes any person that is part of the consolidated elected 87766
taxpayer group, if applicable, of the operator of the qualified 87767
distribution center.) The commissioner may require the applicant 87768
to have an independent certified public accountant certify that 87769
the calculation of the minimum thresholds required for a qualified 87770
distribution center by the operator of a distribution center has 87771
been made in accordance with generally accepted accounting 87772
principles. The commissioner shall issue or deny the issuance of a 87773
certificate within sixty days after the receipt of the 87774
application. A denial is subject to appeal under section 5717.02 87775
of the Revised Code. If the operator files a timely appeal under 87776
section 5717.02 of the Revised Code, the operator shall be granted 87777
a qualifying certificate, provided that the operator is liable for 87778
any tax, interest, or penalty upon amounts claimed as qualifying 87779
distribution center receipts, other than those receipts exempt 87780
under division (C)(1) of section 5751.011 of the Revised Code, 87781
that would have otherwise not been owed by its suppliers if the 87782
qualifying certificate was valid. 87783

(VII) "Ohio delivery percentage" means the proportion of the 87784
total property delivered to a destination inside Ohio from the 87785
qualified distribution center during the qualifying period 87786
compared with total deliveries from such distribution center 87787
everywhere during the qualifying period. 87788

(ii) If the distribution center is new and was not open for 87789
the entire qualifying period, the operator of the distribution 87790
center may request that the commissioner grant a qualifying 87791
certificate. If the certificate is granted and it is later 87792

determined that more than fifty per cent of the qualified property 87793
during that year was not shipped to a location such that it would 87794
be sitused outside of this state under the provisions of division 87795
(E) of section 5751.033 of the Revised Code or if it is later 87796
determined that the person that operates the distribution center 87797
had average monthly costs from its suppliers of less than forty 87798
million dollars during that year, then the operator of the 87799
distribution center shall be liable for any tax, interest, or 87800
penalty upon amounts claimed as qualifying distribution center 87801
receipts, other than those receipts exempt under division (C)(1) 87802
of section 5751.011 of the Revised Code, that would have not 87803
otherwise been owed by its suppliers during the qualifying year if 87804
the qualifying certificate was valid. (For purposes of division 87805
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 87806
is part of the consolidated elected taxpayer group, if applicable, 87807
of the operator of the qualified distribution center.) 87808

(iii) When filing an application for a qualifying certificate 87809
under division (F)(2)(z)(i)(VI) of this section, the operator of a 87810
qualified distribution center also shall provide documentation, as 87811
the commissioner requires, for the commissioner to ascertain the 87812
Ohio delivery percentage. The commissioner, upon issuing the 87813
qualifying certificate, also shall certify the Ohio delivery 87814
percentage. The operator of the qualified distribution center may 87815
appeal the commissioner's certification of the Ohio delivery 87816
percentage in the same manner as an appeal is taken from the 87817
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 87818
of this section. 87819

Within thirty days after all appeals have been exhausted, the 87820
operator of the qualified distribution center shall notify the 87821
affected suppliers of qualified property that such suppliers are 87822
required to file, within sixty days after receiving notice from 87823
the operator of the qualified distribution center, amended reports 87824

for the impacted calendar quarter or quarters or calendar year, 87825
whichever the case may be. Any additional tax liability or tax 87826
overpayment shall be subject to interest but shall not be subject 87827
to the imposition of any penalty so long as the amended returns 87828
are timely filed. The supplier of tangible personal property 87829
delivered to the qualified distribution center shall include in 87830
its report of taxable gross receipts the receipts from the total 87831
sales of property delivered to the qualified distribution center 87832
for the calendar quarter or calendar year, whichever the case may 87833
be, multiplied by the Ohio delivery percentage for the qualifying 87834
year. Nothing in division (F)(2)(z)(iii) of this section shall be 87835
construed as imposing liability on the operator of a qualified 87836
distribution center for the tax imposed by this chapter arising 87837
from any change to the Ohio delivery percentage. 87838

(iv) In the case where the distribution center is new and not 87839
open for the entire qualifying period, the operator shall make a 87840
good faith estimate of an Ohio delivery percentage for use by 87841
suppliers in their reports of taxable gross receipts for the 87842
remainder of the qualifying period. The operator of the facility 87843
shall disclose to the suppliers that such Ohio delivery percentage 87844
is an estimate and is subject to recalculation. By the due date of 87845
the next application for a qualifying certificate, the operator 87846
shall determine the actual Ohio delivery percentage for the 87847
estimated qualifying period and proceed as provided in division 87848
(F)(2)(z)(iii) of this section with respect to the calculation and 87849
recalculation of the Ohio delivery percentage. The supplier is 87850
required to file, within sixty days after receiving notice from 87851
the operator of the qualified distribution center, amended reports 87852
for the impacted calendar quarter or quarters or calendar year, 87853
whichever the case may be. Any additional tax liability or tax 87854
overpayment shall be subject to interest but shall not be subject 87855
to the imposition of any penalty so long as the amended returns 87856
are timely filed. 87857

(v) Qualifying certificates and Ohio delivery percentages 87858
issued by the commissioner shall be open to public inspection and 87859
shall be timely published by the commissioner. A supplier relying 87860
in good faith on a certificate issued under this division shall 87861
not be subject to tax on the qualifying distribution center 87862
receipts under division (F)(2)(z) of this section. A person 87863
receiving a qualifying certificate is responsible for paying the 87864
tax, interest, and penalty upon amounts claimed as qualifying 87865
distribution center receipts that would not otherwise have been 87866
owed by the supplier if the qualifying certificate were available 87867
when it is later determined that the qualifying certificate should 87868
not have been issued because the statutory requirements were in 87869
fact not met. 87870

(vi) The annual fee for a qualifying certificate shall be one 87871
hundred thousand dollars for each qualified distribution center. 87872
If a qualifying certificate is not issued, the annual fee is 87873
subject to refund after the exhaustion of all appeals provided for 87874
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 87875
under this division may be assessed in the same manner as the tax 87876
imposed under this chapter. The first one hundred thousand dollars 87877
of the annual application fees collected each calendar year shall 87878
be credited to the commercial activity tax administrative fund. 87879
The remainder of the annual application fees collected shall be 87880
distributed in the same manner required under section 5751.20 of 87881
the Revised Code. 87882

(vii) The tax commissioner may require that adequate security 87883
be posted by the operator of the distribution center on appeal 87884
when the commissioner disagrees that the applicant has met the 87885
minimum thresholds for a qualified distribution center as set 87886
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 87887
section. 87888

(aa) Receipts of an employer from payroll deductions relating 87889

to the reimbursement of the employer for advancing moneys to an 87890
unrelated third party on an employee's behalf; 87891

(bb) Cash discounts allowed and taken; 87892

(cc) Returns and allowances; 87893

(dd) Bad debts from receipts on the basis of which the tax 87894
imposed by this chapter was paid in a prior quarterly tax payment 87895
period. For the purpose of this division, "bad debts" means any 87896
debts that have become worthless or uncollectible between the 87897
preceding and current quarterly tax payment periods, have been 87898
uncollected for at least six months, and that may be claimed as a 87899
deduction under section 166 of the Internal Revenue Code and the 87900
regulations adopted under that section, or that could be claimed 87901
as such if the taxpayer kept its accounts on the accrual basis. 87902
"Bad debts" does not include repossessed property, uncollectible 87903
amounts on property that remains in the possession of the taxpayer 87904
until the full purchase price is paid, or expenses in attempting 87905
to collect any account receivable or for any portion of the debt 87906
recovered; 87907

(ee) Any amount realized from the sale of an account 87908
receivable to the extent the receipts from the underlying 87909
transaction giving rise to the account receivable were included in 87910
the gross receipts of the taxpayer; 87911

(ff) Exchanges of products derived from crude oil, including 87912
motor fuels, between licensed motor fuel dealers or licensed 87913
permissive motor fuel dealers where the exchanging parties agree 87914
that neither party shall require payment in money from the other 87915
for the value of the petroleum products exchanged and where 87916
delivery occurs at a refinery, terminal, pipeline, or marine 87917
vessel. Division (F)(2)(ff) does not apply to receipts for the 87918
value of location or grade differences, or handling, lubricity, 87919
dye, or other additive injection fees, pipeline security fees, or 87920

similar fees, or to purchases within a refinery, terminal, 87921
pipeline, or marine vessel of a product that is resold to another 87922
party; 87923

(gg) Any receipts for which the tax imposed by this chapter 87924
is prohibited by the Constitution or laws of the United States or 87925
the Constitution of Ohio. 87926

(3) In the case of a taxpayer when acting as a real estate 87927
broker, "gross receipts" includes only the portion of any fee for 87928
the service of a real estate broker, or service of a real estate 87929
salesperson associated with that broker, that is retained by the 87930
broker and not paid to an associated real estate salesperson or 87931
another real estate broker. For the purposes of this division, 87932
"real estate broker" and "real estate salesperson" have the same 87933
meanings as in section 4735.01 of the Revised Code. 87934

(4) A taxpayer's method of accounting for gross receipts for 87935
a tax period shall be the same as the taxpayer's method of 87936
accounting for federal income tax purposes for the taxpayer's 87937
federal taxable year that includes the tax period. If a taxpayer's 87938
method of accounting for federal income tax purposes changes, its 87939
method of accounting for gross receipts under this chapter shall 87940
be changed accordingly. 87941

~~In calculating gross receipts, the following shall be~~ 87942
~~deducted to the extent included as a gross receipt in the current~~ 87943
~~tax period or reported as taxable gross receipts in a prior tax~~ 87944
~~period:~~ 87945

~~(a) Cash discounts allowed and taken;~~ 87946

~~(b) Returns and allowances;~~ 87947

~~(c) Bad debts. For the purposes of this division, "bad debts"~~ 87948
~~mean any debts that have become worthless or uncollectible between~~ 87949
~~the preceding and current quarterly tax payment periods, have been~~ 87950
~~uncollected for at least six months, and may be claimed as a~~ 87951

~~deduction under section 166 of the Internal Revenue Code and the 87952
regulations adopted pursuant thereto, or that could be claimed as 87953
such if the taxpayer kept its accounts on the accrual basis. "Bad 87954
debts" does not include uncollectible amounts on property that 87955
remains in the possession of the taxpayer until the full purchase 87956
price is paid, expenses in attempting to collect any account 87957
receivable or for any portion of the debt recovered, and 87958
repossessed property;~~ 87959

~~(d) Any amount realized from the sale of an account 87960
receivable but only to the extent the receipts from the underlying 87961
transaction giving rise to the account receivable were included in 87962
the gross receipts of the taxpayer.~~ 87963

(G) "Taxable gross receipts" means gross receipts sitused to 87964
this state under section 5751.033 of the Revised Code. 87965

(H) A person has "substantial nexus with this state" if any 87966
of the following applies. The person: 87967

(1) Owns or uses a part or all of its capital in this state; 87968

(2) Holds a certificate of compliance with the laws of this 87969
state authorizing the person to do business in this state; 87970

(3) Has bright-line presence in this state; 87971

(4) Otherwise has nexus with this state to an extent that the 87972
person can be required to remit the tax imposed under this chapter 87973
under the Constitution of the United States. 87974

(I) A person has "bright-line presence" in this state for a 87975
reporting period and for the remaining portion of the calendar 87976
year if any of the following applies. The person: 87977

(1) Has at any time during the calendar year property in this 87978
state with an aggregate value of at least fifty thousand dollars. 87979
For the purpose of division (I)(1) of this section, owned property 87980
is valued at original cost and rented property is valued at eight 87981

times the net annual rental charge. 87982

(2) Has during the calendar year payroll in this state of at 87983
least fifty thousand dollars. Payroll in this state includes all 87984
of the following: 87985

(a) Any amount subject to withholding by the person under 87986
section 5747.06 of the Revised Code; 87987

(b) Any other amount the person pays as compensation to an 87988
individual under the supervision or control of the person for work 87989
done in this state; and 87990

(c) Any amount the person pays for services performed in this 87991
state on its behalf by another. 87992

(3) Has during the calendar year taxable gross receipts of at 87993
least five hundred thousand dollars. 87994

(4) Has at any time during the calendar year within this 87995
state at least twenty-five per cent of the person's total 87996
property, total payroll, or total gross receipts. 87997

(5) Is domiciled in this state as an individual or for 87998
corporate, commercial, or other business purposes. 87999

(J) "Tangible personal property" has the same meaning as in 88000
section 5739.01 of the Revised Code. 88001

(K) "Internal Revenue Code" means the Internal Revenue Code 88002
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 88003
this chapter that is not otherwise defined has the same meaning as 88004
when used in a comparable context in the laws of the United States 88005
relating to federal income taxes unless a different meaning is 88006
clearly required. Any reference in this chapter to the Internal 88007
Revenue Code includes other laws of the United States relating to 88008
federal income taxes. 88009

(L) "Calendar quarter" means a three-month period ending on 88010
the thirty-first day of March, the thirtieth day of June, the 88011

thirtieth day of September, or the thirty-first day of December.	88012
(M) "Tax period" means the calendar quarter or calendar year	88013
on the basis of which a taxpayer is required to pay the tax	88014
imposed under this chapter.	88015
(N) "Calendar year taxpayer" means a taxpayer for which the	88016
tax period is a calendar year.	88017
(O) "Calendar quarter taxpayer" means a taxpayer for which	88018
the tax period is a calendar quarter.	88019
(P) "Agent" means a person authorized by another person to	88020
act on its behalf to undertake a transaction for the other,	88021
including any of the following:	88022
(1) A person receiving a fee to sell financial instruments;	88023
(2) A person retaining only a commission from a transaction	88024
with the other proceeds from the transaction being remitted to	88025
another person;	88026
(3) A person issuing licenses and permits under section	88027
1533.13 of the Revised Code;	88028
(4) A lottery sales agent holding a valid license issued	88029
under section 3770.05 of the Revised Code;	88030
(5) A person acting as an agent of the division of liquor	88031
control under section 4301.17 of the Revised Code.	88032
(Q) "Received" includes amounts accrued under the accrual	88033
method of accounting.	88034
<u>(R) "Reporting person" means a person in a consolidated</u>	88035
<u>elected taxpayer or combined taxpayer group that is designated by</u>	88036
<u>that group to legally bind the group for all filings and tax</u>	88037
<u>liabilities and to receive all legal notices with respect to</u>	88038
<u>matters under this chapter, or, for the purposes of section</u>	88039
<u>5751.04 of the Revised Code, a separate taxpayer that is not a</u>	88040
<u>member of such a group.</u>	88041

Sec. 5751.011. (A) A group of two or more persons may elect 88042
to be a consolidated elected taxpayer for the purposes of this 88043
chapter if the group satisfies all of the following requirements: 88044

(1) The group elects to include all persons, including 88045
persons enumerated in divisions (E)(2) to (10) of section 5751.01 88046
of the Revised Code, having at least eighty per cent, or having at 88047
least fifty per cent, of the value of their ownership interests 88048
owned or controlled, directly or constructively through related 88049
interests, by common owners during all or any portion of the tax 88050
period, together with the common owners. ~~At~~ 88051

A group making its initial election on the basis of the 88052
eighty per cent ownership test may change its election so that its 88053
consolidated elected taxpayer group is formed on the basis of the 88054
fifty per cent ownership test if all of the following are 88055
satisfied: 88056

(a) When the initial election was made, the group did not 88057
have any persons satisfying the fifty per cent ownership test; 88058

(b) One or more of the persons in the initial group 88059
subsequently acquires ownership interests in a person such that 88060
the fifty per cent ownership test is satisfied, the eighty per 88061
cent ownership test is not satisfied, and the acquired person 88062
would be required to be included in a combined taxpayer group 88063
under section 5751.012 of the Revised Code; 88064

(c) The group requests the change in a written request to the 88065
tax commissioner on or before the due date for filing the first 88066
return due under section 5751.051 of the Revised Code after the 88067
date of the acquisition; 88068

(d) The group has not previously changed its election. 88069

At the election of the group, all entities that are not 88070
incorporated or formed under the laws of a state or of the United 88071

States and that meet the consolidated elected ownership test shall 88072
either be included in the group or all shall be excluded from the 88073
group. ~~The~~ If, at the time of registration, the group does not 88074
include any such entities that meet the consolidated elected 88075
ownership test, the group shall elect to either include or exclude 88076
the newly acquired entities before the due date of the first 88077
return due after the date of the acquisition. 88078

Each group shall notify the tax commissioner of the foregoing 88079
elections before the due date of the return ~~in which the election~~ 88080
~~is to become effective~~ for the period in which the election 88081
becomes binding. If fifty per cent of the value of a person's 88082
ownership interests is owned or controlled by each of two 88083
consolidated elected taxpayer groups formed under the fifty per 88084
cent ownership or control test, that person is a member of each 88085
group for the purposes of this section, and each group shall 88086
include in the group's taxable gross receipts fifty per cent of 88087
that person's taxable gross receipts. Otherwise, all of that 88088
person's taxable gross receipts shall be included in the taxable 88089
gross receipts of the consolidated elected taxpayer group of which 88090
the person is a member. In no event shall the ownership or control 88091
of fifty per cent of the value of a person's ownership interests 88092
by two otherwise unrelated groups form the basis for consolidating 88093
the groups into a single consolidated elected taxpayer group or 88094
permit any exclusion under division (C) of this section of taxable 88095
gross receipts between members of the two groups. Division (A)(3) 88096
of this section applies with respect to the elections described in 88097
this division. 88098

(2) The group makes the election to be treated as a 88099
consolidated elected taxpayer in the manner prescribed under 88100
division (D) of this section. 88101

(3) Subject to review and audit by the tax commissioner, the 88102
group agrees that all of the following apply: 88103

(a) The group shall file reports as a single taxpayer for at least the next eight calendar quarters following the election so long as at least two or more of the members of the group meet the requirements of division (A)(1) of this section.

(b) Before the expiration of the eighth such calendar quarter, the group shall notify the commissioner if it elects to cancel its designation as a consolidated elected taxpayer. If the group does not so notify the tax commissioner, the election remains in effect for another eight calendar quarters.

(c) If, at any time during any of those eight calendar quarters following the election, a former member of the group no longer meets the requirements under division (A)(1) of this section, that member shall report and pay the tax imposed under this chapter separately, as a member of a combined taxpayer, or, if the former member satisfies such requirements with respect to another consolidated elected group, as a member of that consolidated elected group.

(d) The group agrees to the application of division (B) of this section.

(B) A group of persons making the election under this section shall report and pay tax on all of the group's taxable gross receipts even if substantial nexus with this state does not exist for one or more persons in the group.

(C)(1)(a) Members of a consolidated elected taxpayer group shall exclude gross receipts among persons included in the consolidated elected taxpayer group.

(b) Subject to divisions (C)(1)(c) and (C)(2) of this section, nothing in this section shall have the effect of requiring a consolidated elected taxpayer group to include gross receipts received by a person enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code if that person is a

member of the group pursuant to the elections made by the group 88135
under division (A)(1) of this section. 88136

(c)(i) As used in division (C)(1)(c) of this section, "dealer 88137
transfer" means a transfer of property that satisfies both of the 88138
following: (I) the property is directly transferred by any means 88139
from one member of the group to another member of the group that 88140
is a dealer in intangibles but is not a qualifying dealer as 88141
defined in section 5725.24 of the Revised Code; and (II) the 88142
property is subsequently delivered by the dealer in intangibles to 88143
a person that is not a member of the group. 88144

(ii) In the event of a dealer transfer, a consolidated 88145
elected taxpayer group shall not exclude, under division (C) of 88146
this section, gross receipts from the transfer described in 88147
division (C)(1)(c)(i)(I) of this section. 88148

(2) Gross receipts related to the sale or transmission of 88149
electricity through the use of an intermediary regional 88150
transmission organization approved by the federal energy 88151
regulatory commission shall be excluded from taxable gross 88152
receipts under division (C)(1) of this section if all other 88153
requirements of that division are met, even if the receipts are 88154
from and to the same member of the group. 88155

(D) To make the election to be a consolidated elected 88156
taxpayer, a group of persons shall notify the tax commissioner of 88157
the election in the manner prescribed by the commissioner and pay 88158
the commissioner a registration fee equal to the lesser of two 88159
hundred dollars or twenty dollars for each person in the group. No 88160
additional fee shall be imposed for the addition of new members to 88161
the group once the group has remitted a fee in the amount of two 88162
hundred dollars. The election shall be made and the fee paid 88163
before ~~the later of~~ the beginning of the first calendar quarter to 88164
which the election applies ~~or November 15, 2005~~. The fee shall be 88165
collected and used in the same manner as provided in section 88166

5751.04 of the Revised Code. 88167

The election shall be made on a form prescribed by the tax 88168
commissioner for that purpose and shall be signed by one or more 88169
individuals with authority, separately or together, to make a 88170
binding election on behalf of all persons in the group. 88171

Any person acquired or formed after the filing of the 88172
registration shall be included in the group if the person meets 88173
the requirements of division (A)(1) of this section, and the group 88174
shall notify the tax commissioner of any additions to the group 88175
with the next tax return it files with the commissioner. 88176

~~(E) Each member of a consolidated elected taxpayer is jointly 88177
and severally liable for the tax imposed by this chapter and any 88178
penalties or interest thereon. The tax commissioner may require 88179
one person in the group to be the taxpayer for purposes of 88180
registration and remittance of the tax, but all members of the 88181
group are subject to assessment under section 5751.09 of the 88182
Revised Code. 88183~~

Sec. 5751.012. (A) All persons, other than persons enumerated 88184
in divisions (E)(2) to (10) of section 5751.01 of the Revised 88185
Code, having more than fifty per cent of the value of their 88186
ownership interest owned or controlled, directly or constructively 88187
through related interests, by common owners during all or any 88188
portion of the tax period, together with the common owners, shall 88189
be members of a combined taxpayer if those persons are not members 88190
of a consolidated elected taxpayer pursuant to an election under 88191
section 5751.011 of the Revised Code. 88192

(B) A combined taxpayer shall register, file returns, and pay 88193
taxes under this chapter as a single taxpayer. 88194

(C) A combined taxpayer shall neither exclude taxable gross 88195
receipts between its members nor from others that are not members. 88196

(D) A combined taxpayer shall pay to the tax commissioner a registration fee equal to the lesser of two hundred dollars or twenty dollars for each person in the group. No additional fee shall be imposed for the addition of new members to the group once the group has remitted a fee in the amount of two hundred dollars. The fee shall be timely paid before the later of the beginning of the first calendar quarter or November 15, 2005. The fee shall be collected and used in the same manner as provided in section 5751.04 of the Revised Code.

Any person acquired or formed after the filing of the registration shall be included in the group if the person meets the requirements of division (A) of this section, and the group must notify the tax commissioner of any additions with the next quarterly tax return it files with the commissioner.

~~(E) Each member of a combined taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties or interest thereon. The tax commissioner may require one person in the group to be the taxpayer for purposes of registration and remittance of the tax, but all members of the group are subject to assessment under section 5751.09 of the Revised Code.~~

Sec. 5751.013. (A) Except as provided in division (B) of this section:

(1) A person shall include as taxable gross receipts the value of property the person transfers into this state for the person's own use within one year after the person receives the property outside this state; and

(2) In the case of ~~an elected~~ a consolidated elected taxpayer group or a combined taxpayer group, the taxpayer shall include as taxable gross receipts the value of property that any of the taxpayer's members transferred into this state for the use of any

of the taxpayer's members within one year after the taxpayer 88228
receives the property outside this state. 88229

(B) Property brought into this state within one year after it 88230
is received outside this state by a person or group described in 88231
division (A)(1) or (2) of this section shall not be included as 88232
taxable gross receipts as required under those divisions if the 88233
tax commissioner ascertains that the property's receipt outside 88234
this state by the person or group followed by its transfer into 88235
this state within one year was not intended in whole or in part to 88236
avoid in whole or in part the tax imposed under this chapter. 88237

(C) The tax commissioner may adopt rules necessary to 88238
administer this section. 88239

Sec. 5751.014. All members of a consolidated elected taxpayer 88240
or combined taxpayer group during the tax period or periods for 88241
which additional tax, penalty, or interest is owed are jointly and 88242
severally liable for such amounts. Although the reporting person 88243
will be assessed for the liability, such amounts due may be 88244
pursued against any member of the group when a liability is 88245
certified to the attorney general under section 131.02 of the 88246
Revised Code. 88247

Sec. 5751.03. (A) Except as provided in divisions (B) and (D) 88248
of this section and in sections 5751.031 and 5751.032 of the 88249
Revised Code, the tax levied under this section for each tax 88250
period shall be the product of two and six-tenths mills per dollar 88251
times the remainder of the taxpayer's taxable gross receipts for 88252
the tax period after subtracting the exclusion amount provided for 88253
in division (C) of this section. 88254

(B) Notwithstanding division (C) of this section, the tax on 88255
the first one million dollars in taxable gross receipts each 88256
calendar year shall be one hundred fifty dollars. For calendar 88257

year 2006, the tax imposed under this division shall be paid not 88258
later than May 10, 2006, by both calendar year taxpayers and 88259
calendar quarter taxpayers. For calendar ~~year years~~ 2007 ~~and~~ 88260
~~thereafter, 2008, and 2009~~, the tax imposed under this division 88261
shall be paid with the fourth-quarter tax return or annual tax 88262
return for the prior calendar year by both calendar year taxpayers 88263
and calendar quarter taxpayers. For calendar years 2010 and 88264
thereafter, the tax imposed under this division shall be paid not 88265
later than the tenth day of May of each year along with the first 88266
quarter or annual tax return, as applicable. 88267

(C)(1) Each calendar quarter taxpayer may exclude the first 88268
two hundred fifty thousand dollars of taxable gross receipts for a 88269
calendar quarter and may carry forward and apply any unused 88270
exclusion amount to the three subsequent calendar quarters. Each 88271
calendar year taxpayer may exclude the first one million dollars 88272
of taxable gross receipts for a calendar year. 88273

(2) A taxpayer switching from a calendar year tax period to a 88274
calendar quarter tax period may, for the first quarter of the 88275
change, apply the prior calendar quarter exclusion amounts to the 88276
first calendar quarter return the taxpayer files that calendar 88277
year. The tax rate shall be based on the rate imposed that 88278
calendar quarter when the taxpayer switches from a calendar year 88279
to a calendar quarter tax period. 88280

(D) There is hereby allowed a credit against the tax imposed 88281
under this chapter for each of the following calendar years if a 88282
transfer was made in the preceding calendar year from the general 88283
revenue fund to the commercial activity tax refund fund under 88284
division (D) of section 5751.032 of the Revised Code: calendar 88285
years 2008, 2010, and 2012. The credit is allowed for taxpayers 88286
that paid in full the tax imposed under this chapter for the 88287
calendar year in which the transfer was made. The amount of a 88288
taxpayer's credit equals the amount computed under division (D) of 88289

section 5751.032 of the Revised Code. 88290

Sec. 5751.04. (A) As used in this section, "person" includes a reporting person. 88291
88292

(B) Not later than ~~the later of November 15, 2005, or~~ thirty 88293
days after a person first has more than one hundred fifty thousand 88294
dollars in taxable gross receipts in a calendar year, each person 88295
subject to this chapter shall register with the tax commissioner 88296
on the form prescribed by the commissioner. The form shall include 88297
the following: 88298

(1) The person's name; 88299

(2) If applicable, the name of the state or country under the 88300
laws of which the person is incorporated; 88301

(3) If applicable, the location of a person's principal 88302
office and the name and address of the officer or agent of the 88303
corporation in charge of the business; 88304

(4) If applicable, the names of the person's president, 88305
secretary, treasurer, and statutory agent designated pursuant to 88306
section 1703.041 of the Revised Code, with the post office address 88307
of each; 88308

(5) The kind of business in which the person is engaged, 88309
including applicable business or industry codes; 88310

(6) If required by the tax commissioner, the date of the 88311
beginning of the person's annual accounting period that includes 88312
the first day of January of the taxable calendar year; 88313

(7) If the person is not a corporation or a sole proprietor, 88314
the names of the person's owners and officers, if required by the 88315
tax commissioner; 88316

(8) The person's federal employer identification number or 88317
numbers or, if those are not applicable, the person's social 88318

security number or equivalent; 88319

(9) All other information that the commissioner requires to 88320
administer and enforce this chapter. 88321

~~(B)~~(C) Except as otherwise provided in this division, each 88322
person registering with the tax commissioner as required by 88323
division ~~(A)~~(B) of this section shall pay a registration fee. The 88324
fee shall be in the amount of fifteen dollars if a person 88325
registers electronically and twenty dollars if a person does not 88326
register electronically. The registration fee shall be paid in the 88327
manner prescribed by the tax commissioner at the same time the 88328
registration is due if a person is subject to the tax imposed 88329
under this chapter before January 1, 2006. If a person first 88330
becomes subject to the tax after that date, the registration fee 88331
is payable with the first tax period return the person is required 88332
to file as prescribed by section 5751.051 of the Revised Code. If 88333
~~a registration fee is not paid when due~~ person does not register 88334
within the time prescribed by this section, an additional fee is 88335
imposed in the amount of one hundred dollars per month or part 88336
thereof that the fee is outstanding, not to exceed one thousand 88337
dollars. The tax commissioner may abate the additional fee. The 88338
fee imposed under this division may be assessed in the same manner 88339
as the tax imposed under this chapter. Proceeds from the fee shall 88340
be credited to the commercial activity tax administrative fund, 88341
which is hereby created in the state treasury for the commissioner 88342
to use in implementing and administering the tax imposed under 88343
this chapter. 88344

~~No registration fee is payable by a person for a calendar 88345
year if the person first begins business operations in this state 88346
after the thirtieth day of November of that calendar year or if 88347
the person's taxable gross receipts for the calendar year exceed 88348
one hundred fifty thousand dollars but do not exceed one hundred 88349
fifty thousand dollars as of the first day of December of the 88350~~

~~calendar year.~~ 88351

Registration fees paid under this section, excluding any 88352
additional fee imposed for ~~late payment of the registration fee a~~ 88353
person's failure to timely register, shall be credited against the 88354
first payment of tax payable under section 5751.03 of the Revised 88355
Code ~~after the registration fee is paid.~~ 88356

~~(C)~~(D) If a person that has registered under this section is 88357
no longer a taxpayer subject to this chapter, including no longer 88358
being a taxpayer because of the application of division (E)(1) of 88359
section 5751.01 of the Revised Code, the person shall notify the 88360
commissioner that the person's registration should be cancelled. 88361

(E) With respect to registrations received by the 88362
commissioner before the effective date of the amendment of this 88363
section by the main operating appropriations act of the 128th 88364
general assembly, the taxpayer listed as the primary taxpayer on 88365
the registration shall be the reporting person until the taxpayer 88366
notifies the commissioner otherwise. 88367

Sec. 5751.05. (A) If a person subject to this chapter 88368
anticipates that the person's taxable gross receipts will be more 88369
than one million dollars ~~or less~~ in a calendar year ~~2006~~, the 88370
person ~~may elect to be a calendar year taxpayer. If a person is~~ 88371
~~not required to be registered under this section for calendar year~~ 88372
~~2006 and anticipates that the person's taxable gross receipts will~~ 88373
~~be one million dollars or less in the first calendar year the~~ 88374
~~person is required to register under this section, the person may~~ 88375
~~elect to be a calendar year taxpayer~~ shall notify the tax 88376
commissioner on the person's initial registration form and file on 88377
a quarterly basis as a calendar quarter taxpayer. Any taxpayer 88378
with taxable gross receipts of one million dollars or less shall 88379
register as a calendar year taxpayer and shall file annually. 88380

(B) Any person that is a calendar year taxpayer ~~pursuant to~~ 88381

~~an election~~ under division (A) of this section shall become a 88382
calendar quarter taxpayer in the subsequent calendar year if the 88383
person's taxable gross receipts for the prior calendar year are 88384
more than one million dollars, and shall remain a calendar quarter 88385
taxpayer until the person notifies the tax commissioner, and 88386
receives approval in writing from the tax commissioner, to switch 88387
back to being a calendar year taxpayer. Nothing in this division 88388
prohibits a person that has elected to be a calendar year taxpayer 88389
from notifying the tax commissioner, using the procedures 88390
prescribed by the commissioner, that it is switching back to being 88391
a calendar quarter taxpayer. 88392

(C) Any taxpayer that is not a calendar ~~year~~ quarter taxpayer 88393
pursuant to this section is a calendar ~~quarter~~ year taxpayer. The 88394
~~tax~~ commissioner may grant written approval for a calendar quarter 88395
taxpayer to use an alternative reporting schedule or estimate the 88396
amount of tax due for a calendar quarter if the taxpayer 88397
demonstrates to the commissioner the need for such a deviation. 88398
The commissioner may adopt a rule to apply division (C) of this 88399
section to a group of taxpayers without the taxpayers having to 88400
receive written approval from the commissioner. 88401

Sec. 5751.051. (A)(1) Not later than ~~forty days~~ the tenth day 88402
of the second month after the end of each calendar quarter, every 88403
taxpayer other than a calendar year taxpayer shall file with the 88404
tax commissioner a tax return in such form as the commissioner 88405
prescribes. The return shall include, but is not limited to, the 88406
amount of the taxpayer's taxable gross receipts for the calendar 88407
quarter and shall indicate the amount of tax due under section 88408
5751.03 of the Revised Code for the calendar quarter. 88409

(2)(a) Subject to division (C) of section 5751.05 of the 88410
Revised Code, a calendar quarter taxpayer shall report the taxable 88411
gross receipts for that calendar quarter. 88412

(b) With respect to taxable gross receipts incorrectly reported in a calendar quarter that has a lower tax rate, the tax shall be computed at the tax rate in effect for the quarterly return in which such receipts should have been reported. Nothing in division (A)(2)(b) of this section prohibits a taxpayer from filing an application for refund under section 5751.08 of the Revised Code with regard to the incorrect reporting of taxable gross receipts discovered after filing the annual return described in division (A)(3) of this section.

A tax return shall not be deemed to be an incorrect reporting of taxable gross receipts for the purposes of division (A)(2)(b) of this section if the return reflects between ninety-five and one hundred five per cent of the actual taxable gross receipts for the calendar quarter.

(3) ~~The~~ For the purposes of division (A)(2)(b) of this section, the tax return filed for the fourth calendar quarter of a calendar year is the annual return for the privilege tax imposed by this chapter. Such return shall report any additional taxable gross receipts not previously reported in the calendar year and shall adjust for any over-reported taxable gross receipts in the calendar year. If the taxpayer ceases to be a taxpayer before the end of the calendar year, the last return the taxpayer is required to file shall be the annual return for the taxpayer and the taxpayer shall report any additional taxable gross receipts not previously reported in the calendar year and shall adjust for any over-reported taxable gross receipts in the calendar year.

(4) Because the tax imposed by this chapter is a privilege tax, the tax rate with respect to taxable gross receipts for a calendar quarter is not fixed until the end of the measurement period for each calendar quarter. Subject to division (A)(2)(b) of this section, the total amount of taxable gross receipts reported for a given calendar quarter shall be subject to the tax rate in

effect in that quarter. 88445

(5) Not later than ~~forty days after~~ the tenth day of May 88446
following the end of each calendar year, every calendar year 88447
taxpayer shall file with the tax commissioner a tax return in such 88448
form as the commissioner prescribes. The return shall include, but 88449
is not limited to, the amount of the taxpayer's taxable gross 88450
receipts for the calendar year and shall indicate the amount of 88451
tax due under section 5751.03 of the Revised Code for the calendar 88452
year. 88453

(B)(1) A person that first becomes subject to the tax imposed 88454
under this chapter shall pay the minimum tax imposed under 88455
division (B) of section 5751.03 of the Revised Code along with the 88456
registration fee imposed under this section, if applicable, on or 88457
before the day the return is required to be filed for that quarter 88458
under division (A)(1) of this section, regardless of whether the 88459
person elects to be a calendar year taxpayer under section 5751.05 88460
of the Revised Code. 88461

(2) The amount of the minimum tax for a person subject to 88462
division (B)(1) of this section shall be reduced to seventy-five 88463
dollars if the registration is timely filed after the first day of 88464
May and before the first day of January of the following calendar 88465
year. 88466

Sec. 5751.06. (A) Any taxpayer that fails to file a return or 88467
pay the full amount of the tax due within the period prescribed 88468
therefor under this chapter shall pay a penalty in an amount not 88469
exceeding the greater of fifty dollars or ten per cent of the tax 88470
required to be paid for the tax period. 88471

(B)(1) If any additional tax is found to be due, the tax 88472
commissioner may impose an additional penalty of up to fifteen per 88473
cent on the additional tax found to be due. 88474

(2) Any delinquent payments of the tax made after a taxpayer is notified of an audit or a tax discrepancy by the commissioner is subject to the penalty imposed by division (B) of this section. If an assessment is issued under section ~~5751.10~~ 5751.09 of the Revised Code in connection with such delinquent payments, the payments shall be credited to the assessment.

(C) After calendar year 2008, the tax commissioner may impose an additional penalty against a taxpayer that fails to switch to being a calendar quarter taxpayer at the time it had over two million in taxable gross receipts in the calendar year, as required under section 5751.04 of the Revised Code. The penalty may be imposed in an amount not to exceed ten per cent of the tax due above two million dollars in taxable gross receipts for the calendar year. Any penalty imposed under this division is in addition to any other penalties imposed under this section.

(D) If the tax commissioner notifies a person required to register under section 5751.05 of the Revised Code of such requirement and of the requirement to remit the tax due under this chapter, and the person fails to so register and remit the tax within sixty days after such notice, the tax commissioner may impose an additional penalty of up to thirty-five per cent of the tax due. The penalty imposed under this division is in addition to any other penalties imposed under this section.

(E) The tax commissioner may collect any penalty or interest imposed by this section in the same manner as the tax imposed under this chapter. Penalties and interest so collected shall be considered as revenue arising from the tax imposed under this chapter.

(F) The tax commissioner may abate all or a portion of any penalties imposed under this section and may adopt rules governing such abatements.

(G) If any tax due is not timely paid in accordance with this chapter, the taxpayer shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first.

(H) The tax commissioner may impose a penalty of up to ten per cent for any additional tax that is due under division (A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer incorrectly reporting its taxable gross receipts.

(I) If the tax commissioner discovers that a taxpayer has billed or invoiced another person for the tax imposed under this chapter in violation of division (B) of section 5751.02 of the Revised Code, the tax commissioner shall notify the taxpayer of the violation by certified mail and may impose a penalty of up to five hundred dollars. If the taxpayer subsequently bills or invoices a person for the tax imposed under this chapter, the tax commissioner shall impose a penalty of five hundred dollars.

Sec. 5751.08. (A) An application for refund to the taxpayer of the amount of taxes imposed under this chapter that are overpaid, paid illegally or erroneously, or paid on any illegal or erroneous assessment shall be filed by the reporting person with the tax commissioner, on the form prescribed by the commissioner, within four years after the date of the illegal or erroneous payment of the tax. The applicant shall provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund.

(B) On the filing of the refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from

the tax refund fund created under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code. 88537
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(C) Interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax was paid or when the tax payment was due. 88541
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(D) A calendar quarter taxpayer with more than one million dollars in taxable gross receipts in a calendar year other than calendar year 2005 and that is not able to exclude one million dollars in taxable gross receipts because of the operation of the taxpayer's business in that calendar year may file for a refund under this section to obtain the full exclusion of one million dollars in taxable gross receipts for that calendar year. 88545
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(E) No person with an active registration as a taxpayer under this chapter may claim a refund under this section for the tax imposed under division (B) of section 5751.03 of the Revised Code unless the person cancelled the registration before the tenth day of ~~February~~ May of the current calendar year pursuant to division ~~(C)~~ (D) of section 5751.04 of the Revised Code. 88552
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(F) Except as provided in section 5751.091 of the Revised Code, the tax commissioner may, with the consent of the taxpayer, provide for the crediting against tax due for a tax year the amount of any refund due the taxpayer under this chapter for a preceding tax year. 88558
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Sec. 5751.09. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any person that fails to file a return or pay any tax as required by this chapter. The commissioner shall give the person assessed written notice of the assessment as provided 88563
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in section 5703.37 of the Revised Code. With the notice, the 88568
commissioner shall provide instructions on the manner in which to 88569
petition for reassessment and request a hearing with respect to 88570
the petition. The commissioner shall send any assessments against 88571
consolidated elected taxpayer and combined taxpayer groups under 88572
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 88573
"reporting person" as defined under division (R) of section 88574
5751.01 of the Revised Code. The reporting person shall notify all 88575
members of the group of the assessment and all outstanding taxes, 88576
interest, and penalties for which the assessment is issued. 88577

(B) Unless the person assessed, within sixty days after 88578
service of the notice of assessment, files with the tax 88579
commissioner, either personally or by certified mail, a written 88580
petition signed by the person or the person's authorized agent 88581
having knowledge of the facts, the assessment becomes final, and 88582
the amount of the assessment is due and payable from the person 88583
assessed to the treasurer of state. The petition shall indicate 88584
the objections of the person assessed, but additional objections 88585
may be raised in writing if received by the commissioner prior to 88586
the date shown on the final determination. 88587

If a petition for reassessment has been properly filed, the 88588
commissioner shall proceed under section 5703.60 of the Revised 88589
Code. 88590

(C)(1) After an assessment becomes final, if any portion of 88591
the assessment, including accrued interest, remains unpaid, a 88592
certified copy of the tax commissioner's entry making the 88593
assessment final may be filed in the office of the clerk of the 88594
court of common pleas in the county in which the person resides or 88595
has its principal place of business in this state, or in the 88596
office of the clerk of court of common pleas of Franklin county. 88597

(2) Immediately upon the filing of the entry, the clerk shall 88598

enter judgment for the state against the person assessed in the 88599
amount shown on the entry. The judgment may be filed by the clerk 88600
in a loose-leaf book entitled, "special judgments for the 88601
commercial activity tax" and shall have the same effect as other 88602
judgments. Execution shall issue upon the judgment at the request 88603
of the tax commissioner, and all laws applicable to sales on 88604
execution shall apply to sales made under the judgment. 88605

(3) The portion of the assessment not paid within sixty days 88606
after the day the assessment was issued shall bear interest at the 88607
rate per annum prescribed by section 5703.47 of the Revised Code 88608
from the day the tax commissioner issues the assessment until it 88609
is paid. Interest shall be paid in the same manner as the tax and 88610
may be collected by the issuance of an assessment under this 88611
section. 88612

(D) If the tax commissioner believes that collection of the 88613
tax will be jeopardized unless proceedings to collect or secure 88614
collection of the tax are instituted without delay, the 88615
commissioner may issue a jeopardy assessment against the person 88616
liable for the tax. Immediately upon the issuance of the jeopardy 88617
assessment, the commissioner shall file an entry with the clerk of 88618
the court of common pleas in the manner prescribed by division (C) 88619
of this section. Notice of the jeopardy assessment shall be served 88620
on the person assessed or the person's authorized agent in the 88621
manner provided in section 5703.37 of the Revised Code within five 88622
days of the filing of the entry with the clerk. The total amount 88623
assessed is immediately due and payable, unless the person 88624
assessed files a petition for reassessment in accordance with 88625
division (B) of this section and provides security in a form 88626
satisfactory to the commissioner and in an amount sufficient to 88627
satisfy the unpaid balance of the assessment. Full or partial 88628
payment of the assessment does not prejudice the commissioner's 88629
consideration of the petition for reassessment. 88630

(E) The tax commissioner shall immediately forward to the 88631
treasurer of state all amounts the commissioner receives under 88632
this section, and such amounts shall be considered as revenue 88633
arising from the tax imposed under this chapter. 88634

(F) Except as otherwise provided in this division, no 88635
assessment shall be made or issued against a taxpayer for the tax 88636
imposed under this chapter more than four years after the due date 88637
for the filing of the return for the tax period for which the tax 88638
was reported, or more than four years after the return for the tax 88639
period was filed, whichever is later. Nothing in this division 88640
bars an assessment against a taxpayer that fails to file a return 88641
required by this chapter or that files a fraudulent return. 88642

(G) If the tax commissioner possesses information that 88643
indicates that the amount of tax a taxpayer is required to pay 88644
under this chapter exceeds the amount the taxpayer paid, the tax 88645
commissioner may audit a sample of the taxpayer's gross receipts 88646
over a representative period of time to ascertain the amount of 88647
tax due, and may issue an assessment based on the audit. The tax 88648
commissioner shall make a good faith effort to reach agreement 88649
with the taxpayer in selecting a representative sample. The tax 88650
commissioner may apply a sampling method only if the commissioner 88651
has prescribed the method by rule. 88652

(H) If the whereabouts of a person subject to this chapter is 88653
not known to the tax commissioner, the ~~secretary of state is~~ 88654
~~hereby deemed to be that person's agent for purposes of service of~~ 88655
~~process of notice of any assessment, action, or proceedings~~ 88656
~~instituted in this state against the person under this chapter.~~ 88657
~~Such process or notice shall be served on such person by the~~ 88658
~~commissioner or by one of the commissioner's agents by leaving at~~ 88659
~~the office of the secretary of state, at least fifteen days before~~ 88660
~~the return day of such process or notice, a true and attested copy~~ 88661
~~of the notice, and by sending to such person by ordinary mail,~~ 88662

~~with an endorsement thereon of the service upon the secretary of~~ 88663
~~state, addressed to such person at the person's last known address~~ 88664
commissioner shall follow the procedures under section 5703.37 of 88665
the Revised Code. 88666

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 88667
the Revised Code: 88668

(1) "School district," "joint vocational school district," 88669
"local taxing unit," "recognized valuation," "fixed-rate levy," 88670
and "fixed-sum levy" have the same meanings as used in section 88671
5727.84 of the Revised Code. 88672

(2) "State education aid" for a school district means the sum 88673
of state aid amounts computed for the district under division (A) 88674
of section 3317.022 of the Revised Code, including the amounts 88675
calculated under sections 3317.029 and 3317.0217 of the Revised 88676
Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 88677
3317.022; divisions (B), (C), and (D) of section 3317.023; 88678
divisions (L) and (N) of section 3317.024; section 3317.0216; and 88679
any unit payments for gifted student services paid under sections 88680
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 88681
for fiscal years 2008 and 2009, the amount computed for the 88682
district under Section 269.20.80 of H.B. 119 of the 127th general 88683
assembly and as that section subsequently may be amended shall be 88684
substituted for the amount computed under division (D) of section 88685
3317.022 of the Revised Code, and the amount computed under 88686
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 88687
that section subsequently may be amended shall be included. 88688

(3) "State education aid" for a joint vocational school 88689
district means the sum of the state aid computed for the district 88690
under division (N) of section 3317.024 and section 3317.16 of the 88691
Revised Code, except that, for fiscal years 2008 and 2009, the 88692
amount computed under Section 269.30.80 of H.B. 119 of the 127th 88693

general assembly and as that section subsequently may be amended 88694
shall be included. 88695

(4) "State education aid offset" means the amount determined 88696
for each school district or joint vocational school district under 88697
division (A)(1) of section 5751.21 of the Revised Code. 88698

(5) "Machinery and equipment property tax value loss" means 88699
the amount determined under division (C)(1) of this section. 88700

(6) "Inventory property tax value loss" means the amount 88701
determined under division (C)(2) of this section. 88702

(7) "Furniture and fixtures property tax value loss" means 88703
the amount determined under division (C)(3) of this section. 88704

(8) "Machinery and equipment fixed-rate levy loss" means the 88705
amount determined under division (D)(1) of this section. 88706

(9) "Inventory fixed-rate levy loss" means the amount 88707
determined under division (D)(2) of this section. 88708

(10) "Furniture and fixtures fixed-rate levy loss" means the 88709
amount determined under division (D)(3) of this section. 88710

(11) "Total fixed-rate levy loss" means the sum of the 88711
machinery and equipment fixed-rate levy loss, the inventory 88712
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 88713
loss, and the telephone company fixed-rate levy loss. 88714

(12) "Fixed-sum levy loss" means the amount determined under 88715
division (E) of this section. 88716

(13) "Machinery and equipment" means personal property 88717
subject to the assessment rate specified in division (F) of 88718
section 5711.22 of the Revised Code. 88719

(14) "Inventory" means personal property subject to the 88720
assessment rate specified in division (E) of section 5711.22 of 88721
the Revised Code. 88722

(15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code.

(16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010.

(17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.

(18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section.

(19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section.

(B) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. All money in that Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the tax reform system implementation fund, which is hereby created in the state treasury, and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder in the commercial activities tax receipts fund shall be credited for each fiscal year in the following percentages to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section

5751.21 of the Revised Code, and to the local government tangible
property tax replacement fund, which is hereby created in the
state treasury for the purpose of making the payments described in
section 5751.22 of the Revised Code, in the following percentages:

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	88754
2007	0%	70.0%	30.0%	88755
2008	0%	70.0%	30.0%	88756
2009	0%	70.0%	30.0%	88757
2010	0%	70.0%	30.0%	88758
2011 <u>and</u> <u>thereafter</u>	0%	70.0%	30.0%	88759
2012	5.3%	70.0%	24.7%	88760
2013	10.6%	70.0%	19.4%	88761
2014	14.1%	70.0%	15.9%	88762
2015	17.6%	70.0%	12.4%	88763
2016	21.1%	70.0%	8.9%	88764
2017	24.6%	70.0%	5.4%	88765
2018	28.1%	70.0%	1.9%	88766
2019 and thereafter	30%	70%	0%	88767

(C) Not later than September 15, 2005, the tax commissioner
shall determine for each school district, joint vocational school
district, and local taxing unit its machinery and equipment,
inventory property, furniture and fixtures property, and telephone
property tax value losses, which are the applicable amounts
described in divisions (C)(1), (2), (3), and (4) of this section,
except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:	88781
	88782
	88783
(a) For tax year 2006, thirty-three and eight-tenths per cent;	88784
	88785
(b) For tax year 2007, sixty-one and three-tenths per cent;	88786
(c) For tax year 2008, eighty-three per cent;	88787
(d) For tax year 2009 and thereafter, one hundred per cent.	88788
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	88789
	88790
	88791
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	88792
	88793
	88794
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	88795
	88796
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	88797
	88798
	88799
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	88800
	88801
	88802
(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:	88803
	88804
	88805
(a) For tax year 2006, twenty-five per cent;	88806
(b) For tax year 2007, fifty per cent;	88807
(c) For tax year 2008, seventy-five per cent;	88808
(d) For tax year 2009 and thereafter, one hundred per cent.	88809

The taxable value of property reported by taxpayers used in 88810
divisions (C)(1), (2), and (3) of this section shall be such 88811
values as determined to be final by the tax commissioner as of 88812
August 31, 2005. Such determinations shall be final except for any 88813
correction of a clerical error that was made prior to August 31, 88814
2005, by the tax commissioner. 88815

(4) Telephone property tax value loss is the taxable value of 88816
telephone property as taxpayers would have reported that property 88817
for tax year 2004 if the assessment rate for all telephone 88818
property for that year were twenty-five per cent, multiplied by: 88819

(a) For tax year 2006, zero per cent; 88820

(b) For tax year 2007, zero per cent; 88821

(c) For tax year 2008, zero per cent; 88822

(d) For tax year 2009, sixty per cent; 88823

(e) For tax year 2010, eighty per cent; 88824

(f) For tax year 2011 and thereafter, one hundred per cent. 88825

(5) Division (C)(5) of this section applies to any school 88826
district, joint vocational school district, or local taxing unit 88827
in a county in which is located a facility currently or formerly 88828
devoted to the enrichment or commercialization of uranium or 88829
uranium products, and for which the total taxable value of 88830
property listed on the general tax list of personal property for 88831
any tax year from tax year 2001 to tax year 2004 was fifty per 88832
cent or less of the taxable value of such property listed on the 88833
general tax list of personal property for the next preceding tax 88834
year. 88835

In computing the fixed-rate levy losses under divisions 88836
(D)(1), (2), and (3) of this section for any school district, 88837
joint vocational school district, or local taxing unit to which 88838
division (C)(5) of this section applies, the taxable value of such 88839

property as listed on the general tax list of personal property 88840
for tax year 2000 shall be substituted for the taxable value of 88841
such property as reported by taxpayers for tax year 2004, in the 88842
taxing district containing the uranium facility, if the taxable 88843
value listed for tax year 2000 is greater than the taxable value 88844
reported by taxpayers for tax year 2004. For the purpose of making 88845
the computations under divisions (D)(1), (2), and (3) of this 88846
section, the tax year 2000 valuation is to be allocated to 88847
machinery and equipment, inventory, and furniture and fixtures 88848
property in the same proportions as the tax year 2004 values. For 88849
the purpose of the calculations in division (A) of section 5751.21 88850
of the Revised Code, the tax year 2004 taxable values shall be 88851
used. 88852

To facilitate the calculations required under division (C) of 88853
this section, the county auditor, upon request from the tax 88854
commissioner, shall provide by August 1, 2005, the values of 88855
machinery and equipment, inventory, and furniture and fixtures for 88856
all single-county personal property taxpayers for tax year 2004. 88857

(D) Not later than September 15, 2005, the tax commissioner 88858
shall determine for each tax year from 2006 through 2009 for each 88859
school district, joint vocational school district, and local 88860
taxing unit its machinery and equipment, inventory, and furniture 88861
and fixtures fixed-rate levy losses, and for each tax year from 88862
2006 through 2011 its telephone property fixed-rate levy loss, 88863
~~which. Except as provided in division (F) of this section, such~~ 88864
losses are the applicable amounts described in divisions (D)(1), 88865
(2), (3), and (4) of this section: 88866

(1) The machinery and equipment fixed-rate levy loss is the 88867
machinery and equipment property tax value loss multiplied by the 88868
sum of the tax rates of fixed-rate qualifying levies. 88869

(2) The inventory fixed-rate loss is the inventory property 88870
tax value loss multiplied by the sum of the tax rates of 88871

fixed-rate qualifying levies. 88872

(3) The furniture and fixtures fixed-rate levy loss is the 88873
furniture and fixture property tax value loss multiplied by the 88874
sum of the tax rates of fixed-rate qualifying levies. 88875

(4) The telephone property fixed-rate levy loss is the 88876
telephone property tax value loss multiplied by the sum of the tax 88877
rates of fixed-rate qualifying levies. 88878

(E) Not later than September 15, 2005, the tax commissioner 88879
shall determine for each school district, joint vocational school 88880
district, and local taxing unit its fixed-sum levy loss. The 88881
fixed-sum levy loss is the amount obtained by subtracting the 88882
amount described in division (E)(2) of this section from the 88883
amount described in division (E)(1) of this section: 88884

(1) The sum of the machinery and equipment property tax value 88885
loss, the inventory property tax value loss, and the furniture and 88886
fixtures property tax value loss, and, for 2008 ~~through 2017 and~~ 88887
thereafter the telephone property tax value loss of the district 88888
or unit multiplied by the sum of the fixed-sum tax rates of 88889
qualifying levies. For 2006 through 2010, this computation shall 88890
include all qualifying levies remaining in effect for the current 88891
tax year and any school district levies imposed under section 88892
5705.194 or 5705.213 of the Revised Code that are qualifying 88893
levies not remaining in effect for the current year. For 2011 88894
~~through 2017 in the case of school district levies imposed under~~ 88895
~~section 5705.194 or 5705.213 of the Revised Code and for all years~~ 88896
~~after 2010 in the case of other fixed sum levies and thereafter,~~ 88897
this computation shall include only qualifying levies remaining in 88898
effect for the current year. For purposes of this computation, a 88899
qualifying school district levy imposed under section 5705.194 or 88900
5705.213 of the Revised Code remains in effect in a year after 88901
2010 only if, for that year, the board of education levies a 88902
school district levy imposed under section 5705.194 ~~or~~, 5705.199, 88903

5705.213, or 5705.219 of the Revised Code for an annual sum at 88904
least equal to the annual sum levied by the board in tax year 2004 88905
less the amount of the payment certified under this division for 88906
2006. 88907

(2) The total taxable value in tax year 2004 less the sum of 88908
the machinery and equipment, inventory, furniture and fixtures, 88909
and telephone property tax value losses in each school district, 88910
joint vocational school district, and local taxing unit multiplied 88911
by one-half of one mill per dollar. 88912

(3) For the calculations in divisions (E)(1) and (2) of this 88913
section, the tax value losses are those that would be calculated 88914
for tax year 2009 under divisions (C)(1), (2), and (3) of this 88915
section and for tax year 2011 under division (C)(4) of this 88916
section. 88917

(4) To facilitate the calculation under divisions (D) and (E) 88918
of this section, not later than September 1, 2005, any school 88919
district, joint vocational school district, or local taxing unit 88920
that has a qualifying levy that was approved at an election 88921
conducted during 2005 before September 1, 2005, shall certify to 88922
the tax commissioner a copy of the county auditor's certificate of 88923
estimated property tax millage for such levy as required under 88924
division (B) of section 5705.03 of the Revised Code, which is the 88925
rate that shall be used in the calculations under such divisions. 88926

If the amount determined under division (E) of this section 88927
for any school district, joint vocational school district, or 88928
local taxing unit is greater than zero, that amount shall equal 88929
the reimbursement to be paid pursuant to division (E) of section 88930
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 88931
and the one-half of one mill that is subtracted under division 88932
(E)(2) of this section shall be apportioned among all contributing 88933
fixed-sum levies in the proportion that each levy bears to the sum 88934
of all fixed-sum levies within each school district, joint 88935

vocational school district, or local taxing unit. 88936

(F) If a school district levies a tax under section 5705.219 of the Revised Code, the fixed-rate levy loss for qualifying levies, to the extent repealed under that section, shall equal the sum of the following amounts in lieu of the amounts computed for such levies under division (D) of this section: 88937
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(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as determined under that division; 88942
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(2) The sum of the rates of qualifying levies to the extent so repealed multiplied by the telephone property tax value loss for 2011 as determined under that division. 88946
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The fixed-rate levy losses for qualifying levies to the extent not repealed under section 5705.219 of the Revised Code shall be as determined under division (D) of this section. The revised fixed-rate levy losses determined under this division and division (D) of this section first apply in the year following the first year the district levies the tax under section 5705.219 of the Revised Code. 88949
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(G) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement. 88956
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~~(G)~~(H) Not later than October 1, 2005, the tax commissioner 88967
shall certify the amount of the fixed-sum levy losses to the 88968
county auditor of each county in which a school district, joint 88969
vocational school district, or local taxing unit with a fixed-sum 88970
levy loss reimbursement has territory. 88971

(I) Not later than the twenty-eighth day of February each 88972
year beginning in 2011 and ending in 2014, the tax commissioner 88973
shall certify to the department of education for each school 88974
district first levying a tax under section 5705.219 of the Revised 88975
Code in the preceding year the revised fixed-rate levy losses 88976
determined under divisions (D) and (F) of this section. 88977

Sec. 5751.21. (A) Not later than the thirtieth day of July of 88978
2007 ~~through 2017~~ and of each year thereafter, the department of 88979
education shall consult with the director of budget and management 88980
and determine the following for each school district and each 88981
joint vocational school district eligible for payment under 88982
division (B) of this section: 88983

(1) The state education aid offset, which is the difference 88984
obtained by subtracting the amount described in division (A)(1)(b) 88985
of this section from the amount described in division (A)(1)(a) of 88986
this section: 88987

(a) The state education aid computed for the school district 88988
or joint vocational school district for the current fiscal year as 88989
of the thirtieth day of July; 88990

(b) The state education aid that would be computed for the 88991
school district or joint vocational school district for the 88992
current fiscal year as of the thirtieth day of July if the 88993
recognized valuation included the machinery and equipment, 88994
inventory, furniture and fixtures, and telephone property tax 88995
value losses for the school district or joint vocational school 88996
district for the second preceding tax year, and if taxes charged 88997

and payable associated with the tax value losses are accounted for 88998
in any state education aid computation dependent on taxes charged 88999
and payable. 89000

(2) The greater of zero or the difference obtained by 89001
subtracting the state education aid offset determined under 89002
division (A)(1) of this section from the sum of the machinery and 89003
equipment fixed-rate levy loss, the inventory fixed-rate levy 89004
loss, furniture and fixtures fixed-rate levy loss, and telephone 89005
property fixed-rate levy loss certified under ~~division (F)~~ 89006
divisions (G) and (I) of section 5751.20 of the Revised Code for 89007
all taxing districts in each school district and joint vocational 89008
school district for the second preceding tax year. 89009

By the thirtieth day of July of each such year, the 89010
department of education and the director of budget and management 89011
shall agree upon the amount to be determined under division (A)(1) 89012
of this section. 89013

(B) On or before the thirty-first day of August of each year 89014
beginning in 2008, the department of education shall recalculate 89015
the offset described under division (A) of this section for the 89016
previous fiscal year and recalculate the payments made under 89017
division (C) of this section in the preceding fiscal year using 89018
the offset calculated under this division. If the payments 89019
calculated under this division differ from the payments made under 89020
division (C) of this section in the preceding fiscal year, the 89021
difference shall either be paid to a school district or recaptured 89022
from a school district through an adjustment at the same times 89023
during the current fiscal year that the payments under division 89024
(C) of this section are made. In August and October of the current 89025
fiscal year, the amount of each adjustment shall be three-sevenths 89026
of the amount calculated under this division. In May of the 89027
current fiscal year, the adjustment shall be one-seventh of the 89028
amount calculated under this division. 89029

(C) The department of education shall pay from the school district tangible property tax replacement fund to each school district and joint vocational school district all of the following for fixed-rate levy losses certified under ~~division (F)~~ divisions (G) and (I) of section 5751.20 of the Revised Code:

(1) On or before May 31, 2006, one-seventh of the total fixed-rate levy loss for tax year 2006;

(2) On or before August 31, 2006, and October 31, 2006, one-half of six-sevenths of the total fixed-rate levy loss for tax year 2006;

(3) On or before May 31, 2007, one-seventh of the total fixed-rate levy loss for tax year 2007;

(4) On or before August 31, 2007, and October 31, 2007, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss for tax year 2007 and the total fixed-rate levy loss for tax year 2006.

(5) On or before May 31, 2008, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-seventh of the difference between the total fixed-rate levy loss for tax year 2008 and the total fixed-rate levy loss for tax year 2006.

(6) On or before August 31, 2008, and October 31, 2008, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2009, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss in tax year 2008 and the total fixed-rate levy loss in tax year 2007.

(7) On or before May 31, 2009, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal

year 2009, but not less than zero, plus one-seventh of the 89061
difference between the total fixed-rate levy loss for tax year 89062
2009 and the total fixed-rate levy loss for tax year 2007. 89063

(8) On or before August 31, 2009, and October 31, 2009, 89064
forty-three per cent of the amount determined under division 89065
(A)(2) of this section for fiscal year 2010, but not less than 89066
zero, plus one-half of six-sevenths of the difference between the 89067
total fixed-rate levy loss in tax year 2009 and the total 89068
fixed-rate levy loss in tax year 2008. 89069

(9) On or before May 31, 2010, fourteen per cent of the 89070
amount determined under division (A)(2) of this section for fiscal 89071
year 2010, but not less than zero, plus one-seventh of the 89072
difference between the total fixed-rate levy loss in tax year 2010 89073
and the total fixed-rate levy loss in tax year 2008. 89074

(10) On or before August 31, 2010, and October 31, 2010, 89075
forty-three per cent of the amount determined under division 89076
(A)(2) of this section for fiscal year 2011, but not less than 89077
zero, plus one-half of six-sevenths of the difference between the 89078
telephone property fixed-rate levy loss for tax year 2010 and the 89079
telephone property fixed-rate levy loss for tax year 2009. 89080

(11) On or before May 31, 2011, fourteen per cent of the 89081
amount determined under division (A)(2) of this section for fiscal 89082
year 2011, but not less than zero, plus one-seventh of the 89083
difference between the telephone property fixed-rate levy loss for 89084
tax year 2011 and the telephone property fixed-rate levy loss for 89085
tax year 2009. 89086

(12) On or before August 31, 2011, and October 31, 2011, 89087
forty-three per cent of the amount determined under division 89088
(A)(2) of this section ~~multiplied by a fraction, the numerator of~~ 89089
~~which is fourteen and the denominator of which is seventeen, but~~ 89090
not less than zero, ~~multiplied by forty three per cent,~~ plus 89091

one-half of six-sevenths of the difference between the telephone 89092
property fixed-rate levy loss for tax year 2011 and the telephone 89093
property fixed-rate levy loss for tax year 2010. 89094

(13) On or before May 31, 2012, fourteen per cent of the 89095
amount determined under division (A)(2) of this section for fiscal 89096
year 2012, ~~multiplied by a fraction, the numerator of which is~~ 89097
~~fourteen and the denominator of which is seventeen~~ but not less 89098
than zero, plus one-seventh of the difference between the 89099
telephone property fixed-rate levy loss for tax year 2011 and the 89100
telephone property fixed-rate levy loss for tax year 2010. 89101

(14) On or before ~~August 31, 2012, October 31, 2012, and May~~ 89102
~~31, 2013, the amount determined under division (A)(2) of this~~ 89103
~~section multiplied by a fraction, the numerator of which is eleven~~ 89104
~~and the denominator of which is seventeen, but not less than zero,~~ 89105
~~multiplied by one third.~~ 89106

~~(15) On or before August 31, 2013, October 31, 2013, and May~~ 89107
~~31, 2014, the amount determined under division (A)(2) of this~~ 89108
~~section multiplied by a fraction, the numerator of which is nine~~ 89109
~~and the denominator of which is seventeen, but not less than zero,~~ 89110
~~multiplied by one third.~~ 89111

~~(16) On or before August 31, 2014, October 31, 2014, and May~~ 89112
~~31, 2015, the amount determined under division (A)(2) of this~~ 89113
~~section multiplied by a fraction, the numerator of which is seven~~ 89114
~~and the denominator of which is seventeen, but not less than zero,~~ 89115
~~multiplied by one third.~~ 89116

~~(17) On or before August 31, 2015, October 31, 2015, and May~~ 89117
~~31, 2016, the amount determined under division (A)(2) of this~~ 89118
~~section multiplied by a fraction, the numerator of which is five~~ 89119
~~and the denominator of which is seventeen, but not less than zero,~~ 89120
~~multiplied by one third.~~ 89121

~~(18) On or before August 31, 2016, October 31, 2016, and May~~ 89122

~~31, 2017, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is three and the denominator of which is seventeen, but not less than zero, multiplied by one third.~~

~~(19) On or before August 31, 2017, October 31, 2017, and May 31, 2018, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is one and the denominator of which is seventeen, but not less than zero, multiplied by one third the thirty-first day of August and October of 2012 and of each year thereafter and the thirty-first day of May of 2013 and of each year thereafter, one-third of the amount determined under division (A)(2) of this section, but not less than zero.~~

The department of education shall report to each school district and joint vocational school district the apportionment of the payments among the school district's or joint vocational school district's funds based on the certifications under ~~division (F)~~ divisions (G) and (I) of section 5751.20 of the Revised Code.

Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 does not qualify for any reimbursement after the tax year to which it is last applicable.

(D) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, ~~but those payments shall extend from fiscal year 2006 through fiscal year 2018, as long as the qualifying levy continues to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payments determined in division (C) of this section.~~

(E)(1) Not later than January 1, 2006, for each fixed-sum levy of each school district or joint vocational school district

and for each year for which a determination is made under division 89154
(~~F~~)(E) of section 5751.20 of the Revised Code that a fixed-sum 89155
levy loss is to be reimbursed, the tax commissioner shall certify 89156
to the department of education the fixed-sum levy loss determined 89157
under that division. The certification shall cover a time period 89158
sufficient to include all fixed-sum levies for which the 89159
commissioner made such a determination. The department shall pay 89160
from the school district property tax replacement fund to the 89161
school district or joint vocational school district one-third of 89162
the fixed-sum levy loss so certified for each year, plus one-third 89163
of the amount certified under division (I) of section 5751.20 of 89164
the Revised Code, on or before the last day of May, August, and 89165
October of the current year. Payments under this division of the 89166
amounts certified under division (I) of section 5751.20 of the 89167
Revised Code shall continue until the levy adopted under section 89168
5705.219 of the Revised Code expires. 89169

(2) Beginning in 2006, by the first day of January of each 89170
year, the tax commissioner shall review the certification 89171
originally made under division (E)(1) of this section. If the 89172
commissioner determines that a debt levy that had been scheduled 89173
to be reimbursed in the current year has expired, a revised 89174
certification for that and all subsequent years shall be made to 89175
the department of education. 89176

(F) Beginning in September 2007 ~~and through June 2018~~, the 89177
director of budget and management shall transfer from the school 89178
district tangible property tax replacement fund to the general 89179
revenue fund each of the following: 89180

(1) On the first day of September, one-fourth of the amount 89181
determined for that fiscal year under division (A)(1) of this 89182
section; 89183

(2) On the first day of December, one-fourth of the amount 89184
determined for that fiscal year under division (A)(1) of this 89185

section; 89186

(3) On the first day of March, one-fourth of the amount 89187
determined for that fiscal year under division (A)(1) of this 89188
section; 89189

(4) On the first day of June, one-fourth of the amount 89190
determined for that fiscal year under division (A)(1) of this 89191
section. 89192

If, when a transfer is required under division (F)(1), (2), 89193
(3), or (4) of this section, there is not sufficient money in the 89194
school district tangible property tax replacement fund to make the 89195
transfer in the required amount, the director shall transfer the 89196
balance in the fund to the general revenue fund and may make 89197
additional transfers on later dates as determined by the director 89198
in a total amount that does not exceed one-fourth of the amount 89199
determined for the fiscal year. 89200

(G) ~~For each of the fiscal years 2006 through 2018, if~~ If the 89201
total amount in the school district tangible property tax 89202
replacement fund is insufficient to make all payments under 89203
divisions (C), (D), and (E) of this section at the times the 89204
payments are to be made, the director of budget and management 89205
shall transfer from the general revenue fund to the school 89206
district tangible property tax replacement fund the difference 89207
between the total amount to be paid and the amount in the school 89208
district tangible property tax replacement fund. ~~For each fiscal~~ 89209
~~year after 2018, at the time payments under division (E) of this~~ 89210
~~section are to be made, the director of budget and management~~ 89211
~~shall transfer from the general revenue fund to the school~~ 89212
~~district property tax replacement fund the amount necessary to~~ 89213
~~make such payments.~~ 89214

(H)~~(1)~~ On the fifteenth day of June of 2006 through 2011, the 89215
director of budget and management may transfer any balance in the 89216

school district tangible property tax replacement fund to the 89217
general revenue fund. ~~At the end of fiscal years 2012 through~~ 89218
~~2018, any balance in the school district tangible property tax~~ 89219
~~replacement fund shall remain in the fund to be used in future~~ 89220
~~fiscal years for school purposes.~~ 89221

~~(2) In each fiscal year beginning with fiscal year 2019 In~~ 89222
~~each fiscal year thereafter,~~ all amounts credited to the school 89223
district tangible personal property tax replacement fund shall be 89224
appropriated for school purposes. 89225

(1) If all of the territory of a school district or joint 89226
vocational school district is merged with another district, or if 89227
a part of the territory of a school district or joint vocational 89228
school district is transferred to an existing or newly created 89229
district, the department of education, in consultation with the 89230
tax commissioner, shall adjust the payments made under this 89231
section as follows: 89232

(1) For a merger of two or more districts, the machinery and 89233
equipment, inventory, furniture and fixtures, and telephone 89234
property fixed-rate levy losses and the fixed-sum levy losses of 89235
the successor district shall be equal to the sum of the machinery 89236
and equipment, inventory, furniture and fixtures, and telephone 89237
property fixed-rate levy losses and debt levy losses as determined 89238
in section 5751.20 of the Revised Code, for each of the districts 89239
involved in the merger. 89240

(2) If property is transferred from one district to a 89241
previously existing district, the amount of machinery and 89242
equipment, inventory, furniture and fixtures, and telephone 89243
property tax value losses and fixed-rate levy losses that shall be 89244
transferred to the recipient district shall be an amount equal to 89245
the total machinery and equipment, inventory, furniture and 89246
fixtures, and telephone property fixed-rate levy losses times a 89247
fraction, the numerator of which is the value of business tangible 89248

personal property on the land being transferred in the most recent 89249
year for which data are available, and the denominator of which is 89250
the total value of business tangible personal property in the 89251
district from which the land is being transferred in the most 89252
recent year for which data are available. For each of the first 89253
five years after the property is transferred, but not after fiscal 89254
year 2012, if the tax rate in the recipient district is less than 89255
the tax rate of the district from which the land was transferred, 89256
one-half of the payments arising from the amount of fixed-rate 89257
levy losses so transferred to the recipient district shall be paid 89258
to the recipient district and one-half of the payments arising 89259
from the fixed-rate levy losses so transferred shall be paid to 89260
the district from which the land was transferred. Fixed-rate levy 89261
losses so transferred shall be computed on the basis of the sum of 89262
the rates of fixed-rate qualifying levies of the district from 89263
which the land was transferred, notwithstanding division (E) of 89264
this section. 89265

(3) After December 31, 2004, if property is transferred from 89266
one or more districts to a district that is newly created out of 89267
the transferred property, the newly created district shall be 89268
deemed not to have any machinery and equipment, inventory, 89269
furniture and fixtures, or telephone property fixed-rate levy 89270
losses and the districts from which the property was transferred 89271
shall have no reduction in their machinery and equipment, 89272
inventory, furniture and fixtures, and telephone property 89273
fixed-rate levy losses. 89274

(4) If the recipient district under division (I)(2) of this 89275
section or the newly created district under ~~divisions~~ division 89276
(I)(3) of this section is assuming debt from one or more of the 89277
districts from which the property was transferred and any of the 89278
districts losing the property had fixed-sum levy losses, the 89279
department of education, in consultation with the tax 89280

commissioner, shall make an equitable division of the fixed-sum 89281
levy loss reimbursements. 89282

Sec. 5751.22. (A) Not later than January 1, 2006, the tax 89283
commissioner shall compute the payments to be made to each local 89284
taxing unit for each year according to divisions (A)(1), (2), (3), 89285
and (4) of this section, and shall distribute the payments in the 89286
manner prescribed by division (C) of this section. The calculation 89287
of the fixed-sum levy loss shall cover a time period sufficient to 89288
include all fixed-sum levies for which the commissioner 89289
determined, pursuant to division (E) of section 5751.20 of the 89290
Revised Code, that a fixed-sum levy loss is to be reimbursed. 89291

~~(1) Except as provided in division (A)(4) of this section,~~ 89292
~~for~~ For machinery and equipment, inventory, and furniture and 89293
fixtures fixed-rate levy losses determined under division (D) of 89294
section 5751.20 of the Revised Code, payments shall be made in an 89295
amount equal to each of those losses ~~multiplied by the following:~~ 89296

~~(a) For tax years 2006 through 2010, one hundred per cent;~~ 89297

~~(b) For tax year 2011, a fraction, the numerator of which is 89298
fourteen and the denominator of which is seventeen;~~ 89299

~~(c) For tax year 2012, a fraction, the numerator of which is 89300
eleven and the denominator of which is seventeen;~~ 89301

~~(d) For tax year 2013, a fraction, the numerator of which is 89302
nine and the denominator of which is seventeen;~~ 89303

~~(e) For tax year 2014, a fraction, the numerator of which is 89304
seven and the denominator of which is seventeen;~~ 89305

~~(f) For tax year 2015, a fraction, the numerator of which is 89306
five and the denominator of which is seventeen;~~ 89307

~~(g) For tax year 2016, a fraction, the numerator of which is 89308
three and the denominator of which is seventeen;~~ 89309

~~(h) For tax year 2017, a fraction, the numerator of which is one and the denominator of which is seventeen;~~ 89310
89311

~~(i) For tax years 2018 and thereafter, no fixed rate payments shall be made.~~ 89312
89313

Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 shall not qualify for any reimbursement after the tax year to which it is last applicable. 89314
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~~(2) Except as provided in division (A)(4) of this section, for~~ For telephone property fixed-rate levy losses determined under division (D)(4) of section 5751.20 of the Revised Code, payments shall be made in an amount equal to each of those losses multiplied by the following: 89317
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89321

~~(a) For tax years 2009 through 2011, one hundred per cent;~~ 89322

~~(b) For tax year 2012, seven eighths;~~ 89323

~~(c) For tax year 2013, six eighths;~~ 89324

~~(d) For tax year 2014, five eighths;~~ 89325

~~(e) For tax year 2015, four eighths;~~ 89326

~~(f) For tax year 2016, three eighths;~~ 89327

~~(g) For tax year 2017, two eighths;~~ 89328

~~(h) For tax year 2018, one eighth;~~ 89329

~~(i) For tax years 2019 and thereafter, no fixed rate payments shall be made.~~ 89330
89331

Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2011 shall not qualify for any reimbursement after the tax year to which it is last applicable. 89332
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(3) For fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2006 and thereafter. 89335
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(4) For taxes levied within the ten-mill limitation for debt 89339
purposes in tax year 2005, payments shall be made based on the 89340
~~schedule in division (A)(1) of this section for each of the~~ 89341
~~calendar years 2006 through 2010. For each of the calendar years~~ 89342
~~2011 through 2017, the percentages for calendar year 2010 shall be~~ 89343
~~used, as long as the qualifying levy continues to be used for debt~~ 89344
~~purposes. If the purpose of such a qualifying levy is changed,~~ 89345
~~that levy becomes subject to the payment schedules in divisions~~ 89346
~~(A)(1)(a) to (h) of this section. No payments shall be made for~~ 89347
~~such levies after calendar year 2017 equal to one-hundred per cent~~ 89348
~~of the loss computed as if the tax were a fixed-rate levy.~~ 89349

(B) Beginning in 2007, by the thirty-first day of January of 89350
each year, the tax commissioner shall review the calculation 89351
originally made under division (A) of this section of the 89352
fixed-sum levy losses determined under division (E) of section 89353
5751.20 of the Revised Code. If the commissioner determines that a 89354
fixed-sum levy that had been scheduled to be reimbursed in the 89355
current year has expired, a revised calculation for that and all 89356
subsequent years shall be made. 89357

(C) Payments to local taxing units required to be made under 89358
division (A) of this section shall be paid from the local 89359
government tangible property tax replacement fund to the county 89360
undivided income tax fund in the proper county treasury. Beginning 89361
in May 2006, one-seventh of the amount certified under that 89362
division shall be paid by the last day of May each year, and 89363
three-sevenths shall be paid by the last day of August and October 89364
each year. Within forty-five days after receipt of such payments, 89365
the county treasurer shall distribute amounts determined under 89366
division (A) of this section to the proper local taxing unit as if 89367
they had been levied and collected as taxes, and the local taxing 89368
unit shall apportion the amounts so received among its funds in 89369
the same proportions as if those amounts had been levied and 89370

collected as taxes. 89371

(D) ~~For each of the fiscal years 2006 through 2019, if~~ If the 89372
total amount in the local government tangible property tax 89373
replacement fund is insufficient to make all payments under 89374
division (C) of this section at the times the payments are to be 89375
made, the director of budget and management shall transfer from 89376
the general revenue fund to the local government tangible property 89377
tax replacement fund the difference between the total amount to be 89378
paid and the amount in the local government tangible property tax 89379
replacement fund. ~~For each fiscal year after 2019, at the time~~ 89380
~~payments under division (A)(2) of this section are to be made, the~~ 89381
~~director of budget and management shall transfer from the general~~ 89382
~~revenue fund to the local government property tax replacement fund~~ 89383
~~the amount necessary to make such payments.~~ 89384

(E) On the fifteenth day of June of each year ~~from 2006~~ 89385
~~through 2018~~ beginning in 2006, the director of budget and 89386
management may transfer any balance in the local government 89387
tangible property tax replacement fund to the general revenue 89388
fund. 89389

(F) If all or a part of the territories of two or more local 89390
taxing units are merged, or unincorporated territory of a township 89391
is annexed by a municipal corporation, the tax commissioner shall 89392
adjust the payments made under this section to each of the local 89393
taxing units in proportion to the tax value loss apportioned to 89394
the merged or annexed territory, or as otherwise provided by a 89395
written agreement between the legislative authorities of the local 89396
taxing units certified to the commissioner not later than the 89397
first day of June of the calendar year in which the payment is to 89398
be made. 89399

Sec. 5751.23. (A) As used in this section: 89400

(1) "Administrative fees" means the dollar percentages 89401

allowed by the county auditor for services or by the county 89402
treasurer as fees, or paid to the credit of the real estate 89403
assessment fund, under divisions (A) and (C) of section 319.54 and 89404
division (A) of section 321.26 of the Revised Code. 89405

(2) "Administrative fee loss" means a county's loss of 89406
administrative fees due to its tax value loss, determined ~~as~~ 89407
~~follows:~~ 89408

~~(a) For purposes of the determination made under division (B)~~ 89409
~~of this section in the years 2006 through 2010, the administrative~~ 89410
~~fee loss shall be computed~~ by multiplying the amounts determined 89411
for all taxing districts in the county under divisions (D) and (E) 89412
of section 5751.20 of the Revised Code by nine thousand six 89413
hundred fifty-nine ten-thousandths of one per cent if total taxes 89414
collected in the county in 2004 exceeded one hundred fifty million 89415
dollars, or one and one thousand one hundred fifty-nine 89416
ten-thousandths of one per cent if total taxes collected in the 89417
county in 2004 were one hundred fifty million dollars or less. 89418

~~(b) For purposes of the determination under division (B) of~~ 89419
~~this section in the years after 2010, the administrative fee~~ 89420
~~losses shall be determined by multiplying the administrative fee~~ 89421
~~losses calculated for 2010 by the fractions in divisions (A)(1)(b)~~ 89422
~~to (i) of section 5751.22 of the Revised Code.~~ 89423

(3) "Total taxes collected" means all money collected on any 89424
tax duplicate of the county, other than the estate tax duplicates. 89425
"Total taxes collected" does not include amounts received pursuant 89426
to divisions (F) and (G) of section 321.24 or section 323.156 of 89427
the Revised Code. 89428

(B) Not later than December 31, 2005, the tax commissioner 89429
shall certify to each county auditor the tax levy losses 89430
calculated under divisions (D) and (E) of section 5751.20 of the 89431
Revised Code for each school district, joint vocational school 89432

district, and local taxing unit in the county. Not later than the 89433
thirty-first day of January of 2006 through 2017, the county 89434
auditor shall determine the administrative fee loss for the county 89435
and apportion that loss ratably among the school districts, joint 89436
vocational school districts, and local taxing units on the basis 89437
of the tax levy losses certified under this division. 89438

(C) On or before each of the days prescribed for the 89439
settlements under divisions (A) and (C) of section 321.24 of the 89440
Revised Code in the years 2006 through 2017, the county treasurer 89441
shall deduct one-half of the amount apportioned to each school 89442
district, joint vocational school district, and local taxing unit 89443
from the portions of revenue payable to them. 89444

(D) On or before each of the days prescribed for settlements 89445
under divisions (A) and (C) of section 321.24 of the Revised Code 89446
in the years 2006 through 2017, the county auditor shall cause to 89447
be deposited an amount equal to one-half of the amount of the 89448
administrative fee loss in the same funds as if allowed as 89449
administrative fees. 89450

Sec. 5907.111. There is hereby created in the state treasury 89451
the Ohio veterans' home agency income tax contribution fund, which 89452
shall consist of money contributed to it under section 5747.113 of 89453
the Revised Code and of contributions made directly to it. Any 89454
person may contribute directly to the fund in addition to or 89455
independently of the income tax refund contribution system 89456
established in section 5747.113 of the Revised Code. 89457

Money credited to the fund shall be distributed by the 89458
director of veterans services among residents' benefit funds 89459
created pursuant to section 5907.11 of the Revised Code and shall 89460
be used specifically for advancement of veterans' services and 89461
assisting veterans with significant financial need. 89462

Sec. 5911.10. If any armory erected or purchased by the state 89463
becomes vacant because of the deactivation of the organizations 89464
quartered in that armory, the governor and the adjutant general 89465
may lease that armory for periods not to exceed one year; or, when 89466
authorized by an act of the general assembly, may sell that armory 89467
or lease it for a period of years. ~~The~~ 89468

The proceeds from the sale or lease of such an armory, or 89469
from the sale or lease of other facilities and land owned by the 89470
adjutant general, shall be credited to the armory improvements 89471
fund, which is hereby created in the state treasury. The moneys in 89472
the fund shall be used to support Ohio army national guard 89473
facility and maintenance expenses as the adjutant general directs. 89474
Any fund expenditure related to the construction, acquisition, 89475
lease, or financing of a capital asset is subject to approval by 89476
the controlling board. Investment earnings of the fund shall be 89477
credited to the general revenue fund. 89478

Sec. 5911.11. There is hereby created in the state treasury 89479
the community match armories fund. The fund shall consist of all 89480
amounts received as revenue from contributions from local entities 89481
for construction and maintenance of Ohio army national guard 89482
readiness and community centers and facilities. The moneys in the 89483
fund shall be used to support the acquisition and maintenance 89484
costs of centers and facilities representing the local entity's 89485
share of costs, including the local entity's share of utility 89486
costs. Investment earnings of the fund shall be credited to the 89487
fund. 89488

Sec. 5913.051. ~~To supplement the military staff of the~~ 89489
~~governor, the~~ (A) The adjutant general may appoint an assistant to 89490
~~the state area commander for readiness and training for adjutant~~ 89491
general - army. This assistant shall be a brigadier general and 89492

shall aid the adjutant general by performing duties that the 89493
adjutant general assigns ~~in~~ that include the areas of readiness, 89494
~~training, and mobilization, and homeland defense preparedness.~~ 89495
This assistant shall not be a full-time state employee or a member 89496
of the governor's military staff, but shall serve in that capacity 89497
only during federally recognized training, special duty periods, 89498
~~or~~ mobilization periods, or state active duty, and shall at the 89499
time of appointment be in the rank of colonel or above but 89500
otherwise meet the qualifications established ~~in section 5913.021~~ 89501
~~of the Revised Code~~ by the department of defense/army for general 89502
officer qualification. 89503

(B) The adjutant general may appoint an assistant adjutant 89504
general - airforce. This assistant shall be a brigadier general 89505
and shall aid the adjutant general by performing duties that the 89506
adjutant general assigns that include the areas of readiness, 89507
mobilization, and homeland defense preparedness. This assistant 89508
shall not be a full-time state employee or a member of the 89509
governor's military staff, but shall serve in that capacity only 89510
during federally recognized training, special duty periods, 89511
mobilization periods, or state active duty, and shall at the time 89512
of appointment be in the rank of colonel or above but otherwise 89513
meet the qualifications established by the department of 89514
defense/air force for general officer qualification. 89515

Sec. 5913.09. (A) The adjutant general is the custodian of 89516
all military and other adjutant general's department property, 89517
both real and personal, belonging to the state. 89518

(B) The adjutant general may make changes and improvements to 89519
military and other adjutant general's department property as the 89520
needs of the state and federal government and the exigencies of 89521
the service require. All improvements made upon that property 89522
belonging to the state, from moneys received either all or in part 89523

from the state or federal government, or both, become the property 89524
of the state, except as may be provided in an agreement and 89525
corresponding regulations by which the United States contributes 89526
to the cost of an improvement. 89527

(C)(1) In accordance with applicable state and federal law 89528
and regulations, the adjutant general, with the approval of the 89529
governor, may acquire by purchase lease, license, or otherwise, 89530
real and personal property necessary for the purposes of the 89531
department. 89532

(2) In accordance with applicable state and federal law and 89533
regulations, the adjutant general, with the approval of the 89534
attorney general, may enter into contracts for the construction, 89535
repair, renovation, maintenance, and operation of military or 89536
other adjutant general's department property. 89537

(3) In accordance with applicable state and federal law and 89538
regulations, the adjutant general, with the approval of the 89539
governor, may lease or exchange all or part of any military or 89540
other adjutant general's department property or grant easements or 89541
licenses, if the lease, exchange, easement, or license is 89542
advantageous to the state. 89543

(4) All real property of the adjutant general's department 89544
shall be sold in accordance with section 5911.10 of the Revised 89545
Code. 89546

(D)(1) Except as otherwise provided in this section, all 89547
income from any military or other adjutant general's department 89548
property of the state, not made a portion of the company, troop, 89549
battery, detachment, squadron, or other organization funds by 89550
regulations, shall be credited to the funds for the operation and 89551
maintenance of the Ohio organized militia, as the adjutant general 89552
directs, in accordance with applicable state and federal law and 89553
regulations and the agreements by which the United States 89554

contributes to the cost of operation and maintenance of the Ohio national guard. 89555
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(2) There is hereby created in the state treasury the camp Perry/buckeye inn operations fund. The fund shall consist of all amounts received as revenue from the rental of facilities located at the camp Perry training site in Ottawa county and the buckeye inn at Rickenbacker air national guard base in Franklin county, and all amounts received from the use of the camp Perry training site and its facilities, including shooting ranges. The moneys in the fund shall be used to support the facility operations of the camp Perry clubhouse and the buckeye inn. Investment earnings of the fund shall be credited to the general revenue fund. 89557
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Sec. 5919.20. There is hereby created in the state treasury the national guard service medal fund. The fund shall consist of all amounts received from the purchase of Ohio national guard service medals for eligible national guard service members as authorized by the general assembly. The moneys in the fund shall be used to purchase additional medals. Investment earnings of the fund shall be credited to the fund. 89567
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Sec. 5919.36. There is hereby created in the state treasury the Ohio national guard facility maintenance fund. The fund shall consist of all amounts received from revenue from leases of sites, including towers and wells, and other revenue received from reimbursements for services related to Ohio national guard programs. The moneys in the fund shall be used for service, maintenance, and repair expenses, and for equipment purchases for programs and facilities of the adjutant general. Investment earnings of the fund shall be credited to the general revenue fund. 89574
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Sec. 6103.01. As used in this chapter: 89584

(A) "Public water supply facilities," "water supply facilities," "water supply improvement," or "improvement" means, without limiting the generality of those terms, water wells and well fields, springs, lakes, rivers, streams, or other sources of water supply, intakes, pumping stations and equipment, treatment, filtration, or purification plants, force and distribution lines or mains, cisterns, reservoirs, storage facilities, necessary equipment for fire protection, other related structures, equipment, and furnishings, and real estate and interests in real estate, necessary or useful in the proper development of a water supply for domestic or other purposes and its proper distribution.

(B) "Current operating expenses," "debt charges," "permanent improvement," "public obligations," and "subdivision" have the same meanings as in section 133.01 of the Revised Code.

(C) "Construct," "construction," or "constructing" means construction, reconstruction, enlargement, extension, improvement, renovation, repair, and replacement of water supply facilities, but does not include repairs, replacements, or similar actions that do not constitute and qualify as permanent improvements.

(D) "Maintain," "maintaining," or "maintenance" means repairs, replacements, and similar actions that constitute and are payable as current operating expenses and that are required to restore water supply facilities to, or to continue water supply facilities in, good order and working condition, but does not include construction of permanent improvements.

(E) "Public agency" means a state and any agency or subdivision of a state, including a county, a municipal corporation, or other subdivision.

(F) "County sanitary engineer" means either of the following:

(1) The registered professional engineer employed or appointed by the board of county commissioners to be the county

sanitary engineer as provided in section 6117.01 of the Revised Code; 89616
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(2) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of the Revised Code is retained to discharge the duties of a county sanitary engineer under this chapter. 89618
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(G) "Homestead exemption" means the reduction of taxes allowed under division (A) of section 323.152 of the Revised Code. 89622
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(H) "Low- and moderate-income persons" has the same meaning as in section 175.01 of the Revised Code. 89624
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Sec. 6103.02. (A) For the purpose of preserving and promoting the public health and welfare, a board of county commissioners may acquire, construct, maintain, and operate any public water supply facilities within its county for one or more sewer districts and may provide for their protection and prevent their pollution and unnecessary waste. The board may negotiate and enter into a contract with any public agency or any person for the management, maintenance, operation, and repair of the facilities on behalf of the county, upon the terms and conditions as may be agreed upon with the agency or person and as may be determined by the board to be in the interests of the county. By contract with any public agency or any person operating public water supply facilities within or without its county, the board also may provide a supply of water to a sewer district from the facilities of the public agency or person. 89626
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(B) The county sanitary engineer or sanitary engineering department, in addition to other assigned duties, shall assist the board in the performance of its duties under this chapter and shall be charged with other duties and services in relation to the board's duties as the board prescribes. 89641
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(C) The board may adopt, publish, administer, and enforce 89646
rules for the construction, maintenance, protection, and use of 89647
county-owned or county-operated public water supply facilities 89648
outside municipal corporations and of public water supply 89649
facilities within municipal corporations that are owned or 89650
operated by the county or that are supplied with water from water 89651
supply facilities owned or operated by the county, including, but 89652
not limited to, rules for the establishment and use of any 89653
connections, the termination in accordance with reasonable 89654
procedures of water service for nonpayment of county water rates 89655
and charges, and the establishment and use of security deposits to 89656
the extent considered necessary to ensure the payment of county 89657
water rates and charges. The rules shall not be inconsistent with 89658
the laws of the state or any applicable rules of the director of 89659
environmental protection. 89660

(D) No public water supply facilities shall be constructed in 89661
any county outside municipal corporations by any person, except 89662
for the purpose of supplying water to those municipal 89663
corporations, until the plans and specifications for the 89664
facilities have been approved by the board. Construction shall be 89665
done under the supervision of the county sanitary engineer. Any 89666
person constructing public water supply facilities shall pay to 89667
the county all expenses incurred by the board in connection with 89668
the construction. 89669

(E) The county sanitary engineer or the county sanitary 89670
engineer's authorized assistants or agents, when properly 89671
identified in writing or otherwise and after written notice is 89672
delivered to the owner at least five days in advance or mailed at 89673
least five days in advance by first class or certified mail to the 89674
owner's tax mailing address, may enter upon any public or private 89675
property for the purpose of making, and may make, surveys or 89676
inspections necessary for the design or evaluation of county 89677

public water supply facilities. This entry is not a trespass and 89678
is not to be considered an entry in connection with any 89679
appropriation of property proceedings under sections 163.01 to 89680
163.22 of the Revised Code that may be pending. No person or 89681
public agency shall forbid the county sanitary engineer or the 89682
county sanitary engineer's authorized assistants or agents to 89683
enter, or interfere with their entry, upon the property for the 89684
purpose of making the surveys or inspections. If actual damage is 89685
done to property by the making of the surveys or inspections, the 89686
board shall pay the reasonable value of the damage to the property 89687
owner, and the cost shall be included in the cost of the 89688
facilities and may be included in any special assessments levied 89689
and collected to pay that cost. 89690

(F) The board shall fix reasonable rates, including penalties 89691
for late payments, for water supplied to public agencies and 89692
persons when the source of supply or the facilities for its 89693
distribution are owned or operated by the county and may change 89694
the rates from time to time as it considers advisable. When the 89695
source of the water supply to be used by the county is owned by 89696
another public agency or person, the schedule of rates to be 89697
charged by the public agency or person shall be approved by the 89698
board at the time it enters into a contract for the use of water 89699
from the public agency or person. ~~When~~ 89700

When the distribution facilities are owned by the county, the 89701
board also may fix reasonable charges to be collected for the 89702
privilege of connecting to the distribution facilities and may 89703
require that, prior to the connection, the charges be paid in full 89704
or, if determined by the board to be equitable in a resolution 89705
relating to the payment of the charges, may require their payment 89706
in installments, as considered adequate by the board, at the 89707
times, in the amounts, and with the security, carrying charges, 89708
and penalties as may be determined by the board in that resolution 89709

to be fair and appropriate. No public agency or person shall be 89710
permitted to connect to those facilities until the charges have 89711
been paid in full or provision for their payment in installments 89712
has been made. If the connection charges are to be paid in 89713
installments, the board shall certify, to the county auditor, 89714
information sufficient to identify each parcel of property served 89715
by a connection and, with respect to each parcel, the total of the 89716
charges to be paid in installments, the amount of each 89717
installment, and the total number of installments to be paid. The 89718
county auditor shall record and maintain the information so 89719
supplied in the waterworks record provided for in section 6103.16 89720
of the Revised Code until the connection charges are paid in full. 89721
The board may include amounts attributable to connection charges 89722
being paid in installments in its billings of rates and other 89723
charges for water supplied. In addition, the board may consider 89724
payments made to a school district under section 6103.25 of the 89725
Revised Code when the board establishes rates and other charges 89726
for water supplied. 89727

A board may establish discounted rates or charges or may 89728
establish another mechanism for providing a reduction in rates or 89729
charges for persons who are sixty-five years of age or older. The 89730
board shall establish eligibility requirements for such discounted 89731
or reduced rates or charges, including a requirement that a person 89732
be eligible for the homestead exemption or qualify as a low- and 89733
moderate-income person. 89734

(G) When any rates or charges are not paid when due, the 89735
board may do any or all of the following: 89736

(1) Certify the unpaid rates or charges, together with any 89737
penalties, to the county auditor. The county auditor shall place 89738
the certified amount upon the real property tax list and duplicate 89739
against the property served by the connection. The certified 89740
amount shall be a lien on the property from the date placed on the 89741

real property tax list and duplicate and shall be collected in the 89742
same manner as taxes, except that, notwithstanding section 323.15 89743
of the Revised Code, a county treasurer shall accept a payment in 89744
that amount when separately tendered as payment for the full 89745
amount of the unpaid rates or charges and associated penalties. 89746
The lien shall be released immediately upon payment in full of the 89747
certified amount. 89748

(2) Collect the unpaid rates or charges, together with any 89749
penalties, by actions at law in the name of the county from an 89750
owner, tenant, or other person or public agency that is liable for 89751
the payment of the rates or charges; 89752

(3) Terminate, in accordance with established rules, the 89753
water service to the particular property unless and until the 89754
unpaid rates or charges, together with any penalties, are paid in 89755
full; 89756

(4) Apply, to the extent required, any security deposit made 89757
in accordance with established rules to the payment of the unpaid 89758
rates and charges, together with any penalties, for water service 89759
to the particular property. 89760

All moneys collected as rates, charges, or penalties fixed or 89761
established in accordance with division (F) of this section for 89762
water supply purposes in or for any sewer district shall be paid 89763
to the county treasurer and kept in a separate and distinct water 89764
fund established by the board to the credit of the district. 89765

Each board that fixes water rates or charges may render 89766
estimated bills periodically, provided that at least quarterly it 89767
shall schedule an actual reading of each customer's meter so as to 89768
render a bill for the actual amount shown by the meter reading to 89769
be due, with credit for prior payments of any estimated bills 89770
submitted for any part of the billing period, except that 89771
estimated bills may be rendered if a customer's meter is not 89772

accessible for a timely reading or if the circumstances preclude a 89773
scheduled reading. Each board also shall establish procedures 89774
providing a fair and reasonable opportunity for the resolution of 89775
billing disputes. 89776

When property to which water service is provided is about to 89777
be sold, any party to the sale or an agent of a party may request 89778
the board to have the meter at that property read and to render, 89779
within ten days following the date on which the request is made, a 89780
final bill for all outstanding rates and charges for water 89781
service. The request shall be made at least fourteen days prior to 89782
the transfer of the title of the property. 89783

At any time prior to a certification under division (G)(1) of 89784
this section, the board shall accept any partial payment of unpaid 89785
water rates or charges in the amount of ten dollars or more. 89786
89787

Except as otherwise provided in any proceedings authorizing 89788
or providing for the security for and payment of any public 89789
obligations, or in any indenture or trust or other agreement 89790
securing public obligations, moneys in the water fund shall be 89791
applied first to the payment of the cost of the management, 89792
maintenance, and operation of the water supply facilities of, or 89793
used or operated for, the sewer district, which cost may include 89794
the county's share of management, maintenance, and operation costs 89795
under cooperative contracts for the acquisition, construction, or 89796
use of water supply facilities and, in accordance with a cost 89797
allocation plan adopted under division (H) of this section, 89798
payment of all allowable direct and indirect costs of the 89799
district, the county sanitary engineer or sanitary engineering 89800
department, or a federal or state grant program, incurred for the 89801
purposes of this chapter, and shall be applied second to the 89802
payment of debt charges payable on any outstanding public 89803
obligations issued or incurred for the acquisition or construction 89804

of water supply facilities for or serving the district, or for the 89805
funding of a bond retirement or other fund established for the 89806
payment of or security for the obligations. Any surplus remaining 89807
may be applied to the acquisition or construction of those 89808
facilities or for the payment of contributions to be made, or 89809
costs incurred, for the acquisition or construction of those 89810
facilities under cooperative contracts. Moneys in the water fund 89811
shall not be expended other than for the use and benefit of the 89812
district. 89813

(H) A board of county commissioners may adopt a cost 89814
allocation plan that identifies, accumulates, and distributes 89815
allowable direct and indirect costs that may be paid from the 89816
water fund of the sewer district created pursuant to division (G) 89817
of this section, and that prescribes methods for allocating those 89818
costs. The plan shall authorize payment from the fund of only 89819
those costs incurred by the district, the county sanitary engineer 89820
or sanitary engineering department, or a federal or state grant 89821
program, and those costs incurred by the general and other funds 89822
of the county for a common or joint purpose, that are necessary 89823
and reasonable for the proper and efficient administration of the 89824
district under this chapter. The plan shall not authorize payment 89825
from the fund of any general government expense required to carry 89826
out the overall governmental responsibilities of a county. The 89827
plan shall conform to United States office of management and 89828
budget Circular A-87, "Cost Principles for State, Local, and 89829
Indian Tribal Governments," published May 17, 1995. 89830

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 89831
of this section, on and after January 1, 1994, no person shall 89832
operate or maintain a public water system in this state without a 89833
license issued by the director of environmental protection. A 89834
person who operates or maintains a public water system on January 89835
1, 1994, shall obtain an initial license under this section in 89836

accordance with the following schedule: 89837

(1) If the public water system is a community water system, 89838
not later than January 31, 1994; 89839

(2) If the public water system is not a community water 89840
system and serves a nontransient population, not later than 89841
January 31, 1994; 89842

(3) If the public water system is not a community water 89843
system and serves a transient population, not later than January 89844
31, 1995. 89845

A person proposing to operate or maintain a new public water 89846
system after January 1, 1994, in addition to complying with 89847
section 6109.07 of the Revised Code and rules adopted under it, 89848
shall submit an application for an initial license under this 89849
section to the director prior to commencing operation of the 89850
system. 89851

A license or license renewal issued under this section shall 89852
be renewed annually. Such a license or license renewal shall 89853
expire on the thirtieth day of January in the year following its 89854
issuance. A license holder that proposes to continue operating the 89855
public water system for which the license or license renewal was 89856
issued shall apply for a license renewal at least thirty days 89857
prior to that expiration date. 89858

The director shall adopt, and may amend and rescind, rules in 89859
accordance with Chapter 119. of the Revised Code establishing 89860
procedures governing and information to be included on 89861
applications for licenses and license renewals under this section. 89862
Through June 30, ~~2010~~ 2012, each application shall be accompanied 89863
by the appropriate fee established under division (M) of section 89864
3745.11 of the Revised Code, provided that an applicant for an 89865
initial license who is proposing to operate or maintain a new 89866
public water system after January 1, 1994, shall submit a fee that 89867

equals a prorated amount of the appropriate fee established under 89868
that division for the remainder of the licensing year. 89869

(B) Not later than thirty days after receiving a completed 89870
application and the appropriate license fee for an initial license 89871
under division (A) of this section, the director shall issue the 89872
license for the public water system. Not later than thirty days 89873
after receiving a completed application and the appropriate 89874
license fee for a license renewal under division (A) of this 89875
section, the director shall do one of the following: 89876

(1) Issue the license renewal for the public water system; 89877

(2) Issue the license renewal subject to terms and conditions 89878
that the director determines are necessary to ensure compliance 89879
with this chapter and rules adopted under it; 89880

(3) Deny the license renewal if the director finds that the 89881
public water system was not operated in substantial compliance 89882
with this chapter and rules adopted under it. 89883

(C) The director may suspend or revoke a license or license 89884
renewal issued under this section if the director finds that the 89885
public water system was not operated in substantial compliance 89886
with this chapter and rules adopted under it. The director shall 89887
adopt, and may amend and rescind, rules in accordance with Chapter 89888
119. of the Revised Code governing such suspensions and 89889
revocations. 89890

(D)(1) As used in division (D) of this section, "church" 89891
means a fellowship of believers, congregation, society, 89892
corporation, convention, or association that is formed primarily 89893
or exclusively for religious purposes and that is not formed or 89894
operated for the private profit of any person. 89895

(2) This section does not apply to a church that operates or 89896
maintains a public water system solely to provide water for that 89897
church or for a campground that is owned by the church and 89898

operated primarily or exclusively for members of the church and 89899
their families. A church that, on or before March 5, 1996, has 89900
obtained a license under this section for such a public water 89901
system need not obtain a license renewal under this section. 89902

(E) This section does not apply to any public or nonpublic 89903
school that meets minimum standards of the state board of 89904
education that operates or maintains a public water system solely 89905
to provide water for that school. 89906

(F) The environmental protection agency shall collect well 89907
log filing fees on behalf of the division of soil and water 89908
resources in the department of natural resources in accordance 89909
with section 1521.05 of the Revised Code and rules adopted under 89910
it. The fees shall be submitted to the division quarterly as 89911
provided in those rules. 89912

Sec. 6111.044. Upon receipt of an application for an 89913
injection well drilling permit, an injection well operating 89914
permit, a renewal of an injection well operating permit, or a 89915
modification of an injection well drilling permit, operating 89916
permit, or renewal of an operating permit, the director of 89917
environmental protection shall determine whether the application 89918
is complete and demonstrates that the activities for which the 89919
permit, renewal permit, or modification is requested will comply 89920
with the Federal Water Pollution Control Act and regulations 89921
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 89922
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 89923
under it; and this chapter and the rules adopted under it. If the 89924
application demonstrates that the proposed activities will not 89925
comply or will pose an unreasonable risk of inducing seismic 89926
activity, inducing geologic fracturing, or contamination of an 89927
underground source of drinking water, the director shall deny the 89928
application. If the application does not make the required 89929

demonstrations, the director shall return it to the applicant with 89930
an indication of those matters about which a required 89931
demonstration was not made. If the director determines that the 89932
application makes the required demonstrations, the director shall 89933
transmit copies of the application and all of the accompanying 89934
maps, data, samples, and information to the chief of the division 89935
of mineral resources management, the chief of the division of 89936
geological survey, and the chief of the division of soil and water 89937
resources in the department of natural resources. 89938

The chief of the division of geological survey shall comment 89939
upon the application if the chief determines that the proposed 89940
well or injection will present an unreasonable risk of loss or 89941
damage to valuable mineral resources. If the chief submits 89942
comments on the application, those comments shall be accompanied 89943
by an evaluation of the geological factors upon which the comments 89944
are based, including fractures, faults, earthquake potential, and 89945
the porosity and permeability of the injection zone and confining 89946
zone, and by the documentation supporting the evaluation. The 89947
director shall take into consideration the chief's comments, and 89948
the accompanying evaluation of geologic factors and supporting 89949
documentation, when considering the application. The director 89950
shall provide written notice to the chief of the director's 89951
decision on the application and, if the chief's comments are not 89952
included in the permit, renewal permit, or modification, of the 89953
director's rationale for not including them. 89954

The chief of the division of mineral resources management 89955
shall comment upon the application if the chief determines that 89956
the proposed well or injection will present an unreasonable risk 89957
that waste or contamination of recoverable oil or gas in the earth 89958
will occur. If the chief submits comments on the application, 89959
those comments shall be accompanied by an evaluation of the oil or 89960
gas reserves that, in the best professional judgment of the chief, 89961

are recoverable and will be adversely affected by the proposed 89962
well or injection, and by the documentation supporting the 89963
evaluation. The director shall take into consideration the chief's 89964
comments, and the accompanying evaluation and supporting 89965
documentation, when considering the application. The director 89966
shall provide written notice to the chief of the director's 89967
decision on the application and, if the chief's comments are not 89968
included in the permit, renewal permit, or modification, of the 89969
director's rationale for not including them. 89970

The chief of the division of soil and water resources shall 89971
assist the director in determining whether all underground sources 89972
of drinking water in the area of review of the proposed well or 89973
injection have been identified and correctly delineated in the 89974
application. If the application fails to identify or correctly 89975
delineate an underground source of drinking water, the chief shall 89976
provide written notice of that fact to the director. 89977

The chief of the division of mineral resources management 89978
also shall review the application as follows: 89979

If the application concerns the drilling or conversion of a 89980
well or the injection into a well that is not or is not to be 89981
located within five thousand feet of the excavation and workings 89982
of a mine, the chief of the division of mineral resources 89983
management shall note upon the application that it has been 89984
examined by the division of mineral resources management, retain a 89985
copy of the application and map, and immediately return a copy of 89986
the application to the director. 89987

If the application concerns the drilling or conversion of a 89988
well or the injection into a well that is or is to be located 89989
within five thousand feet, but more than five hundred feet from 89990
the surface excavations and workings of a mine, the chief of the 89991
division of mineral resources management immediately shall notify 89992
the owner or lessee of the mine that the application has been 89993

filed and send to the owner or lessee a copy of the map 89994
accompanying the application setting forth the location of the 89995
well. The chief of the division of mineral resources management 89996
shall note on the application that the notice has been sent to the 89997
owner or lessee of the mine, retain a copy of the application and 89998
map, and immediately return a copy of the application to the 89999
director with the chief's notation on it. 90000

If the application concerns the drilling or conversion of a 90001
well or the injection into a well that is or is to be located 90002
within five thousand feet of the underground excavations and 90003
workings of a mine or within five hundred feet of the surface 90004
excavations and workings of a mine, the chief of the division of 90005
mineral resources management immediately shall notify the owner or 90006
lessee of the mine that the application has been filed and send to 90007
the owner or lessee a copy of the map accompanying the application 90008
setting forth the location of the well. If the owner or lessee 90009
objects to the application, the owner or lessee shall notify the 90010
chief of the division of mineral resources management of the 90011
objection, giving the reasons, within six days after the receipt 90012
of the notice. If the chief of the division of mineral resources 90013
management receives no objections from the owner or lessee of the 90014
mine within ten days after the receipt of the notice by the owner 90015
or lessee, or if in the opinion of the chief of the division of 90016
mineral resources management the objections offered by the owner 90017
or lessee are not sufficiently ~~well-founded~~ well founded, the 90018
chief shall retain a copy of the application and map and return a 90019
copy of the application to the director with any applicable notes 90020
concerning it. 90021

If the chief of the division of mineral resources management 90022
receives an objection from the owner or lessee of the mine as to 90023
the application, within ten days after receipt of the notice by 90024
the owner or lessee, and if in the opinion of the chief the 90025

objection is ~~well-founded~~ well founded, the chief shall disapprove 90026
the application and immediately return it to the director together 90027
with the chief's reasons for the disapproval. The director 90028
promptly shall notify the applicant for the permit, renewal 90029
permit, or modification of the disapproval. The applicant may 90030
appeal the disapproval of the application by the chief of the 90031
division of mineral resources management to the reclamation 90032
commission created under section 1513.05 of the Revised Code, and 90033
the commission shall hear the appeal in accordance with section 90034
1513.13 of the Revised Code. The appeal shall be filed within 90035
thirty days from the date the applicant receives notice of the 90036
disapproval. No comments concerning or disapproval of an 90037
application shall be delayed by the chief of the division of 90038
mineral resources management for more than fifteen days from the 90039
date of sending of notice to the mine owner or lessee as required 90040
by this section. 90041

The director shall not approve an application for an 90042
injection well drilling permit, an injection well operating 90043
permit, a renewal of an injection well operating permit, or a 90044
modification of an injection well drilling permit, operating 90045
permit, or renewal of an operating permit for a well that is or is 90046
to be located within three hundred feet of any opening of any mine 90047
used as a means of ingress, egress, or ventilation for persons 90048
employed in the mine, nor within one hundred feet of any building 90049
or flammable structure connected with the mine and actually used 90050
as a part of the operating equipment of the mine, unless the chief 90051
of the division of mineral resources management determines that 90052
life or property will not be endangered by drilling and operating 90053
the well in that location. 90054

Upon review by the chief of the division of mineral resources 90055
management, the chief of the division of geological survey, and 90056
the chief of the division of soil and water resources, and if the 90057

chief of the division of mineral resources management has not 90058
disapproved the application, the director shall issue a permit, 90059
renewal permit, or modification with any terms and conditions that 90060
may be necessary to comply with the Federal Water Pollution 90061
Control Act and regulations adopted under it; the "Safe Drinking 90062
Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, 90063
and regulations adopted under it; and this chapter and the rules 90064
adopted under it. The director shall not issue a permit, renewal 90065
permit, or modification to an applicant if the applicant or 90066
persons associated with the applicant have engaged in or are 90067
engaging in a substantial violation of this chapter that is 90068
endangering or may endanger human health or the environment or if, 90069
in the case of an applicant for an injection well drilling permit, 90070
the applicant, at the time of applying for the permit, did not 90071
hold an injection well operating permit or renewal of an injection 90072
well drilling permit and failed to demonstrate sufficient 90073
expertise and competency to operate the well in compliance with 90074
the applicable provisions of this chapter. 90075

If the director receives a disapproval from the chief of the 90076
division of mineral resources management regarding an application 90077
for an injection well drilling or operating permit, renewal 90078
permit, or modification, if required, the director shall issue an 90079
order denying the application. 90080

The director need not issue a proposed action under section 90081
3745.07 of the Revised Code or hold an adjudication hearing under 90082
that section and Chapter 119. of the Revised Code before issuing 90083
or denying a permit, renewal permit, or modification of a permit 90084
or renewal permit. Before issuing or renewing a permit to drill or 90085
operate a class I injection well or a modification of it, the 90086
director shall propose the permit, renewal permit, or modification 90087
in draft form and shall hold a public hearing to receive public 90088
comment on the draft permit, renewal permit, or modification. At 90089

least fifteen days before the public hearing on a draft permit, 90090
renewal permit, or modification, the director shall publish notice 90091
of the date, time, and location of the public hearing in at least 90092
one newspaper of general circulation serving the area where the 90093
well is or is to be located. The proposing of such a draft permit, 90094
renewal permit, or modification does not constitute the issuance 90095
of a proposed action under section 3745.07 of the Revised Code, 90096
and the holding of the public hearing on such a draft permit, 90097
renewal permit, or modification does not constitute the holding of 90098
an adjudication hearing under that section and Chapter 119. of the 90099
Revised Code. Appeals of orders other than orders of the chief of 90100
the division of mineral resources management shall be taken under 90101
sections 3745.04 to 3745.08 of the Revised Code. 90102

The director may order that an injection well drilling permit 90103
or an injection well operating permit or renewal permit be 90104
suspended and that activities under it cease after determining 90105
that those activities are occurring in violation of law, rule, 90106
order, or term or condition of the permit. Upon service of a copy 90107
of the order upon the permit holder or the permit holder's 90108
authorized agent or assignee, the permit and activities under it 90109
shall be suspended immediately without prior hearing and shall 90110
remain suspended until the violation is corrected and the order of 90111
suspension is lifted. If a violation is the second within a 90112
one-year period, the director, after a hearing, may revoke the 90113
permit. 90114

The director may order that an injection well drilling permit 90115
or an injection well operating permit or renewal permit be 90116
suspended and that activities under it cease if the director has 90117
reasonable cause to believe that the permit would not have been 90118
issued if the information available at the time of suspension had 90119
been available at the time a determination was made by one of the 90120
agencies acting under authority of this section. Upon service of a 90121

copy of the order upon the permit holder or the permit holder's 90122
authorized agent or assignee, the permit and activities under it 90123
shall be suspended immediately without prior hearing, but a permit 90124
may not be suspended for that reason without prior hearing unless 90125
immediate suspension is necessary to prevent waste or 90126
contamination of oil or gas, comply with the Federal Water 90127
Pollution Control Act and regulations adopted under it; the "Safe 90128
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 90129
amended, and regulations adopted under it; and this chapter and 90130
the rules adopted under it, or prevent damage to valuable mineral 90131
resources, prevent contamination of an underground source of 90132
drinking water, or prevent danger to human life or health. If 90133
after a hearing the director determines that the permit would not 90134
have been issued if the information available at the time of the 90135
hearing had been available at the time a determination was made by 90136
one of the agencies acting under authority of this section, the 90137
director shall revoke the permit. 90138

When a permit has been revoked, the permit holder or other 90139
person responsible for it immediately shall plug the well in the 90140
manner required by the director. 90141

The director may issue orders to prevent or require cessation 90142
of violations of this section, section 6111.043, 6111.045, 90143
6111.046, or 6111.047 of the Revised Code, rules adopted under any 90144
of those sections, and terms or conditions of permits issued under 90145
any of them. The orders may require the elimination of conditions 90146
caused by the violation. 90147

Sec. 6117.01. (A) As used in this chapter: 90148

(1) "Sanitary facilities" means sanitary sewers, force mains, 90149
lift or pumping stations, and facilities for the treatment, 90150
disposal, impoundment, or storage of wastes; equipment and 90151
furnishings; and all required appurtenances and necessary real 90152

estate and interests in real estate. 90153

(2) "Drainage" or "waters" means flows from rainfall or 90154
otherwise produced by, or resulting from, the elements, storm 90155
water discharges and releases or migrations of waters from 90156
properties, accumulations, flows, and overflows of water, 90157
including accelerated flows and runoffs, flooding and threats of 90158
flooding of properties and structures, and other surface and 90159
subsurface drainage. 90160

(3) "Drainage facilities" means storm sewers, force mains, 90161
pumping stations, and facilities for the treatment, disposal, 90162
impoundment, retention, control, or storage of waters; 90163
improvements of or for any channel, ditch, drain, floodway, or 90164
watercourse, including location, construction, reconstruction, 90165
reconditioning, widening, deepening, cleaning, removal of 90166
obstructions, straightening, boxing, culverting, tiling, filling, 90167
walling, arching, or change in course, location, or terminus; 90168
improvements of or for a river, creek, or run, including 90169
reinforcement of banks, enclosing, deepening, widening, 90170
straightening, removal of obstructions, or change in course, 90171
location, or terminus; facilities for the protection of lands from 90172
the overflow of water, including a levee, wall, embankment, jetty, 90173
dike, dam, sluice, revetment, reservoir, retention or holding 90174
basin, control gate, or breakwater; facilities for controlled 90175
drainage, regulation of stream flow, and protection of an outlet; 90176
the vacation of a ditch or drain; equipment and furnishings; and 90177
all required appurtenances and necessary real estate and interests 90178
in real estate. 90179

(4) "County sanitary engineer" means either of the following: 90180

(a) The registered professional engineer employed or 90181
appointed by the board of county commissioners to be the county 90182
sanitary engineer as provided in this section3; 90183

(b) The county engineer, if, for as long as and to the extent 90184
that engineer by agreement entered into under section 315.14 of 90185
the Revised Code is retained to discharge duties of a county 90186
sanitary engineer under this chapter. 90187

(5) "Current operating expenses," "debt charges," "permanent 90188
improvement," "public obligations," and "subdivision" have the 90189
same meanings as in section 133.01 of the Revised Code. 90190

(6) "Construct," "construction," or "constructing" means 90191
construction, reconstruction, enlargement, extension, improvement, 90192
renovation, repair, and replacement of sanitary or drainage 90193
facilities or of prevention or replacement facilities, but does 90194
not include any repairs, replacements, or similar actions that do 90195
not constitute and qualify as permanent improvements. 90196

(7) "Maintain," "maintaining," or "maintenance" means 90197
repairs, replacements, and similar actions that constitute and are 90198
payable as current operating expenses and that are required to 90199
restore sanitary or drainage facilities or prevention or 90200
replacement facilities to, or to continue sanitary or drainage 90201
facilities or prevention or replacement facilities in, good order 90202
and working condition, but does not include construction of 90203
permanent improvements. 90204

(8) "Public agency" means a state and any agency or 90205
subdivision of a state, including a county, a municipal 90206
corporation, or other subdivision. 90207

(9) "Combined sewer" means a sewer system that is designed to 90208
collect and convey sewage, including domestic, commercial, and 90209
industrial wastewater, and storm water through a single-pipe 90210
system to a treatment works or combined sewer overflow outfall 90211
approved by the director of environmental protection. 90212

(10) "Prevention or replacement facilities" means vegetated 90213
swales or median strips, permeable pavement, trees and tree boxes, 90214

rain barrels and cisterns, rain gardens and filtration planters, 90215
vegetated roofs, wetlands, riparian buffers, and practices and 90216
structures that use or mimic natural processes to filter or reuse 90217
storm water. 90218

(11) "Homestead exemption" means the reduction of taxes 90219
allowed under division (A) of section 323.152 of the Revised Code. 90220

(12) "Low- and moderate-income person" has the same meaning 90221
as in section 175.01 of the Revised Code. 90222

(B)(1) For the purpose of preserving and promoting the public 90223
health and welfare, a board of county commissioners may lay out, 90224
establish, consolidate, or otherwise modify the boundaries of, and 90225
maintain, one or more sewer districts within the county and 90226
outside municipal corporations and may have a registered 90227
professional engineer make the surveys necessary for the 90228
determination of the proper boundaries of each district, which 90229
shall be designated by an appropriate name or number. The board 90230
may acquire, construct, maintain, and operate within any district 90231
sanitary or drainage facilities that it determines to be necessary 90232
or appropriate for the collection of sewage and other wastes 90233
originating in or entering the district, to comply with the 90234
provisions of a contract entered into for the purposes described 90235
in sections 6117.41 to 6117.44 of the Revised Code and pursuant to 90236
those sections or other applicable provisions of law, or for the 90237
collection, control, or abatement of waters originating or 90238
accumulating in, or flowing in, into, or through, the district, 90239
and other sanitary or drainage facilities, within or outside of 90240
the district, that it determines to be necessary or appropriate to 90241
conduct the wastes and waters to a proper outlet and to provide 90242
for their proper treatment, disposal, and disposition. The board 90243
may provide for the protection of the sanitary and drainage 90244
facilities and may negotiate and enter into a contract with any 90245
public agency or person for the management, maintenance, 90246

operation, and repair of any of the facilities on behalf of the 90247
county upon the terms and conditions that may be agreed upon with 90248
the agency or person and that may be determined by the board to be 90249
in the best interests of the county. By contract with any public 90250
agency or person operating sanitary or drainage facilities within 90251
or outside of the county, the board may provide a proper outlet 90252
for any of the wastes and waters and for their proper treatment, 90253
disposal, and disposition. 90254

(2) For purposes of preventing storm water from entering a 90255
combined sewer and causing an overflow or an inflow to a sanitary 90256
sewer, the board may acquire, design, construct, operate, repair, 90257
maintain, and provide for a project or program that separates 90258
storm water from a combined sewer or for a prevention or 90259
replacement facility that prevents or minimizes storm water from 90260
entering a combined sewer or a sanitary sewer. 90261

(C) The board of county commissioners may employ a registered 90262
professional engineer to be the county sanitary engineer for the 90263
time and on the terms it considers best and may authorize the 90264
county sanitary engineer to employ necessary assistants upon the 90265
terms fixed by the board. Prior to the initial assignment of 90266
drainage facilities duties to the county sanitary engineer, if the 90267
county sanitary engineer is not the county engineer, the board 90268
first shall offer to enter into an agreement with the county 90269
engineer pursuant to section 315.14 of the Revised Code for 90270
assistance in the performance of those duties of the board 90271
pertaining to drainage facilities, and the county engineer shall 90272
accept or reject the offer within thirty days after the date the 90273
offer is made. 90274

The board may create and maintain a sanitary engineering 90275
department, which shall be under its supervision and which shall 90276
be headed by the county sanitary engineer, for the purpose of 90277
aiding it in the performance of its duties under this chapter and 90278

Chapter 6103. of the Revised Code or its other duties regarding 90279
sanitation, drainage, and water supply provided by law. The board 90280
shall provide suitable facilities for the use of the department 90281
and shall provide for and pay the compensation of the county 90282
sanitary engineer and all authorized necessary expenses of the 90283
county sanitary engineer and the sanitary engineering department. 90284
The county sanitary engineer, with the approval of the board, may 90285
appoint necessary assistants and clerks, and the compensation of 90286
those assistants and clerks shall be provided for and paid by the 90287
board. 90288

(D) The board of county commissioners may adopt, publish, 90289
administer, and enforce rules for the construction, maintenance, 90290
protection, and use of county-owned or county-operated sanitary 90291
and drainage facilities and prevention or replacement facilities 90292
outside municipal corporations, and of sanitary and drainage 90293
facilities and prevention or replacement facilities within 90294
municipal corporations that are owned or operated by the county or 90295
that discharge into sanitary or drainage facilities or prevention 90296
or replacement facilities owned or operated by the county, 90297
including, but not limited to, rules for the establishment and use 90298
of any connections, the termination in accordance with reasonable 90299
procedures of sanitary service for the nonpayment of county 90300
sanitary rates and charges and, if so determined, the concurrent 90301
termination of any county water service for the nonpayment of 90302
those rates and charges, the termination in accordance with 90303
reasonable procedures of drainage service for the nonpayment of 90304
county drainage rates and charges, and the establishment and use 90305
of security deposits to the extent considered necessary to ensure 90306
the payment of county sanitary or drainage rates and charges. The 90307
rules shall not be inconsistent with the laws of this state or any 90308
applicable rules of the director of environmental protection. 90309
90310

(E) No sanitary or drainage facilities or prevention or replacement facilities shall be constructed in any county outside municipal corporations by any person until the plans and specifications have been approved by the board of county commissioners, and any construction shall be done under the supervision of the county sanitary engineer. Not less than thirty days before the date drainage plans are submitted to the board for its approval, the plans shall be submitted to the county engineer. If the county engineer is of the opinion after review that the facilities will have a significant adverse effect on roads, culverts, bridges, or existing maintenance within the county, the county engineer may submit a written opinion to the board not later than thirty days after the date the plans are submitted to the county engineer. The board may take action relative to the drainage plans only after the earliest of receiving the written opinion of the county engineer, receiving a written waiver of submission of an opinion from the county engineer, or passage of thirty days from the date the plans are submitted to the county engineer. Any person constructing the facilities shall pay to the county all expenses incurred by the board in connection with the construction.

(F) The county sanitary engineer or the county sanitary engineer's authorized assistants or agents, when properly identified in writing or otherwise and after written notice is delivered to the owner at least five days in advance or is mailed at least five days in advance by first class or certified mail to the owner's tax mailing address, may enter upon any public or private property for the purpose of making, and may make, surveys or inspections necessary for the laying out of sewer districts or the design or evaluation of county sanitary or drainage facilities or prevention or replacement facilities. This entry is not a trespass and is not to be considered an entry in connection with any appropriation of property proceedings under sections 163.01 to

163.22 of the Revised Code that may be pending. No person or 90344
public agency shall forbid the county sanitary engineer or the 90345
county sanitary engineer's authorized assistants or agents to 90346
enter, or interfere with their entry, upon the property for that 90347
purpose or forbid or interfere with their making of surveys or 90348
inspections. If actual damage is done to property by the making of 90349
the surveys and inspections, the board shall pay the reasonable 90350
value of the damage to the property owner, and the cost shall be 90351
included in the cost of the facilities and may be included in any 90352
special assessments to be levied and collected to pay that cost. 90353

Sec. 6117.02. (A) The board of county commissioners shall fix 90354
reasonable rates, including penalties for late payments, for the 90355
use, or the availability for use, of the sanitary facilities of a 90356
sewer district to be paid by every person and public agency whose 90357
premises are served, or capable of being served, by a connection 90358
directly or indirectly to those facilities when those facilities 90359
are owned or operated by the county and may change the rates from 90360
time to time as it considers advisable. When the sanitary 90361
facilities to be used by the county are owned by another public 90362
agency or person, the schedule of rates to be charged by the 90363
public agency or person for the use of the facilities by the 90364
county, or the formula or other procedure for their determination, 90365
shall be approved by the board at the time it enters into a 90366
contract for that use. 90367

(B) The board also shall establish reasonable charges to be 90368
collected for the privilege of connecting to the sanitary 90369
facilities of the district, with the requirement that, prior to 90370
the connection, the charges shall be paid in full, or, if 90371
determined by the board to be equitable in a resolution relating 90372
to the payment of the charges, provision considered adequate by 90373
the board shall be made for their payment in installments at the 90374
times, in the amounts, and with the security, carrying charges, 90375

and penalties as may be found by the board in that resolution to 90376
be fair and appropriate. No public agency or person shall be 90377
permitted to connect to those facilities until the charges have 90378
been paid in full or provision for their payment in installments 90379
has been made. If the connection charges are to be paid in 90380
installments, the board shall certify to the county auditor 90381
information sufficient to identify each parcel of property served 90382
by a connection and, with respect to each parcel, the total of the 90383
charges to be paid in installments, the amount of each 90384
installment, and the total number of installments to be paid. The 90385
auditor shall record and maintain the information supplied in the 90386
sewer improvement record provided for in section 6117.33 of the 90387
Revised Code until the connection charges are paid in full. The 90388
board may include amounts attributable to connection charges being 90389
paid in installments in its billings of rates and charges for the 90390
use of sanitary facilities. 90391

(C) When any of the sanitary rates or charges are not paid 90392
when due, the board may do any or all of the following as it 90393
considers appropriate: 90394

(1) Certify the unpaid rates or charges, together with any 90395
penalties, to the county auditor, who shall place them upon the 90396
real property tax list and duplicate against the property served 90397
by the connection. The certified amount shall be a lien on the 90398
property from the date placed on the real property tax list and 90399
duplicate and shall be collected in the same manner as taxes, 90400
except that, notwithstanding section 323.15 of the Revised Code, a 90401
county treasurer shall accept a payment in that amount when 90402
separately tendered as payment for the full amount of the unpaid 90403
sanitary rates or charges and associated penalties. The lien shall 90404
be released immediately upon payment in full of the certified 90405
amount. 90406

(2) Collect the unpaid rates or charges, together with any 90407

penalties, by actions at law in the name of the county from an 90408
owner, tenant, or other person or public agency that is liable for 90409
the payment of the rates or charges; 90410

(3) Terminate, in accordance with established rules, the 90411
sanitary service to the particular property and, if so determined, 90412
any county water service to that property, unless and until the 90413
unpaid sanitary rates or charges, together with any penalties, are 90414
paid in full; 90415

(4) Apply, to the extent required, any security deposit made 90416
in accordance with established rules to the payment of sanitary 90417
rates and charges for service to the particular property. 90418

All moneys collected as sanitary rates, charges, or penalties 90419
fixed or established in accordance with divisions (A) and (B) of 90420
this section for any sewer district shall be paid to the county 90421
treasurer and kept in a separate and distinct sanitary fund 90422
established by the board to the credit of the district. Except as 90423
otherwise provided in any proceedings authorizing or providing for 90424
the security for and payment of any public obligations, or in any 90425
indenture or trust or other agreement securing public obligations, 90426
moneys in the sanitary fund shall be applied first to the payment 90427
of the cost of the management, maintenance, and operation of the 90428
sanitary facilities of, or used or operated for, the district, 90429
which cost may include the county's share of management, 90430
maintenance, and operation costs under cooperative contracts for 90431
the acquisition, construction, or use of sanitary facilities and, 90432
in accordance with a cost allocation plan adopted under division 90433
(E) of this section, payment of all allowable direct and indirect 90434
costs of the district, the county sanitary engineer or sanitary 90435
engineering department, or a federal or state grant program, 90436
incurred for sanitary purposes under this chapter, and shall be 90437
applied second to the payment of debt charges payable on any 90438
outstanding public obligations issued or incurred for the 90439

acquisition or construction of sanitary facilities for or serving 90440
the district, or for the funding of a bond retirement or other 90441
fund established for the payment of or security for the 90442
obligations. Any surplus remaining may be applied to the 90443
acquisition or construction of those facilities or for the payment 90444
of contributions to be made, or costs incurred, for the 90445
acquisition or construction of those facilities under cooperative 90446
contracts. Moneys in the sanitary fund shall not be expended other 90447
than for the use and benefit of the district. 90448

(D) The board may fix reasonable rates and charges, including 90449
connection charges and penalties for late payments, to be paid by 90450
any person or public agency owning or having possession or control 90451
of any properties that are connected with, capable of being served 90452
by, or otherwise served directly or indirectly by, drainage 90453
facilities owned or operated by or under the jurisdiction of the 90454
county, including, but not limited to, properties requiring, or 90455
lying within an area of the district requiring, in the judgment of 90456
the board, the collection, control, or abatement of waters 90457
originating or accumulating in, or flowing in, into, or through, 90458
the district, and may change those rates and charges from time to 90459
time as it considers advisable. In addition, the board may fix the 90460
rates and charges in order to pay the costs of complying with the 90461
requirements of phase II of the storm water program of the 90462
national pollutant discharge elimination system established in 40 90463
C.F.R. part 122. 90464

The rates and charges shall be payable periodically as 90465
determined by the board, except that any connection charges shall 90466
be paid in full in one payment, or, if determined by the board to 90467
be equitable in a resolution relating to the payment of those 90468
charges, provision considered adequate by the board shall be made 90469
for their payment in installments at the times, in the amounts, 90470
and with the security, carrying charges, and penalties as may be 90471

found by the board in that resolution to be fair and appropriate. 90472
The board may include amounts attributable to connection charges 90473
being paid in installments in its billings of rates and charges 90474
for the services provided by the drainage facilities. In the case 90475
of rates and charges that are fixed in order to pay the costs of 90476
complying with the requirements of phase II of the storm water 90477
program of the national pollutant discharge elimination system 90478
established in 40 C.F.R. part 122, the rates and charges may be 90479
paid annually or semiannually with real property taxes, provided 90480
that the board certifies to the county auditor information that is 90481
sufficient for the auditor to identify each parcel of property for 90482
which a rate or charge is levied and the amount of the rate or 90483
charge. 90484

When any of the drainage rates or charges are not paid when 90485
due, the board may do any or all of the following as it considers 90486
appropriate: 90487

(1) Certify the unpaid rates or charges, together with any 90488
penalties, to the county auditor, who shall place them upon the 90489
real property tax list and duplicate against the property to which 90490
the rates or charges apply. The certified amount shall be a lien 90491
on the property from the date placed on the real property tax list 90492
and duplicate and shall be collected in the same manner as taxes, 90493
except that notwithstanding section 323.15 of the Revised Code, a 90494
county treasurer shall accept a payment in that amount when 90495
separately tendered as payment for the full amount of the unpaid 90496
drainage rates or charges and associated penalties. The lien shall 90497
be released immediately upon payment in full of the certified 90498
amount. 90499

(2) Collect the unpaid rates or charges, together with any 90500
penalties, by actions at law in the name of the county from an 90501
owner, tenant, or other person or public agency that is liable for 90502
the payment of the rates or charges; 90503

(3) Terminate, in accordance with established rules, the 90504
drainage service for the particular property until the unpaid 90505
rates or charges, together with any penalties, are paid in full; 90506

(4) Apply, to the extent required, any security deposit made 90507
in accordance with established rules to the payment of drainage 90508
rates and charges applicable to the particular property. 90509

All moneys collected as drainage rates, charges, or penalties 90510
in or for any sewer district shall be paid to the county treasurer 90511
and kept in a separate and distinct drainage fund established by 90512
the board to the credit of the district. Except as otherwise 90513
provided in any proceedings authorizing or providing for the 90514
security for and payment of any public obligations, or in any 90515
indenture or trust or other agreement securing public obligations, 90516
moneys in the drainage fund shall be applied first to the payment 90517
of the cost of the management, maintenance, and operation of the 90518
drainage facilities of, or used or operated for, the district, 90519
which cost may include the county's share of management, 90520
maintenance, and operation costs under cooperative contracts for 90521
the acquisition, construction, or use of drainage facilities and, 90522
in accordance with a cost allocation plan adopted under division 90523
(E) of this section, payment of all allowable direct and indirect 90524
costs of the district, the county sanitary engineer or sanitary 90525
engineering department, or a federal or state grant program, 90526
incurred for drainage purposes under this chapter, and shall be 90527
applied second to the payment of debt charges payable on any 90528
outstanding public obligations issued or incurred for the 90529
acquisition or construction of drainage facilities for or serving 90530
the district, or for the funding of a bond retirement or other 90531
fund established for the payment of or security for the 90532
obligations. Any surplus remaining may be applied to the 90533
acquisition or construction of those facilities or for the payment 90534
of contributions to be made, or costs incurred, for the 90535

acquisition or construction of those facilities under cooperative 90536
contracts. Moneys in the drainage fund shall not be expended other 90537
than for the use and benefit of the district. 90538

(E) A board of county commissioners may adopt a cost 90539
allocation plan that identifies, accumulates, and distributes 90540
allowable direct and indirect costs that may be paid from each of 90541
the funds of the district created pursuant to divisions (C) and 90542
(D) of this section, and that prescribes methods for allocating 90543
those costs. The plan shall authorize payment from each of those 90544
funds of only those costs incurred by the district, the county 90545
sanitary engineer or sanitary engineering department, or a federal 90546
or state grant program, and those costs incurred by the general 90547
and other funds of the county for a common or joint purpose, that 90548
are necessary and reasonable for the proper and efficient 90549
administration of the district under this chapter and properly 90550
attributable to the particular fund of the district. The plan 90551
shall not authorize payment from either of the funds of any 90552
general government expense required to carry out the overall 90553
governmental responsibilities of a county. The plan shall conform 90554
to United States office of management and budget Circular A-87, 90555
"Cost Principles for State, Local, and Indian Tribal Governments," 90556
published May 17, 1995. 90557

(F) A board of county commissioners may establish discounted 90558
rates or charges or may establish another mechanism for providing 90559
a reduction in rates or charges for persons who are sixty-five 90560
years of age or older. The board shall establish eligibility 90561
requirements for such discounted or reduced rates or charges, 90562
including a requirement that a person be eligible for the 90563
homestead exemption or qualify as a low- and moderate-income 90564
person. 90565

Sec. 6119.011. As used in ~~Chapter 6119. of the Revised Code~~ 90566

this chapter: 90567

(A) "Court of common pleas" or "court" means, unless the 90568
context indicates a different meaning or intent, the court of 90569
common pleas in which the petition for the organization of a 90570
regional water and sewer district is filed. 90571

(B) "Political subdivision" includes departments, divisions, 90572
authorities, or other units of state governments, watershed 90573
districts, soil and water conservation districts, park districts, 90574
municipal corporations, counties, townships, and other political 90575
subdivisions, special water districts, including county and 90576
regional water and sewer districts, conservancy districts, 90577
sanitary districts, sewer districts or any other public 90578
corporation or agency having the authority to acquire, construct, 90579
or operate waste water or water management facilities, and all 90580
other governmental agencies now or hereafter granted the power of 90581
levying taxes or special assessments, the United States or any 90582
agency thereof, and any agency, commission, or authority 90583
established pursuant to an interstate compact or agreement. 90584

(C) "Person" means any natural person, firm, partnership, 90585
association, or corporation other than a political subdivision. 90586

(D) "Beneficial use" means a use of water, including the 90587
method of diversion, storage, transportation, treatment, and 90588
application, that is reasonable and consistent with the public 90589
interest in the proper utilization of water resources, including, 90590
but not limited to, domestic, agricultural, industrial, power, 90591
municipal, navigational, fish and wildlife, and recreational uses. 90592

(E) "Waters of the state" ~~mean~~ means all streams, lakes, 90593
ponds, marshes, watercourses, waterways, wells, springs, 90594
irrigation systems, drainage systems, and all other bodies or 90595
accumulations of water, surface and underground, natural or 90596
artificial, ~~which~~ that are situated wholly or partly within, or 90597

border upon, this state, or are within its jurisdiction, except 90598
those private waters ~~which~~ that do not combine or effect a 90599
junction with natural surface or underground waters. 90600

(F) "Water resources" means all waters of the state occurring 90601
on the surface in natural or artificial channels, lakes, 90602
reservoirs, or impoundments, and in subsurface aquifers, ~~which~~ 90603
that are available or may be made available to agricultural, 90604
commercial, recreational, public, and domestic users. 90605

(G) "Project" or "water resource project" means any waste 90606
water facility or water management facility acquired, constructed, 90607
or operated by or leased to a regional water and sewer district or 90608
to be acquired, constructed, or operated by or leased to a 90609
regional water and sewer district under ~~Chapter 6119. of the~~ 90610
~~Revised Code~~ this chapter, or acquired or constructed or to be 90611
acquired or constructed by a political subdivision with a portion 90612
of the cost thereof being paid from a loan or grant from the 90613
district under ~~Chapter 6119. of the Revised Code~~ this chapter, 90614
including all buildings and facilities ~~which~~ that the district 90615
considers necessary for the operation of the project, together 90616
with all property, rights, easements, and interest ~~which~~ that may 90617
be required for the operation of the project. Any water resource 90618
project shall be determined by the board of trustees of the 90619
district to be consistent with any applicable comprehensive plan 90620
of water management approved by the director of natural resources 90621
~~of the state~~ or in the process of preparation by ~~such~~ the director 90622
and to be not inconsistent with the standards set for the waters 90623
of the state affected thereby by the ~~water pollution control board~~ 90624
~~of the state~~ environmental protection agency. Any resolution of 90625
the board of trustees of the district providing for acquiring, 90626
operating, leasing, or constructing such projects or for making a 90627
loan or grant for such projects shall include a finding by the 90628
board of trustees of the district that ~~such~~ those determinations 90629

have been made. 90630

(H) "Pollution" means the placing of any noxious or 90631
deleterious substances in any waters of the state or affecting the 90632
properties of any waters of the state in a manner ~~which~~ that 90633
renders ~~such~~ those waters harmful or inimical to the public 90634
health, or to animal or aquatic life, or to the use of ~~such~~ the 90635
waters for domestic water supply, industrial or agricultural 90636
purposes, or recreation. 90637

(I) "Sewage" means any substance that contains any of the 90638
waste products or excrementitious or other discharge from the 90639
bodies of human beings or animals, ~~which~~ that pollutes the waters 90640
of the state. 90641

(J) "Industrial waste" means any liquid, gaseous, or solid 90642
waste substance resulting from any process of industry, 90643
manufacture, trade, or business, or from the development, 90644
processing, or recovery of any natural resource, together with 90645
such sewage as is present, ~~which~~ that pollutes the waters of the 90646
state. 90647

(K) "Waste water" means any storm water and any water 90648
containing sewage or industrial waste or other pollutants or 90649
contaminants derived from the prior use of ~~such~~ the water. 90650

(L) "Waste water facilities" means facilities for the purpose 90651
of treating, neutralizing, disposing of, stabilizing, cooling, 90652
segregating, or holding waste water, including, without limiting 90653
the generality of the foregoing, facilities for the treatment and 90654
disposal of sewage or industrial waste and the residue thereof, 90655
facilities for the temporary or permanent impoundment of waste 90656
water, both surface and underground, and storm and sanitary sewers 90657
and other systems, whether on the surface or underground, designed 90658
to transport waste water, together with the equipment and 90659
furnishings thereof and their appurtenances and systems, whether 90660

on the surface or underground, including force mains and pumping facilities therefor when necessary. 90661
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(M) "Water management facilities" means facilities for the purpose of the development, use, and protection of water resources, including, without limiting the generality of the foregoing, facilities for water supply, facilities for stream flow improvement, dams, reservoirs, and other impoundments, water transmission lines, water wells and well fields, pumping stations and works for underground water recharge, stream monitoring systems, facilities for the stabilization of stream and river banks, and facilities for the treatment of streams and rivers, including, without limiting the generality of the foregoing, facilities for the removal of oil, debris, and other solid waste from the waters of the state and stream and river aeration facilities. 90663
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(N) "Cost" as applied to water resource projects means the cost of acquisition and construction, the cost of acquisition of all land, rights-of-way, property rights, easements, franchise rights, and interests required by the district for such acquisition and construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of acquiring or constructing and equipping a principal office and sub-offices of the district, the cost of diverting highways, interchange of highways, and access roads to private property, including the cost of land or easements therefor, the cost of all machinery, furnishings, and equipment, financing charges, interest prior to and during construction and for no more than eighteen months after completion of ~~acquisition~~ acquisition or construction, engineering, expenses of research and development with respect to waste water or water management facilities, legal expenses, plans, specifications, surveys, 90676
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estimates of cost and revenues, working capital, other expenses 90693
necessary or incident to determining the feasibility or 90694
practicability of acquiring or constructing any such project, 90695
administrative expense, and such other expense as may be necessary 90696
or incident to the acquisition or construction of the project, the 90697
financing of ~~such~~ the acquisition or construction, including the 90698
amount authorized in the resolution of the district providing for 90699
the issuance of water resource revenue bonds to be paid into any 90700
special funds from the proceeds of ~~such~~ those bonds and the 90701
financing of the placing of any such project in operation. Any 90702
obligation or expense incurred by any political subdivision, and 90703
approved by the district, for surveys, borings, preparation of 90704
plans and specifications, and other engineering services in 90705
connection with the acquisition or construction of a project shall 90706
be regarded as a part of the cost of ~~such~~ the project and may be 90707
reimbursed by the district. 90708

(O) "Owner" includes all individuals, partnerships, 90709
associations, corporations, or political subdivisions having any 90710
title or interest in any property rights, easements, and interests 90711
authorized to be acquired by ~~Chapter 6119. of the Revised Code~~ 90712
this chapter. 90713

(P) "Revenues" means all rentals and other charges received 90714
by a district for the use or services of any project, all special 90715
assessments levied by the district pursuant to ~~Chapter 6119. of~~ 90716
~~the Revised Code~~ this chapter, any gift or grant received with 90717
respect thereto, and moneys received in repayment of and for 90718
interest on any loan made by the district to a political 90719
subdivision, whether from the United States or a department, 90720
administration, or agency thereof, or otherwise. 90721

(Q) "Public roads" includes all public highways, roads, and 90722
streets in the state, whether maintained by the state, county, 90723
city, township, or other political subdivision. 90724

(R) "Public utility facilities" includes tracks, pipes, 90725
mains, conduits, cables, wires, towers, poles, and other equipment 90726
and appliances of any public utility. 90727

(S) "Construction," unless the context indicates a different 90728
meaning or intent, includes reconstruction, enlargement, 90729
improvement, or providing furnishings or equipment. 90730

(T) "Water resources bonds," unless the context indicates a 90731
different meaning or intent, includes water resource notes and 90732
water resource refunding bonds. 90733

(U) "Regional water and sewer district" means a district 90734
organized or operating for one or both of the purposes described 90735
in section 6119.01 of the Revised Code and, if organized or 90736
operating for only one of ~~such~~ those purposes, may be designated 90737
either a regional water district or a regional sewer district, as 90738
the case may be. 90739

(V) "Homestead exemption" means the reduction of taxes 90740
allowed under division (A) of section 323.152 of the Revised Code. 90741

(W) "Low- and moderate-income person" has the same meaning as 90742
in section 175.01 of the Revised Code. 90743

Sec. 6119.091. When fixing rentals or other charges under 90744
section 6119.09 of the Revised Code, a board of trustees of a 90745
regional water and sewer district may establish discounted rentals 90746
or charges or may establish another mechanism for providing a 90747
reduction in rentals or charges for persons who are sixty-five 90748
years of age or older. The board shall establish eligibility 90749
requirements for such discounted or reduced rentals or charges, 90750
including a requirement that a person be eligible for the 90751
homestead exemption or qualify as a low- and moderate-income 90752
person. 90753

Sec. 6301.03. (A) In administering the "Workforce Investment 90754

Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the 90755
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 90756
amended, the funds received pursuant to those acts, and the 90757
workforce development system, the director of job and family 90758
services may make allocations and payment of funds for the local 90759
administration of the workforce development activities established 90760
under this chapter. Pursuant to the "Workforce Investment Act of 90761
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the governor 90762
shall reserve not more than fifteen per cent of the amounts 90763
allocated to the state under Title I of that act for adults, 90764
dislocated workers, and youth for statewide activities, and not 90765
more than twenty-five per cent of funds allocated for dislocated 90766
workers under Title I of that act for statewide rapid response 90767
activities. 90768

(B) The director shall allocate to local areas all funds 90769
required to be allocated to local areas pursuant to the "Workforce 90770
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 90771
amended. The director shall make allocations only with funds 90772
available. Local areas, as defined by either section 101 of the 90773
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 90774
2801, as amended, or section 6301.01 of the Revised Code, and 90775
subrecipients of a local area shall establish a workforce 90776
development fund and the entity receiving funds shall deposit all 90777
funds received under this section into the workforce development 90778
fund. All expenditures for activities funded under this section 90779
shall be made from the workforce development fund, including 90780
reimbursements to a county public assistance fund for expenditures 90781
made for activities funded under this section. 90782

(C) The use of funds, reporting requirements, and other 90783
administrative and operational requirements governing the use of 90784
funds received by the director pursuant to this section shall be 90785
governed by internal management rules adopted by the director 90786

pursuant to section 111.15 of the Revised Code. 90787

(D) To the extent permitted by state or federal law, the 90788
director, local areas, counties, and municipal corporations 90789
authorized to administer workforce development activities may 90790
assess a fee for specialized services requested by an employer. 90791
The director shall adopt rules pursuant to Chapter 119. of the 90792
Revised Code governing the nature and amount of those types of 90793
fees. 90794

Section 101.02. That existing sections 7.12, 9.03, 9.314, 90795
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6111.044, 6117.01, 6117.02, 6119.011, and 6301.03 of the Revised 90922
Code are hereby repealed. 90923

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Section 105.01. That sections 117.102, 119.031, 121.24, 90933
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4735.23, 4753.101, 5101.072, 5119.40, 5120.12, and 5123.23 of the 90950
Revised Code are hereby repealed. 90951

Section 110.10. That the version of section 2949.111 of the 90952
Revised Code that is scheduled to take effect January 1, 2010, be 90953
amended to read as follows: 90954

Sec. 2949.111. (A) As used in this section: 90955

(1) "Court costs" means any assessment that the court 90956
requires an offender to pay to defray the costs of operating the 90957
court. 90958

(2) "State fines or costs" means any costs imposed or 90959
forfeited bail collected by the court under section 2743.70 of the 90960
Revised Code for deposit into the reparations fund or under 90961
section 2949.091 of the Revised Code for deposit into the ~~general~~ 90962
~~revenue~~ indigent defense support fund established under section 90963
120.08 of the Revised Code and all fines, penalties, and forfeited 90964
bail collected by the court and paid to a law library association 90965
under section 307.515 of the Revised Code. 90966

(3) "Reimbursement" means any reimbursement for the costs of 90967
confinement that the court orders an offender to pay pursuant to 90968
section 2929.28 of the Revised Code, any supervision fee, any fee 90969
for the costs of house arrest with electronic monitoring that an 90970
offender agrees to pay, any reimbursement for the costs of an 90971
investigation or prosecution that the court orders an offender to 90972
pay pursuant to section 2929.71 of the Revised Code, or any other 90973
costs that the court orders an offender to pay. 90974

(4) "Supervision fees" means any fees that a court, pursuant to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, requires an offender who is under a community control sanction to pay for supervision services.

(5) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(B) Unless the court, in accordance with division (C) of this section, enters in the record of the case a different method of assigning payments, if a person who is charged with a misdemeanor is convicted of or pleads guilty to the offense, if the court orders the offender to pay any combination of court costs, state fines or costs, restitution, a conventional fine, or any reimbursement, and if the offender makes any payment of any of them to a clerk of court, the clerk shall assign the offender's payment in the following manner:

(1) If the court ordered the offender to pay any court costs, the offender's payment shall be assigned toward the satisfaction of those court costs until they have been entirely paid.

(2) If the court ordered the offender to pay any state fines or costs and if all of the court costs that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned on a pro rata basis toward the satisfaction of the state fines or costs until they have been entirely paid.

(3) If the court ordered the offender to pay any restitution and if all of the court costs and state fines or costs that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the restitution until it has been entirely paid.

(4) If the court ordered the offender to pay any fine and if all of the court costs, state fines or costs, and restitution that

the court ordered the offender to pay have been paid, the 91006
remainder of the offender's payment shall be assigned toward the 91007
satisfaction of the fine until it has been entirely paid. 91008

(5) If the court ordered the offender to pay any 91009
reimbursement and if all of the court costs, state fines or costs, 91010
restitution, and fines that the court ordered the offender to pay 91011
have been paid, the remainder of the offender's payment shall be 91012
assigned toward the satisfaction of the reimbursements until they 91013
have been entirely paid. 91014

(C) If a person who is charged with a misdemeanor is 91015
convicted of or pleads guilty to the offense and if the court 91016
orders the offender to pay any combination of court costs, state 91017
fines or costs, restitution, fines, or reimbursements, the court, 91018
at the time it orders the offender to make those payments, may 91019
prescribe an order of payments that differs from the order set 91020
forth in division (B) of this section by entering in the record of 91021
the case the order so prescribed. If a different order is entered 91022
in the record, on receipt of any payment, the clerk of the court 91023
shall assign the payment in the manner prescribed by the court. 91024

Section 110.11. That the existing version of section 2949.111 91025
of the Revised Code that is scheduled to take effect January 1, 91026
2010, is hereby repealed. 91027

Section 110.12. Sections 110.10 and 110.11 of this act take 91028
effect January 1, 2010. 91029

Section 110.20. That the version of section 5739.033 of the 91030
Revised Code that is scheduled to take effect January 1, 2010, be 91031
amended to read as follows: 91032

Sec. 5739.033. (A) The amount of tax due pursuant to sections 91033
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 91034

the sum of the taxes imposed pursuant to those sections at the 91035
sourcing location of the sale as determined under this section or, 91036
if applicable, under division (C) of section 5739.031 or section 91037
5739.034 of the Revised Code. This section applies only to a 91038
vendor's or seller's obligation to collect and remit sales taxes 91039
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 91040
Revised Code or use taxes under section 5741.02, 5741.021, 91041
5741.022, or 5741.023 of the Revised Code. Division (A) of this 91042
section does not apply in determining the jurisdiction for which 91043
sellers are required to collect the use tax under section 5741.05 91044
of the Revised Code. This section does not affect the obligation 91045
of a consumer to remit use taxes on the storage, use, or other 91046
consumption of tangible personal property or on the benefit 91047
realized of any service provided, to the jurisdiction of that 91048
storage, use, or consumption, or benefit realized. 91049

(B)(1) Beginning January 1, 2010, retail sales, excluding the 91050
lease or rental, of tangible personal property or digital goods 91051
shall be sourced to the location where the vendor receives an 91052
order for the sale of such property or goods if: 91053

(a) The vendor receives the order in this state and the 91054
consumer receives the property or goods in this state; 91055

(b) The location where the consumer receives the property or 91056
goods is determined under division (C)(2), (3), or (4) of this 91057
section; and 91058

(c) The record-keeping system used by the vendor to calculate 91059
the tax imposed captures the location where the order is received 91060
at the time the order is received. 91061

(2) A consumer has no additional liability to this state 91062
under this chapter or Chapter 5741. of the Revised Code for tax, 91063
penalty, or interest on a sale for which the consumer remits tax 91064
to the vendor in the amount invoiced by the vendor if the invoice 91065

amount is calculated at either the rate applicable to the location 91066
where the consumer receives the property or digital good or at the 91067
rate applicable to the location where the order is received by the 91068
vendor. A consumer may rely on a written representation by the 91069
vendor as to the location where the order for the sale was 91070
received by the vendor. If the consumer does not have a written 91071
representation by the vendor as to the location where the order 91072
was received by the vendor, the consumer may use a location 91073
indicated by a business address for the vendor that is available 91074
from records that are maintained in the ordinary course of the 91075
consumer's business to determine the rate applicable to the 91076
location where the order was received. 91077

(3) For the purposes of division (B) of this section, the 91078
location where an order is received by or on behalf of a vendor 91079
means the physical location of the vendor or a third party such as 91080
an established outlet, office location, or automated order receipt 91081
system operated by or on behalf of the vendor, where an order is 91082
initially received by or on behalf of the vendor, and not where 91083
the order may be subsequently accepted, completed, or fulfilled. 91084
An order is received when all necessary information to determine 91085
whether the order can be accepted has been received by or on 91086
behalf of the vendor. The location from which the property or 91087
digital good is shipped shall not be used to determine the 91088
location where the order is received by the vendor. 91089

(4) For the purposes of division (B) of this section, if 91090
services subject to taxation under this chapter or Chapter 5741. 91091
of the Revised Code are sold with tangible personal property or 91092
digital goods pursuant to a single contract or in the same 91093
transaction, the services are billed on the same billing statement 91094
or invoice, and, because of the application of division (B) of 91095
this section, the transaction would be sourced to more than one 91096
jurisdiction, the situs of the transaction shall be the location 91097

where the order is received by or on behalf of the vendor. 91098

(C) Except for sales, other than leases, of titled motor 91099
vehicles, titled watercraft, or titled outboard motors as provided 91100
in section 5741.05 of the Revised Code, or as otherwise provided 91101
in this section and section 5739.034 of the Revised Code, all 91102
sales shall be sourced as follows: 91103

(1) If the consumer or a donee designated by the consumer 91104
receives tangible personal property or a service at a vendor's 91105
place of business, the sale shall be sourced to that place of 91106
business. 91107

(2) When the tangible personal property or service is not 91108
received at a vendor's place of business, the sale shall be 91109
sourced to the location known to the vendor where the consumer or 91110
the donee designated by the consumer receives the tangible 91111
personal property or service, including the location indicated by 91112
instructions for delivery to the consumer or the consumer's donee. 91113

(3) If divisions (C)(1) and (2) of this section do not apply, 91114
the sale shall be sourced to the location indicated by an address 91115
for the consumer that is available from the vendor's business 91116
records that are maintained in the ordinary course of the vendor's 91117
business, when use of that address does not constitute bad faith. 91118
91119

(4) If divisions (C)(1), (2), and (3) of this section do not 91120
apply, the sale shall be sourced to the location indicated by an 91121
address for the consumer obtained during the consummation of the 91122
sale, including the address associated with the consumer's payment 91123
instrument, if no other address is available, when use of that 91124
address does not constitute bad faith. 91125

(5) If divisions (C)(1), (2), (3), and (4) of this section do 91126
not apply, including in the circumstance where the vendor is 91127
without sufficient information to apply any of those divisions, 91128

the sale shall be sourced to the address from which tangible 91129
personal property was shipped, or from which the service was 91130
provided, disregarding any location that merely provided the 91131
electronic transfer of the property sold or service provided. 91132

(6) As used in division (C) of this section, "receive" means 91133
taking possession of tangible personal property or making first 91134
use of a service. "Receive" does not include possession by a 91135
shipping company on behalf of a consumer. 91136

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 91137
section, a business consumer that is not a holder of a direct 91138
payment permit granted under section 5739.031 of the Revised Code, 91139
that purchases a digital good, computer software, except computer 91140
software received in person by a business consumer at a vendor's 91141
place of business, or a service, and that knows at the time of 91142
purchase that such digital good, software, or service will be 91143
concurrently available for use in more than one taxing 91144
jurisdiction shall deliver to the vendor in conjunction with its 91145
purchase an exemption certificate claiming multiple points of use, 91146
or shall meet the requirements of division (D)(2) of this section. 91147
On receipt of the exemption certificate claiming multiple points 91148
of use, the vendor is relieved of its obligation to collect, pay, 91149
or remit the tax due, and the business consumer must pay the tax 91150
directly to the state. 91151

(b) A business consumer that delivers the exemption 91152
certificate claiming multiple points of use to a vendor may use 91153
any reasonable, consistent, and uniform method of apportioning the 91154
tax due on the digital good, computer software, or service that is 91155
supported by the consumer's business records as they existed at 91156
the time of the sale. The business consumer shall report and pay 91157
the appropriate tax to each jurisdiction where concurrent use 91158
occurs. The tax due shall be calculated as if the apportioned 91159
amount of the digital good, computer software, or service had been 91160

delivered to each jurisdiction to which the sale is apportioned 91161
under this division. 91162

(c) The exemption certificate claiming multiple points of use 91163
shall remain in effect for all future sales by the vendor to the 91164
business consumer until it is revoked in writing by the business 91165
consumer, except as to the business consumer's specific 91166
apportionment of a subsequent sale under division (D)(1)(b) of 91167
this section and the facts existing at the time of the sale. 91168

(2) When the vendor knows that a digital good, computer 91169
software, or service sold will be concurrently available for use 91170
by the business consumer in more than one jurisdiction, but the 91171
business consumer does not provide an exemption certificate 91172
claiming multiple points of use as required by division (D)(1) of 91173
this section, the vendor may work with the business consumer to 91174
produce the correct apportionment. Governed by the principles of 91175
division (D)(1)(b) of this section, the vendor and business 91176
consumer may use any reasonable, but consistent and uniform, 91177
method of apportionment that is supported by the vendor's and 91178
business consumer's books and records as they exist at the time 91179
the sale is reported for purposes of the taxes levied under this 91180
chapter. If the business consumer certifies to the accuracy of the 91181
apportionment and the vendor accepts the certification, the vendor 91182
shall collect and remit the tax accordingly. In the absence of bad 91183
faith, the vendor is relieved of any further obligation to collect 91184
tax on any transaction where the vendor has collected tax pursuant 91185
to the information certified by the business consumer. 91186

(3) When the vendor knows that the digital good, computer 91187
software, or service will be concurrently available for use in 91188
more than one jurisdiction, and the business consumer does not 91189
have a direct pay permit and does not provide to the vendor an 91190
exemption certificate claiming multiple points of use as required 91191
in division (D)(1) of this section, or certification pursuant to 91192

division (D)(2) of this section, the vendor shall collect and 91193
remit the tax based on division (C) of this section. 91194

(4) Nothing in this section shall limit a person's obligation 91195
for sales or use tax to any state in which a digital good, 91196
computer software, or service is concurrently available for use, 91197
nor limit a person's ability under local, state, or federal law, 91198
to claim a credit for sales or use taxes legally due and paid to 91199
other jurisdictions. 91200

(E) A person who holds a direct payment permit issued under 91201
section 5739.031 of the Revised Code is not required to deliver an 91202
exemption certificate claiming multiple points of use to a vendor. 91203
But such permit holder shall comply with division (D)(2) of this 91204
section in apportioning the tax due on a digital good, computer 91205
software, or a service for use in business that will be 91206
concurrently available for use in more than one taxing 91207
jurisdiction. 91208

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 91209
section, the consumer of direct mail that is not a holder of a 91210
direct payment permit shall provide to the vendor in conjunction 91211
with the sale either an exemption certificate claiming direct mail 91212
prescribed by the tax commissioner, or information to show the 91213
jurisdictions to which the direct mail is delivered to recipients. 91214

(2) Upon receipt of such exemption certificate, the vendor is 91215
relieved of all obligations to collect, pay, or remit the 91216
applicable tax and the consumer is obligated to pay that tax on a 91217
direct pay basis. An exemption certificate claiming direct mail 91218
shall remain in effect for all future sales of direct mail by the 91219
vendor to the consumer until it is revoked in writing. 91220

(3) Upon receipt of information from the consumer showing the 91221
jurisdictions to which the direct mail is delivered to recipients, 91222
the vendor shall collect the tax according to the delivery 91223

information provided by the consumer. In the absence of bad faith, 91224
the vendor is relieved of any further obligation to collect tax on 91225
any transaction where the vendor has collected tax pursuant to the 91226
delivery information provided by the consumer. 91227

(4) If the consumer of direct mail does not have a direct 91228
payment permit and does not provide the vendor with either an 91229
exemption certificate claiming direct mail or delivery information 91230
as required by division (F)(1) of this section, the vendor shall 91231
collect the tax according to division (C)(5) of this section. 91232
Nothing in division (F)(4) of this section shall limit a 91233
consumer's obligation to pay sales or use tax to any state to 91234
which the direct mail is delivered. 91235

(5) If a consumer of direct mail provides the vendor with 91236
documentation of direct payment authority, the consumer shall not 91237
be required to provide an exemption certificate claiming direct 91238
mail or delivery information to the vendor. 91239

(G) If the vendor provides lodging to transient guests as 91240
specified in division (B)(2) of section 5739.01 of the Revised 91241
Code, the sale shall be sourced to the location where the lodging 91242
is located. 91243

(H)(1) As used in this division and division (I) of this 91244
section, "transportation equipment" means any of the following: 91245

(a) Locomotives and railcars that are utilized for the 91246
carriage of persons or property in interstate commerce. 91247

(b) Trucks and truck-tractors with a gross vehicle weight 91248
rating of greater than ten thousand pounds, trailers, 91249
semi-trailers, or passenger buses that are registered through the 91250
international registration plan and are operated under authority 91251
of a carrier authorized and certificated by the United States 91252
department of transportation or another federal authority to 91253
engage in the carriage of persons or property in interstate 91254

commerce. 91255

(c) Aircraft that are operated by air carriers authorized and 91256
certificated by the United States department of transportation or 91257
another federal authority to engage in the carriage of persons or 91258
property in interstate or foreign commerce. 91259

(d) Containers designed for use on and component parts 91260
attached to or secured on the items set forth in division 91261
(H)(1)(a), (b), or (c) of this section. 91262

(2) A sale, lease, or rental of transportation equipment 91263
shall be sourced pursuant to division (C) of this section. 91264

(I)(1) A lease or rental of tangible personal property that 91265
does not require recurring periodic payments shall be sourced 91266
pursuant to division (C) of this section. 91267

(2) A lease or rental of tangible personal property that 91268
requires recurring periodic payments shall be sourced as follows: 91269

(a) In the case of a motor vehicle, other than a motor 91270
vehicle that is transportation equipment, or an aircraft, other 91271
than an aircraft that is transportation equipment, such lease or 91272
rental shall be sourced as follows: 91273

(i) An accelerated tax payment on a lease or rental taxed 91274
pursuant to division (A)(2) of section 5739.02 of the Revised Code 91275
shall be sourced to the primary property location at the time the 91276
lease or rental is consummated. Any subsequent taxable charges on 91277
the lease or rental shall be sourced to the primary property 91278
location for the period in which the charges are incurred. 91279

(ii) For a lease or rental taxed pursuant to division (A)(3) 91280
of section 5739.02 of the Revised Code, each lease or rental 91281
installment shall be sourced to the primary property location for 91282
the period covered by the installment. 91283

(b) In the case of a lease or rental of all other tangible 91284

personal property, other than transportation equipment, such lease 91285
or rental shall be sourced as follows: 91286

(i) An accelerated tax payment on a lease or rental that is 91287
taxed pursuant to division (A)(2) of section 5739.02 of the 91288
Revised Code shall be sourced pursuant to division (C) of this 91289
section at the time the lease or rental is consummated. Any 91290
subsequent taxable charges on the lease or rental shall be sourced 91291
to the primary property location for the period in which the 91292
charges are incurred. 91293

(ii) For a lease or rental that is taxed pursuant to division 91294
(A)(3) of section 5739.02 of the Revised Code, the initial lease 91295
or rental installment shall be sourced pursuant to division (C) of 91296
this section. Each subsequent installment shall be sourced to the 91297
primary property location for the period covered by the 91298
installment. 91299

(3) As used in division (I) of this section, "primary 91300
property location" means an address for tangible personal property 91301
provided by the lessee or renter that is available to the lessor 91302
or owner from its records maintained in the ordinary course of 91303
business, when use of that address does not constitute bad faith. 91304

(J) If the vendor provides a service specified in division 91305
(B)(11) of section 5739.01 of the Revised Code, the situs of the 91306
sale is the location of the enrollee for whom a medicaid health 91307
insurance corporation receives managed care premiums. Such sales 91308
shall be sourced to the locations of the enrollees in the same 91309
proportion as the managed care premiums received by the medicaid 91310
health insuring corporation on behalf of enrollees located in a 91311
particular taxing jurisdiction in Ohio as compared to all managed 91312
care premiums received by the medicaid health insuring 91313
corporation. 91314

Section 110.21. That the existing version of section 5739.033 91315

of the Revised Code that is scheduled to take effect January 1, 91316
2010, is hereby repealed. 91317

Section 110.22. Sections 110.20 and 110.21 of this act take 91318
effect January 1, 2010. 91319

Section 201.01. Except as otherwise provided in this act, all 91320
appropriation items in this act are appropriated out of any moneys 91321
in the state treasury to the credit of the designated fund that 91322
are not otherwise appropriated. For all appropriations made in 91323
this act, the amounts in the first column are for fiscal year 2010 91324
and the amounts in the second column are for fiscal year 2011. 91325
91326

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 91327

General Services Fund Group 91328

4J80	889601	CPA Education	\$	200,000	\$	200,000	91329
		Assistance					
4K90	889609	Operating Expenses	\$	1,000,000	\$	1,000,000	91330
TOTAL GSF General Services Fund							91331
		Group	\$	1,200,000	\$	1,200,000	91332
TOTAL ALL BUDGET FUND GROUPS							91333

Section 205.10. ADJ ADJUTANT GENERAL 91335

General Revenue Fund 91336

GRF	745401	Ohio Military Reserve	\$	13,675	\$	13,675	91337
GRF	745404	Air National Guard	\$	2,010,606	\$	2,010,606	91338
GRF	745407	National Guard	\$	500,000	\$	500,000	91339
		Benefits					
GRF	745409	Central	\$	3,105,784	\$	3,105,784	91340
		Administration					
GRF	745499	Army National Guard	\$	6,008,551	\$	6,008,551	91341

TOTAL GRF General Revenue Fund	\$	11,638,616	\$	11,638,616	91342
General Services Fund Group					91343
5340 745612 Property	\$	534,304	\$	534,304	91344
Operations/Management					
5360 745605 Marksmanship	\$	128,600	\$	128,600	91345
Activities					
5360 745620 Camp Perry/Buckeye	\$	1,502,970	\$	1,502,970	91346
Inn Operations					
5370 745604 Ohio National Guard	\$	269,826	\$	269,826	91347
Facility Maintenance					
TOTAL GSF General Services Fund	\$	2,435,700	\$	2,435,700	91348
Group					
Federal Special Revenue Fund Group					91349
3410 745615 Air National Guard	\$	2,777,692	\$	2,777,692	91350
Base Security					
3420 745616 Army National Guard	\$	10,970,050	\$	10,970,050	91351
Agreement					
3E80 745628 Air National Guard	\$	16,048,595	\$	16,048,595	91352
Agreement					
3R80 745603 Counter Drug	\$	25,000	\$	25,000	91353
Operations					
TOTAL FED Federal Special Revenue	\$	29,821,337	\$	29,821,337	91354
Fund Group					
State Special Revenue Fund Group					91355
5U80 745613 Community Match	\$	250,000	\$	250,000	91356
Armories					
TOTAL SSR State Special Revenue	\$	250,000	\$	250,000	91357
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	44,145,653	\$	44,145,653	91358
NATIONAL GUARD BENEFITS					91359
The foregoing appropriation item 745407, National Guard					91360
Benefits, shall be used for purposes of sections 5919.31 and					91361

5919.33 of the Revised Code, and for administrative costs of the 91362
associated programs. 91363

For active duty members of the Ohio National Guard who died 91364
after October 7, 2001, while performing active duty, the death 91365
benefit, pursuant to section 5919.33 of the Revised Code, shall be 91366
paid to the beneficiary or beneficiaries designated on the 91367
member's Servicemembers' Group Life Insurance Policy. 91368

STATE ACTIVE DUTY COSTS 91369

Of the foregoing appropriation item 745409, Central 91370
Administration, \$50,000 in each fiscal year shall be used for the 91371
purpose of paying expenses related to state active duty of members 91372
of the Ohio organized militia, in accordance with a proclamation 91373
of the Governor. Expenses include, but are not limited to, the 91374
cost of equipment, supplies, and services, as determined by the 91375
Adjutant General's Department. 91376

Section 205.20. FUND ABOLITION 91377

On July 1, 2009, or as soon as possible thereafter, the 91378
Director of Budget and Management, upon request by the Adjutant 91379
General, shall transfer the cash balance in the Marksmanship 91380
Activities Fund (Fund 5280) to the Camp Perry/Buckeye Inn 91381
Operations Fund (Fund 5360). The Director shall cancel any 91382
existing encumbrances against appropriation item 745645, 91383
Marksmanship Activities, and re-establish them against 91384
appropriation item 745620, Camp Perry/Buckeye Inn Operations. The 91385
re-established encumbrance amounts are hereby appropriated. Upon 91386
completion of the transfer, Fund 5280 is abolished. 91387

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 91388

General Revenue Fund 91389
GRF 100405 Agency Audit Expenses \$ 294,904 \$ 294,904 91390

GRF	100415	OAKS Rental Payments	\$	18,607,000	\$	21,728,000	91391
GRF	100416	STARS Lease Rental Payments	\$	4,977,600	\$	7,638,500	91392
GRF	100417	EEO Project Tracking Software-Federal	\$	0	\$	100,000	91393
GRF	100418	Web Sites and Business Gateway	\$	2,943,074	\$	2,943,076	91394
GRF	100419	IT Security Infrastructure	\$	975,000	\$	975,000	91395
GRF	100421	OAKS Project Implementation	\$	202,500	\$	202,500	91396
GRF	100433	State of Ohio Computer Center	\$	5,819,871	\$	5,819,871	91397
GRF	100439	Equal Opportunity Certification Programs	\$	712,724	\$	712,724	91398
GRF	100447	OBA - Building Rent Payments	\$	102,635,400	\$	97,712,600	91399
GRF	100448	OBA - Building Operating Payments	\$	25,603,000	\$	25,603,000	91400
GRF	100449	DAS - Building Operating Payments	\$	3,271,384	\$	3,271,384	91401
GRF	100451	Minority Affairs	\$	50,016	\$	50,016	91402
GRF	102321	Construction Compliance	\$	1,108,744	\$	1,108,744	91403
GRF	130321	State Agency Support Services	\$	3,039,578	\$	3,039,578	91404
TOTAL	GRF	General Revenue Fund	\$	170,240,795	\$	171,199,897	91405
		General Services Fund Group					91406
1120	100616	DAS Administration	\$	4,500,000	\$	4,500,000	91407
1150	100632	Central Service Agency	\$	756,642	\$	756,642	91408
1170	100644	General Services Division - Operating	\$	10,000,000	\$	10,000,000	91409
1220	100637	Fleet Management	\$	1,500,000	\$	1,500,000	91410

1250	100622	Human Resources	\$	20,560,614	\$	20,560,614	91411
		Division - Operating					
1280	100620	Collective Bargaining	\$	3,662,534	\$	3,662,534	91412
1300	100606	Risk Management	\$	5,568,548	\$	5,568,548	91413
		Reserve					
1310	100639	State Architect's	\$	7,544,146	\$	7,544,146	91414
		Office					
1320	100631	DAS Building	\$	8,637,670	\$	8,637,670	91415
		Management					
1330	100607	IT Services Delivery	\$	58,750,678	\$	58,750,678	91416
1880	100649	Equal Opportunity	\$	884,650	\$	884,650	91417
		Division - Operating					
2100	100612	State Printing	\$	12,000,000	\$	12,000,000	91418
2290	100630	IT Governance	\$	15,346,474	\$	15,346,474	91419
4270	100602	Investment Recovery	\$	5,592,697	\$	5,592,697	91420
4N60	100617	Major IT Purchases	\$	7,495,719	\$	1,950,000	91421
4P30	100603	DAS Information	\$	4,054,414	\$	4,054,414	91422
		Services					
5C20	100605	MARCS Administration	\$	11,069,291	\$	11,069,291	91423
5C30	100608	Skilled Trades	\$	605,885	\$	605,885	91424
5EB0	100635	OAKS Support	\$	15,984,761	\$	18,009,192	91425
		Organization					
5L70	100610	Professional	\$	3,900,000	\$	3,900,000	91426
		Development					
5V60	100619	Employee Educational	\$	936,129	\$	936,129	91427
		Development					
5X30	100634	Centralized Gateway	\$	3,676,956	\$	2,052,308	91428
		Enhancement					
TOTAL	GSF	General Services Fund					91429
Group			\$	203,027,807	\$	197,881,871	91430
TOTAL	ALL BUDGET FUND GROUPS		\$	373,268,602	\$	369,081,768	91431

Section 207.10.10. AGENCY AUDIT EXPENSES

91433

The foregoing appropriation item 100405, Agency Audit Expenses, shall be used for auditing expenses designated in division (A)(1) of section 117.13 of the Revised Code for those state agencies audited on a biennial basis.

Section 207.10.20. OAKS RENTAL PAYMENTS 91438

The foregoing appropriation item 100415, OAKS Rental Payments, shall be used for payments for the period from July 1, 2009, through June 30, 2011, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 503.10 of Am. Sub. H.B. 496 and Section 281.10 of Am. Sub. H.B. 562 of the 127th General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of the Ohio Administrative Knowledge System. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.

Section 207.10.30. STATE TAXATION ACCOUNTING AND REVENUE SYSTEM 91450
91451

The Office of Information Technology, in conjunction with the Department of Taxation, may acquire the State Taxation Accounting and Revenue System (STARS) pursuant to Chapter 125. of the Revised Code, including, but not limited to, the application software and installation and implementation thereof, for the use of the Department of Taxation. STARS is an integrated tax collection and audit system that will replace all of the state's existing separate tax software and administration systems for the various taxes collected by the state. Any lease-purchase arrangement used under Chapter 125. of the Revised Code to acquire STARS, including any fractionalized interests therein as defined in division (N) of section 133.01 of the Revised Code, shall provide that at the end

of the lease period, STARS becomes the property of the state. 91464
91465

Section 207.10.40. STARS LEASE RENTAL PAYMENTS 91466

The foregoing appropriation item 100416, STARS Lease Rental 91467
Payments, shall be used for payments for the period from July 1, 91468
2009, through June 30, 2011, pursuant to leases and agreements 91469
entered into under Chapter 125. of the Revised Code, as 91470
supplemented by Section 757.10 of Am. Sub. H.B. 119 of the 127th 91471
General Assembly, with respect to financing the cost associated 91472
with the acquisition, development, installation, and 91473
implementation of the State Taxation Accounting and Revenue System 91474
(STARS). If it is determined that additional appropriations are 91475
necessary for this purpose, the amounts are appropriated. 91476

Section 207.10.50. BUILDING RENT PAYMENTS 91477

The foregoing appropriation item 100447, OBA - Building Rent 91478
Payments, shall be used to meet all payments at the times they are 91479
required to be made during the period from July 1, 2009, to June 91480
30, 2011, by the Department of Administrative Services to the Ohio 91481
Building Authority pursuant to leases and agreements under Chapter 91482
152. of the Revised Code. These appropriations are the source of 91483
funds pledged for bond service charges on obligations issued 91484
pursuant to Chapter 152. of the Revised Code. 91485

The foregoing appropriation item 100448, OBA - Building 91486
Operating Payments, shall be used to meet all payments at the 91487
times that they are required to be made during the period from 91488
July 1, 2009, to June 30, 2011, by the Department of 91489
Administrative Services to the Ohio Building Authority pursuant to 91490
leases and agreements under Chapter 152. of the Revised Code, but 91491
limited to the aggregate amount of \$51,206,000. 91492

The payments to the Ohio Building Authority are for paying 91493

the expenses of agencies that occupy space in various state 91494
facilities. The Department of Administrative Services may enter 91495
into leases and agreements with the Ohio Building Authority 91496
providing for the payment of these expenses. The Ohio Building 91497
Authority shall report to the Department of Administrative 91498
Services and the Office of Budget and Management not later than 91499
five months after the start of each fiscal year the actual 91500
expenses incurred by the Ohio Building Authority in operating the 91501
facilities and any balances remaining from payments and rentals 91502
received in the prior fiscal year. The Department of 91503
Administrative Services shall reduce subsequent payments by the 91504
amount of the balance reported to it by the Ohio Building 91505
Authority. 91506

Section 207.10.60. DAS - BUILDING OPERATING PAYMENTS 91507

The foregoing appropriation item 100449, DAS - Building 91508
Operating Payments, shall be used to pay the rent expenses of 91509
veterans organizations pursuant to section 123.024 of the Revised 91510
Code in fiscal years 2010 and 2011. 91511

The foregoing appropriation item, 100449, DAS - Building 91512
Operating Payments, also may be used to provide funding for the 91513
cost of property appraisals or building studies that the 91514
Department of Administrative Services may be required to obtain 91515
for property that is being sold by the state or property under 91516
consideration to be renovated or purchased by the state. 91517

Notwithstanding section 125.28 of the Revised Code, the 91518
remaining portion of the appropriation may be used to pay the 91519
operating expenses of state facilities maintained by the 91520
Department of Administrative Services that are not billed to 91521
building tenants. These expenses may include, but are not limited 91522
to, the costs for vacant space and space undergoing renovation, 91523
and the rent expenses of tenants that are relocated because of 91524

building renovations. These payments shall be processed by the 91525
Department of Administrative Services through intrastate transfer 91526
vouchers and placed in the Building Management Fund (Fund 1320). 91527

Notwithstanding division (A)(1) of section 125.28 of the 91528
Revised Code, the Department of Administrative Services may use 91529
the Building Management Fund (Fund 1320) to support utility costs 91530
at the State of Ohio Computer Center that exceed the available 91531
appropriation in appropriation item 100433, State of Ohio Computer 91532
Center. 91533

Section 207.10.70. CENTRAL SERVICE AGENCY FUND 91534

The appropriation item 100632, Central Service Agency, shall 91535
be used to purchase the equipment, products, and services that are 91536
needed to maintain automated applications for the professional 91537
licensing boards and to support board licensing functions in 91538
fiscal years 2010 and 2011. The Department of Administrative 91539
Services shall establish charges for recovering the costs of 91540
carrying out these functions. The charges shall be billed to the 91541
professional licensing boards and deposited via intrastate 91542
transfer vouchers to the credit of the Central Service Agency Fund 91543
(Fund 1150). Total Department of Administrative Services charges 91544
for the maintenance and support of the licensing system shall not 91545
exceed \$363,678 in each fiscal year of the biennium. 91546

Section 207.20.10. GENERAL SERVICE CHARGES 91547

The Department of Administrative Services, with the approval 91548
of the Director of Budget and Management, shall establish charges 91549
for recovering the costs of administering the programs funded by 91550
the General Services Fund (Fund 1170) and the State Printing Fund 91551
(Fund 2100). Such charges within Fund 1170 may be used to recover 91552
the cost of paying a vendor to establish reduced pricing for 91553
contracted supplies or services. 91554

If the Director of Administrative Services determines that 91555
additional amounts are necessary to pay for consulting and 91556
administrative costs related to securing lower pricing, the 91557
Director of Administrative Services may request that the Director 91558
of Budget and Management approve additional expenditures. Such 91559
approved additional amounts are appropriated to appropriation item 91560
100644, General Services Division-Operating. 91561

Section 207.20.20. COLLECTIVE BARGAINING ARBITRATION EXPENSES 91562
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With approval of the Director of Budget and Management, the 91564
Department of Administrative Services may seek reimbursement from 91565
state agencies for the actual costs and expenses the Department 91566
incurs in the collective bargaining arbitration process. The 91567
reimbursements shall be processed through intrastate transfer 91568
vouchers and credited to the Collective Bargaining Fund (Fund 91569
1280). 91570

Section 207.20.40. EQUAL OPPORTUNITY PROGRAM 91571

The Department of Administrative Services, with the approval 91572
of the Director of Budget and Management, shall establish charges 91573
for recovering the costs of administering the activities supported 91574
by the State EEO Fund (Fund 1880). These charges shall be 91575
deposited to the credit of the State EEO Fund (Fund 1880) upon 91576
payment made by state agencies, state-supported or state-assisted 91577
institutions of higher education, and tax-supported agencies, 91578
municipal corporations, and other political subdivisions of the 91579
state, for services rendered. 91580

Section 207.20.50. MERCHANDISE RESALE FUND ABOLISHMENT 91581

On July 1, 2009, or as soon as possible thereafter, the 91582
Director of Budget and Management shall transfer the cash balance, 91583

functions, assets, and liabilities of the Merchandise Resale Fund 91584
(Fund 2010) to the State Printing Fund (Fund 2100). The Director 91585
of Budget and Management shall cancel any existing encumbrances 91586
against appropriation item 100653, General Services Resale 91587
Merchandise, and re-establish them against appropriation item 91588
100612, State Printing. The re-established encumbrances are 91589
appropriated. Upon completion of the transfer, Fund 2010 is 91590
abolished. 91591

The State Printing Fund is thereupon and thereafter successor 91592
to, assumes the obligations of, and otherwise constitutes the 91593
continuation of the Merchandise Resale Fund. Any business 91594
commenced but not completed pertaining to the Merchandise for 91595
Resale Fund by July 1, 2009, shall be completed within the State 91596
Printing Fund in the same manner and with the same effect as if it 91597
were completed within the Merchandise for Resale Fund. All of the 91598
rules, orders, and determinations associated with the Merchandise 91599
for Resale Fund continue in effect as rules, orders, and 91600
determinations associated with the State Printing Fund until 91601
modified or rescinded by the Director of Administrative Services. 91602
If necessary to ensure the integrity of the Administrative Code, 91603
the Director of the Legislative Service Commission shall renumber 91604
the rules relating to the Merchandise for Resale Fund to reflect 91605
its transfer to the State Printing Fund. 91606

On and after July 1, 2009, when the Merchandise for Resale 91607
Fund is referred to in any statute, rule, contract, grant or other 91608
document, the reference is hereby deemed to refer to the State 91609
Printing Fund. 91610

Section 207.20.80. INVESTMENT RECOVERY FUND 91611

Notwithstanding division (B) of section 125.14 of the Revised 91612
Code, cash balances in the Investment Recovery Fund (Fund 4270) 91613
may be used to support the operating expenses of the Federal 91614

Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code. 91615
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Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the Asset Management Services Program, including, but not limited to, the cost of establishing and maintaining procedures for inventory records for state property as described in section 125.16 of the Revised Code. 91617
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Of the foregoing appropriation item 100602, Investment Recovery, up to \$2,093,564 in fiscal year 2010 and up to \$2,107,388 in fiscal year 2011 shall be used to pay the operating expenses of the State Surplus Property Program, the Surplus Federal Property Program, and the Asset Management Services Program under Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code. 91623
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Of the foregoing appropriation item 100602, Investment Recovery, \$3,590,000 in fiscal year 2010 and \$3,576,176 in fiscal year 2011 shall be used to transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds under division (A)(2) of section 125.14 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary for the transfer of such sale proceeds, the Director of Administrative Services may request the Director of Budget and Management to authorize additional amounts. Such authorized additional amounts are hereby appropriated. 91633
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Section 207.20.90. DAS INFORMATION SERVICES 91644

There is hereby established in the State Treasury the DAS 91645

Information Services Fund. The foregoing appropriation item 91646
100603, DAS Information Services, shall be used to pay the costs 91647
of providing information systems and services in the Department of 91648
Administrative Services. Any state agency, board, or commission 91649
may use DAS Information Services by paying for the services 91650
rendered. 91651

The Department of Administrative Services shall establish 91652
user charges for all information systems and services that are 91653
allowable in the statewide indirect cost allocation plan submitted 91654
annually to the United States Department of Health and Human 91655
Services. These charges shall comply with federal regulations and 91656
shall be deposited to the credit of the DAS Information Services 91657
Fund (Fund 4P30). 91658

Section 207.30.30. CASH TRANSFER TO OAKS SUPPORT ORGANIZATION 91659
FUND 91660

The Director of Budget and Management may transfer 91661
\$1,317,922.16 in cash from the IT Services Delivery Fund (Fund 91662
1330) to the OAKS Support Organization Fund (5EB0) to correct an 91663
intrastate transfer voucher from the Department of Administrative 91664
Services that was deposited in the IT Services Delivery Fund. 91665

Section 207.30.40. PROFESSIONAL DEVELOPMENT FUND 91666

The foregoing appropriation item 100610, Professional 91667
Development, shall be used to make payments from the Professional 91668
Development Fund (Fund 5L70) under section 124.182 of the Revised 91669
Code. 91670

Section 207.30.50. EMPLOYEE EDUCATIONAL DEVELOPMENT 91671

The foregoing appropriation item 100619, Employee Educational 91672
Development, shall be used to make payments from the Employee 91673
Educational Development Fund (Fund 5V60) under section 124.86 of 91674

the Revised Code. The fund shall be used to pay the costs of 91675
administering educational programs under existing collective 91676
bargaining agreements with District 1199, the Health Care and 91677
Social Service Union; State Council of Professional Educators; 91678
Ohio Education Association and National Education Association; the 91679
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 91680
State Troopers Association, Units 1 and 15. 91681

If it is determined by the Director of Administrative 91682
Services that additional amounts are necessary, the Director of 91683
Administrative Services may request that the Director of Budget 91684
and Management approve additional amounts. Such approved 91685
additional amounts are hereby appropriated. 91686

Section 207.30.60. CENTRALIZED GATEWAY ENHANCEMENT FUND 91687

(A) As used in this section, "Ohio Business Gateway" refers 91688
to the internet-based system operated by the Department of 91689
Administrative Services with the advice of the Ohio Business 91690
Gateway Steering Committee established under section 5703.57 of 91691
the Revised Code. The Ohio Business Gateway is established to 91692
provide businesses a central web site where various filings and 91693
payments are submitted on-line to government. The information is 91694
then distributed to the various government entities that interact 91695
with the business community. 91696

(B) As used in this section: 91697

(1) "State Portal" refers to the official web site of the 91698
state, operated by the Department of Administrative Services. 91699

(2) "Shared Hosting Environment" refers to the computerized 91700
system operated by the Department of Administrative Services for 91701
the purpose of providing capability for state agencies to host web 91702
sites. 91703

(C) There is hereby created in the state treasury the 91704

Centralized Gateway Enhancement Fund (Fund 5X30). The foregoing 91705
appropriation item 100634, Centralized Gateway Enhancement, shall 91706
be used by the Department of Administrative Services to pay the 91707
costs of enhancing, expanding, and operating the infrastructure of 91708
the Ohio Business Gateway, State Portal, and Shared Hosting 91709
Environment. The Director of Administrative Services shall submit 91710
spending plans to the Director of Budget and Management to justify 91711
operating transfers to the fund from the General Revenue Fund. 91712
Upon approval, the Director of Budget and Management shall 91713
transfer approved amounts to the fund, not to exceed the amount of 91714
the annual appropriation in each fiscal year. The spending plans 91715
may be based on the recommendations of the Ohio Business Gateway 91716
Steering Committee or its successor. 91717

Section 207.30.70. MAJOR IT PURCHASES AND CONTRACTS 91718

The Director of Administrative Services shall compute the 91719
amount of revenue attributable to the amortization of all 91720
equipment purchases and capitalized systems from appropriation 91721
item 100607, IT Services Delivery; appropriation item 100617, 91722
Major IT Purchases; and appropriation item C10014, Major Computer 91723
Purchases, which is recovered by the Department of Administrative 91724
Services as part of the rates charged by the IT Service Delivery 91725
Fund (Fund 1330) created in section 125.15 of the Revised Code. 91726
The Director of Budget and Management may transfer cash in an 91727
amount not to exceed the amount of amortization computed from the 91728
IT Service Delivery Fund (Fund 1330) to the Major IT Purchases 91729
Fund (Fund 4N60). 91730

Section 207.30.80. CASH TRANSFERS FROM THE MAJOR IT PURCHASES 91731
FUND 91732

Upon request of the Director of Administrative Services, the 91733
Director of Budget and Management may make the following transfers 91734

from the Major IT Purchases Fund (Fund 4N60): 91735

(1) Up to \$2,800,000 in each fiscal year of the biennium to 91736
the State Architect's Fund (Fund 1310) to support the OAKS Capital 91737
Improvements Module and other costs of the State Architect's 91738
Office that are not directly related to capital projects managed 91739
by the State Architect; 91740

(2) Up to \$457,467 in fiscal year 2010 and up to \$471,630 in 91741
fiscal year 2011 to the Director's Office Fund (Fund 1120) to 91742
support operating expenses of the Accountability and Results 91743
Initiative; 91744

(3) Up to \$4,000,000 in fiscal year 2010 and up to \$1,000,000 91745
in fiscal year 2011 to the OAKS Support Organization Fund (Fund 91746
5EB0) to support OAKS operating costs not billed to the Office of 91747
Budget and Management's Accounting and Budgeting Fund (Fund 1050), 91748
to the Department of Administrative Services' Human Resources 91749
Services Fund (Fund 1250), or paid from other funds of the 91750
Department of Administrative Services; and 91751

(4) Up to \$639,945 in each fiscal year of the biennium to the 91752
General Revenue Fund. 91753

Upon approval of the Director of Budget and Management, the 91754
transferred amounts to non-GRF funds are appropriated in the 91755
designated fiscal years to the following appropriation items: 91756
100639, State Architect's Office (Fund 1310) in each fiscal year 91757
2010 and fiscal year 2011; 100616, DAS Administration (Fund 1120) 91758
in both fiscal year 2010 and fiscal year 2011; and 100635, OAKS 91759
Support Organization (Fund 5EB0) in fiscal year 2010 only. 91760

Section 207.30.90. CORRECTIVE CASH TRANSFER TO INFORMATION 91761
TECHNOLOGY FUND 91762

On July 1, 2009, or as soon as possible thereafter, the 91763
Director of Budget and Management shall transfer \$7,768.37 in cash 91764

from the Unemployment Compensation Fund (Fund 1130) to the 91765
Information Technology Fund (Fund 1330). This transfer corrects a 91766
deposit of revenue that was made to Fund 1130. Upon completion of 91767
the transfer, Fund 1130 is abolished. 91768

Section 207.40.10. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 91769
DEBT SERVICE PAYMENTS 91770

The Director of Administrative Services, in consultation with 91771
the Multi-Agency Radio Communication System (MARCS) Steering 91772
Committee and the Director of Budget and Management, shall 91773
determine the share of debt service payments attributable to 91774
spending for MARCS components that are not specific to any one 91775
agency and that shall be charged to agencies supported by the 91776
motor fuel tax. Such share of debt service payments shall be 91777
calculated for MARCS capital disbursements made beginning July 1, 91778
1997. Within thirty days of any payment made from appropriation 91779
item 100447, OBA - Building Rent Payments, the Director of 91780
Administrative Services shall certify to the Director of Budget 91781
and Management the amount of this share. The Director of Budget 91782
and Management shall transfer such amounts to the General Revenue 91783
Fund from the State Highway Safety Fund (Fund 7036) established in 91784
section 4501.06 of the Revised Code. 91785

The Director of Administrative Services shall consider 91786
renting or leasing existing tower sites at reasonable or current 91787
market rates, so long as these existing sites are equipped with 91788
the technical capabilities to support the MARCS project. 91789

Section 207.40.30. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 91790

Whenever the Director of Administrative Services declares a 91791
"public exigency," as provided in division (C) of section 123.15 91792
of the Revised Code, the Director shall also notify the members of 91793
the Controlling Board. 91794

Section 209.10. AGE DEPARTMENT OF AGING				91795
General Revenue Fund				91796
GRF	490321	Operating Expenses	\$ 2,109,817 \$ 2,109,817	91797
GRF	490409	AmeriCorps Operations	\$ 125,000 \$ 125,000	91798
GRF	490410	Long-Term Care Ombudsman	\$ 535,857 \$ 535,857	91799
GRF	490411	Senior Community Services	\$ 9,049,134 \$ 9,049,134	91800
GRF	490412	Residential State Supplement	\$ 7,325,417 \$ 7,325,417	91801
GRF	490414	Alzheimer's Respite	\$ 3,644,277 \$ 3,685,593	91802
GRF	490423	Long Term Care Budget - State	\$ 112,916,967 \$ 149,317,603	91803
GRF	490506	National Senior Service Corps	\$ 268,237 \$ 268,237	91804
GRF	490625	Alzheimer's Respite - Federal Stimulus	\$ 512,318 \$ 471,002	91805
TOTAL GRF	General Revenue Fund		\$ 136,487,024 \$ 172,887,660	91806
General Services Fund Group				91807
4800	490606	Senior Community Outreach and Education	\$ 372,677 \$ 372,677	91808
TOTAL GSF	General Services Fund Group		\$ 372,677 \$ 372,677	91809 91810
Federal Special Revenue Fund Group				91811
3220	490618	Federal Aging Grants	\$ 10,200,000 \$ 10,200,000	91812
3C40	490623	Long Term Care Budget	\$ 350,162,957 \$ 340,193,418	91813
3M40	490612	Federal Independence Services	\$ 63,655,080 \$ 63,655,080	91814
3R70	490617	AmeriCorps Programs	\$ 8,870,000 \$ 8,870,000	91815
TOTAL FED	Federal Special Revenue			91816

Fund Group		\$	432,888,037	\$	422,918,498	91817
State Special Revenue Fund Group						91818
4C40 490609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	91819
4J40 490610	PASSPORT/Residential State Supplement	\$	33,263,984	\$	33,263,984	91820
4U90 490602	PASSPORT Fund	\$	4,424,969	\$	4,424,969	91821
5AA0 490673	Ohio's Best Rx Administration	\$	202,712	\$	0	91822
5BA0 490620	Ombudsman Support	\$	600,000	\$	600,000	91823
5K90 490613	Long Term Care Consumers Guide	\$	820,400	\$	820,400	91824
5W10 490616	Resident Services Coordinator Program	\$	330,000	\$	330,000	91825
6240 490604	OCSC Community Support	\$	470,000	\$	470,000	91826
TOTAL SSR State Special Revenue						91827
Fund Group		\$	41,047,065	\$	40,844,353	91828
TOTAL ALL BUDGET FUND GROUPS		\$	610,794,803	\$	637,023,188	91829

Section 209.20. LONG-TERM CARE

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Pursuant to an interagency agreement, the Department of Job and Family Services shall designate the Department of Aging to perform assessments under section 5111.204 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs. The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may be used to provide the preadmission screening and resident review (PASRR), which includes screening, assessments, and determinations made under sections 5111.02, 5111.204, 5119.061, and 5123.021 of the Revised Code.

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The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may be used to assess and provide long-term care consultations to clients regardless of Medicaid eligibility.

The Director of Aging shall adopt rules under section 111.15 of the Revised Code governing the nonwaiver funded PASSPORT program, including client eligibility. The foregoing appropriation item 490423, Long Term Care Budget - State, may be used by the Department of Aging to provide nonwaiver funded PASSPORT services to persons the Department has determined to be eligible to participate in the nonwaiver funded PASSPORT Program, including those persons not yet determined to be financially eligible to participate in the Medicaid waiver component of the PASSPORT Program by a county department of job and family services.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 490423, Long Term Care Budget - State, shall be used to provide the required state match for federal Medicaid funds supporting the Medicaid Waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program. The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may also be used to support the Department of Aging's administrative costs associated with operating the PASSPORT, Choices, Assisted Living, and PACE programs.

The foregoing appropriation item 490623, Long Term Care Budget, shall be used to provide the federal matching share for all program costs determined by the Department of Job and Family Services to be eligible for Medicaid reimbursement.

HOME FIRST PROGRAM

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(A) As used in this section, "Long Term Care Budget Services" 91875
includes the following existing programs: PASSPORT, Assisted 91876
Living, Residential State Supplement, and PACE. 91877

(B) On a quarterly basis, on receipt of the certified 91878
expenditures related to sections 173.401, 173.351, and 5111.894 of 91879
the Revised Code, the Director of Budget and Management may do all 91880
of the following for fiscal years 2010 and 2011: 91881

(1) Transfer cash from the Nursing Facility Stabilization 91882
Fund (Fund 5R20), used by the Department of Job and Family 91883
Services, to the PASSPORT/Residential State Supplement Fund (Fund 91884
4J40), used by the Department of Aging. 91885

The transferred cash is hereby appropriated to appropriation 91886
item 490610, PASSPORT/Residential State Supplement. 91887

(2) If receipts credited to the PASSPORT Fund (Fund 3C40) 91888
exceed the amounts appropriated from the fund, the Director of 91889
Aging may request the Director of Budget and Management to 91890
authorize expenditures from the fund in excess of the amounts 91891
appropriated. Upon the approval of the Director of Budget and 91892
Management, the additional amounts are hereby appropriated. 91893

(3) If receipts credited to the Interagency Reimbursement 91894
Fund (Fund 3G50) exceed the amounts appropriated from the fund, 91895
the Director of Job and Family Services may request the Director 91896
of Budget and Management to authorize expenditures from the fund 91897
in excess of the amounts appropriated. Upon the approval of the 91898
Director of Budget and Management, the additional amounts are 91899
hereby appropriated. 91900

(C) The individuals placed in Long Term Care Budget Services 91901
pursuant to this section shall be in addition to the individuals 91902
placed in Long Term Care Budget Services during fiscal years 2010 91903
and 2011 before any transfers to appropriation item 490423, Long 91904
Term Care Budget-State, are made under this section. 91905

ALLOCATION OF PACE SLOTS 91906

In order to effectively administer and manage growth within 91907
the PACE Program, the Director of Aging may, as the director deems 91908
appropriate and to the extent funding is available, expand the 91909
PACE Program to regions of Ohio beyond those currently served by 91910
the PACE Program. In implementing the expansion, the Director may 91911
not decrease the number of residents of Cuyahoga and Hamilton 91912
counties and parts of Butler, Clermont, and Warren counties who 91913
are participating in the PACE Program below the number of 91914
residents of those counties and parts of counties who were 91915
enrolled in the PACE Program on July 1, 2008. 91916

Section 209.30. OHIO COMMUNITY SERVICE COUNCIL 91917

The foregoing appropriation items 490409, AmeriCorps 91918
Operations, and 490617, AmeriCorps Programs, shall be used in 91919
accordance with section 121.40 of the Revised Code. 91920

LONG-TERM CARE OMBUDSMAN 91921

The foregoing appropriation item 490410, Long-Term Care 91922
Ombudsman, shall be used for a program to fund ombudsman program 91923
activities as authorized in sections 173.14 to 173.27 and section 91924
173.99 of the Revised Code. 91925

SENIOR COMMUNITY SERVICES 91926

The foregoing appropriation item 490411, Senior Community 91927
Services, shall be used for services designated by the Department 91928
of Aging, including, but not limited to, home-delivered and 91929
congregate meals, transportation services, personal care services, 91930
respite services, adult day services, home repair, care 91931
coordination, and decision support systems. Service priority shall 91932
be given to low income, frail, and cognitively impaired persons 60 91933
years of age and over. The department shall promote cost sharing 91934
by service recipients for those services funded with senior 91935

community services funds, including, when possible, sliding-fee 91936
scale payment systems based on the income of service recipients. 91937

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RESIDENTIAL STATE SUPPLEMENT

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Under the Residential State Supplement Program, the amount 91940
used to determine whether a resident is eligible for payment and 91941
for determining the amount per month the eligible resident will 91942
receive shall be as follows: 91943

(A) \$927 for a residential care facility, as defined in 91944
section 3721.01 of the Revised Code; 91945

(B) \$927 for an adult group home, as defined in Chapter 3722. 91946
of the Revised Code; 91947

(C) \$824 for an adult foster home, as defined in Chapter 173. 91948
of the Revised Code; 91949

(D) \$824 for an adult family home, as defined in Chapter 91950
3722. of the Revised Code; 91951

(E) \$824 for an adult residential facility, as defined in 91952
Chapter 5119. of the Revised Code; 91953

(F) \$618 for adult community mental health housing services, 91954
as defined in division (B)(5) of section 173.35 of the Revised 91955
Code. 91956

The Departments of Aging and Job and Family Services shall 91957
reflect these amounts in any applicable rules the departments 91958
adopt under section 173.35 of the Revised Code. 91959

TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS

91960

The foregoing appropriation items 490412, Residential State 91961
Supplement, and 490610, PASSPORT/Residential State Supplement, may 91962
be used by the Director of Aging to transfer cash to the Home and 91963
Community Based Services for the Aged Fund (Fund 4J50), which is 91964
used by the Department of Job and Family Services and the 91965

Residential State Supplement Fund (Fund 5CH0), used by the 91966
Department of Mental Health. The transferred cash shall be used to 91967
make benefit payments to residential state supplement recipients. 91968
The transfer shall be made using an intrastate transfer voucher. 91969
91970

RESIDENTIAL STATE SUPPLEMENT WORKGROUP 91971

(A) There is hereby created the Residential State Supplement 91972
Workgroup consisting of all of the following: 91973

(1) The Director of Aging or the Director's designee; 91974

(2) The Director of Health or the Director's designee; 91975

(3) The Director of Job and Family Services or the Director's 91976
designee; 91977

(4) The Director of Mental Health or the Director's designee. 91978

(B) The Director of Aging or the Director's designee shall 91979
serve as the chairperson of the Workgroup. Members of the 91980
Workgroup shall serve without compensation, except to the extent 91981
that serving on the Workgroup is considered part of their regular 91982
employment duties. 91983

(C) The Workgroup shall examine solely the issue of which 91984
state agency is the most appropriate to administer the Residential 91985
State Supplement Program. Not later than December 31, 2009, the 91986
Workgroup shall submit written recommendations on this issue to 91987
the Governor and, in accordance with section 101.68 of the Revised 91988
Code, to the General Assembly. The Workgroup shall cease to exist 91989
on submission of its recommendations. 91990

ALZHEIMER'S RESPITE 91991

The foregoing appropriation item 490414, Alzheimer's Respite, 91992
shall be used to fund only Alzheimer's disease services under 91993
section 173.04 of the Revised Code. 91994

ALZHEIMER'S RESPITE - FEDERAL STIMULUS 91995

The foregoing appropriation item 490625, Alzheimer's Respite	91996
- Federal Stimulus, shall be used to fund only Alzheimer's disease	91997
services under section 173.04 of the Revised Code.	91998
EDUCATION AND TRAINING	91999
The foregoing appropriation item 490606, Senior Community	92000
Outreach and Education, may be used to provide training to workers	92001
in the field of aging pursuant to division (G) of section 173.02	92002
of the Revised Code.	92003
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM	92004
The foregoing appropriation item 490609, Regional Long-Term	92005
Care Ombudsman, shall be used to pay the costs of operating the	92006
regional long-term care ombudsman programs designated by the	92007
Long-Term Care Ombudsman.	92008
PASSPORT/RESIDENTIAL STATE SUPPLEMENT	92009
The foregoing appropriation item 490610, PASSPORT/Residential	92010
State Supplement, may be used to fund the Residential State	92011
Supplement Program. The remaining available funds shall be used to	92012
fund the PASSPORT program.	92013
TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES	92014
AND FEDERAL AGING GRANTS	92015
At the request of the Director of Aging, the Director of	92016
Budget and Management may transfer appropriation between	92017
appropriation items 490612, Federal Independence Services, and	92018
490618, Federal Aging Grants. The amounts transferred shall not	92019
exceed 30 per cent of the appropriation from which the transfer is	92020
made. Any transfers shall be reported by the Department of Aging	92021
to the Controlling Board at the next scheduled meeting of the	92022
board.	92023
TRANSFER OF RESIDENT PROTECTION FUNDS	92024
In each fiscal year, the Director of Budget and Management	92025

may transfer \$600,000 cash from the Resident Protection Fund (Fund 4E30), which is used by the Department of Job and Family Services, to the Ombudsman Support Fund (Fund 5BA0), which is used by the Department of Aging.

Section 209.40. UNIFIED LONG-TERM CARE BUDGET WORKGROUP

(A) There is hereby created the Unified Long-Term Care Budget Workgroup. The Workgroup shall consist of the following members:

(1) The Director of Aging;

(2) Consumer advocates, representatives of the provider community, representatives of managed care organizations with which the Department of Job and Family Services contracts under section 5111.17 of the Revised Code, and state policy makers, appointed by the Governor;

(3) Two members of the House of Representatives, one member from the majority party and one member from the minority party, appointed by the Speaker of the House of Representatives;

(4) Two members of the Senate, one member from the majority party and one member from the minority party, appointed by the President of the Senate.

The Director of Aging shall serve as the chairperson of the Workgroup.

The Workgroup shall be staffed by the departments of Aging and Job and Family Services.

(B) The Workgroup shall develop a unified long-term care budget that facilitates the following:

(1) Providing a consumer a choice of services that meet the consumer's health care needs and improve the consumer's quality of life;

(2) Providing a continuum of services that meet the needs of

a consumer throughout life and promote a consumer's independence 92055
and autonomy; 92056

(3) Consolidating policymaking authority and the associated 92057
budgets in a single entity to simplify the consumer's decision 92058
making and maximize the state's flexibility in meeting the 92059
consumer's needs; 92060

(4) Assuring the state has a system that is cost effective 92061
and links disparate services across agencies and jurisdictions. 92062

(C) On an annual basis, the Directors of Aging, Job and 92063
Family Services, and Budget and Management shall submit a written 92064
report to the Speaker of the House of Representatives, the 92065
Minority Leader of the House of Representatives, the President of 92066
the Senate, the Minority Leader of the Senate, and the members of 92067
the Joint Legislative Committee on Medicaid Technology and Reform 92068
describing the progress towards establishing, or if already 92069
established, the effectiveness of the unified long-term care 92070
budget. 92071

(D) In support of the Workgroup's proposal, the Director of 92072
Budget and Management may seek Controlling Board approval to 92073
transfer cash from the Nursing Facility Stabilization Fund (Fund 92074
5R20), used by the Department of Job and Family Services, to the 92075
PASSPORT/Residential State Supplement Fund (Fund 4J40), used by 92076
the Department of Aging. 92077

Any transfers of cash approved by the Controlling Board under 92078
this section are hereby appropriated to appropriation item 490610, 92079
PASSPORT/Residential State Supplement. 92080

Section 209.45. MEDICAID MANAGED LONG-TERM CARE REPORT 92081

Not later than July 1, 2010, the Directors of Aging and Job 92082
and Family Services shall submit a written report to the Speaker 92083
of the House of Representatives, Minority Leader of the House of 92084

Representatives, President of the Senate, Minority Leader of the Senate, and members of the Joint Legislative Committee on Medicaid Technology and Reform on the feasibility of including aged, blind, and disabled Medicaid recipients specified in division (B)(2)(a) to (e) of section 5111.16 of the Revised Code in the care management system established under that section. The report shall include all of the following:

(A) An assessment of Medicaid managed care programs in other states that include such aged, blind, and disabled Medicaid recipients;

(B) Anticipated costs and savings to the Medicaid program if such aged, blind, and disabled Medicaid recipients were included in the care management system;

(C) Options for integrating the services specified in divisions (A) and (B) of section 173.431 of the Revised Code into the care management system.

Section 209.50. OHIO'S BEST RX PROGRAM

Notwithstanding the provisions of Chapter 173. of the Revised Code regarding the establishment and operation of the Ohio's Best Rx Program, the Director of Aging shall take all actions necessary to wind up the affairs of the program not later than January 1, 2010. For purposes of this section, all of the following apply:

(A) Beginning on the effective date of this section, applications for program enrollment cards shall not be accepted and consideration of pending applications shall cease.

(B) On November 15, 2009, each program enrollment card or the portion of a Golden Buckeye card used as a program enrollment card is no longer valid.

(C) Except as provided in division (D) of this section,

terminal distributors of dangerous drugs shall not dispense drugs 92115
under the program on or after November 15, 2009. 92116

(D) The drug mail order system included in the program shall 92117
dispense drugs under the program only for orders postmarked or 92118
otherwise submitted before November 15, 2009. 92119

(E) Drug manufacturers shall not enter into new manufacturer 92120
agreements on or after November 15, 2009, but shall continue to 92121
make payments in accordance with agreements in effect before 92122
November 15, 2009. 92123

(F) Accounts with terminal distributors of dangerous drugs 92124
and all other accounts under the program shall continue to be 92125
reconciled as necessary on and after November 15, 2009, but the 92126
accounts shall be closed not later than January 1, 2010, and are 92127
not subject to further reconciliation on or after January 1, 2010. 92128
92129

OHIO'S BEST RX ADMINISTRATION 92130

On January 1, 2010, or as soon as possible thereafter, the 92131
Director of Budget and Management shall transfer the cash balance 92132
in the Ohio's Best Rx Administration Fund (Fund 5AA0) to the 92133
General Revenue Fund. Upon completion of the transfer, Fund 5AA0 92134
is abolished. The Director shall cancel any existing encumbrances 92135
against appropriation item 490673, Ohio's Best Rx Administration. 92136
92137

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 92138

General Revenue Fund 92139

GRF 700401	Animal Disease Control	\$	3,617,777	\$	3,617,777	92140
GRF 700403	Dairy Division	\$	1,110,277	\$	1,110,277	92141
GRF 700404	Ohio Proud	\$	246,895	\$	246,895	92142
GRF 700406	Consumer Analytical	\$	1,256,469	\$	1,274,854	92143

Lab

GRF 700409	Farmland Preservation	\$	200,000	\$	200,000	92144
GRF 700411	International Trade and Market Development	\$	531,440	\$	531,440	92145
GRF 700412	Weights and Measures	\$	200,000	\$	200,000	92146
GRF 700415	Poultry Inspection	\$	375,401	\$	375,401	92147
GRF 700418	Livestock Regulation Program	\$	1,322,784	\$	1,353,676	92148
GRF 700424	Livestock Testing and Inspections	\$	120,906	\$	120,906	92149
GRF 700499	Meat Inspection Program - State Share	\$	4,920,926	\$	4,960,926	92150
GRF 700501	County Agricultural Societies	\$	334,903	\$	334,903	92151
GRF 700503	Livestock Exhibition Fund	\$	62,500	\$	62,500	92152
GRF 700654	Agriculture Operating - Federal Stimulus	\$	1,107,035	\$	1,017,758	92153
TOTAL GRF	General Revenue Fund	\$	15,407,313	\$	15,407,313	92154
	General Services Fund Group					92155
5DA0 700644	Laboratory Administration Support	\$	1,100,000	\$	1,100,000	92156
TOTAL GSF	General Services Fund Group	\$	1,100,000	\$	1,100,000	92157
	Federal Special Revenue Fund Group					92158
3260 700618	Meat Inspection Program - Federal Share	\$	4,950,000	\$	4,950,000	92159
3360 700617	Ohio Farm Loan Revolving Fund	\$	1,000,000	\$	1,000,000	92160
3820 700601	Cooperative Contracts	\$	2,000,000	\$	2,000,000	92161
3AB0 700641	Agricultural Easement	\$	1,000,000	\$	1,000,000	92162

3J40	700607	Indirect Cost	\$	600,000	\$	600,000	92163
3R20	700614	Federal Plant	\$	1,000,000	\$	1,000,000	92164
		Industry					
TOTAL FED		Federal Special Revenue					92165
Fund Group			\$	10,550,000	\$	10,550,000	92166
State Special Revenue Fund Group							92167
4900	700651	License Plates -	\$	20,000	\$	20,000	92168
		Sustainable					
		Agriculture					
4940	700612	Agricultural	\$	250,000	\$	250,000	92169
		Commodity Marketing					
		Program					
4960	700626	Ohio Grape Industries	\$	849,999	\$	849,999	92170
4970	700627	Commodity Handlers	\$	496,000	\$	496,000	92171
		Regulatory Program					
4C90	700605	Commercial Feed and	\$	2,200,000	\$	2,200,000	92172
		Seed					
4D20	700609	Auction Education	\$	41,000	\$	41,000	92173
4E40	700606	Utility Radiological	\$	134,631	\$	134,631	92174
		Safety					
4R00	700636	Ohio Proud Marketing	\$	10,500	\$	10,500	92175
4R20	700637	Dairy Industry	\$	1,800,000	\$	1,800,000	92176
		Inspection					
4T60	700611	Poultry and Meat	\$	140,469	\$	140,469	92177
		Inspection					
4T70	700613	Ohio Proud	\$	15,000	\$	15,000	92178
		International and					
		Domestic Market					
		Development					
5780	700620	Ride Inspection Fees	\$	1,000,001	\$	1,000,001	92179
5B80	700629	Auctioneers	\$	365,390	\$	365,390	92180
5CP0	700652	License Plate	\$	20,000	\$	20,000	92181
		Scholarships					

5FC0	700648	Plant Pest Program	\$	1,000,000	\$	1,000,000	92182
5H20	700608	Metrology Lab and Scale Certification	\$	1,454,006	\$	1,454,006	92183
5L80	700604	Livestock Management Program	\$	256,286	\$	256,286	92184
6520	700634	Animal and Consumer Analytical Laboratory	\$	4,300,000	\$	4,300,000	92185
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	3,470,000	\$	3,470,000	92186
TOTAL SSR State Special Revenue							92187
Fund Group			\$	17,823,282	\$	17,823,282	92188
Clean Ohio Conservation Fund Group							92189
7057	700632	Clean Ohio Agricultural Easement	\$	149,000	\$	149,000	92190
TOTAL CLF Clean Ohio Conservation Fund Group			\$	149,000	\$	149,000	92191
TOTAL ALL BUDGET FUND GROUPS			\$	45,029,595	\$	45,029,595	92192
COUNTY AGRICULTURAL SOCIETIES							92193
The foregoing appropriation item 700501, County Agricultural							92194
Societies, shall be used to reimburse county and independent							92195
agricultural societies for expenses related to Junior Fair							92196
activities.							92197
FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS							92198
The foregoing appropriation item 700654, Agriculture							92199
Operating - Federal Stimulus, shall be used to support government							92200
services consistent with funds received from the federal							92201
government for fiscal stabilization and recovery purposes.							92202
COMMERCIAL FEED AND SEED FUND TRANSFER							92203
On July 1, 2009, or as soon as possible thereafter, the							92204
Director of Budget and Management shall transfer thirty-two per							92205

cent of the cash balance in the Commercial Feed and Seed Fund 92206
(Fund 4C90) as of June 30, 2009, to the Pesticide, Fertilizer, and 92207
Lime Inspection Program Fund (Fund 6690). The Director shall 92208
cancel existing encumbrances against appropriation item 700605, 92209
Commercial Feed and Seed, and re-establish them against 92210
appropriation item 700635, Pesticide, Fertilizer, and Lime 92211
Inspection Program. The re-established encumbrance amounts are 92212
hereby appropriated. 92213

FOOD SAFETY FUND TRANSFER 92214

On July 1, 2009, or as soon as possible thereafter, the 92215
Director of Budget and Management shall transfer the unexpended, 92216
unencumbered balance of the Food Safety Fund (Fund 4P70) to the 92217
General Revenue Fund. 92218

PESTICIDE, FERTILIZER, AND LIME INSPECTION FUND TRANSFER 92219

On July, 1, 2009, or as soon as possible thereafter, the 92220
Director of Budget and Management shall transfer \$600,000 in cash 92221
from the Pesticide, Fertilizer, and Lime Inspection Fund (Fund 92222
6690) to the Plant Pest Program Fund (Fund 5FC0). 92223

CLEAN OHIO AGRICULTURAL EASEMENT 92224

The foregoing appropriation item 700632, Clean Ohio 92225
Agricultural Easement, shall be used by the Department of 92226
Agriculture in administering sections 901.21, 901.22, and 5301.67 92227
to 5301.70 of the Revised Code. 92228

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 92229

General Revenue Fund 92230

GRF 898402 Coal Development \$ 374,146 \$ 374,146 92231
Office

GRF 898901 Coal Research and \$ 9,968,400 \$ 10,947,000 92232
Development General
Obligation Debt

Service			
TOTAL GRF General Revenue Fund	\$	10,342,546	\$ 11,321,146 92233
General Services Fund Group			92234
5EG0 898608 Energy Strategy	\$	307,000	\$ 307,000 92235
Development			
TOTAL GSF General Services Fund	\$	307,000	\$ 307,000 92236
Agency Fund Group			92237
4Z90 898602 Small Business	\$	294,290	\$ 294,290 92238
Ombudsman			
5700 898601 Operating Expenses	\$	264,000	\$ 264,000 92239
5A00 898603 Small Business	\$	71,087	\$ 71,087 92240
Assistance			
TOTAL AGY Agency Fund Group	\$	629,377	\$ 629,377 92241
Coal Research/Development Fund			92242
7046 898604 Coal Research and	\$	66,000,000	\$ 10,000,000 92243
Development Fund			
TOTAL 046 Coal Research and	\$	66,000,000	\$ 10,000,000 92244
Development Fund			
TOTAL ALL BUDGET FUND GROUPS	\$	77,278,923	\$ 22,257,523 92245
COAL DEVELOPMENT OFFICE			92246
The foregoing appropriation item 898402, Coal Development			92247
Office, shall be used for the administrative costs of the Coal			92248
Development Office.			92249
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE			92250
The foregoing appropriation item GRF 898901, Coal Research			92251
and Development General Obligation Debt Service, shall be used to			92252
pay all debt service and related financing costs at the times they			92253
are required to be made during the period from July 1, 2009, to			92254
June 30, 2011, for obligations issued under sections 151.01 and			92255
151.07 of the Revised Code.			92256

Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 92257
AUTHORITY TRUST ACCOUNT 92258

Notwithstanding any other provision of law to the contrary, 92259
the Air Quality Development Authority may reimburse the Air 92260
Quality Development Authority trust account established under 92261
section 3706.10 of the Revised Code from all operating funds of 92262
the agency for expenses pertaining to the administration and 92263
shared costs incurred by the Air Quality Development Authority in 92264
the execution of responsibilities as prescribed in Chapter 3706. 92265
of the Revised Code. Reimbursement shall be made by voucher and 92266
completed in accordance with the administrative indirect costs 92267
allocation plan approved by the Office of Budget and Management. 92268

Section 215.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 92269
SERVICES 92270

General Revenue Fund 92271

GRF 038401 Treatment Services \$ 35,700,000 \$ 35,500,000 92272

GRF 038404 Prevention Services \$ 837,131 \$ 837,131 92273

GRF 038626 Local Alcohol and \$ 0 \$ 2,954,598 92274

Other Drug Subsidy -
Federal Stimulus

TOTAL GRF General Revenue Fund \$ 36,537,131 \$ 39,291,729 92275

General Services Fund 92276

5T90 038616 Problem Gambling \$ 335,000 \$ 335,000 92277

Services

TOTAL GSF General Services Fund \$ 335,000 \$ 335,000 92278

Group

Federal Special Revenue Fund Group 92279

3G30 038603 Drug Free Schools \$ 2,260,000 \$ 2,260,000 92280

3G40 038614 Substance Abuse Block \$ 71,500,000 \$ 71,500,000 92281

Grant

3H80	038609	Demonstration Grants	\$	7,093,075	\$	7,093,075	92282
3J80	038610	Medicaid	\$	62,772,342	\$	60,817,910	92283
3N80	038611	Administrative Reimbursement	\$	500,000	\$	500,000	92284
TOTAL FED Federal Special Revenue							92285
Fund Group			\$	144,125,417	\$	142,170,985	92286
State Special Revenue Fund Group							92287
4750	038621	Statewide Treatment and Prevention	\$	18,000,000	\$	18,000,000	92288
5DH0	038620	Fetal Alcohol Spectrum Disorder	\$	327,500	\$	327,500	92289
6890	038604	Education and Conferences	\$	200,000	\$	200,000	92290
TOTAL SSR State Special Revenue							92291
Fund Group			\$	18,527,500	\$	18,527,500	92292
TOTAL ALL BUDGET FUND GROUPS			\$	199,525,048	\$	200,325,214	92293
 Section 217.10. ARC ARCHITECTS BOARD							92295
General Services Fund Group							92296
4K90	891609	Operating Expenses	\$	522,055	\$	550,718	92297
TOTAL GSF General Services Fund							92298
Group			\$	522,055	\$	550,718	92299
TOTAL ALL BUDGET FUND GROUPS			\$	522,055	\$	550,718	92300
 Section 219.10. ART OHIO ARTS COUNCIL							92302
General Revenue Fund							92303
GRF	370321	Operating Expenses	\$	2,072,545	\$	2,072,545	92304
GRF	370502	State Program Subsidies	\$	5,000,000	\$	5,000,000	92305
TOTAL GRF General Revenue Fund							92306
General Services Fund Group							92307
4600	370602	Management Expenses	\$	285,000	\$	285,000	92308

		and Donations				
4B70	370603	Percent for Art	\$	86,366	\$	86,366 92309
		Acquisitions				
TOTAL GSF		General Services Fund	\$	371,366	\$	371,366 92310
		Group				
		Federal Special Revenue Fund Group				92311
3140	370601	Federal Support	\$	1,000,000	\$	1,000,000 92312
TOTAL FED		Federal Special Revenue	\$	1,000,000	\$	1,000,000 92313
		Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$	8,443,911	\$	8,443,911 92314
		PROGRAM SUBSIDIES				92315
		A museum is not eligible to receive funds from appropriation				92316
		item 370502, State Program Subsidies, if \$8,000,000 or more in				92317
		capital appropriations were appropriated by the state for the				92318
		museum between January 1, 1986, and December 31, 2002.				92319
		Section 221.10. ATH ATHLETIC COMMISSION				92320
		General Services Fund Group				92321
4K90	175609	Operating Expenses	\$	247,624	\$	247,624 92322
TOTAL GSF		General Services Fund	\$	247,624	\$	247,624 92323
		Group				
TOTAL ALL BUDGET FUND GROUPS			\$	247,624	\$	247,624 92324
		Section 223.10. AGO ATTORNEY GENERAL				92326
		General Revenue Fund				92327
GRF	055321	Operating Expenses	\$	45,469,699	\$	45,469,699 92328
GRF	055405	Law-Related Education	\$	100,000	\$	100,000 92329
GRF	055411	County Sheriffs' Pay	\$	757,921	\$	757,921 92330
		Supplement				
GRF	055415	County Prosecutors'	\$	831,499	\$	831,499 92331
		Pay Supplement				
TOTAL GRF		General Revenue Fund	\$	47,159,119	\$	47,159,119 92332

General Services Fund Group				92333
1060	055612	General Reimbursement	\$ 38,750,000 \$ 38,750,000	92334
1950	055660	Workers' Compensation	\$ 8,415,504 \$ 8,415,504	92335
Section				
4180	055615	Charitable	\$ 7,286,000 \$ 7,286,000	92336
Foundations				
4200	055603	Attorney General	\$ 1,750,000 \$ 1,750,000	92337
Antitrust				
4210	055617	Police Officers'	\$ 2,000,000 \$ 2,000,000	92338
Training Academy Fee				
4Z20	055609	BCI Asset Forfeiture	\$ 1,000,000 \$ 1,000,000	92339
and Cost				
Reimbursement				
5900	055633	Peace Officer Private	\$ 98,370 \$ 98,370	92340
Security Fund				
5A90	055618	Telemarketing Fraud	\$ 7,500 \$ 7,500	92341
Enforcement				
5L50	055619	Law Enforcement	\$ 1,457,852 \$ 0	92342
Assistance Program				
6290	055636	Corrupt Activity	\$ 15,000 \$ 15,000	92343
Investigation and				
Prosecution				
6310	055637	Consumer Protection	\$ 3,500,000 \$ 3,500,000	92344
Enforcement				
TOTAL GSF General Services Fund				92345
Group				\$ 64,280,226 \$ 62,822,374 92346
Federal Special Revenue Fund Group				92347
3060	055620	Medicaid Fraud	\$ 3,879,672 \$ 3,879,672	92348
Control				
3810	055611	Civil Rights Legal	\$ 402,540 \$ 402,540	92349
Service				
3830	055634	Crime Victims	\$ 16,000,000 \$ 16,000,000	92350

		Assistance				
3E50	055638	Attorney General	\$	3,030,000	\$	3,030,000 92351
		Pass-Through Funds				
3R60	055613	Attorney General	\$	5,115,000	\$	5,115,000 92352
		Federal Funds				
TOTAL FED		Federal Special Revenue				92353
Fund Group			\$	28,427,212	\$	28,427,212 92354
		State Special Revenue Fund Group				92355
4020	055616	Victims of Crime	\$	29,000,000	\$	28,000,000 92356
4190	055623	Claims Section	\$	36,875,000	\$	36,875,000 92357
4L60	055606	DARE Programs	\$	3,927,962	\$	3,927,962 92358
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000 92359
6590	055641	Solid and Hazardous	\$	621,159	\$	621,159 92360
		Waste Background				
		Investigations				
TOTAL SSR		State Special Revenue				92361
Fund Group			\$	71,024,121	\$	70,024,121 92362
		Holding Account Redistribution Fund Group				92363
R004	055631	General Holding	\$	1,000,000	\$	1,000,000 92364
		Account				
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000 92365
R018	055630	Consumer Frauds	\$	750,000	\$	750,000 92366
R042	055601	Organized Crime	\$	25,025	\$	25,025 92367
		Commission				
		Distributions				
R054	055650	Collection Outside	\$	4,500,000	\$	4,500,000 92368
		Counsel Payments				
TOTAL 090		Holding Account				92369
Redistribution Fund Group			\$	6,276,025	\$	6,276,025 92370
		Tobacco Master Settlement Agreement Fund Group				92371
J087	055635	Law Enforcement	\$	1,987,073	\$	0 92372
		Technology, Training,				

	and Facility				
	Enhancements				
U087 055402	Tobacco Settlement	\$	2,478,850	\$	2,478,850
	Oversight,				92373
	Administration, and				
	Enforcement				
TOTAL TSF Tobacco Master Settlement		\$	4,465,923	\$	2,478,850
Agreement Fund Group					92374
TOTAL ALL BUDGET FUND GROUPS		\$	221,632,626	\$	217,187,701
					92375
	COUNTY SHERIFFS' PAY SUPPLEMENT				92376
	The foregoing appropriation item 055411, County Sheriffs' Pay				92377
	Supplement, shall be used for the purpose of supplementing the				92378
	annual compensation of county sheriffs as required by section				92379
	325.06 of the Revised Code.				92380
	At the request of the Attorney General, the Director of				92381
	Budget and Management may transfer appropriation from				92382
	appropriation item 055321, Operating Expenses, to appropriation				92383
	item 055411, County Sheriffs' Pay Supplement. Any appropriation so				92384
	transferred shall be used to supplement the annual compensation of				92385
	county sheriffs as required by section 325.06 of the Revised Code.				92386
					92387
	COUNTY PROSECUTORS' PAY SUPPLEMENT				92388
	The foregoing appropriation item 055415, County Prosecutors'				92389
	Pay Supplement, shall be used for the purpose of supplementing the				92390
	annual compensation of certain county prosecutors as required by				92391
	section 325.111 of the Revised Code.				92392
	At the request of the Attorney General, the Director of				92393
	Budget and Management may transfer appropriation from				92394
	appropriation item 055321, Operating Expenses, to appropriation				92395
	item 055415, County Prosecutors' Pay Supplement. Any appropriation				92396
	so transferred shall be used to supplement the annual compensation				92397

of county prosecutors as required by section 325.111 of the Revised Code. 92398
92399

WORKERS' COMPENSATION SECTION 92400

The Workers' Compensation Fund (Fund 1950) is entitled to receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. The advance payment shall be subject to adjustment. 92401
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In addition, the Bureau of Workers' Compensation shall transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit. 92408
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All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission. 92411
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92413

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 92414

The foregoing appropriation item 055636, Corrupt Activity Investigation and Prosecution, shall be used as provided by division (D)(2) of section 2923.35 of the Revised Code to dispose of the proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund, which is created in division (D)(1)(b) of section 2923.35 of the Revised Code. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated. 92415
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GENERAL HOLDING ACCOUNT 92423

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is 92424
92425
92426
92427

determined that additional amounts are necessary for this purpose, 92428
the amounts are hereby appropriated. 92429

ATTORNEY GENERAL PASS-THROUGH FUNDS 92430

The foregoing appropriation item 055638, Attorney General 92431
Pass-Through Funds, shall be used to receive federal grant funds 92432
provided to the Attorney General by other state agencies, 92433
including, but not limited to, the Department of Youth Services 92434
and the Department of Public Safety. 92435

ANTITRUST SETTLEMENTS 92436

The foregoing appropriation item 055632, Antitrust 92437
Settlements, shall be used to distribute moneys under the terms of 92438
relevant court orders or other out of court settlements in 92439
antitrust cases or antitrust matters involving the Office of the 92440
Attorney General. If it is determined that additional amounts are 92441
necessary for this purpose, the amounts are hereby appropriated. 92442

CONSUMER FRAUDS 92443

The foregoing appropriation item 055630, Consumer Frauds, 92444
shall be used for distribution of moneys from court-ordered 92445
judgments against sellers in actions brought by the Office of 92446
Attorney General under sections 1334.08 and 4549.48 and division 92447
(B) of section 1345.07 of the Revised Code. These moneys shall be 92448
used to provide restitution to consumers victimized by the fraud 92449
that generated the court-ordered judgments. If it is determined 92450
that additional amounts are necessary for this purpose, the 92451
amounts are hereby appropriated. 92452

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 92453

The foregoing appropriation item 055601, Organized Crime 92454
Commission Distributions, shall be used by the Organized Crime 92455
Investigations Commission, as provided by section 177.011 of the 92456
Revised Code, to reimburse political subdivisions for the expenses 92457

the political subdivisions incur when their law enforcement 92458
officers participate in an organized crime task force. If it is 92459
determined that additional amounts are necessary for this purpose, 92460
the amounts are hereby appropriated. 92461

FUND ABOLISHMENTS 92462

Effective July 1, 2009, or as soon as possible thereafter, 92463
the Director of Budget and Management shall transfer the cash 92464
balance in the Asbestos Abatement Distribution Fund (Fund 6740) to 92465
the General Revenue Fund. Upon completion of the transfer, Fund 92466
6740 is abolished. 92467

Effective July 1, 2009, the Bingo License Refunds Fund (Fund 92468
R003) is abolished. 92469

Section 225.10. AUD AUDITOR OF STATE 92470

General Revenue Fund 92471

GRF	070321	Operating Expenses	\$	29,279,031	\$	29,279,031	92472
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GRF	070403	Fiscal	\$	700,000	\$	700,000	92473
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Watch/Emergency

Technical Assistance

TOTAL GRF	General Revenue Fund	\$	29,979,031	\$	29,979,031	92474
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Auditor of State Fund Group 92475

1090	070601	Public Audit Expense	\$	11,000,000	\$	11,000,000	92476
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- Intra-State

4220	070602	Public Audit Expense	\$	30,828,000	\$	31,053,000	92477
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- Local Government

5840	070603	Training Program	\$	181,250	\$	181,250	92478
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6750	070605	Uniform Accounting	\$	2,800,000	\$	3,500,000	92479
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Network

TOTAL AUD	Auditor of State Fund					92480
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Group	\$	44,809,250	\$	45,734,250	92481
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TOTAL ALL BUDGET FUND GROUPS	\$	74,788,281	\$	75,713,281	92482
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FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE	92483
The foregoing appropriation item 070403, Fiscal	92484
Watch/Emergency Technical Assistance, shall be used for expenses	92485
incurred by the Office of the Auditor of State in its role	92486
relating to fiscal watch or fiscal emergency activities under	92487
Chapters 118. and 3316. of the Revised Code. Expenses include, but	92488
are not limited to, the following: duties related to the	92489
determination or termination of fiscal watch or fiscal emergency	92490
of municipal corporations, counties, townships, or school	92491
districts; development of preliminary accounting reports;	92492
performance of annual forecasts; provision of performance audits;	92493
and supervisory, accounting, or auditing services for the	92494
municipal corporations, counties, townships, or school districts.	92495
An amount equal to the unexpended, unencumbered portion of	92496
appropriation item 070403, Fiscal Watch/Emergency Technical	92497
Assistance, at the end of fiscal year 2010 is hereby	92498
reappropriated for the same purpose in fiscal year 2011.	92499
PUBLIC AUDIT EXPENSE-LOCAL GOVERNMENT	92500
The foregoing appropriation item 070602, Public Audit	92501
Expense-Local Government, shall be used to conduct audits of local	92502
governments. If it is determined that additional amounts are	92503
necessary for this purpose, the amounts are hereby appropriated.	92504
Section 225.20. The moneys transferred pursuant to division	92505
(E) of section 117.13 of the Revised Code relative to costs of	92506
audits of state agencies and local public offices are hereby	92507
appropriated.	92508
Section 227.10. BRB BOARD OF BARBER EXAMINERS	92509
General Services Fund Group	92510
4K90 877609 Operating Expenses \$ 600,851 \$ 600,851	92511

TOTAL GSF General Services Fund				92512
Group	\$	600,851	\$ 600,851	92513
TOTAL ALL BUDGET FUND GROUPS	\$	600,851	\$ 600,851	92514
 Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT				92516
General Revenue Fund				92517
GRF 042321 Budget Development	\$	2,412,346	\$ 2,350,805	92518
and Implementation				
GRF 042410 National Association	\$	30,448	\$ 31,361	92519
Dues				
GRF 042412 Audit of Auditor of	\$	44,528	\$ 46,309	92520
State				
GRF 042413 Payment Issuance	\$	446,968	\$ 457,545	92521
GRF 042416 Medicaid Agency	\$	571,028	\$ 369,298	92522
Transition				
GRF 042435 Gubernatorial	\$	0	\$ 250,000	92523
Transition				
TOTAL GRF General Revenue Fund	\$	3,505,318	\$ 3,505,318	92524
General Services Fund Group				92525
1050 042603 State Accounting and	\$	37,031,976	\$ 41,206,060	92526
Budgeting				
5N40 042602 OAKS Project	\$	2,100,000	\$ 2,100,000	92527
Implementation				
5Z80 042608 Executive Medicaid	\$	57,751	\$ 0	92528
Administration				
TOTAL GSF General Services Fund	\$	39,189,727	\$ 43,306,060	92529
Group				
Federal Special Revenue Fund Group				92530
3CM0 042606 Medicaid Transition -	\$	734,979	\$ 747,098	92531
Federal				
TOTAL FED Federal Special Revenue	\$	734,979	\$ 747,098	92532
Fund Group				

Agency Fund Group				92533
5EH0 042604 Forgery Recovery	\$	50,000	\$ 50,000	92534
TOTAL AGY Agency Fund Group	\$	50,000	\$ 50,000	92535
TOTAL ALL BUDGET FUND GROUPS	\$	43,480,024	\$ 47,608,476	92536
AUDIT COSTS				92537
All centralized audit costs associated with either Single				92538
Audit Schedules or financial statements prepared in conformance				92539
with generally accepted accounting principles for the state shall				92540
be paid from the foregoing appropriation item 042603, State				92541
Accounting and Budgeting.				92542
INTERNAL CONTROL AND AUDIT OVERSIGHT				92543
Effective July 1, 2009, the Director of Budget and Management				92544
shall include the recovery of costs to operate the Internal				92545
Control and Audit Oversight Program in the accounting and				92546
budgeting services payroll rate and through a direct charge using				92547
intrastate transfer vouchers to agencies reviewed by the program.				92548
The Director of Budget and Management, with advice from the				92549
Internal Audit Advisory Council, shall determine the cost recovery				92550
methodology. Such cost recovery revenues shall be deposited to the				92551
credit of the Accounting and Budgeting Fund (Fund 1050).				92552
FORGERY RECOVERY				92553
The foregoing appropriation item 042604, Forgery Recovery,				92554
shall be used to reissue warrants that have been certified as				92555
forgeries by the rightful recipient as determined by the Bureau of				92556
Criminal Identification and Investigation and the Treasurer of				92557
State. Upon receipt of funds to cover the reissuance of the				92558
warrant, the Director of Budget and Management shall reissue a				92559
state warrant of the same amount.				92560
Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD				92561
General Revenue Fund				92562

GRF 874100	Personal Services	\$	1,873,368	\$	1,873,368	92563
GRF 874320	Maintenance and Equipment	\$	752,591	\$	752,590	92564
TOTAL GRF	General Revenue Fund	\$	2,625,959	\$	2,625,958	92565
General Services Fund Group						92566
4G50 874603	Capitol Square Education Center and Arts	\$	15,000	\$	15,000	92567
4S70 874602	Statehouse Gift Shop/Events	\$	686,708	\$	686,708	92568
TOTAL GSF	General Services Fund Group	\$	701,708	\$	701,708	92569 92570
Underground Parking Garage						92571
2080 874601	Underground Parking Garage Operations	\$	2,923,224	\$	2,979,615	92572
TOTAL UPG	Underground Parking Garage	\$	2,923,224	\$	2,979,615	92573 92574
TOTAL ALL BUDGET FUND GROUPS		\$	6,250,891	\$	6,307,281	92575

WAREHOUSE PAYMENTS 92576

Of the foregoing appropriation item 874601, Underground 92577
 Parking Garage Operations, \$48,000 in each fiscal year shall be 92578
 used to meet all payments at the times they are required to be 92579
 made during the period from July 1, 2009, to June 30, 2011, to the 92580
 Ohio Building Authority for bond service charges relating to the 92581
 purchase and improvement of a warehouse acquired pursuant to 92582
 section 105.41 of the Revised Code, in which to store items of the 92583
 Capitol Collection Trust and, whenever necessary, equipment or 92584
 other property of the Board. 92585

Notwithstanding division (G) of section 105.41 of the Revised 92586
 Code and any other provision to the contrary, moneys in the 92587
 Underground Parking Garage Fund (Fund 2080) may be used for 92588
 personnel and operating costs related to the operations of the 92589

Statehouse and the Statehouse Underground Parking Garage. 92590

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 92591
SCHOOLS 92592

General Services Fund Group 92593

4K90 233601 Operating Expenses \$ 490,008 \$ 490,008 92594

TOTAL GSF General Services Fund \$ 490,008 \$ 490,008 92595

Group

TOTAL ALL BUDGET FUND GROUPS \$ 490,008 \$ 490,008 92596

Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 92598

General Services Fund Group 92599

4K90 930609 Operating Expenses \$ 478,799 \$ 478,799 92600

TOTAL GSF General Services Fund \$ 478,799 \$ 478,799 92601

Group

TOTAL ALL BUDGET FUND GROUPS \$ 478,799 \$ 478,799 92602

Section 237.10. CHR STATE CHIROPRACTIC BOARD 92604

General Services Fund Group 92605

4K90 878609 Operating Expenses \$ 541,455 \$ 541,455 92606

TOTAL GSF General Services Fund \$ 541,455 \$ 541,455 92607

Group

TOTAL ALL BUDGET FUND GROUPS \$ 541,455 \$ 541,455 92608

Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION 92610

General Revenue Fund 92611

GRF 876321 Operating Expenses \$ 5,441,317 \$ 5,441,317 92612

TOTAL GRF General Revenue Fund \$ 5,441,317 \$ 5,441,317 92613

General Services Fund Group 92614

2170 876604 Operations Support \$ 8,000 \$ 8,000 92615

TOTAL GSF General Services 92616

Fund Group	\$	8,000	\$	8,000	92617
Federal Special Revenue Fund Group					92618
3340 876601 Federal Programs	\$	3,876,500	\$	3,281,500	92619
TOTAL FED Federal Special Revenue					92620
Fund Group	\$	3,876,500	\$	3,281,500	92621
TOTAL ALL BUDGET FUND GROUPS	\$	9,325,817	\$	8,730,817	92622
Section 241.10. COM DEPARTMENT OF COMMERCE					92624
General Revenue Fund					92625
GRF 800410 Labor and Worker	\$	2,025,776	\$	2,025,776	92626
Safety					
Total GRF General Revenue Fund	\$	2,025,776	\$	2,025,776	92627
General Services Fund Group					92628
1630 800620 Division of	\$	4,478,037	\$	4,478,037	92629
Administration					
1630 800637 Information	\$	6,219,734	\$	6,137,122	92630
Technology					
5430 800602 Unclaimed	\$	8,695,254	\$	8,695,254	92631
Funds-Operating					
5430 800625 Unclaimed	\$	75,000,000	\$	75,000,000	92632
Funds-Claims					
5F10 800635 Small Government Fire	\$	300,000	\$	300,000	92633
Departments					
TOTAL GSF General Services Fund					92634
Group	\$	94,693,025	\$	94,610,413	92635
Federal Special Revenue Fund Group					92636
3480 800622 Underground Storage	\$	586,128	\$	585,782	92637
Tanks					
3480 800624 Leaking Underground	\$	1,477,606	\$	1,489,717	92638
Storage Tanks					
TOTAL FED Federal Special Revenue					92639
Fund Group	\$	2,063,734	\$	2,075,499	92640

State Special Revenue Fund Group				92641	
4B20 800631	Real Estate Appraisal	\$	35,000	\$ 35,000	92642
	Recovery				
4H90 800608	Cemeteries	\$	273,465	\$ 273,465	92643
4X20 800619	Financial Institutions	\$	2,233,031	\$ 2,221,395	92644
5440 800612	Banks	\$	6,703,253	\$ 6,753,254	92645
5450 800613	Savings Institutions	\$	2,286,615	\$ 2,307,019	92646
5460 800610	Fire Marshal	\$	14,082,429	\$ 14,082,429	92647
5460 800639	Fire Department Grants	\$	1,695,198	\$ 1,698,802	92648
5470 800603	Real Estate	\$	250,000	\$ 250,000	92649
	Education/Research				
5480 800611	Real Estate Recovery	\$	50,000	\$ 50,000	92650
5490 800614	Real Estate	\$	3,456,405	\$ 3,451,694	92651
5500 800617	Securities	\$	4,761,545	\$ 4,411,545	92652
5520 800604	Credit Union	\$	3,627,390	\$ 3,627,390	92653
5530 800607	Consumer Finance	\$	5,367,260	\$ 5,148,702	92654
5560 800615	Industrial Compliance	\$	25,753,662	\$ 25,753,662	92655
5K70 800621	Penalty Enforcement	\$	75,000	\$ 75,000	92656
5X60 800623	Video Service	\$	34,476	\$ 34,476	92657
6530 800629	UST	\$	1,433,189	\$ 1,431,831	92658
	Registration/Permit Fee				
6A40 800630	Real Estate	\$	664,006	\$ 664,006	92659
	Appraiser-Operating				
TOTAL SSR State Special Revenue					92660
Fund Group		\$	72,781,924	\$ 72,269,670	92661
Liquor Control Fund Group					92662
7043 800601	Merchandising	\$	472,492,696	\$ 488,434,277	92663
7043 800627	Liquor Control	\$	13,776,430	\$ 14,313,346	92664
	Operating				
7043 800633	Development Assistance	\$	40,565,100	\$ 52,412,800	92665
	Debt Service				

7043 800636	Revitalization Debt	\$	15,632,800	\$	20,359,000	92666
	Service					
TOTAL LCF Liquor Control						92667
Fund Group		\$	542,467,026	\$	575,519,423	92668
Volunteer Firefighters' Dependents	Fund Group					92669
7085 800985	Volunteer	\$	300,000	\$	300,000	92670
	Firefighters'					
	Dependents Fund					
TOTAL 085 Volunteer Firefighters'		\$	300,000	\$	300,000	92671
Dependents Fund Group						
Revenue Distribution Fund Group						92672
7066 800966	Undivided Liquor	\$	14,100,000	\$	14,100,000	92673
	Permits					
TOTAL RDF Revenue Distribution Fund		\$	14,100,000	\$	14,100,000	92674
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	728,431,485	\$	760,900,781	92675
SMALL GOVERNMENT FIRE DEPARTMENTS						92676
Notwithstanding section 3737.17 of the Revised Code, the						92677
foregoing appropriation item 800635, Small Government Fire						92678
Departments, may be used to provide loans to private fire						92679
departments.						92680
UNCLAIMED FUNDS PAYMENTS						92681
The foregoing appropriation item 800625, Unclaimed						92682
Funds-Claims, shall be used to pay claims under section 169.08 of						92683
the Revised Code. If it is determined that additional amounts are						92684
necessary, the amounts are appropriated.						92685
UNCLAIMED FUNDS TRANSFERS						92686
Notwithstanding division (A) of section 169.05 of the Revised						92687
Code, on or after December 1, 2009, the Director of Budget and						92688
Management shall request the Director of Commerce to transfer to						92689
the General Revenue Fund up to \$250,000,000 of unclaimed funds						92690

that have been reported by holders of unclaimed funds under 92691
section 169.05 of the Revised Code, irrespective of the allocation 92692
of the unclaimed funds under that section. After such request has 92693
been made, the Director of Commerce shall transfer the funds prior 92694
to June 30, 2010. 92695

Notwithstanding division (A) of section 169.05 of the Revised 92696
Code, on or after December 1, 2010, the Director of Budget and 92697
Management shall request the Director of Commerce to transfer to 92698
the General Revenue Fund up to \$135,000,000 of unclaimed funds 92699
that have been reported by holders of unclaimed funds under 92700
section 169.05 of the Revised Code, irrespective of the allocation 92701
of the unclaimed funds under that section. After such request has 92702
been made, the Director of Commerce shall transfer the funds prior 92703
to June 30, 2011. 92704

TRANSFERS FROM FINANCIAL INSTITUTION FUNDS PROHIBITED 92705

Neither the Director of Budget and Management nor the 92706
Controlling Board shall transfer moneys in the Financial 92707
Institutions Fund (Fund 4X20), the Banks Fund (Fund 5440), the 92708
Savings Institution Fund (Fund 5450), or the Credit Unions Fund 92709
(Fund 5520) to any other fund. Interest earned on the moneys in 92710
Fund 4X20, Fund 5440, Fund 5450, and Fund 5520 shall be credited 92711
to each respective fund. 92712

FIRE DEPARTMENT GRANTS 92713

Of the foregoing appropriation item 800639, Fire Department 92714
Grants, up to \$1,647,140 in each fiscal year shall be used to make 92715
annual grants to volunteer fire departments, fire departments that 92716
serve one or more small municipalities or small townships, joint 92717
fire districts comprised of fire departments that primarily serve 92718
small municipalities or small townships, local units of government 92719
responsible for such fire departments, and local units of 92720
government responsible for the provision of fire protection 92721

services for small municipalities or small townships. 92722

The grants shall be used by recipients to purchase 92723
firefighting or rescue equipment or gear or similar items, to 92724
provide full or partial reimbursement for the documented costs of 92725
firefighter training, or, at the discretion of the State Fire 92726
Marshal, to cover fire department costs for providing fire 92727
protection services in that grant recipient's jurisdiction. 92728

Grant awards for firefighting or rescue equipment or gear or 92729
for fire department costs of providing fire protection services 92730
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 92731
fiscal year if an eligible entity serves a jurisdiction in which 92732
the Governor declared a natural disaster during the preceding or 92733
current fiscal year in which the grant was awarded. In addition to 92734
any grant funds awarded for rescue equipment or gear, or for fire 92735
department costs associated with the provision of fire protection 92736
services, an eligible entity may receive a grant for up to \$15,000 92737
per fiscal year for full or partial reimbursement of the 92738
documented costs of firefighter training. For each fiscal year, 92739
the State Fire Marshal shall determine the total amounts to be 92740
allocated for each eligible purpose. 92741

The grant program shall be administered by the State Fire 92742
Marshal in accordance with rules the State Fire Marshal adopts as 92743
part of the state fire code adopted pursuant to section 3737.82 of 92744
the Revised Code that are necessary for the administration and 92745
operation of the grant program. The rules may further define the 92746
entities eligible to receive grants and establish criteria for the 92747
awarding and expenditure of grant funds, including methods the 92748
State Fire Marshal may use to verify the proper use of grant funds 92749
or to obtain reimbursement for or the return of equipment for 92750
improperly used grant funds. Any amounts in appropriation item 92751
800639, Fire Department Grants, in excess of the amount allocated 92752
for these grants may be used for the administration of the grant 92753

program. 92754

DIVISION OF SECURITIES TECHNOLOGY UPGRADES 92755

Of the foregoing appropriation item 800617, Securities, such 92756
sums as are necessary may be used over the biennium to support the 92757
development and implementation of information technology solutions 92758
designed to enable the Division of Securities to better protect 92759
the interests of investors, the public, and the securities 92760
industry. Implementation of these solutions shall, among other 92761
things, enhance the Division's ability to monitor complaints about 92762
and actions against persons engaged in any practice prohibited by 92763
Chapter 1707. of the Revised Code or defined as fraudulent in that 92764
chapter or any other deceptive scheme or practice in connection 92765
with the sale of securities. The Director of Commerce may seek 92766
assistance from the Department of Administrative Services in 92767
relation to the development and implementation of the solutions. 92768
92769

CASH TRANSFERS TO THE REAL ESTATE OPERATING FUND 92770

The Director of Budget and Management, upon request of the 92771
Director of Commerce, shall transfer \$1,300,000 in cash over the 92772
FY 2010-FY 2011 biennium from the Real Estate Education and 92773
Research Fund (Fund 5470) to the Real Estate Operating Fund (Fund 92774
5490). 92775

The Director of Budget and Management, upon request of the 92776
Director of Commerce, shall transfer \$600,000 in cash over the FY 92777
2010-FY 2011 biennium from the Real Estate Recovery Fund (Fund 92778
5480) to the Real Estate Operating Fund (Fund 5490). 92779

INCREASED APPROPRIATION - MERCHANDISING 92780

The foregoing appropriation item 800601, Merchandising, shall 92781
be used under section 4301.12 of the Revised Code. If it is 92782
determined that additional expenditures are necessary, the amounts 92783
are appropriated. 92784

DEVELOPMENT ASSISTANCE DEBT SERVICE 92785

The foregoing appropriation item 800633, Development 92786
Assistance Debt Service, shall be used to pay debt service and 92787
related financing costs at the times they are required to be made 92788
during the period from July 1, 2009, to June 30, 2011, for bond 92789
service charges on obligations issued under Chapter 166. of the 92790
Revised Code. If it is determined that additional appropriations 92791
are necessary for this purpose, such amounts are appropriated, 92792
subject to the limitations set forth in section 166.11 of the 92793
Revised Code. An appropriation for this purpose is not required, 92794
but is made in this form and in this act for record purposes only. 92795
92796

REVITALIZATION DEBT SERVICE 92797

The foregoing appropriation item 800636, Revitalization Debt 92798
Service, shall be used to pay debt service and related financing 92799
costs under sections 151.01 and 151.40 of the Revised Code during 92800
the period from July 1, 2009, to June 30, 2011. If it is 92801
determined that additional appropriations are necessary for this 92802
purpose, such amounts are hereby appropriated. The General 92803
Assembly acknowledges the priority of the pledge of a portion of 92804
receipts from that source to obligations issued and to be issued 92805
under Chapter 166. of the Revised Code. 92806

ADMINISTRATIVE ASSESSMENTS 92807

Notwithstanding any other provision of law to the contrary, 92808
the Division of Administration Fund (Fund 1630) is entitled to 92809
receive assessments from all operating funds of the Department in 92810
accordance with procedures prescribed by the Director of Commerce 92811
and approved by the Director of Budget and Management. 92812

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 92813

General Services Fund Group 92814

5F50 053601	Operating Expenses	\$	8,498,000	\$	8,498,000	92815
TOTAL GSF	General Services Fund	\$	8,498,000	\$	8,498,000	92816
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	8,498,000	\$	8,498,000	92817

Section 245.10. CEB CONTROLLING BOARD 92819

General Revenue Fund						92820
GRF 911401	Emergency	\$	500,000	\$	500,000	92821
Purposes/Contingencies						
GRF 911404	Mandate Assistance	\$	545,417	\$	545,417	92822
GRF 911441	Ballot Advertising	\$	487,600	\$	487,600	92823
Costs						
TOTAL GRF	General Revenue Fund	\$	1,533,017	\$	1,533,017	92824
TOTAL ALL BUDGET FUND GROUPS		\$	1,533,017	\$	1,533,017	92825

DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY 92826

PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM 92827

The Controlling Board may, at the request of any state agency 92828
or the Director of Budget and Management, transfer all or part of 92829
the appropriation in appropriation item 911401, Emergency 92830
Purposes/Contingencies, for the purpose of providing disaster and 92831
emergency situation aid to state agencies and political 92832
subdivisions in the event of disasters and emergency situations or 92833
for the other purposes noted in this section, including, but not 92834
limited to, costs related to the disturbance that occurred on 92835
April 11, 1993, at the Southern Ohio Correctional Facility in 92836
Lucasville, Ohio. 92837

FEDERAL SHARE 92838

In transferring appropriations to or from appropriation items 92839
that have federal shares identified in this act, the Controlling 92840
Board shall add or subtract corresponding amounts of federal 92841
matching funds at the percentages indicated by the state and 92842
federal division of the appropriations in this act. Such changes 92843

are hereby appropriated. 92844

DISASTER ASSISTANCE 92845

Pursuant to requests submitted by the Department of Public 92846
Safety, the Controlling Board may approve transfers from 92847
appropriation item 911401, Emergency Purposes/Contingencies, to 92848
appropriation items used by the Department of Public Safety to 92849
provide funding for assistance to political subdivisions and 92850
individuals made necessary by natural disasters or emergencies. 92851
Such transfers may be requested and approved prior to or following 92852
the occurrence of any specific natural disasters or emergencies in 92853
order to facilitate the provision of timely assistance. 92854

92855

DISASTER SERVICES 92856

Pursuant to requests submitted by the Department of Public 92857
Safety, the Controlling Board may approve transfers from the 92858
Disaster Services Fund (5E20) to a fund and appropriation item 92859
used by the Department of Public Safety to provide for assistance 92860
to political subdivisions made necessary by natural disasters or 92861
emergencies. These transfers may be requested and approved prior 92862
to the occurrence of any specific natural disasters or emergencies 92863
in order to facilitate the provision of timely assistance. The 92864
Emergency Management Agency of the Department of Public Safety 92865
shall use the funding to fund the State Disaster Relief Program 92866
for disasters that have been declared by the Governor, and the 92867
State Individual Assistance Program for disasters that have been 92868
declared by the Governor and the federal Small Business 92869
Administration. The Ohio Emergency Management Agency shall publish 92870
and make available application packets outlining procedures for 92871
the State Disaster Relief Program and the State Individual 92872
Assistance Program. 92873

Fund 5E20 shall be used by the Controlling Board, pursuant to 92874

requests submitted by state agencies, to transfer cash and 92875
appropriations to any fund and appropriation item for the payment 92876
of state agency disaster relief program expenses for disasters 92877
declared by the Governor, if the Director of Budget and Management 92878
determines that sufficient funds exist. 92879

SOUTHERN OHIO CORRECTIONAL FACILITY COST 92880

The Division of Criminal Justice Services in the Department 92881
of Public Safety and the Public Defender Commission may each 92882
request, upon approval of the Director of Budget and Management, 92883
additional funds from appropriation item 911401, Emergency 92884
Purposes/Contingencies, for costs related to the disturbance that 92885
occurred on April 11, 1993, at the Southern Ohio Correctional 92886
Facility in Lucasville, Ohio. 92887

MANDATE ASSISTANCE 92888

(A) The foregoing appropriation item 911404, Mandate 92889
Assistance, shall be used to provide financial assistance to local 92890
units of government and school districts for the cost of the 92891
following two state mandates: 92892

(1) The cost to county prosecutors for prosecuting certain 92893
felonies that occur on the grounds of state institutions operated 92894
by the Department of Rehabilitation and Correction and the 92895
Department of Youth Services; 92896

(2) The cost to school districts of in-service training for 92897
child abuse detection. 92898

(B) The Division of Criminal Justice Services in the 92899
Department of Public Safety and the Department of Education may 92900
prepare and submit to the Controlling Board one or more requests 92901
to transfer appropriations from appropriation item 911404, Mandate 92902
Assistance. The state agencies charged with this administrative 92903
responsibility are listed below, as well as the estimated annual 92904
amounts that may be used for each program of state financial 92905

assistance.			92906
		ESTIMATED	92907
	ADMINISTERING	ANNUAL	92908
PROGRAM	AGENCY	AMOUNT	92909
Prosecution Costs	Division of Criminal	\$125,446	92910
	Justice Services		92911
Child Abuse Detection	Department of	\$419,971	92912
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911404, Mandate Assistance, the Division of Criminal Justice Services and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance 92937
shall be carried out as follows: 92938

(1) PROSECUTION COSTS 92939

(a) Appropriations may be transferred to the Division of 92940
Criminal Justice Services to cover local prosecution costs for 92941
aggravated murder, murder, felonies of the first degree, and 92942
felonies of the second degree that occur on the grounds of 92943
institutions operated by the Department of Rehabilitation and 92944
Correction and the Department of Youth Services. 92945

(b) Upon a delinquency filing in juvenile court or the return 92946
of an indictment for aggravated murder, murder, or any felony of 92947
the first or second degree that was committed at a Department of 92948
Youth Services or a Department of Rehabilitation and Correction 92949
institution, the affected county may, in accordance with rules 92950
that the Division of Criminal Justice Services shall adopt, apply 92951
to the Division of Criminal Justice Services for a grant to cover 92952
all documented costs that are incurred by the county prosecutor's 92953
office. 92954

(c) Twice each year, the Division of Criminal Justice 92955
Services shall designate counties to receive grants from those 92956
counties that have submitted one or more applications in 92957
compliance with the rules that have been adopted by the Division 92958
of Criminal Justice Services for the receipt of such grants. In 92959
each year's first round of grant awards, if sufficient 92960
appropriations have been made, up to a total of \$100,000 may be 92961
awarded. In each year's second round of grant awards, the 92962
remaining appropriations available for this purpose may be 92963
awarded. 92964

(d) If for a given round of grants there are insufficient 92965
appropriations to make grant awards to all the eligible counties, 92966
the first priority shall be given to counties with cases involving 92967

aggravated murder and murder; second priority shall be given to 92968
counties with cases involving a felony of the first degree; and 92969
third priority shall be given to counties with cases involving a 92970
felony of the second degree. Within these priorities, the grant 92971
awards shall be based on the order in which the applications were 92972
received, except that applications for cases involving a felony of 92973
the first or second degree shall not be considered in more than 92974
two consecutive rounds of grant awards. 92975

(2) CHILD ABUSE DETECTION TRAINING COSTS 92976

Appropriations may be transferred to the Department of 92977
Education for payment to local school districts as full or partial 92978
reimbursement for the cost of providing in-service training for 92979
child abuse detection. In accordance with rules that the 92980
Department shall adopt, a local school district may apply to the 92981
Department for a grant to cover all documented costs that are 92982
incurred to provide in-service training for child abuse detection. 92983
The department shall make grants within the limits of the funding 92984
provided. 92985

(G) Any moneys allocated within appropriation item 911404, 92986
Mandate Assistance, not fully utilized may, upon application of 92987
the Ohio Public Defender Commission, and with the approval of the 92988
Controlling Board, be paid to boards of county commissioners to 92989
provide additional reimbursement for the costs incurred by 92990
counties in providing defense to indigent defendants pursuant to 92991
Chapter 120. of the Revised Code. Application for the unutilized 92992
funds shall be made by the Ohio Public Defender Commission at the 92993
first June meeting of the Controlling Board. 92994

The amount to be paid to each county shall be allocated 92995
proportionately on the basis of the total amount of reimbursement 92996
paid to each county as a percentage of the amount of reimbursement 92997
paid to all of the counties during the most recent state fiscal 92998
year for which data is available and as calculated by the Ohio 92999

Public Defender Commission.				93000	
BALLOT ADVERTISING COSTS				93001	
Pursuant to section 3501.17 of the Revised Code, and upon				93002	
requests submitted by the Secretary of State, the Controlling				93003	
Board shall approve transfers from the foregoing appropriation				93004	
item 911441, Ballot Advertising Costs, to appropriation item				93005	
050621, Statewide Ballot Advertising, in order to pay for the cost				93006	
of public notices associated with statewide ballot initiatives.				93007	
				93008	
CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS				93009	
ELIGIBILITY				93010	
A state agency director shall request that the Controlling				93011	
Board increase the amount of the agency's capital appropriations				93012	
if the director determines such an increase is necessary for the				93013	
agency to receive and use funds under the federal American				93014	
Recovery and Reinvestment Act of 2009. The Controlling Board may				93015	
increase the capital appropriations pursuant to the request up to				93016	
the exact amount necessary under the federal act if the Board				93017	
determines it is necessary for the agency to receive and use those				93018	
federal funds.				93019	
Section 247.10. COS STATE BOARD OF COSMETOLOGY				93020	
General Services Fund Group				93021	
4K90 879609 Operating Expenses	\$	3,533,679	\$	3,533,679	93022
TOTAL GSF General Services Fund				93023	
Group	\$	3,533,679	\$	3,533,679	93024
TOTAL ALL BUDGET FUND GROUPS	\$	3,533,679	\$	3,533,679	93025
Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE				93027	
AND FAMILY THERAPIST BOARD				93028	
General Services Fund Group				93029	

4K90 899609	Operating Expenses	\$	1,117,171	\$	1,117,171	93030
TOTAL GSF General Services Fund						93031
Group		\$	1,117,171	\$	1,117,171	93032
TOTAL ALL BUDGET FUND GROUPS						93033

Section 251.10. CLA COURT OF CLAIMS 93035

General Revenue Fund						93036
GRF 015321	Operating Expenses	\$	2,699,369	\$	2,780,350	93037
TOTAL GRF General Revenue Fund						93038
State Special Revenue Fund Group						93039
5K20 015603	CLA Victims of Crime	\$	1,582,684	\$	1,582,684	93040
TOTAL SSR State Special Revenue						93041
Fund Group		\$	1,582,684	\$	1,582,684	93042
TOTAL ALL BUDGET FUND GROUPS						93043

Section 253.10. AFC OHIO CULTURAL FACILITIES COMMISSION 93045

General Revenue Fund						93046
GRF 371321	Operating Expenses	\$	140,909	\$	140,909	93047
GRF 371401	Lease Rental Payments	\$	26,454,900	\$	28,301,600	93048
TOTAL GRF General Revenue Fund						93049
State Special Revenue Fund Group						93050
4T80 371601	Riffe Theatre	\$	81,000	\$	81,000	93051
Equipment Maintenance						
4T80 371603	Project	\$	1,302,866	\$	1,302,866	93052
Administration						
Services						
TOTAL SSR State Special Revenue						93053
Group						
TOTAL ALL BUDGET FUND GROUPS						93054

LEASE RENTAL PAYMENTS 93055

The foregoing appropriation item 371401, Lease Rental						93056
Payments, shall be used to meet all payments from the Ohio						93057

Cultural Facilities Commission to the Treasurer of State during 93058
the period from July 1, 2009, to June 30, 2011, under the primary 93059
leases and agreements for those arts and sports facilities made 93060
under Chapters 152. and 154. of the Revised Code. This 93061
appropriation is the source of funds pledged for bond service 93062
charges on related obligations issued under Chapters 152. and 154. 93063
of the Revised Code. 93064

OPERATING EXPENSES 93065

The foregoing appropriation item 371321, Operating Expenses, 93066
shall be used by the Ohio Cultural Facilities Commission to carry 93067
out its responsibilities under this section and Chapter 3383. of 93068
the Revised Code. 93069

By the tenth day following each calendar quarter in each 93070
fiscal year, or as soon as possible thereafter, the Director of 93071
Budget and Management shall determine the amount of cash from 93072
interest earnings to be transferred from the Cultural and Sports 93073
Facilities Building Fund (Fund 7030) to the Cultural Facilities 93074
Commission Administration Fund (Fund 4T80). 93075

As soon as possible after each bond issuance made on behalf 93076
of the Cultural Facilities Commission, the Director of Budget and 93077
Management shall determine the amount of cash from any premium 93078
paid on each issuance that is available to be transferred after 93079
all issuance costs have been paid from the Cultural and Sports 93080
Facilities Building Fund (Fund 7030) to the Cultural Facilities 93081
Commission Administration Fund (Fund 4T80). 93082

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 93083

The Executive Director of the Cultural Facilities Commission 93084
shall certify to the Director of Budget and Management the amount 93085
of cash receipts and related investment income, irrevocable 93086
letters of credit from a bank, or certification of the 93087
availability of funds that have been received from a county or a 93088

municipal corporation for deposit into the Capital Donations Fund 93089
(Fund 5A10) and that are related to an anticipated project. These 93090
amounts are hereby appropriated to appropriation item C37146, 93091
Capital Donations. Prior to certifying these amounts to the 93092
Director, the Executive Director shall make a written agreement 93093
with the participating entity on the necessary cash flows required 93094
for the anticipated construction or equipment acquisition project. 93095

Section 255.10. DEN STATE DENTAL BOARD 93096

General Services Fund Group 93097
4K90 880609 Operating Expenses \$ 1,409,944 \$ 1,409,944 93098
TOTAL GSF General Services Fund 93099
Group \$ 1,409,944 \$ 1,409,944 93100
TOTAL ALL BUDGET FUND GROUPS \$ 1,409,944 \$ 1,409,944 93101

Section 257.10. BDP BOARD OF DEPOSIT 93103

General Services Fund Group 93104
4M20 974601 Board of Deposit \$ 927,892 \$ 927,892 93105
TOTAL GSF General Services Fund 93106
Group \$ 927,892 \$ 927,892 93107
TOTAL ALL BUDGET FUND GROUPS \$ 927,892 \$ 927,892 93108

BOARD OF DEPOSIT EXPENSE FUND 93109

Upon receiving certification of expenses from the Treasurer 93110
of State, the Director of Budget and Management shall transfer 93111
cash from the Investment Earnings Redistribution Fund (Fund 6080) 93112
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 93113
shall be used pursuant to section 135.02 of the Revised Code to 93114
pay for any and all necessary expenses of the Board of Deposit or 93115
for banking charges and fees required for the operation of the 93116
State of Ohio Regular Account. 93117

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 93118

		General Revenue Fund					93119
GRF	195401	Thomas Edison Program	\$	7,500,000	\$	7,500,000	93120
GRF	195404	Small Business Development	\$	1,565,770	\$	1,565,770	93121
GRF	195405	Minority Business Enterprise Division	\$	1,238,528	\$	1,238,528	93122
GRF	195407	Travel and Tourism	\$	1,399,410	\$	1,399,410	93123
GRF	195415	Strategic Business Investment Division and Regional Offices	\$	4,671,426	\$	4,671,426	93124
GRF	195416	Governor's Office of Appalachia	\$	4,253,845	\$	4,253,845	93125
GRF	195426	Clean Ohio Implementation	\$	168,365	\$	168,365	93126
GRF	195432	Global Markets	\$	3,758,915	\$	3,758,915	93127
GRF	195434	Industrial Training Grants	\$	10,741,912	\$	10,741,912	93128
GRF	195497	CDBG Operating Match	\$	1,056,075	\$	1,056,075	93129
GRF	195498	State Match Energy	\$	96,820	\$	96,820	93130
GRF	195501	Appalachian Local Development Districts	\$	391,482	\$	391,482	93131
GRF	195502	Appalachian Regional Commission Dues	\$	221,924	\$	221,924	93132
GRF	195521	Discover Ohio!	\$	3,000,000	\$	3,000,000	93133
GRF	195522	Targeted Industry Training Grants	\$	3,800,000	\$	3,800,000	93134
GRF	195905	Third Frontier Research & Development General Obligation Debt Service	\$	20,948,300	\$	29,011,600	93135
GRF	195912	Job Ready Site Development General	\$	5,685,400	\$	10,601,900	93136

		Obligation Debt				
		Service				
TOTAL GRF	General Revenue Fund		\$ 70,498,172	\$ 83,477,972		93137
	General Services Fund Group					93138
1350 195684	Supportive Services		\$ 10,299,575	\$ 10,299,575		93139
4W10 195646	Minority Business		\$ 1,500,000	\$ 1,500,000		93140
	Enterprise Loan					
5AD0 195677	Economic Development		\$ 4,000,000	\$ 4,000,000		93141
	Contingency					
5DU0 195689	Energy Projects		\$ 840,000	\$ 840,000		93142
5W50 195690	Travel and Tourism		\$ 20,643	\$ 20,643		93143
	Cooperative Projects					
6850 195636	Direct Cost Recovery		\$ 416,742	\$ 416,742		93144
	Expenditures					
TOTAL GSF	General Services Fund					93145
Group			\$ 17,076,959	\$ 17,076,959		93146
	Federal Special Revenue Fund Group					93147
3080 195602	Appalachian Regional		\$ 475,000	\$ 475,000		93148
	Commission					
3080 195603	Housing and Urban		\$ 6,000,000	\$ 6,000,000		93149
	Development					
3080 195605	Federal Projects		\$ 27,000,000	\$ 27,000,000		93150
3080 195609	Small Business		\$ 5,011,381	\$ 5,011,381		93151
	Administration					
3080 195618	Energy Federal Grants		\$ 3,400,000	\$ 3,400,000		93152
3350 195610	Energy Conservation		\$ 1,800,000	\$ 1,100,000		93153
	and Emerging					
	Technology					
3AE0 195643	Workforce Development		\$ 17,000,000	\$ 16,500,000		93154
	Initiatives					
3K80 195613	Community Development		\$ 65,000,000	\$ 65,000,000		93155
	Block Grant					

3K90	195611	Home Energy Assistance Block Grant	\$	115,743,608	\$	115,743,608	93156
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	93157
3L00	195612	Community Services Block Grant	\$	25,235,000	\$	25,235,000	93158
3V10	195601	HOME Program	\$	40,000,000	\$	40,000,000	93159
TOTAL FED		Federal Special Revenue					93160
Fund Group			\$	328,664,989	\$	327,464,989	93161
State Special Revenue		Fund Group					93162
4440	195607	Water and Sewer Commission Loans	\$	29,628	\$	29,628	93163
4500	195624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	93164
4510	195625	Economic Development Financing Operating	\$	1,924,557	\$	1,924,557	93165
4F20	195639	State Special Projects	\$	100,000	\$	100,000	93166
4F20	195676	Marketing Initiatives	\$	4,356,424	\$	4,356,424	93167
4F20	195699	Utility Provided Funds	\$	500,000	\$	500,000	93168
4S00	195630	Tax Incentive Programs	\$	367,020	\$	367,020	93169
5CG0	195679	Alternative Fuel Transportation	\$	567,216	\$	567,216	93170
5M40	195659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	93171
5M50	195660	Advanced Energy Programs	\$	8,268,581	\$	8,268,581	93172
5W60	195691	International Trade Cooperative Projects	\$	25,000	\$	0	93173

5X10	195651	Exempt Facility Inspection	\$	8,000	\$	0	93174
6110	195631	Water and Sewer Administration	\$	10,000	\$	10,000	93175
6170	195654	Volume Cap Administration	\$	113,941	\$	113,941	93176
6460	195638	Low- and Moderate- Income Housing Trust Fund	\$	40,000,000	\$	40,000,000	93177
TOTAL SSR State Special Revenue							93178
Fund Group			\$	301,324,334	\$	301,291,334	93179
Facilities Establishment Fund Group							93180
4Z60	195647	Rural Industrial Park Loan	\$	2,000,000	\$	2,000,000	93181
5D20	195650	Urban Redevelopment Loans	\$	3,000,000	\$	3,000,000	93182
5S80	195627	Rural Development Initiative	\$	1,750,000	\$	1,750,000	93183
5S90	195628	Capital Access Loan Program	\$	2,000,000	\$	2,000,000	93184
7008	195698	Logistics & Distribution Infrastructure	\$	50,000,000	\$	0	93185
7009	195664	Innovation Ohio	\$	15,000,000	\$	15,000,000	93186
7010	195665	Research and Development	\$	12,000,000	\$	12,000,000	93187
7037	195615	Facilities Establishment	\$	65,000,000	\$	65,000,000	93188
TOTAL 037 Facilities							93189
Establishment Fund Group			\$	150,750,000	\$	100,750,000	93190
Clean Ohio Revitalization Fund							93191
7003	195663	Clean Ohio Operating	\$	964,200	\$	953,300	93192

TOTAL 7003 Clean Ohio Revitalization Fund	\$	964,200	\$	953,300	93193
Third Frontier Research & Development Fund Group					93194
7011 195687 Third Frontier Research & Development Projects	\$	55,000,000	\$	55,000,000	93195
7014 195692 Research & Development Taxable Bond Projects	\$	6,000,000	\$	6,000,000	93196
TOTAL 011 Third Frontier Research & Development Fund Group	\$	61,000,000	\$	61,000,000	93197
Job Ready Site Development Fund Group					93198
7012 195688 Job Ready Site Operating	\$	1,000,000	\$	1,000,000	93199
TOTAL 012 Job Ready Site Development Fund Group	\$	1,000,000	\$	1,000,000	93200
Tobacco Master Settlement Agreement Fund Group					93201
M087 195435 Biomedical Research and Technology Transfer	\$	1,257,363	\$	1,259,563	93202
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	1,257,363	\$	1,259,563	93203
TOTAL ALL BUDGET FUND GROUPS	\$	932,536,017	\$	894,274,117	93204

Section 259.10.10. THOMAS EDISON PROGRAM 93206

The foregoing appropriation item 195401, Thomas Edison 93207
Program, shall be used for the purposes of sections 122.28 to 93208
122.38 of the Revised Code. Of the foregoing appropriation item 93209
195401, Thomas Edison Program, not more than ten per cent in each 93210
fiscal year shall be used for operating expenditures in 93211
administering the programs of the Technology and Innovation 93212
Division. 93213

Section 259.10.20. SMALL BUSINESS DEVELOPMENT 93214

The foregoing appropriation item 195404, Small Business 93215
Development, shall be used as matching funds for grants from the 93216
United States Small Business Administration and other federal 93217
agencies, pursuant to Pub. L. No. 96-302 (1980) as amended by Pub. 93218
L. No. 98-395 (1984), and regulations and policy guidelines for 93219
the programs pursuant thereto. This appropriation item also may be 93220
used to provide grants to local organizations to support the 93221
operation of small business development centers and other local 93222
economic development activities that promote small business 93223
development and entrepreneurship. 93224

Section 259.10.40. STRATEGIC BUSINESS INVESTMENT DIVISION AND 93225
REGIONAL OFFICES 93226

The foregoing appropriation item 195415, Strategic Business 93227
Investment Division and Regional Offices, shall be used for the 93228
operating expenses of the Strategic Business Investment Division 93229
and the regional economic development offices and for grants for 93230
cooperative economic development ventures. 93231

Section 259.10.50. GOVERNOR'S OFFICE OF APPALACHIA 93232

The foregoing appropriation item 195416, Governor's Office of 93233
Appalachia, may be used for the administrative costs of planning 93234
and liaison activities for the Governor's Office of Appalachia, to 93235
provide financial assistance to projects in Ohio's Appalachian 93236
counties, and to match federal funds from the Appalachian Regional 93237
Commission. 93238

Section 259.10.70. CLEAN OHIO IMPLEMENTATION 93239

The foregoing appropriation item 195426, Clean Ohio 93240
Implementation, shall be used to fund the costs of administering 93241

the Clean Ohio Revitalization program and other urban 93242
revitalization programs that may be implemented by the Department 93243
of Development. 93244

Section 259.10.80. GLOBAL MARKETS 93245

The foregoing appropriation item 195432, Global Markets, 93246
shall be used to administer Ohio's foreign trade and investment 93247
programs, including operation and maintenance of Ohio's 93248
out-of-state trade and investment offices. This appropriation item 93249
also shall be used to fund the Global Markets Division and to 93250
assist Ohio manufacturers, agricultural producers, and service 93251
providers in exporting to foreign countries and to assist in the 93252
attraction of foreign direct investment. 93253

Section 259.10.90. OHIO WORKFORCE GUARANTEE PROGRAM 93254

The foregoing appropriation item 195434, Industrial Training 93255
Grants, may be used for the Ohio Workforce Guarantee Program to 93256
promote training through grants to businesses and, in the case of 93257
a business consortium, training and education providers for the 93258
reimbursement of eligible training expenses. 93259

Section 259.20.10. OHIO FILM OFFICE 93260

The Ohio Film Office shall promote media productions in the 93261
state and help the industry optimize its production experience in 93262
the state by enhancing local economies through increased 93263
employment and tax revenues and ensuring an accurate portrayal of 93264
Ohio. The Office shall serve as an informational clearinghouse and 93265
provide technical assistance to the media production industry and 93266
business entities engaged in media production in the state. The 93267
Office shall promote Ohio as the ideal site for media production 93268
and help those in the industry benefit from their experience in 93269
the state. 93270

The primary objective of the Office shall be to encourage 93271
development of a strong capital base for electronic media 93272
production in order to achieve an independent, self-supporting 93273
industry in Ohio. Other objectives shall include: 93274

(A) Attracting private investment for the electronic media 93275
production industry; 93276

(B) Developing a tax infrastructure that encourages private 93277
investment; and 93278

(C) Encouraging increased employment opportunities within 93279
this sector and increased competition with other states. 93280

Section 259.20.20. DISCOVER OHIO! 93281

The foregoing appropriation item 195521, Discover Ohio!, 93282
shall be used by the Ohio Tourism Division in the Department of 93283
Development for marketing and promoting Ohio as a tourism 93284
destination and for costs associated with operating such programs. 93285
93286

Section 259.20.30. THIRD FRONTIER RESEARCH & DEVELOPMENT 93287
GENERAL OBLIGATION DEBT SERVICE 93288

The foregoing appropriation item 195905, Third Frontier 93289
Research & Development General Obligation Debt Service, shall be 93290
used to pay all debt service and related financing costs during 93291
the period from July 1, 2009, to June 30, 2011, on obligations 93292
issued for research and development purposes under sections 151.01 93293
and 151.10 of the Revised Code. 93294

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 93295

The foregoing appropriation item 195912, Job Ready Site 93296
Development General Obligation Debt Service, shall be used to pay 93297
all debt service and related financing costs during the period 93298
from July 1, 2009, to June 30, 2011, on obligations issued for job 93299

ready site development purposes under sections 151.01 and 151.11 93300
of the Revised Code. 93301

Section 259.20.40. SUPPORTIVE SERVICES 93302

The Director of Development may assess divisions of the 93303
department for the cost of central service operations. An 93304
assessment shall contain the characteristics of administrative 93305
ease and uniform application. A division's payments shall be 93306
credited to the Supportive Services Fund (Fund 1350) using an 93307
intrastate transfer voucher. 93308

ECONOMIC DEVELOPMENT CONTINGENCY 93309

The foregoing appropriation item 195677, Economic Development 93310
Contingency, may be used to award funds directly to either (1) 93311
business entities considering Ohio for expansion or new site 93312
location opportunities or (2) political subdivisions to assist 93313
with necessary costs involved in attracting a business entity. In 93314
addition, the Director of Development may award funds for 93315
alternative purposes when appropriate to satisfy an economic 93316
development opportunity or need deemed extraordinary in nature by 93317
the Director. 93318

DIRECT COST RECOVERY EXPENDITURES 93319

The foregoing appropriation item 195636, Direct Cost Recovery 93320
Expenditures, shall be used for reimbursable costs. Revenues to 93321
the General Reimbursement Fund (Fund 6850) shall consist of moneys 93322
charged for administrative costs that are not central service 93323
costs. 93324

Section 259.20.50. HEAP WEATHERIZATION 93325

Up to fifteen per cent of the federal funds deposited to the 93326
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 93327
may be expended from appropriation item 195614, HEAP 93328

Weatherization, to provide home weatherization services in the 93329
state as determined by the Director of Development. Any transfers 93330
or increases in appropriation for the foregoing appropriation 93331
items 195614, HEAP Weatherization, or 195611, Home Energy 93332
Assistance Block Grant, shall be subject to approval by the 93333
Controlling Board. 93334

STATE SPECIAL PROJECTS 93335

The State Special Projects Fund (Fund 4F20), may be used for 93336
the deposit of private-sector funds from utility companies and for 93337
the deposit of other miscellaneous state funds. State moneys so 93338
deposited shall be used to match federal housing grants for the 93339
homeless and to market economic development opportunities in the 93340
state. Private-sector moneys shall be deposited for use in 93341
appropriation item 195699, Utility Provided Funds, and shall be 93342
used to (1) pay the expenses of verifying the income-eligibility 93343
of HEAP applicants, (2) leverage additional federal funds, (3) 93344
fund special projects to assist homeless individuals, (4) fund 93345
special projects to assist with the energy efficiency of 93346
households eligible to participate in the Percentage of Income 93347
Payment Plan, and (5) assist with training programs for agencies 93348
that administer low-income customer assistance programs. 93349

Section 259.20.60. TAX INCENTIVE PROGRAMS OPERATING 93350

The foregoing appropriation item 195630, Tax Incentive 93351
Programs, shall be used for the operating costs of the Office of 93352
Grants and Tax Incentives. 93353

Section 259.20.70. MINORITY BUSINESS ENTERPRISE LOAN 93354

All repayments from the Minority Development Financing 93355
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 93356
Program shall be deposited in the State Treasury to the credit of 93357
the Minority Business Enterprise Loan Fund (Fund 4W10). All 93358

operating costs of administering the Minority Business Enterprise 93359
Loan Fund shall be paid from the Minority Business Enterprise Loan 93360
Fund (Fund 4W10). 93361

MINORITY BUSINESS BONDING FUND 93362

Notwithstanding Chapters 122., 169., and 175. of the Revised 93363
Code, the Director of Development may, upon the recommendation of 93364
the Minority Development Financing Advisory Board, pledge up to 93365
\$10,000,000 in the fiscal year 2010-fiscal year 2011 biennium of 93366
unclaimed funds administered by the Director of Commerce and 93367
allocated to the Minority Business Bonding Program under section 93368
169.05 of the Revised Code. The transfer of any cash by the 93369
Director of Budget and Management from the Department of 93370
Commerce's Unclaimed Funds Fund (Fund 5430) to the Department of 93371
Development's Minority Business Bonding Fund (Fund 4490) shall 93372
occur, if requested by the Director of Development, only if such 93373
funds are needed for payment of losses arising from the Minority 93374
Business Bonding Program, and only after proceeds of the initial 93375
transfer of \$2,700,000 by the Controlling Board to the Minority 93376
Business Bonding Program has been used for that purpose. Moneys 93377
transferred by the Director of Budget and Management from the 93378
Department of Commerce for this purpose may be moneys in custodial 93379
funds held by the Treasurer of State. If expenditures are required 93380
for payment of losses arising from the Minority Business Bonding 93381
Program, such expenditures shall be made from appropriation item 93382
195623, Minority Business Bonding Contingency in the Minority 93383
Business Bonding Fund, and such amounts are hereby appropriated. 93384

Section 259.20.80. ALTERNATIVE FUEL TRANSPORTATION 93385

Of the foregoing appropriation item 195679, Alternative Fuel 93386
Transportation, not more than ten per cent shall be used by the 93387
Director of Development for administrative costs associated with 93388
the program under section 122.075 of the Revised Code. 93389

ADVANCED ENERGY FUND 93390

The foregoing appropriation item 195660, Advanced Energy 93391
Programs, shall be used to provide financial assistance to 93392
customers for eligible advanced energy projects for residential, 93393
commercial, and industrial business, local government, educational 93394
institution, nonprofit, and agriculture customers, and to pay for 93395
the program's administrative costs as provided in sections 4928.61 93396
to 4928.63 of the Revised Code and rules adopted by the Director 93397
of Development. 93398

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 93399

All payments received by the state pursuant to a series of 93400
settlements with ten brokerage firms reached with the United 93401
States Securities and Exchange Commission, the National 93402
Association of Securities Dealers, the New York Stock Exchange, 93403
the New York Attorney General, and other state regulators 93404
(henceforth referred to as the "Global Analysts Settlement 93405
Agreements"), shall be deposited into the state treasury to the 93406
credit of the Economic Development Contingency Fund (Fund 5Y60). 93407
The fund shall be used by the Director of Development to support 93408
economic development projects. Moneys shall be awarded to either 93409
(1) business entities considering Ohio for expansion or new site 93410
location opportunities or (2) political subdivisions to assist 93411
with necessary costs involved in attracting a business entity. In 93412
addition, the Director of Development may award funds for 93413
alternative purposes when appropriate to satisfy an economic 93414
development opportunity or need deemed extraordinary by the 93415
Director. Grant funds may be expended only after the submission of 93416
a request to the Controlling Board by the Department outlining the 93417
planned use of the funds and the subsequent approval of the 93418
Controlling Board. 93419

VOLUME CAP ADMINISTRATION 93420

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

INNOVATION OHIO LOAN FUND

The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code.

RESEARCH AND DEVELOPMENT

The foregoing appropriation item 195665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.

Section 259.20.90. LOGISTICS AND DISTRIBUTION INFRASTRUCTURE

The foregoing appropriation item 195698, Logistics and Distribution Infrastructure, shall be used for eligible logistics and distribution infrastructure projects as defined in section 166.01 of the Revised Code. Any unexpended and unencumbered portion of the appropriation item at the end of fiscal year 2009 is hereby reappropriated for the same purpose in fiscal year 2010, and any unexpended and unencumbered portion of the appropriation item at the end of fiscal year 2010 is hereby reappropriated for the same purpose in fiscal year 2011.

FACILITIES ESTABLISHMENT FUND

The foregoing appropriation item 195615, Facilities Establishment (Fund 7037), shall be used for the purposes of the Facilities Establishment Fund under Chapter 166. of the Revised

Code. 93451

Notwithstanding Chapter 166. of the Revised Code, an amount 93452
not to exceed \$2,000,000 in cash each fiscal year may be 93453
transferred from the Facilities Establishment Fund (Fund 7037) to 93454
the Economic Development Financing Operating Fund (Fund 4510). The 93455
transfer is subject to Controlling Board approval under division 93456
(B) of section 166.03 of the Revised Code. 93457

Notwithstanding Chapter 166. of the Revised Code, an amount 93458
not to exceed \$5,000,000 in cash each fiscal year may be 93459
transferred during the biennium from the Facilities Establishment 93460
Fund (Fund 7037) to the Urban Redevelopment Loans Fund (Fund 5D20) 93461
for the purpose of removing barriers to urban core redevelopment. 93462
The Director of Development shall develop program guidelines for 93463
the transfer and release of funds, including, but not limited to, 93464
the completion of all appropriate environmental assessments before 93465
state assistance is committed to a project. The transfers shall be 93466
subject to approval by the Controlling Board upon the submission 93467
of a request by the Department of Development. 93468

Notwithstanding Chapter 166. of the Revised Code, an amount 93469
not to exceed \$3,000,000 in cash each fiscal year may be 93470
transferred from the Facilities Establishment Fund (Fund 7037) to 93471
the Rural Industrial Park Loan Fund (Fund 4Z60). The transfer is 93472
subject to Controlling Board approval under section 166.03 of the 93473
Revised Code. 93474

Notwithstanding Chapter 166. of the Revised Code, on the 93475
first day of July of each year of the biennium, or as soon as 93476
possible thereafter, the Director of Budget and Management, at the 93477
request of the Director of Development, shall transfer \$4,275,000 93478
cash from the Facilities Establishment Fund (Fund 7037) to the Job 93479
Development Initiatives Fund (Fund 5AD0). The amount transferred 93480
is hereby appropriated in each fiscal year in appropriation item 93481
195677, Economic Development Contingency. 93482

Notwithstanding Chapter 166. of the Revised Code, of the 93483
foregoing appropriation item 195615, Facilities Establishment, 93484
\$20,000,000 in each fiscal year shall be used for Rapid Outreach 93485
Grants; \$3,500,000 in each fiscal year shall be used for 93486
Technology Action grants; \$7,500,000 in each fiscal year shall be 93487
used for Thomas Edison Program grants; and up to \$8,000,000 in 93488
each fiscal year shall be used for soil and water conservation 93489
districts. 93490

RAPID OUTREACH GRANTS 93491

Rapid Outreach Grants shall be used as an incentive for 93492
attracting, expanding, and retaining business opportunities for 93493
the state. Projects offering substantial opportunities for new, 93494
expanding, or retained business operations in Ohio, are eligible 93495
for grant funding. The projects must create or retain a 93496
significant number of jobs for Ohioans. An award of grant funds is 93497
reserved for only those instances in which Ohio's ability to 93498
attract, retain, or assist with an expansion of a project depends 93499
on an award of Rapid Outreach Grant funds from appropriation item 93500
195615, Facilities Establishment. 93501

The department's primary goal shall be to award funds 93502
directly to business entities considering Ohio for their expansion 93503
or new site location opportunities. Rapid Outreach grants shall be 93504
used by recipients to purchase equipment, make infrastructure 93505
improvements, make real property improvements, or fund other fixed 93506
assets. To meet the particular needs of economic development in a 93507
region, the department may elect to award funds directly to a 93508
political subdivision to assist with making on- or off-site 93509
infrastructure improvements to water and sewage treatment 93510
facilities, electric or gas service connections, fiber optic 93511
access, rail facilities, site preparation, and parking facilities. 93512
The Director of Development may recommend that the funds be used 93513
for alternative purposes when considered appropriate to satisfy an 93514

economic development opportunity or need deemed extraordinary in 93515
nature by the Director. 93516

Moneys designated for Rapid Outreach Grants in the foregoing 93517
appropriation item 195615, Facilities Establishment, may be 93518
expended only after the submission of a request to the Controlling 93519
Board by the Department of Development outlining the planned use 93520
of the funds, and the subsequent approval of the request by the 93521
Controlling Board. 93522

Moneys designated for Rapid Outreach Grants in the foregoing 93523
appropriation item 195615, Facilities Establishment, may be used 93524
for, but are not limited to, construction, rehabilitation, and 93525
acquisition projects for rail freight assistance as requested by 93526
the Department of Transportation. The Director of Transportation 93527
shall submit the proposed projects to the Director of Development 93528
for an evaluation of potential economic benefit. 93529

TECHNOLOGY ACTION 93530

Moneys designated for Technology Action in the foregoing 93531
appropriation item 195615, Facilities Establishment, shall be used 93532
for operating expenses the Department of Development incurs for 93533
administering sections 184.10 to 184.20 of the Revised Code. If 93534
the appropriation is insufficient to cover the operating expenses, 93535
the Department may request Controlling Board approval to 93536
appropriate the additional amount needed in appropriation item 93537
195686, Third Frontier Operating. The Department shall not request 93538
an amount in excess of the amount needed. 93539

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND 93540

Notwithstanding Chapter 166. of the Revised Code, an amount 93541
not to exceed \$1,000,000 in cash in fiscal year 2010 and \$500,000 93542
in cash in fiscal year 2011 shall be transferred from moneys in 93543
the Facilities Establishment Fund (Fund 7037) to the Alternative 93544
Fuel Transportation Grant Fund (Fund 5CG0) in the Department of 93545

Development. 93546

RURAL DEVELOPMENT INITIATIVE FUND 93547

(A)(1) The Rural Development Initiative Fund (Fund 5S80) is 93548
entitled to receive moneys from the Facilities Establishment Fund 93549
(Fund 7037). The Director of Development may make grants from the 93550
Rural Development Initiative Fund as specified in division (A)(2) 93551
of this section to eligible applicants in Appalachian counties and 93552
in rural counties in the state that are designated as distressed 93553
under section 122.25 of the Revised Code. Preference shall be 93554
given to eligible applicants located in Appalachian counties 93555
designated as distressed by the federal Appalachian Regional 93556
Commission. 93557

(2) The Director of Development shall make grants from the 93558
Rural Development Initiative Fund (Fund 5S80) only to eligible 93559
applicants who also qualify for and receive funding under the 93560
Rural Industrial Park Loan Program as specified in sections 122.23 93561
to 122.27 of the Revised Code. Eligible applicants shall use the 93562
grants for the purposes specified in section 122.24 of the Revised 93563
Code. All projects supported by grants from the fund are subject 93564
to Chapter 4115. of the Revised Code as specified in division (E) 93565
of section 166.02 of the Revised Code. The Director shall develop 93566
program guidelines for the transfer and release of funds. The 93567
release of grant moneys to an eligible applicant is subject to 93568
Controlling Board approval. 93569

(B) Notwithstanding Chapter 166. of the Revised Code, the 93570
Director of Budget and Management may transfer an amount not to 93571
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 93572
at the request of the Director of Development from the Facilities 93573
Establishment Fund (Fund 7037) to the Rural Development Initiative 93574
Fund (Fund 5S80). The transfer is subject to Controlling Board 93575
approval under section 166.03 of the Revised Code. 93576

CAPITAL ACCESS LOAN PROGRAM 93577

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$3,000,000 in cash each fiscal year on an as-needed basis at the request of the Director of Development from the Facilities Establishment Fund (Fund 7037) to the Capital Access Loan Program Fund (Fund 5S90). The transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

Section 259.30.10. CLEAN OHIO OPERATING EXPENSES 93591

The foregoing appropriation item 195663, Clean Ohio Operating, shall be used by the Department of Development in administering sections 122.65 to 122.658 of the Revised Code.

Section 259.30.20. THIRD FRONTIER RESEARCH AND DEVELOPMENT PROJECTS AND RESEARCH AND DEVELOPMENT TAXABLE BOND PROJECTS 93595
93596

The foregoing appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, shall be used by the Department of Development to fund selected projects. Eligible costs are those costs of research and development projects to which the proceeds of the Third Frontier Research and Development Fund (Fund 7011) and the Research & Development Taxable Bond Project Fund (Fund 7014) are to be applied.

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 93605

The Director of Budget and Management may approve written requests from the Director of Development for the transfer of appropriations between appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission. The transfers are subject to approval by the Controlling Board.

On or before June 30, 2010, any unexpended and unencumbered portions of the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2010 are hereby reappropriated to the Department of Development for the same purposes for fiscal year 2011.

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS

The Ohio Public Facilities Commission, upon request of the Department of Development, is hereby authorized to issue and sell, in accordance with Section 2p of Article VIII, Ohio Constitution, and particularly sections 151.01 and 151.10 of the Revised Code, original obligations of the State of Ohio in an aggregate amount not to exceed \$100,000,000 in addition to the original issuance of obligations authorized by prior acts of the General Assembly. The authorized obligations shall be issued and sold from time to time and in amounts necessary to ensure sufficient moneys to the credit of the Third Frontier Research and Development Fund (Fund 7011) to pay costs of research and development projects.

Section 259.30.30. JOB READY SITE OPERATING

The foregoing appropriation item 195688, Job Ready Site Operating, shall be used for operating expenses incurred by the Department of Development in administering the Job Ready Sites Program authorized under sections 122.085 to 122.0820 of the Revised Code. Operating expenses include, but are not limited to,

certain expenses of the District Public Works Integrating 93637
Committees, as applicable, engineering review of submitted 93638
applications by the State Architect or a third party engineering 93639
firm, audit and accountability activities, and costs associated 93640
with formal certifications verifying that site infrastructure is 93641
in place and is functional. 93642

Section 259.30.40. THIRD FRONTIER BIOMEDICAL RESEARCH AND 93643
COMMERCIALIZATION PROGRAM 93644

The General Assembly and the Governor recognize the role that 93645
the biomedical industry has in job creation, innovation, and 93646
economic development throughout Ohio. It is the intent of the 93647
General Assembly, the Governor, the Director of Development, and 93648
the Director of Budget and Management to work together in 93649
continuing to provide comprehensive state support for the 93650
biomedical industry as a whole through the Third Frontier 93651
Biomedical Research and Commercialization Program. 93652

Section 259.30.60. JOBS FUND CASH TRANSFER 93653

On June 30, 2011, or as soon as possible thereafter, the 93654
Director of Budget and Management shall transfer the unexpended 93655
and unencumbered cash balance in the Jobs Fund (Fund 5Z30) to the 93656
General Revenue Fund. Upon completion of the transfer, the Jobs 93657
Fund is abolished. 93658

Section 259.30.70. UNCLAIMED FUNDS TRANSFER 93659

(A) Notwithstanding division (A) of section 169.05 of the 93660
Revised Code, upon the request of the Director of Budget and 93661
Management, the Director of Commerce, before June 30, 2010, shall 93662
transfer to the Job Development Initiatives Fund (Fund 5AD0) an 93663
amount not to exceed \$4,000,000 in cash of the unclaimed funds 93664
that have been reported by the holders of unclaimed funds under 93665

section 169.05 of the Revised Code, regardless of the allocation 93666
of the unclaimed funds described under that section. 93667

Notwithstanding division (A) of section 169.05 of the Revised 93668
Code, upon the request of the Director of Budget and Management, 93669
the Director of Commerce, before June 30, 2011, shall transfer to 93670
the Job Development Initiatives Fund (Fund 5AD0) an amount not to 93671
exceed \$4,000,000 in cash of the unclaimed funds that have been 93672
reported by the holders of unclaimed funds under section 169.05 of 93673
the Revised Code, regardless of the allocation of the unclaimed 93674
funds described under that section. 93675

(B) Notwithstanding division (A) of section 169.05 of the 93676
Revised Code, upon the request of the Director of Budget and 93677
Management, the Director of Commerce, before June 30, 2010, shall 93678
transfer to the State Special Projects Fund (Fund 4F20) an amount 93679
not to exceed \$6,100,000 of the unclaimed funds that have been 93680
reported by the holders of unclaimed funds under section 169.05 of 93681
the Revised Code, regardless of the allocation of the unclaimed 93682
funds described under that section. 93683

Notwithstanding division (A) of section 169.05 of the Revised 93684
Code, upon the request of the Director of Budget and Management, 93685
the Director of Commerce, prior to June 30, 2011, shall transfer 93686
to the State Special Projects Fund (Fund 4F20) an amount not to 93687
exceed \$6,100,000 in cash of the unclaimed funds that have been 93688
reported by the holders of unclaimed funds under section 169.05 of 93689
the Revised Code, regardless of the allocation of the unclaimed 93690
funds described under that section. 93691

Section 259.30.90. WORKFORCE DEVELOPMENT 93692

The Director of Development and the Director of Job and 93693
Family Services may enter into one or more interagency agreements 93694
between the two departments and take other actions the directors 93695
consider appropriate to further integrate workforce development 93696

into a larger economic development strategy, to implement the 93697
 recommendations of the Workforce Policy Board, and to complete 93698
 activities related to the transition of the administration of 93699
 employment programs identified by the board. Subject to the 93700
 approval of the Director of Budget and Management, the Department 93701
 of Development and the Department of Job and Family Services may 93702
 expend moneys to support the recommendations of the Workforce 93703
 Policy Board in the area of integration of employment functions as 93704
 described in this paragraph and to complete implementation and 93705
 transition activities from the appropriations to those 93706
 departments. 93707

Section 261.10. OBD OHIO BOARD OF DIETETICS 93708

General Services Fund Group 93709
 4K90 860609 Operating Expenses \$ 311,067 \$ 311,067 93710
 TOTAL GSF General Services Fund 93711
 Group \$ 311,067 \$ 311,067 93712
 TOTAL ALL BUDGET FUND GROUPS \$ 311,067 \$ 311,067 93713

Section 265.10. EDU DEPARTMENT OF EDUCATION 93715

General Revenue Fund 93716
 GRF 200100 Personal Services \$ 11,228,147 \$ 11,228,147 93717
 GRF 200320 Maintenance and \$ 3,495,350 \$ 3,495,350 93718
 Equipment
 GRF 200408 Early Childhood \$ 23,268,341 \$ 23,268,341 93719
 Education
 GRF 200410 Educator Training \$ 7,810,500 \$ 7,010,500 93720
 GRF 200416 Career-Technical \$ 2,233,195 \$ 2,233,195 93721
 Education Match
 GRF 200420 Computer/Application/ \$ 4,930,871 \$ 4,930,871 93722
 Network Development
 GRF 200421 Alternative Education \$ 10,015,885 \$ 10,015,885 93723

		Programs					
GRF	200422	School Management	\$	4,660,572	\$	4,660,572	93724
		Assistance					
GRF	200424	Policy Analysis	\$	456,687	\$	456,687	93725
GRF	200425	Tech Prep Consortia	\$	1,594,373	\$	1,594,373	93726
		Support					
GRF	200426	Ohio Educational	\$	25,761,025	\$	25,761,025	93727
		Computer Network					
GRF	200427	Academic Standards	\$	5,789,861	\$	5,789,861	93728
GRF	200431	School Improvement	\$	14,259,997	\$	14,259,997	93729
		Initiatives					
GRF	200437	Student Assessment	\$	70,909,814	\$	70,909,814	93730
GRF	200439	Accountability/Report	\$	6,828,650	\$	6,828,650	93731
		Cards					
GRF	200442	Child Care Licensing	\$	1,109,435	\$	1,109,435	93732
GRF	200446	Education Management	\$	15,188,924	\$	15,188,924	93733
		Information System					
GRF	200447	GED Testing	\$	1,250,353	\$	1,250,353	93734
GRF	200448	Educator Preparation	\$	2,030,000	\$	2,030,000	93735
GRF	200455	Community Schools	\$	1,533,661	\$	1,533,661	93736
GRF	200457	STEM Initiatives	\$	6,100,000	\$	6,100,000	93737
GRF	200458	School Employees	\$	800,000	\$	800,000	93738
		Health Care Board					
GRF	200502	Pupil Transportation	\$	428,212,970	\$	428,212,970	93739
GRF	200503	Bus Purchase Allowance	\$	3,425,000	\$	3,425,000	93740
GRF	200505	School Lunch Match	\$	11,798,025	\$	11,798,025	93741
GRF	200511	Auxiliary Services	\$	132,740,457	\$	132,740,457	93742
GRF	200521	Gifted Pupil Program	\$	47,336,763	\$	47,336,763	93743
GRF	200532	Nonpublic	\$	59,810,517	\$	59,810,517	93744
		Administrative Cost					
		Reimbursement					
GRF	200540	Special Education	\$	139,719,648	\$	142,292,936	93745
		Enhancements					

GRF 200545	Career-Technical Education Enhancements	\$ 8,052,662	\$ 8,102,699	93746
GRF 200550	Foundation Funding	\$ 5,430,568,100	\$ 5,405,671,145	93747
GRF 200551	Foundation Funding - Federal Stimulus	\$ 387,583,913	\$ 457,449,362	93748
GRF 200578	Violence Prevention and School Safety	\$ 1,384,924	\$ 1,384,924	93749
GRF 200901	Property Tax Allocation - Education	\$ 1,008,262,363	\$ 1,020,655,157	93750
TOTAL GRF	General Revenue Fund	\$ 7,880,150,983	\$ 7,939,335,596	93751
	General Services Fund Group			93752
1380 200606	Computer Services-Operational Support	\$ 7,600,091	\$ 7,600,091	93753
4520 200638	Miscellaneous Educational Services	\$ 275,000	\$ 275,000	93754
4L20 200681	Teacher Certification and Licensure	\$ 8,013,206	\$ 8,147,756	93755
5960 200656	Ohio Career Information System	\$ 529,761	\$ 529,761	93756
5H30 200687	School District Solvency Assistance	\$ 18,000,000	\$ 18,000,000	93757
TOTAL GSF	General Services Fund Group	\$ 34,418,058	\$ 34,552,608	93758 93759
	Federal Special Revenue Fund Group			93760
3090 200601	Educationally Disadvantaged Programs	\$ 8,405,512	\$ 8,405,512	93761
3670 200607	School Food Services	\$ 6,324,707	\$ 6,577,695	93762
3680 200614	Veterans' Training	\$ 778,349	\$ 793,846	93763
3690 200616	Career-Technical Education Federal	\$ 5,000,000	\$ 5,000,000	93764

		Enhancement					
3700	200624	Education of Exceptional Children	\$	2,664,000	\$	2,755,000	93765
3740	200647	Troops to Teachers	\$	100,000	\$	100,000	93766
3780	200660	Learn and Serve	\$	619,211	\$	619,211	93767
3AF0	200603	Schools Medicaid Administrative Claims	\$	639,000	\$	639,000	93768
3AN0	200671	School Improvement Grants	\$	17,909,676	\$	17,936,675	93769
3AX0	200698	Improving Health and Educational Outcomes of Young People	\$	630,954	\$	630,954	93770
3BK0	200628	Longitudinal Data Systems	\$	100,000	\$	0	93771
3BV0	200636	Character Education	\$	700,000	\$	0	93772
3C50	200661	Early Childhood Education	\$	14,189,711	\$	14,554,749	93773
3CF0	200644	Foreign Language Assistance	\$	25,000	\$	0	93774
3CG0	200646	Teacher Incentive Fund	\$	3,007,975	\$	1,157,834	93775
3D10	200664	Drug Free Schools	\$	13,347,966	\$	13,347,966	93776
3D20	200667	Honors Scholarship Program	\$	6,990,000	\$	6,985,000	93777
3DJ0	200699	IDEA Part B - Federal Stimulus	\$	218,868,026	\$	218,868,026	93778
3DK0	200642	Title 1A - Federal Stimulus	\$	186,336,737	\$	186,336,737	93779
3DL0	200650	IDEA Preschool - Federal Stimulus	\$	6,679,679	\$	6,679,679	93780
3DM0	200651	Title IID Technology - Federal Stimulus	\$	11,951,000	\$	11,951,000	93781
3DP0	200652	Title I School	\$	54,221,000	\$	54,221,000	93782

		Improvement - Federal Stimulus				
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000 93783
3L60	200617	Federal School Lunch	\$	295,421,000	\$	310,150,675 93784
3L70	200618	Federal School Breakfast	\$	80,850,000	\$	84,892,500 93785
3L80	200619	Child/Adult Food Programs	\$	89,250,000	\$	93,712,500 93786
3L90	200621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701 93787
3M00	200623	ESEA Title 1A	\$	530,000,000	\$	530,010,000 93788
3M10	200678	Innovative Education	\$	1,000,000	\$	0 93789
3M20	200680	Individuals with Disabilities Education Act	\$	413,391,594	\$	421,241,163 93790
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397 93791
3T40	200613	Public Charter Schools	\$	14,275,618	\$	14,291,353 93792
3Y20	200688	21st Century Community Learning Centers	\$	36,000,000	\$	36,000,000 93793
3Y40	200632	Reading First	\$	27,366,373	\$	24,455,172 93794
3Y60	200635	Improving Teacher Quality	\$	101,778,397	\$	101,778,400 93795
3Y70	200689	English Language Acquisition	\$	8,142,299	\$	8,142,299 93796
3Y80	200639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000 93797
3Z20	200690	State Assessments	\$	12,923,799	\$	12,923,799 93798
3Z30	200645	Consolidated Federal Grant Administration	\$	8,499,279	\$	8,499,280 93799
3Z70	200697	General Supervisory	\$	887,319	\$	0 93800

Enhancement Grant			
TOTAL FED Federal Special			93801
Revenue Fund Group	\$ 2,238,516,279	\$ 2,262,899,123	93802
State Special Revenue Fund Group			93803
4540 200610 Guidance and Testing	\$ 450,000	\$ 450,000	93804
4550 200608 Commodity Foods	\$ 24,000,000	\$ 24,000,000	93805
4R70 200695 Indirect Operational	\$ 6,050,000	\$ 6,250,000	93806
Support			
4V70 200633 Interagency	\$ 1,111,838	\$ 1,117,725	93807
Operational Support			
5980 200659 Auxiliary Services	\$ 1,328,910	\$ 1,328,910	93808
Reimbursement			
5BB0 200696 State Action for	\$ 1,250,000	\$ 600,000	93809
Education Leadership			
5BJ0 200626 Half-Mill Maintenance	\$ 16,100,000	\$ 16,600,000	93810
Equalization			
5U20 200685 National Education	\$ 300,000	\$ 300,000	93811
Statistics			
5W20 200663 Early Learning	\$ 2,200,000	\$ 2,200,000	93812
Initiative			
5X90 200911 NGA STEM	\$ 100,000	\$ 0	93813
6200 200615 Educational	\$ 3,000,000	\$ 3,000,000	93814
Improvement Grants			
TOTAL SSR State Special Revenue			93815
Fund Group	\$ 55,890,748	\$ 55,846,635	93816
Lottery Profits Education Fund Group			93817
7017 200612 Foundation Funding	\$ 705,000,000	\$ 711,000,000	93818
TOTAL LPE Lottery Profits			93819
Education Fund Group	\$ 705,000,000	\$ 711,000,000	93820
Revenue Distribution Fund Group			93821
7047 200909 School District	\$ 1,150,207,366	\$ 1,150,207,366	93822
Property Tax			

		Replacement-Business				
7053	200900	School District	\$	91,123,523	\$	91,123,523 93823
		Property Tax				
		Replacement-Utility				
		TOTAL RDF Revenue Distribution				93824
		Fund Group	\$	1,241,330,889	\$	1,241,330,889 93825
		TOTAL ALL BUDGET FUND GROUPS	\$	12,155,306,957	\$	12,244,964,851 93826

Section 265.10.10. PERSONAL SERVICES 93828

The foregoing appropriation item 200100, Personal Services, 93829
 may be used to pay fees for the Department's membership in the 93830
 Education Commission of the States, an interstate nonprofit, 93831
 nonpartisan organization that supports states with the development 93832
 of education policy. 93833

Of the foregoing appropriation item 200100, Personal 93834
 Services, up to \$150,000 in each fiscal year shall be used by the 93835
 Department of Education to support Ohio's Partnership for 93836
 Continued Learning at the direction of the Office of the Governor. 93837
 Ohio's Partnership for Continued Learning replaces and broadens 93838
 the former Joint Council of the Department of Education and the 93839
 Board of Regents. The Partnership shall advise and make 93840
 recommendations to promote collaboration among relevant state 93841
 entities in an effort to help local communities develop coherent 93842
 and successful "P-16" learning systems. The Governor, or the 93843
 Governor's designee, shall serve as the chairperson. 93844

Section 265.10.20. EARLY CHILDHOOD EDUCATION 93845

The Department of Education shall distribute the foregoing 93846
 appropriation item 200408, Early Childhood Education, to pay the 93847
 costs of early childhood education programs. 93848

(A) As used in this section: 93849

(1) "Provider" means a city, local, exempted village, or 93850

joint vocational school district, or an educational service center. 93851
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(2) In the case of a city, local, or exempted village school district, "new eligible provider" means a district that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section. 93853
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(3) "Eligible child" means a child who is at least three years of age as of the district entry date for kindergarten, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday. 93858
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(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children. 93866
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(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program guidelines. 93871
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(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2010, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 269.10.20 of Am. Sub. H.B. 119 of the 127th General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood 93876
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education programs under this section or to existing providers to 93882
serve more eligible children or for purposes of program expansion, 93883
improvement, or special projects to promote quality and 93884
innovation. 93885

After setting aside the amounts to make payments due from the 93886
previous fiscal year, in fiscal year 2011, the Department shall 93887
distribute funds first to providers of early childhood education 93888
programs under this section in the previous fiscal year and the 93889
balance to new eligible providers or to existing providers to 93890
serve more eligible children or for purposes of program expansion, 93891
improvement, or special projects to promote quality and 93892
innovation. 93893

Awards under this section shall be distributed on a per-pupil 93894
basis, and in accordance with division (H) of this section. The 93895
Department may adjust the per-pupil amount so that the per-pupil 93896
amount multiplied by the number of eligible children enrolled and 93897
receiving services, as defined by the Department, reported on the 93898
first day of December or the first business day following that 93899
date equals the amount allocated under this section. 93900

(E) Costs for developing and administering an early childhood 93901
education program may not exceed fifteen per cent of the total 93902
approved costs of the program. 93903

All providers shall maintain such fiscal control and 93904
accounting procedures as may be necessary to ensure the 93905
disbursement of, and accounting for, these funds. The control of 93906
funds provided in this program, and title to property obtained 93907
therefrom, shall be under the authority of the approved provider 93908
for purposes provided in the program unless, as described in 93909
division (J) of this section, the program waives its right for 93910
funding or a program's funding is eliminated or reduced due to its 93911
inability to meet financial or early learning program guidelines. 93912
The approved provider shall administer and use such property and 93913

funds for the purposes specified. 93914

(F) The Department may examine a provider's financial and 93915
program records. If the financial practices of the program are not 93916
in accordance with standard accounting principles or do not meet 93917
financial standards outlined under division (E) of this section, 93918
or if the program fails to substantially meet the early learning 93919
program guidelines or exhibits below average performance as 93920
measured against the guidelines, the early childhood education 93921
program shall propose and implement a corrective action plan that 93922
has been approved by the Department. The approved corrective 93923
action plan shall be signed by the chief executive officer and the 93924
executive of the official governing body of the provider. The 93925
corrective action plan shall include a schedule for monitoring by 93926
the Department. Such monitoring may include monthly reports, 93927
inspections, a timeline for correction of deficiencies, and 93928
technical assistance to be provided by the Department or obtained 93929
by the early childhood education program. The Department may 93930
withhold funding pending corrective action. If an early childhood 93931
education program fails to satisfactorily complete a corrective 93932
action plan, the Department may deny expansion funding to the 93933
program or withdraw all or part of the funding to the program and 93934
establish a new eligible provider through a selection process 93935
established by the Department. 93936

(G) Each early childhood education program shall do all of 93937
the following: 93938

(1) Meet teacher qualification requirements prescribed by 93939
section 3301.311 of the Revised Code; 93940

(2) Align curriculum to the early learning content standards 93941
developed by the Department; 93942

(3) Meet any child or program assessment requirements 93943
prescribed by the Department; 93944

(4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;

(5) Document and report child progress as prescribed by the Department;

(6) Meet and report compliance with the early learning program guidelines as prescribed by the Department.

(H) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as one-half of the statewide average length of the school day, as determined by the Department, for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the statewide average length of the school day or that exceed the minimum school year. For any provider for which a standard early childhood education does not meet the local need or creates a hardship, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department shall reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule.

(I) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section 5101.46 of the Revised Code, for the early childhood education program.

(J) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program guidelines, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(K) As used in this section, "early learning program guidelines" means the guidelines established by the Department pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 66 of the 126th General Assembly.

Section 265.10.23. EARLY CHILDHOOD CABINET

The Governor shall appoint to the entity in the Office of the Governor known as the Early Childhood Cabinet a representative of a board of health of a city or general health district or an authority having the duties of a board of health under section 3709.05 of the Revised Code. The Governor shall make the appointment not later than six months after the effective date of this section.

Section 265.10.25. EDUCATOR TRAINING

The foregoing appropriation item 200410, Educator Training, shall be used by the Department of Education to provide grants to pay \$2,225 of the application fee in order to assist teachers from

public and chartered nonpublic schools applying for the first time 94007
to the National Board for Professional Teaching Standards for 94008
professional teaching certificates or licenses that the board 94009
offers. These moneys shall be used to pay up to the first 400 94010
applications in each fiscal year received by the Department. This 94011
set aside shall also be used to recognize and reward teachers who 94012
become certified by the National Board for Professional Teaching 94013
Standards under section 3319.55 of the Revised Code. Up to 94014
\$300,000 in each fiscal year may be used by the Department to pay 94015
for costs associated with activities to support candidates through 94016
the application and certification process. 94017

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Section 265.10.30. CAREER-TECHNICAL EDUCATION MATCH 94019

The foregoing appropriation item 200416, Career-Technical 94020
Education Match, shall be used by the Department of Education to 94021
provide vocational administration matching funds under 20 U.S.C. 94022
2311. 94023

COMPUTER/APPLICATION/NETWORK DEVELOPMENT 94024

The foregoing appropriation item 200420, 94025
Computer/Application/Network Development, shall be used to support 94026
the development and implementation of information technology 94027
solutions designed to improve the performance and services of the 94028
Department of Education. Funds may be used for personnel, 94029
maintenance, and equipment costs related to the development and 94030
implementation of these technical system projects. Implementation 94031
of these systems shall allow the Department to provide greater 94032
levels of assistance to school districts and to provide more 94033
timely information to the public, including school districts, 94034
administrators, and legislators. Funds may also be used to support 94035
data-driven decision-making and differentiated instruction, as 94036
well as to communicate academic content standards and curriculum 94037

models to schools through web-based applications. 94038

Section 265.10.40. ALTERNATIVE EDUCATION PROGRAMS 94039

The foregoing appropriation item 200421, Alternative 94040
Education Programs, shall be used for the renewal of successful 94041
implementation grants and for competitive matching grants to the 94042
21 urban school districts as defined in division (O) of section 94043
3317.02 of the Revised Code as it existed prior to July 1, 1998, 94044
and for the renewal of successful implementation grants and for 94045
competitive matching grants to rural and suburban school districts 94046
for alternative educational programs for existing and new at-risk 94047
and delinquent youth. Programs shall be focused on youth in one or 94048
more of the following categories: those who have been expelled or 94049
suspended, those who have dropped out of school or who are at risk 94050
of dropping out of school, those who are habitually truant or 94051
disruptive, or those on probation or on parole from a Department 94052
of Youth Services facility. Grants shall be awarded according to 94053
the criteria established by the Alternative Education Advisory 94054
Council in 1999. Grants shall be awarded only to programs in which 94055
the grant will not serve as the program's primary source of 94056
funding. These grants shall be administered by the Department of 94057
Education. 94058

The Department of Education may waive compliance with any 94059
minimum education standard established under section 3301.07 of 94060
the Revised Code for any alternative school that receives a grant 94061
under this section on the grounds that the waiver will enable the 94062
program to more effectively educate students enrolled in the 94063
alternative school. 94064

Of the foregoing appropriation item 200421, Alternative 94065
Education Programs, a portion may be used for program 94066
administration, monitoring, technical assistance, support, 94067
research, and evaluation. 94068

Section 265.10.50. SCHOOL MANAGEMENT ASSISTANCE 94069

Of the foregoing appropriation item 200422, School Management Assistance, up to \$2,000,000 in each fiscal year shall be used by the Auditor of State in consultation with the Department of Education for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities as defined in Chapter 3316. of the Revised Code and may also be used by the Auditor of State to conduct performance audits of other school districts with priority given to districts in fiscal distress. Districts in fiscal distress shall be determined by the Auditor of State and shall include districts that the Auditor of State, in consultation with the Department of Education determines are employing fiscal practices or experiencing budgetary conditions that could produce a state of fiscal watch or fiscal emergency.

The remainder of foregoing appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

Section 265.10.60. POLICY ANALYSIS 94091

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use

of resources, and evaluation of programs to improve education 94099
results. The database shall be kept current at all times. These 94100
research efforts shall be used to supply information and analysis 94101
of data to the General Assembly and other state policymakers, 94102
including the Office of Budget and Management and the Legislative 94103
Service Commission. 94104

The Department of Education may use funding from this 94105
appropriation item to purchase or contract for the development of 94106
software systems or contract for policy studies that will assist 94107
in the provision and analysis of policy-related information. 94108
Funding from this appropriation item also may be used to monitor 94109
and enhance quality assurance for research-based policy analysis 94110
and program evaluation to enhance the effective use of education 94111
information to inform education policymakers. 94112

TECH PREP CONSORTIA SUPPORT 94113

The foregoing appropriation item 200425, Tech Prep Consortia 94114
Support, shall be used by the Department of Education to support 94115
state-level activities designed to support, promote, and expand 94116
tech prep programs. Use of these funds shall include, but not be 94117
limited to, administration of grants, program evaluation, 94118
professional development, curriculum development, assessment 94119
development, program promotion, communications, and statewide 94120
coordination of tech prep consortia. 94121

Section 265.10.70. OHIO EDUCATIONAL COMPUTER NETWORK 94122

The foregoing appropriation item 200426, Ohio Educational 94123
Computer Network, shall be used by the Department of Education to 94124
maintain a system of information technology throughout Ohio and to 94125
provide technical assistance for such a system in support of the 94126
P-16 State Education Technology Plan under section 3301.07 of the 94127
Revised Code developed in conjunction with the Chancellor of the 94128
Board of Regents. 94129

Of the foregoing appropriation item 200426, Ohio Educational 94130
Computer Network, up to \$14,949,498 in each fiscal year shall be 94131
used by the Department of Education to support connection of all 94132
public school buildings and participating chartered nonpublic 94133
schools to the state's education network, to each other, and to 94134
the Internet. In each fiscal year the Department of Education 94135
shall use these funds to assist information technology centers or 94136
school districts with the operational costs associated with this 94137
connectivity. The Department of Education shall develop a formula 94138
and guidelines for the distribution of these funds to information 94139
technology centers or individual school districts. As used in this 94140
section, "public school building" means a school building of any 94141
city, local, exempted village, or joint vocational school 94142
district, any community school established under Chapter 3314. of 94143
the Revised Code, any educational service center building used for 94144
instructional purposes, the Ohio School for the Deaf and the Ohio 94145
School for the Blind, or high schools chartered by the Ohio 94146
Department of Youth Services and high schools operated by Ohio 94147
Department of Rehabilitation and Corrections' Ohio Central School 94148
System. 94149

Of the foregoing appropriation item 200426, Ohio Educational 94150
Computer Network, up to \$2,038,657 in each fiscal year shall be 94151
used for the Union Catalog and InfoOhio Network and to support the 94152
provision of electronic resources with priority given to resources 94153
that support the teaching of state academic content standards in 94154
all public schools. Consideration shall be given by the Department 94155
of Education to coordinating the allocation of these moneys with 94156
the efforts of Libraries Connect Ohio, whose members include 94157
OhioLINK, the Ohio Public Information Network, and the State 94158
Library of Ohio. 94159

Of the foregoing appropriation item 200426, Ohio Educational 94160
Computer Network, up to \$7,442,391 in each fiscal year shall be 94161

used, through a formula and guidelines devised by the Department, 94162
to subsidize the activities of designated information technology 94163
centers, as defined by State Board of Education rules, to provide 94164
school districts and chartered nonpublic schools with 94165
computer-based student and teacher instructional and 94166
administrative information services, including approved 94167
computerized financial accounting, and to ensure the effective 94168
operation of local automated administrative and instructional 94169
systems. 94170

The remainder of appropriation item 200426, Ohio Educational 94171
Computer Network, shall be used to support development, 94172
maintenance, and operation of a network of uniform and compatible 94173
computer-based information and instructional systems. This 94174
technical assistance shall include, but not be restricted to, 94175
development and maintenance of adequate computer software systems 94176
to support network activities. In order to improve the efficiency 94177
of network activities, the Department and information technology 94178
centers may jointly purchase equipment, materials, and services 94179
from funds provided under this appropriation for use by the 94180
network and, when considered practical by the Department, may 94181
utilize the services of appropriate state purchasing agencies. 94182

Section 265.10.80. ACADEMIC STANDARDS 94183

The foregoing appropriation item 200427, Academic Standards, 94184
shall be used by the Department of Education to develop, revise, 94185
and communicate to school districts academic content standards and 94186
curriculum models. 94187

Section 265.10.90. SCHOOL IMPROVEMENT INITIATIVES 94188

Of the foregoing appropriation item 200431, School 94189
Improvement Initiatives, up to \$410,990 in each fiscal year shall 94190
be used by the Department of Education to support educational 94191

media centers to provide Ohio public schools with instructional 94192
resources and services, with priority given to resources and 94193
services aligned with state academic content standards. 94194

Of the foregoing appropriation item 200431, School 94195
Improvement Initiatives, up to \$9,349,007 in each fiscal year 94196
shall be used to support districts in the development and 94197
implementation of their continuous improvement plans as required 94198
in section 3302.04 of the Revised Code and to provide technical 94199
assistance and support in accordance with Title I of the "No Child 94200
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. 94201

Of the foregoing appropriation item 200431, School 94202
Improvement Initiatives, up to \$3,500,000 in each fiscal year 94203
shall be used to support existing early college high schools, 94204
which are small, autonomous schools that blend high school and 94205
college into a coherent educational program for those not 94206
traditionally college-bound. The funds for early college high 94207
schools shall be distributed according to guidelines established 94208
by the Department of Education and the Chancellor of the Board of 94209
Regents. 94210

Section 265.20.10. STUDENT ASSESSMENT 94211

Of the foregoing appropriation item 200437, Student 94212
Assessment, up to \$212,486 in each fiscal year may be used to 94213
support the assessments required under section 3301.0715 of the 94214
Revised Code. 94215

The remainder of appropriation item 200437, Student 94216
Assessment, shall be used to develop, field test, print, 94217
distribute, score, report results, and support other associated 94218
costs for the tests required under sections 3301.0710 and 94219
3301.0711 of the Revised Code and for similar purposes as required 94220
by section 3301.27 of the Revised Code. If funds remain in this 94221
appropriation after these purposes have been fulfilled, the 94222

Department may use the remainder of the appropriation to develop 94223
end-of-course exams. 94224

Section 265.20.20. ACCOUNTABILITY/REPORT CARDS 94225

Of the foregoing appropriation item 200439, 94226
Accountability/Report Cards, up to \$2,378,976 in each fiscal year 94227
shall be used to train district and regional specialists and 94228
district educators in the use of the value-added progress 94229
dimension and in the use of data as it relates to improving 94230
student achievement. This funding shall be used in consultation 94231
with a credible nonprofit organization with expertise in 94232
value-added progress dimensions. 94233

The remainder of appropriation item 200439, 94234
Accountability/Report Cards, shall be used by the Department to 94235
incorporate a statewide pilot value-added progress dimension into 94236
performance ratings for school districts and for the development 94237
of an accountability system that includes the preparation and 94238
distribution of school report cards and funding and expenditure 94239
accountability reports under sections 3302.03 and 3302.031 of the 94240
Revised Code. 94241

CHILD CARE LICENSING 94242

The foregoing appropriation item 200442, Child Care 94243
Licensing, shall be used by the Department of Education to license 94244
and to inspect preschool and school-age child care programs under 94245
sections 3301.52 to 3301.59 of the Revised Code. 94246

Section 265.20.30. EDUCATION MANAGEMENT INFORMATION SYSTEM 94247

The foregoing appropriation item 200446, Education Management 94248
Information System, shall be used by the Department of Education 94249
to improve the Education Management Information System (EMIS). 94250

Of the foregoing appropriation item 200446, Education 94251

Management Information System, up to \$1,276,761 in each fiscal year shall be distributed to designated information technology centers for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development, and support services, and to provide services to participate in the State Education Technology Plan pursuant to section 3301.07 of the Revised Code.

Of the foregoing appropriation item 200446, Education Management Information System, up to \$7,874,541 in each fiscal year shall be distributed on a per-pupil basis to school districts, community schools established under Chapter 3314. of the Revised Code, educational service centers, joint vocational school districts, and any other education entity that reports data through EMIS. From this funding, each school district or community school established under Chapter 3314. of the Revised Code with enrollment greater than 100 students and each vocational school district shall receive a minimum of \$5,000 in each fiscal year. Each school district or community school established under Chapter 3314. of the Revised Code with enrollment between one and one hundred and each educational service center and each county board of MR/DD that submits data through EMIS shall receive \$3,000 in each fiscal year. This subsidy shall be used for costs relating to reporting, processing, storing, transferring, and exchanging data necessary to meet requirements of the Department of Education's data system.

The remainder of appropriation item 200446, Education Management Information System, shall be used to develop and support a common core of data definitions and standards as adopted by the Education Management Information System Advisory Board, including the ongoing development and maintenance of the data

dictionary and data warehouse. In addition, such funds shall be 94284
used to support the development and implementation of data 94285
standards and the design, development, and implementation of a new 94286
data exchange system. 94287

Any provider of software meeting the standards approved by 94288
the Education Management Information System Advisory Board shall 94289
be designated as an approved vendor and may enter into contracts 94290
with local school districts, community schools, information 94291
technology centers, or other educational entities for the purpose 94292
of collecting and managing data required under Ohio's education 94293
management information system (EMIS) laws. On an annual basis, the 94294
Department of Education shall convene an advisory group of school 94295
districts, community schools, and other education-related entities 94296
to review the Education Management Information System data 94297
definitions and data format standards. The advisory group shall 94298
recommend changes and enhancements based upon surveys of its 94299
members, education agencies in other states, and current industry 94300
practices, to reflect best practices, align with federal 94301
initiatives, and meet the needs of school districts. 94302

School districts and community schools not implementing a 94303
common and uniform set of data definitions and data format 94304
standards for Education Management Information System purposes 94305
shall have all EMIS funding withheld until they are in compliance. 94306

Section 265.20.40. GED TESTING 94307

The foregoing appropriation item 200447, GED Testing, shall 94308
be used to provide General Educational Development (GED) testing 94309
at no cost to applicants, under rules adopted by the State Board 94310
of Education. The Department of Education may reimburse in fiscal 94311
year 2010 school districts and community schools, created under 94312
Chapter 3314. of the Revised Code, for a portion of the costs 94313
incurred in providing summer instructional or intervention 94314

services to students who have not graduated because of their 94315
inability to pass one or more parts of the state's Ohio Graduation 94316
Test. School districts shall also provide such services to 94317
students who are residents of the district under section 3313.64 94318
of the Revised Code, but who are enrolled in chartered, nonpublic 94319
schools. The services shall be provided in the public school, in 94320
nonpublic schools, in public centers, or in mobile units located 94321
on or off the nonpublic school premises. No school district shall 94322
provide summer instructional or intervention services to nonpublic 94323
school students as authorized by this section unless such services 94324
are available to students attending the public schools within the 94325
district. No school district shall provide services for use in 94326
religious courses, devotional exercises, religious training, or 94327
any other religious activity. Chartered, nonpublic schools shall 94328
pay for any unreimbursed costs incurred by school districts for 94329
providing summer instruction or intervention services to students 94330
enrolled in chartered, nonpublic schools. School districts may 94331
provide these services to students directly or contract with 94332
postsecondary or nonprofit community-based institutions in 94333
providing instruction. 94334

Section 265.20.50. EDUCATOR PREPARATION 94335

Of the foregoing appropriation item 200448, Educator 94336
Preparation, up to \$350,000 in each fiscal year shall be used for 94337
training and professional development of school administrators, 94338
school treasurers, and school business officials. 94339

The remainder of appropriation item 200448, Educator 94340
Preparation, may be used by the Department to support the Educator 94341
Standards Board under section 3319.61 of the Revised Code as it 94342
develops and recommends to the State Board of Education standards 94343
for educator training and standards for teacher and other school 94344
leadership positions. Also, any remaining funds may be used by the 94345

Department to develop alternative preparation programs for school 94346
leaders and coordination of a career ladder for teachers. 94347

Section 265.20.60. COMMUNITY SCHOOLS 94348

Of the foregoing appropriation item 200455, Community 94349
Schools, up to \$1,308,661 in each fiscal year may be used by the 94350
Department of Education for additional services and 94351
responsibilities under section 3314.11 of the Revised Code. 94352

Of the foregoing appropriation item 200455, Community 94353
Schools, up to \$225,000 in each fiscal year may be used by the 94354
Department of Education for developing and conducting training 94355
sessions for community schools and sponsors and prospective 94356
sponsors of community schools as prescribed in division (A)(1) of 94357
section 3314.015 of the Revised Code. In developing the training 94358
sessions, the Department shall collect and disseminate examples of 94359
best practices used by sponsors of independent charter schools in 94360
Ohio and other states. 94361

STEM INITIATIVES 94362

The foregoing appropriation item 200457, STEM Initiatives, 94363
shall be used to enhance STEM teacher preparation, professional 94364
development, and innovative STEM curricular approaches through the 94365
use of professional practice on-site laboratories, 94366
teacher-in-residence programs, master teacher and apprentice 94367
models, and STEM teaching fellowships that are connected to and 94368
leveraged against Ohio's portfolio of STEM education initiatives 94369
including STEM schools, STEM Programs of Excellence, and STEM 94370
Centers. Funds shall be allocated and distributed through a 94371
competitive process by an independent review panel established and 94372
managed by the Ohio STEM Learning Network, formed as a 94373
public-private entity and overseen by an Ohio-based nonprofit 94374
enterprise under section 3326.06 of the Revised Code. The Ohio 94375
STEM Learning Network shall work in collaboration with the 94376

Chancellor of the Board of Regents, the Superintendent of Public 94377
Instruction, and the Director of Development throughout the 94378
process. 94379

Of the foregoing appropriation item 200457, STEM Initiatives, 94380
up to \$3,000,000 in each fiscal year shall be provided as grants 94381
to STEM schools. 94382

Of the foregoing appropriation item 200457, STEM Initiatives, 94383
up to \$3,000,000 in each fiscal year shall be used to support STEM 94384
Programs of Excellence. 94385

SCHOOL EMPLOYEES HEALTH CARE BOARD 94386

The foregoing appropriation item 200458, School Employees 94387
Health Care Board, shall be used by the School Employees Health 94388
Care Board to hire staff to provide administrative support to the 94389
Board as the Board carries out its duties under section 9.901 of 94390
the Revised Code. 94391

Section 265.20.70. PUPIL TRANSPORTATION 94392

Of the foregoing appropriation item 200502, Pupil 94393
Transportation, up to \$838,930 in each fiscal year may be used by 94394
the Department of Education for training prospective and 94395
experienced school bus drivers in accordance with training 94396
programs prescribed by the Department. Up to \$60,469,220 in each 94397
fiscal year may be used by the Department of Education for special 94398
education transportation reimbursements to school districts and 94399
county MR/DD boards for transportation operating costs as provided 94400
in division (J) of section 3317.024 of the Revised Code. 94401

The remainder of appropriation item 200502, Pupil 94403
Transportation, shall be used to fund the transportation payments 94404
included in the state funding base calculated under division (A) 94405
of the Section of this act entitled "FUNDING FOR CITY, EXEMPTED 94406

VILLAGE, AND LOCAL SCHOOL DISTRICTS." 94407

Section 265.20.80. BUS PURCHASE ALLOWANCE 94408

The foregoing appropriation item 200503, Bus Purchase 94409
Allowance, shall be distributed to school districts, educational 94410
service centers, and county MR/DD boards pursuant to rules adopted 94411
under section 3317.07 of the Revised Code. Up to 28 per cent of 94412
the amount appropriated may be used to reimburse school districts 94413
and educational service centers for the purchase of buses to 94414
transport students with disabilities and nonpublic school students 94415
and to county MR/DD boards, the Ohio School for the Deaf, and the 94416
Ohio School for the Blind for the purchase of buses to transport 94417
students with disabilities. 94418

SCHOOL LUNCH MATCH 94419

The foregoing appropriation item 200505, School Lunch Match, 94420
shall be used to provide matching funds to obtain federal funds 94421
for the school lunch program. 94422

Any remaining appropriation after providing matching funds 94423
for the school lunch program shall be used to partially reimburse 94424
school buildings within school districts that are required to have 94425
a school breakfast program under section 3313.813 of the Revised 94426
Code, at a rate decided by the Department. 94427

Section 265.20.90. AUXILIARY SERVICES 94428

The foregoing appropriation item 200511, Auxiliary Services, 94429
shall be used by the Department of Education for the purpose of 94430
implementing section 3317.06 of the Revised Code. Of the 94431
appropriation, up to \$2,121,800 in each fiscal year may be used 94432
for payment of the Post-Secondary Enrollment Options Program for 94433
nonpublic students. Notwithstanding section 3365.10 of the Revised 94434
Code, the Department shall distribute funding according to rules 94435
adopted by the Department in accordance with Chapter 119. of the 94436

Revised Code. 94437

GIFTED PUPIL PROGRAM 94438

Of the foregoing appropriation item 200521, Gifted Pupil 94439
Program, up to \$4,794,470 in each fiscal year may be used as an 94440
additional supplement for identifying gifted students under 94441
Chapter 3324. of the Revised Code. 94442

Of the foregoing appropriation item 200521, Gifted Pupil 94443
Program, up to \$1,026,017 in each fiscal year shall be used by the 94444
Department of Education to fund the Summer Honors Institute, 94445
including funding for the Martin Essex Program, which shall be 94446
awarded through a request for proposals process. 94447

Of the foregoing appropriation item 200521, Gifted Pupil 94448
Program, up to \$8,100,000 in each fiscal year shall be used to 94449
fund the gifted education units that were awarded to educational 94450
service centers in fiscal year 2009 and approved under section 94451
3317.05 of the Revised Code for fiscal year 2010 and fiscal year 94452
2011, respectively. In fiscal year 2010 and fiscal year 2011, 94453
funding for each unit shall be equal to the funding provided in 94454
fiscal year 2009. As a condition to retaining for fiscal years 94455
2010 and 2011 its fiscal year 2009 level of authorized gifted 94456
units, each educational service center shall spend from its state 94457
funds in each of fiscal years 2010 and 2011 for services to 94458
identified gifted students an amount not less than the amount it 94459
received for gifted unit funding for fiscal year 2009. 94460

The remainder of the foregoing appropriation item 200521, 94461
Gifted Pupil Program, shall be used to fund the gifted education 94462
units included in the state funding base calculated under division 94463
(A) of the Section of this act entitled "FUNDING FOR CITY, 94464
EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS." The number of units 94465
included in each school district's state funding base equals the 94466
number of units authorized for the district for fiscal year 2009. 94467

As a condition to retaining for fiscal years 2010 and 2011 its 94468
fiscal year 2009 level of authorized gifted units within its state 94469
funding base, each city, local, and exempted village school 94470
district that received fiscal year 2009 gifted unit funding shall 94471
spend from its state funds in each of fiscal years 2010 and 2011 94472
for services to identified gifted students an amount not less than 94473
the aggregate amount received for gifted unit funding for fiscal 94474
year 2009. 94475

Section 265.30.10. NONPUBLIC ADMINISTRATIVE COST 94476
REIMBURSEMENT 94477

The foregoing appropriation item 200532, Nonpublic 94478
Administrative Cost Reimbursement, shall be used by the Department 94479
of Education for the purpose of implementing section 3317.063 of 94480
the Revised Code. 94481

Section 265.30.20. SPECIAL EDUCATION ENHANCEMENTS 94482

Of the foregoing appropriation item 200540, Special Education 94483
Enhancements, up to \$2,906,875 in each fiscal year shall be used 94484
for home instruction for children with disabilities. 94485

Of the foregoing appropriation item 200540, Special Education 94486
Enhancements, up to \$47,518,582 in fiscal year 2010 and up to 94487
\$48,421,435 in fiscal year 2011 shall be used to fund special 94488
education and related services at county boards of mental 94489
retardation and developmental disabilities for eligible students 94490
under section 3317.20 of the Revised Code and at institutions for 94491
eligible students under section 3317.201 of the Revised Code. 94492
Notwithstanding the distribution formulas under sections 3317.20 94493
and 3317.201 of the Revised Code, funding for MR/DD boards and 94494
institutions in fiscal year 2010 and fiscal year 2011 shall be 94495
determined by inflating the per pupil amount received by each 94496
MR/DD board and institution in the prior fiscal year by 1.9 per 94497

cent and providing that inflated per pupil amount for each student 94498
served in the current fiscal year. 94499

Of the foregoing appropriation item 200540, Special Education 94500
Enhancements, up to \$1,500,000 in each fiscal year shall be used 94501
for parent mentoring programs. 94502

Of the foregoing appropriation item 200540, Special Education 94503
Enhancements, up to \$2,783,396 in each fiscal year shall be used 94504
for school psychology interns. 94505

The remainder of appropriation item 200540, Special Education 94506
Enhancements, shall be distributed by the Department of Education 94507
to county boards of mental retardation and developmental 94508
disabilities, educational service centers, and school districts 94509
for preschool special education units and preschool supervisory 94510
units under section 3317.052 of the Revised Code. To the greatest 94511
extent possible, the Department of Education shall allocate these 94512
units to school districts and educational service centers. 94513

The Department may reimburse county MR/DD boards, educational 94514
service centers, and school districts for services provided by 94515
instructional assistants, related services as defined in rule 94516
3301-51-11 of the Administrative Code, physical therapy services 94517
provided by a licensed physical therapist or physical therapist 94518
assistant under the supervision of a licensed physical therapist 94519
as required under Chapter 4755. of the Revised Code and Chapter 94520
4755-27 of the Administrative Code and occupational therapy 94521
services provided by a licensed occupational therapist or 94522
occupational therapy assistant under the supervision of a licensed 94523
occupational therapist as required under Chapter 4755. of the 94524
Revised Code and Chapter 4755-7 of the Administrative Code. 94525
Nothing in this section authorizes occupational therapy assistants 94526
or physical therapist assistants to generate or manage their own 94527
caseloads. 94528

The Department of Education shall require school districts, 94529
educational service centers, and county MR/DD boards serving 94530
preschool children with disabilities to document child progress 94531
using research-based indicators prescribed by the Department and 94532
report results annually. The reporting dates and method shall be 94533
determined by the Department. 94534

Section 265.30.30. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 94535

Of the foregoing appropriation item 200545, Career-Technical 94536
Education Enhancements, up to \$2,633,531 in fiscal year 2010 and 94537
up to \$2,683,568 in fiscal year 2011 shall be used to fund 94538
secondary career-technical education at institutions. 94539

Of the foregoing appropriation item 200545, Career-Technical 94540
Education Enhancements, up to \$2,228,281 in each fiscal year shall 94541
be used by the Department of Education to fund competitive grants 94542
to tech prep consortia that expand the number of students enrolled 94543
in tech prep programs. These grant funds shall be used to directly 94544
support expanded tech prep programs provided to students enrolled 94545
in school districts, including joint vocational school districts, 94546
and affiliated higher education institutions. This support may 94547
include the purchase of equipment. 94548

Of the foregoing appropriation item 200545, Career-Technical 94549
Education Enhancements, up to \$2,890,850 in each fiscal year shall 94550
be used by the Department of Education to support existing High 94551
Schools That Work (HSTW) sites, develop and support new sites, 94552
fund technical assistance, and support regional centers and middle 94553
school programs. The purpose of HSTW is to combine challenging 94554
academic courses and modern career-technical studies to raise the 94555
academic achievement of students. HSTW provides intensive 94556
technical assistance, focused staff development, targeted 94557
assessment services, and ongoing communications and networking 94558
opportunities. 94559

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$300,000 in each fiscal year shall be used by the Department of Education to enable students in agricultural programs to enroll in a fifth quarter of instruction based on the agricultural education model of delivering work-based learning through supervised agricultural experience. The Department of Education shall determine eligibility criteria and the reporting process for the Agriculture 5th Quarter Project and shall fund as many programs as possible given the set aside.

Section 265.30.40. FOUNDATION FUNDING

The foregoing appropriation item 200550, Foundation Funding, includes \$90,000,000 in each fiscal year for the state education aid offset due to the change in public utility valuation as a result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd General Assembly. This amount represents the total state education aid offset calculated for fiscal year 2009 due to the valuation change for school districts and joint vocational school districts from all relevant appropriation line item sources. Upon certification by the Department of Education, in consultation with the Department of Taxation, to the Director of Budget and Management of the actual state aid offset for fiscal year 2009, the cash transfer from the School District Property Tax Replacement - Utility Fund (Fund 7053) to the General Revenue Fund shall be decreased or increased by the Director of Budget and Management to match the certification in accordance with section 5727.84 of the Revised Code.

The foregoing appropriation item 200550, Foundation Funding, includes \$119,000,000 in each fiscal year for the state education aid offset because of the changes in tangible personal property valuation as a result of Am. Sub. H.B. 66 of the 126th General Assembly. This amount represents the total state education aid

offset calculated for fiscal year 2009 because of the valuation 94591
change for school districts and joint vocational school districts 94592
from all relevant appropriation item sources. Upon certification 94593
by the Department of Education of the actual state education aid 94594
offset for fiscal year 2009 to the Director of Budget and 94595
Management, the cash transfer from the School District Tangible 94596
Property Tax Replacement - Business Fund (Fund 7047) to the 94597
General Revenue Fund shall be decreased or increased by the 94598
Director of Budget and Management to match the certification in 94599
accordance with section 5751.21 of the Revised Code. 94600

Of the foregoing appropriation item 200550, Foundation 94601
Funding, up to \$425,000 shall be expended in each fiscal year for 94602
court payments under section 2151.362 of the Revised Code. 94603

Of the foregoing appropriation item 200550, Foundation 94604
Funding, up to \$10,000,000 in each fiscal year shall be used to 94605
provide additional state aid to school districts for special 94606
education students under division (C)(3) of section 3317.022 of 94607
the Revised Code, except that the Controlling Board may increase 94608
these amounts if presented with such a request from the Department 94609
of Education at the final meeting of the fiscal year; up to 94610
\$2,000,000 in each fiscal year shall be reserved for Youth 94611
Services tuition payments under section 3317.024 of the Revised 94612
Code; and up to \$47,000,000 in each fiscal year shall be reserved 94613
to fund the state reimbursement of educational service centers 94614
under section 3317.11 of the Revised Code and the section of this 94615
act entitled "EDUCATIONAL SERVICE CENTERS FUNDING." 94616

94617

Of the foregoing appropriation item 200550, Foundation 94618
Funding, up to \$1,000,000 in each fiscal year shall be used by the 94619
Department of Education for a program to pay for educational 94620
services for youth who have been assigned by a juvenile court or 94621
other authorized agency to any of the facilities described in 94622

division (A) of the section of this act entitled "PRIVATE 94623
TREATMENT FACILITY PROJECT." 94624

Of the foregoing appropriation item 200550, Foundation 94625
Funding, up to \$8,686,000 in fiscal year 2010 and up to \$8,722,860 94626
in fiscal year 2011 shall be used to operate school choice 94627
programs. 94628

Of the portion of the funds distributed to the Cleveland 94629
Municipal School District under this section, up to \$11,901,887 in 94630
each fiscal year shall be used to operate the school choice 94631
program in the Cleveland Municipal School District under sections 94632
3313.974 to 3313.979 of the Revised Code. Notwithstanding 94633
divisions (B) and (C) of section 3313.978 and division (C) of 94634
section 3313.979 of the Revised Code, up to \$1,000,000 in each 94635
fiscal year of this amount shall be used by the Cleveland 94636
Municipal School District to provide tutorial assistance as 94637
provided in division (H) of section 3313.974 of the Revised Code. 94638
The Cleveland Municipal School District shall report the use of 94639
these funds in the district's three-year continuous improvement 94640
plan as described in section 3302.04 of the Revised Code in a 94641
manner approved by the Department of Education. 94642

Of the foregoing appropriation item 200550, Foundation 94643
Funding, an amount shall be available in each fiscal year to be 94644
paid to joint vocational school districts in accordance with the 94645
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 94646
DISTRICTS." 94647

Appropriation items 200502, Pupil Transportation, 200521, 94648
Gifted Pupil Program, 200540, Special Education Enhancements, 94649
200550, Foundation Funding, and 200551, Foundation Funding - 94650
Federal Stimulus, other than specific set-asides, are collectively 94651
used in each fiscal year to pay state formula aid obligations for 94652
school districts, community schools, and joint vocational school 94653
districts under this act. The first priority of these 94654

appropriation items, with the exception of specific set-asides, is 94655
to fund state formula aid obligations. It may be necessary to 94656
reallocate funds among these appropriation items or use excess 94657
funds from other general revenue fund appropriation items in the 94658
Department of Education's budget in each fiscal year, in order to 94659
meet state formula aid obligations. If it is determined that it is 94660
necessary to transfer funds among these appropriation items or to 94661
transfer funds from other General Revenue Fund appropriations in 94662
the Department of Education's budget to meet state formula aid 94663
obligations, the Department of Education shall seek approval from 94664
the Controlling Board to transfer funds as needed. 94665
94666

Section 265.30.41. OPERATING FUNDING FOR FISCAL YEARS 2010 94667
AND 2011 94668

(A) Notwithstanding anything to the contrary in Chapter 3317. 94669
of the Revised Code, the Department of Education shall make no 94670
payments under that chapter for fiscal years 2010 and 2011 except 94671
as prescribed in this section. 94672

(B) Each school district and educational service center shall 94673
report student enrollment data as prescribed by section 3317.03 of 94674
the Revised Code, which data the department shall use to make 94675
payments under Chapter 3317. of the Revised Code and Section 94676
265.30.42 of this act. 94677

(C) The tax commissioner shall report data regarding tax 94678
valuation and receipts for school districts as prescribed by 94679
sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 94680
3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M) of 94681
section 3317.02 of the Revised Code, which data the department 94682
shall use to make payments under Chapter 3317. of the Revised Code 94683
and Section 265.30.42 of this act. 94684

(D) Unless otherwise specified by another provision of law, 94685

in addition to the payments prescribed by Section 265.30.42 of 94686
this act, the department shall continue to make payments or 94687
adjustments for fiscal years 2010 and 2011 under the following 94688
provisions of Chapter 3317. of the Revised Code: 94689

(1) The catastrophic cost reimbursement under division (C)(3) 94690
of section 3317.022 of the Revised Code. No other payments shall 94691
be made under that section. 94692

(2) All payments or adjustments under section 3317.023 of the 94693
Revised Code, except no payments or adjustments shall be made 94694
under divisions (B), (C), and (D) of that section; 94695

(3) All payments or adjustments under section 3317.024 of the 94696
Revised Code, except no payments or adjustments shall be made 94697
under divisions (F), (L), and (N) of that section; 94698

(4) Unit payments under sections 3317.05, 3317.051, 3317.052, 94699
and 3317.053 of the Revised Code, except that units for gifted 94700
funding are authorized for school districts and educational 94701
service centers for fiscal years 2010 and 2011 as provided in the 94702
section of this act entitled "GIFTED PUPIL PROGRAM"; 94703

(5) Payments under sections 3317.06, 3317.063, and 3317.064 94704
of the Revised Code; 94705

(6) Payments under section 3317.07 of the Revised Code; 94706

(7) Payments to educational service centers under section 94707
3317.11 of the Revised Code; 94708

(8) The catastrophic cost reimbursement under division (E) of 94709
section 3317.16 of the Revised Code and excess cost reimbursements 94710
under division (G) of that section. No other payments shall be 94711
made under that section. 94712

(9) Payments under section 3317.17 of the Revised Code; 94713

(10) Adjustments under section 3317.18 of the Revised Code; 94714

(11) Payments to cooperative education school districts under 94715

section 3317.19 of the Revised Code; 94716

(12) Payments to county MR/DD boards under section 3317.20 of 94717
the Revised Code; 94718

(13) Payments to state institutions for weighted special 94719
education funding under section 3317.201 of the Revised Code. 94720

(E) Notwithstanding anything to the contrary in Chapter 3317. 94721
of the Revised Code, for purposes of computing the payments under 94722
that chapter for fiscal years 2010 and 2011 authorized under this 94723
section, for which "state share percentage" is a factor, the 94724
Department shall use the state share percentage computed for each 94725
district for fiscal year 2009. 94726

(F) For fiscal years 2010 and 2011, when calculating payments 94727
under Chapter 3317. of the Revised Code as authorized under this 94728
section, and for purposes of sections 3310.09, 3313.98, 3313.981, 94729
3314.03, 3314.08, 3314.13, 3315.17, 3315.18, 3326.31, 3326.33, and 94730
3365.01 of the Revised Code and any other provision of law with 94731
respect to education financing: 94732

(1) The "formula amount" equals \$5,746 for fiscal year 2010 94733
and \$5,775 for fiscal year 2011. 94734

(2) The base funding supplements shall equal the per pupil 94735
amounts calculated under division (C)(1) of section 3317.012 of 94736
the Revised Code for fiscal year 2009. 94737

(3) Special education additional weighted funding shall be 94738
calculated by multiplying the applicable weight specified in 94739
section 3317.013 of the Revised Code for fiscal year 2009 times 94740
the formula amount specified in division (F)(1) of this section. 94741

(4) The special education catastrophic cost threshold for 94742
fiscal years 2010 and 2011 is \$27,375 for students in categories 94743
two through five special education ADM and \$32,850 for students in 94744
category six special education ADM. 94745

(5) Vocational education additional weighted funding shall be 94746
calculated by multiplying the applicable weight specified in 94747
section 3317.014 of the Revised Code for fiscal year 2009 times 94748
the formula amount specified in division (F)(1) of this section. 94749

(G) This section does not affect the provisions of sections 94750
3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 94751
3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, 3317.15, 94752
3317.50, 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised 94753
Code. 94754

Section 265.30.42. FUNDING FOR CITY, EXEMPTED VILLAGE, AND 94755
LOCAL SCHOOL DISTRICTS 94756

For each of fiscal years 2010 and 2011, the Department of 94757
Education shall pay each city, exempted village, and local school 94758
district that received operating funding in fiscal year 2009 the 94759
sum of the state funding base for that year prescribed in division 94760
(A) of this section, plus the funding enhancement prescribed in 94761
division (B) of this section, plus the all-day kindergarten 94762
expansion payment prescribed in division (C) of this section. 94763

(A) The state funding base for a district for fiscal year 94764
2010 and fiscal year 2011 equals the sum of the following computed 94765
for fiscal year 2009, as reconciled by the department, less any 94766
general revenue fund spending reductions ordered by the Governor 94767
for fiscal year 2009 under section 126.05 of the Revised Code: 94768
94769

(1) Base-cost funding under division (A) of section 3317.022 94770
of the Revised Code; 94771

(2) Special education and related services additional 94772
weighted funding under division (C)(1) of section 3317.022 of the 94773
Revised Code; 94774

(3) Speech services funding under division (C)(4) of section 94775

3317.022 of the Revised Code;	94776
(4) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;	94777 94778
(5) GRADS funding under division (N) of section 3317.024 of the Revised Code;	94779 94780
(6) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	94781 94782 94783
(7) Subject to the section of this act entitled "GIFTED PUPIL PROGRAM," gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	94784 94785 94786
(8) Transportation under Section 269.20.80 of Am. Sub. H.B. 119 of the 127th general assembly;	94787 94788
(9) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	94789 94790
(10) The charge-off supplement under section 3317.0216 of the Revised Code;	94791 94792
(11) Transitional aid under Section 269.30.80 of Am. Sub. H.B. 119 of the 127th general assembly.	94793 94794
(B)(1) The funding enhancement for a district for fiscal year 2010 shall be computed as follows:	94795 94796
(a) Except as provided in division (B)(1)(b) of this section, 0.0025 times the district's state funding base;	94797 94798
(b) If the district's formula ADM for fiscal year 2010 is at least 2.00% greater than the district's formula ADM for fiscal year 2009, 0.02 times the district's state funding base.	94799 94800 94801
(2) The funding enhancement for a district for fiscal year 2011 shall be computed as follows:	94802 94803
(a) Except as provided in division (B)(2)(b) of this section,	94804

0.005 times the sum of the district's state funding base plus the 94805
district's funding enhancement payment for fiscal year 2010 under 94806
division (B)(1) of this section; 94807

(b) If the district's formula ADM for fiscal year 2011 is at 94808
least 2.00% greater than the district's formula ADM for fiscal 94809
year 2010, 0.02 times the sum of the district's state funding base 94810
for fiscal year 2011 plus the district's funding enhancement 94811
payment for fiscal year 2010 under division (B)(1) of this 94812
section. 94813

(3) When determining districts that qualify for the funding 94814
enhancement under division (B)(1)(b) or (2)(b) of this section, 94815
the Department shall calculate formula ADM percentage growth to 94816
the hundredths of a per cent. 94817

(4) As used in division (B) of this section, "formula ADM" 94818
has the same meaning as in section 3317.02 of the Revised Code. 94819

(C)(1) The all-day kindergarten expansion payment shall be 94820
paid only to city, exempted village, and local school districts 94821
that satisfy the requirements of this division. The payment shall 94822
be computed in the manner prescribed by division (D) of section 94823
3317.029 of the Revised Code. 94824

(a) A district is eligible for the payment for fiscal year 94825
2010 if it did not receive a payment under division (D) of section 94826
3317.029 of the Revised Code for fiscal year 2009 and its poverty 94827
index for that fiscal year was not less than 0.80. 94828

(b) A district is eligible for the payment for fiscal year 94829
2011 if it did not receive a payment under division (D) of section 94830
3317.029 of the Revised Code for fiscal year 2009 and its poverty 94831
index for that fiscal year was not less than 0.75. 94832

As used in this division, "poverty index" has the same 94833
meaning as in section 3317.029 of the Revised Code. 94834

(2) If at any time the Superintendent of Public Instruction determines that a school district receiving funds under division (C)(1) of this section has enrolled fewer than the number of all-day kindergarten students reported for that fiscal year, the Superintendent shall withhold from the funds otherwise due the district under that division a proportional amount as determined by the difference in the certified all-day kindergarten ADM and the actual all-day kindergarten ADM.

Section 265.30.43. FUNDING FOR COMMUNITY SCHOOLS

In fiscal years 2010 and 2011, the Department of Education shall make the deductions and payments for each student enrolled in a community school, established under Chapter 3314. of the Revised Code, in the manner prescribed by divisions (C) and (D) of section 3314.08 and section 3314.13 of the Revised Code, except that, for each of those fiscal years:

(A) "State education aid" for a school district from which a deduction is made shall mean the amount paid to the district for that fiscal year under Section 265.30.42 of this act.

(B) The per pupil amount deducted from a district under division (C)(4), (5), (6), (7), (8), or (9) of section 3314.08 of the Revised Code and the corresponding per pupil amount paid to a community school under division (D)(5), (6), (7), (8), (9), or (10) of that section shall be the same respective per pupil amount deducted or paid under those divisions for fiscal year 2009.

(C) If an amount paid to a community school under section 3314.13 of the Revised Code is required by that section to be deducted from the school district in which the student is entitled to attend school, that amount shall be deducted from that district's payment under Section 265.30.42 of this act. Otherwise, that amount shall be paid out of the funds appropriated under appropriation item 200550, Foundation Funding. As used in this

division, "entitled to attend school" has the same meaning as in 94866
section 3314.08 of the Revised Code. 94867

Section 265.30.44. STEM SCHOOL FUNDING 94868

In fiscal years 2010 and 2011, the Department of Education 94869
shall make the deductions and payments for each student enrolled 94870
in a STEM school, established under Chapter 3326. of the Revised 94871
Code, in the manner prescribed by sections 3326.31 to 3326.49 and 94872
3326.51 of the Revised Code, except that, for each of those fiscal 94873
years: 94874

(A) "State education aid" for a school district from which a 94875
deduction is made shall mean the amount paid to the district for 94876
that fiscal year under Section 265.30.42 of this act. 94877

(B) The per pupil amount deducted from a district and paid to 94878
a STEM school under division (D), (E), (F), or (G) of section 94879
3326.33 of the Revised Code shall be the same respective per pupil 94880
amount deducted or paid under those divisions for fiscal year 94881
2009. 94882

Section 265.30.45. STATE EDUCATION AID OFFSET 94883

Notwithstanding anything to the contrary in sections 5727.84 94884
to 5727.87 or sections 5751.20 to 5751.22 of the Revised Code, 94885
when calculating payments under those sections for fiscal years 94886
2010 and 2011, the Department of Education shall use for each 94887
district for each fiscal year the respective "state education aid 94888
offset" amount calculated for the district for fiscal year 2009. 94889

Section 265.30.47. STUDENT-CENTERED EVIDENCE-BASED FUNDING 94890
COUNCIL 94891

(A) The Student-Centered Evidence-Based Funding Council is 94892
hereby established. The council shall develop a student-centered 94893
evidence-based funding model for schools that will establish a per 94894

pupil level of funding to follow a student to the school that best 94895
meets the student's individual learning needs. The model shall be 94896
comprised of components that the council determines to be most 94897
likely to result in improved student achievement and readiness for 94898
post-secondary education and employment. The council shall make 94899
its determinations based on current, rigorous, research-based 94900
evidence affecting student success. 94901

The council shall examine the cost-benefit of an extended 94902
school day and school year for all students or for students in 94903
need of additional academic intervention. 94904

The council shall examine the cost-benefit and effectiveness 94905
of universal class size reductions in lower grades across all 94906
schools statewide versus class size reductions among schools 94907
targeted by socioeconomic or other educationally relevant factors. 94908
The council shall also examine alternatives to class size 94909
reduction, where the research suggests that such alternatives 94910
might offer equal or superior outcomes. 94911

The council shall examine the range of effective additional 94912
services needed for successfully serving economically 94913
disadvantaged students. The council shall recommend an appropriate 94914
level of supplemental funding for the identified services. 94915

The council shall examine whether all-day every-day 94916
kindergarten should be required for all students in all schools or 94917
whether all-day every-day kindergarten should be offered based on 94918
student need as determined by socioeconomic and other relevant 94919
factors. The council shall also examine other early learning 94920
services either in lieu of, or in addition to, all-day every-day 94921
kindergarten where the research suggests that such alternatives 94922
might offer equal or superior outcomes. 94923

The council shall examine whether schools should have the 94924
flexibility to tailor the composition of the local basket of 94925

educational services in a manner that might differ from the 94926
specifications of the funding model computation. The council shall 94927
examine how such variation might be documented in order to 94928
determine whether the local outcomes are at least equivalent to 94929
outcome objectives of the funding model. 94930

The council shall examine the effects of alternative local 94931
share requirements on the overall equity of the school funding 94932
system. The council shall recommend an appropriate local share 94933
level for the state funding formula. 94934

The council shall examine the local funding capacity above 94935
the adequate education funding level. The council shall recommend 94936
an appropriate level of enhancement funding for low property 94937
wealth schools if needed. 94938

The council is subject to the Open Meetings Law, in section 94939
121.22 of the Revised Code, to ensure debate occurs in an open, 94940
transparent manner. 94941

The council is subject to the Public Records Law in section 94942
149.43 of the Revised Code. 94943

(B) The council shall consist of all the following members: 94944

(1) The Governor, who shall be the chair of the council; 94945

(2) The Superintendent of Public Instruction; 94946

(3) The Chancellor of the Ohio Board of Regents; 94947

(4) Two school district teachers, appointed by the Governor; 94948

(5) Two nonteaching, nonadministrative school district 94949
employees, appointed by the Governor; 94950

(6) One school district principal, appointed by the Speaker 94951
of the House of Representatives; 94952

(7) One school district superintendent, appointed by the 94953
President of the Senate; 94954

(8) One school district treasurer, appointed by the Speaker of the House of Representatives;	94955 94956
(9) One member of a school district board, appointed by the President of the Senate;	94957 94958
(10) One representative of a college of education, appointed by the Speaker of the House of Representatives;	94959 94960
(11) One representative of the business community, appointed by the President of the Senate;	94961 94962
(12) One representative of a philanthropic organization, appointed by the Speaker of the House of Representatives;	94963 94964
(13) One representative of the Ohio Academy of Science, appointed by the President of the Senate;	94965 94966
(14) One representative of the general public, appointed by the President of the Senate;	94967 94968
(15) One representative of educational service centers, appointed by the Speaker of the House of Representatives;	94969 94970
(16) One parent of a student attending a school operated by a school district, appointed by the Governor;	94971 94972
(17) One representative of community school sponsors, appointed by the Governor;	94973 94974
(18) One representative of operators of community schools, appointed by the President of the Senate;	94975 94976
(19) One community school fiscal officer, appointed by the Speaker of the House of Representatives;	94977 94978
(20) One parent of a student attending a community school, appointed by the President of the Senate;	94979 94980
(21) One representative of early childhood education providers, appointed by the Governor;	94981 94982
(22) One representative of chartered nonpublic schools,	94983

appointed by the Speaker of the House of Representatives;	94984
(23) Two persons appointed by the President of the Senate,	94985
one of whom shall be recommended by the Minority Leader of the	94986
Senate;	94987
(24) Two persons appointed by the Speaker of the House of	94988
Representatives, one of whom shall be recommended by the Minority	94989
Leader of the House of Representatives.	94990
(C) The council shall submit recommendations to the General	94991
Assembly, in accordance with section 101.68 of the Revised Code,	94992
the State Board of Education, and the Ohio Board of Regents not	94993
later than September 7, 2010. The council shall cease to exist on	94994
September 7, 2010.	94995
(D) Staff assistance shall be provided to the council by the	94996
Department of Education.	94997
Section 265.30.50. FUNDING FOR JOINT VOCATIONAL SCHOOL	94998
DISTRICTS	94999
(A) The Department of Education shall distribute funds within	95000
appropriation item 200550, Foundation Funding, for joint	95001
vocational funding in each fiscal year to each joint vocational	95002
school district that received joint vocational funding in fiscal	95003
year 2009. The Department shall distribute to each such district	95004
joint vocational funding in an amount equal to the district's	95005
joint vocational funding from the previous fiscal year inflated by	95006
1.9 per cent.	95007
(B)(1) A district's fiscal year 2009 joint vocational funding	95008
equals the sum of the following, as reconciled by the Department:	95009
	95010
(a) Base-cost funding under division (B) of section 3317.16	95011
of the Revised Code;	95012
(b) Special education and related services additional	95013

weighted funding under division (D)(1) of section 3317.16 of the Revised Code; 95014
95015

(c) Speech services funding under division (D)(2) of section 3317.16 of the Revised Code; 95016
95017

(d) Vocational education additional weighted funding under division (C) of section 3317.16 of the Revised Code; 95018
95019

(e) GRADS funding under division (N) of section 3317.024 of the Revised Code; 95020
95021

(f) Any transitional aid computed for the district under Section 269.30.90 of Am. Sub. H.B. 119 of the 127th General Assembly. 95022
95023
95024

(2) The joint vocational funding for each fiscal year for each district is the amount specified in division (A) or (B) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code. 95025
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Section 265.30.55. Not later than the ninety-first day after the effective date of this section, the Department of Education shall notify the superintendent of each school district by letter of the amount of federal funding the department expects the district will receive under the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, over the 2009-2011 fiscal biennium. The letter also shall state that such funding is a one-time supplemental appropriation and the future continuation of such funding cannot be guaranteed. 95029
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Not later than the thirty-first day after receipt of the letter, each district superintendent shall sign an acknowledgement of receipt of the letter and return it to the department. 95038
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Each district superintendent also shall promptly forward a copy of the letter to the president of the district board of education, who shall place the acknowledgment of the letter on the 95041
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95043

board's next meeting agenda. The board through its president shall 95044
sign an acknowledgement of receipt of the letter and return it to 95045
the department. 95046

Section 265.30.56. By a date set by the Superintendent of 95047
Public Instruction, the board of education of each school district 95048
shall adopt by resolution a draft indicating how the board plans 95049
to deploy the funds the district will receive under the American 95050
Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, over the 95051
2009-2011 fiscal biennium, and submit that draft plan to the 95052
Department of Education. Each board also shall post its draft plan 95053
on its web site if it has one. 95054

Section 265.30.70. VIOLENCE PREVENTION AND SCHOOL SAFETY 95055

Of the foregoing appropriation item 200578, Violence 95056
Prevention and School Safety, up to \$224,250 in each fiscal year 95057
shall be used to fund a safe school center to provide resources 95058
for parents and for school and law enforcement personnel. 95059

The remainder of the appropriation shall be distributed based 95060
on guidelines developed by the Department of Education to enhance 95061
school safety. The guidelines shall provide a list of 95062
research-based best practices and programs from which local 95063
grantees shall select based on local needs. These practices shall 95064
include, but not be limited to, school resource officers and safe 95065
and drug free school coordinators and social-emotional development 95066
programs. 95067

Section 265.30.80. PROPERTY TAX ALLOCATION - EDUCATION 95068

The Superintendent of Public Instruction shall not request, 95069
and the Controlling Board shall not approve, the transfer of 95070
appropriation from appropriation item 200901, Property Tax 95071
Allocation - Education, to any other appropriation item. 95072

The appropriation item 200901, Property Tax Allocation - 95073
Education, is appropriated to pay for the state's costs incurred 95074
because of the homestead exemption, the property tax rollback, and 95075
payments required under division (C) of section 5705.2110 of the 95076
Revised Code. In cooperation with the Department of Taxation, the 95077
Department of Education shall distribute these funds directly to 95078
the appropriate school districts of the state, notwithstanding 95079
sections 321.24 and 323.156 of the Revised Code, which provide for 95080
payment of the homestead exemption and property tax rollback by 95081
the Tax Commissioner to the appropriate county treasurer and the 95082
subsequent redistribution of these funds to the appropriate local 95083
taxing districts by the county auditor. 95084

Upon receipt of these amounts, each school district shall 95085
distribute the amount among the proper funds as if it had been 95086
paid as real or tangible personal property taxes. Payments for the 95087
costs of administration shall continue to be paid to the county 95088
treasurer and county auditor as provided for in sections 319.54, 95089
321.26, and 323.156 of the Revised Code. 95090

Any sums, in addition to the amount specifically appropriated 95091
in appropriation items 200901, Property Tax Allocation - 95092
Education, for the homestead exemption and the property tax 95093
rollback payments, and payments required under division (C) of 95094
section 5705.2110 of the Revised Code, which are determined to be 95095
necessary for these purposes, are hereby appropriated. 95096

Section 265.30.90. TEACHER CERTIFICATION AND LICENSURE 95097

The foregoing appropriation item 200681, Teacher 95098
Certification and Licensure, shall be used by the Department of 95099
Education in each year of the biennium to administer and support 95100
teacher certification and licensure activities. 95101

SCHOOL DISTRICT SOLVENCY ASSISTANCE 95102

Of the foregoing appropriation item 200687, School District Solvency Assistance, \$9,000,000 in each fiscal year shall be allocated to the School District Shared Resource Account and \$9,000,000 in each fiscal year shall be allocated to the Catastrophic Expenditures Account. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2010 and 2011. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department of Education to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director of Budget and Management shall notify the members of the Controlling Board of any such transfers.

Section 265.40.10. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS

Upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may transfer up to \$639,000 cash in each fiscal year from the General Revenue Fund to the Schools Medicaid Administrative Claims Fund (Fund 3AF0). The

transferred cash is to be used by the Department of Education to 95134
pay the expenses the Department incurs in administering the 95135
Medicaid School Component of the Medicaid program established 95136
under sections 5111.71 to 5111.715 of the Revised Code. On June 1 95137
of each fiscal year, or as soon as possible thereafter, the 95138
Director of Budget and Management shall transfer cash from Fund 95139
3AF0 back to the General Revenue Fund in an amount equal to the 95140
total amount transferred to Fund 3AF0 in that fiscal year. 95141

The money deposited into Fund 3AF0 under division (B) of 95142
section 5111.714 of the Revised Code is hereby appropriated for 95143
fiscal years 2010 and 2011 and shall be used in accordance with 95144
division (D) of section 5111.714 of the Revised Code. 95145

Section 265.40.20. READING FIRST 95146

The foregoing appropriation item 200632, Reading First, shall 95147
be used by school districts to administer federal diagnostic tests 95148
as well as other functions permitted by federal statute. 95149
Notwithstanding section 3301.079 of the Revised Code, federal 95150
diagnostic tests may be recognized as meeting the state diagnostic 95151
testing requirements outlined in section 3301.079 of the Revised 95152
Code. 95153

HALF-MILL MAINTENANCE EQUALIZATION 95154

The foregoing appropriation item 200626, Half-Mill 95155
Maintenance Equalization, shall be used to make payments pursuant 95156
to section 3318.18 of the Revised Code. 95157

Section 265.40.30. START-UP FUNDS 95158

Funds appropriated for the purpose of providing start-up 95159
grants to Title IV-A Head Start and Title IV-A Head Start Plus 95160
agencies in fiscal year 2004 and fiscal year 2005 for the 95161
provision of services to children eligible for Title IV-A services 95162
under the Title IV-A Head Start or Title IV-A Head Start Plus 95163

programs shall be reimbursed to the General Revenue Fund as 95164
follows: 95165

(A) If, for fiscal years 2010 or 2011, an entity that was a 95166
Title IV-A Head Start or Title IV-A Head Start Plus agency will 95167
not be an early learning agency or early learning provider, the 95168
entity shall repay the entire amount of the start-up grant it 95169
received in fiscal year 2004 and fiscal year 2005 not later than 95170
June 30, 2019, in accordance with a payment schedule agreed to by 95171
the Department of Education. 95172

(B) If an entity that was a Title IV-A Head Start or Title 95173
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 95174
2005 will be an early learning agency or early learning provider 95175
in fiscal year 2010 and fiscal year 2011, the entity shall be 95176
allowed to retain any amount of the start-up grant it received, 95177
unless division (D) of this section applies to the entity. In that 95178
case, the entity shall repay the entire amount of the obligation 95179
described in that division not later than June 30, 2019. 95180

(C) Within ninety days after the closure of an early learning 95181
agency or early learning provider that was a Title IV-A Head Start 95182
Plus agency in fiscal year 2004 or fiscal year 2005, the former 95183
Title IV-A Head Start agencies, Title IV-A Head Start Plus 95184
agencies, and the Department of Education shall determine the 95185
repayment schedule for amounts owed under division (A) of this 95186
section. These amounts shall be paid to the state not later than 95187
June 30, 2019. 95188

(D) If an entity that was a Title IV-A Head Start or Title 95189
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 95190
2005 owed the state any portion of the start-up grant amount 95191
during fiscal year 2006 or fiscal year 2007 but failed to repay 95192
the entire amount of the obligation by June 30, 2007, the entity 95193
shall be given an extension for repayment through June 30, 2019, 95194
before any amounts remaining due and payable to the state are 95195

referred to the Attorney General for collection under section 95196
131.02 of the Revised Code. 95197

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 95198
start-up grants that are retained by early learning agencies or 95199
early learning providers pursuant to this section shall be 95200
reimbursed to the General Revenue Fund when the early learning 95201
program ceases or if an early learning agency's or early learning 95202
provider's participation in the early learning program ceases or 95203
is terminated. 95204

Section 265.40.40. AUXILIARY SERVICES REIMBURSEMENT 95205

Notwithstanding section 3317.064 of the Revised Code, if the 95206
unexpended, unencumbered cash balance is sufficient, the Treasurer 95207
of State shall transfer \$1,500,000 in fiscal year 2010 within 95208
thirty days after the effective date of this section, and 95209
\$1,500,000 in fiscal year 2011 by August 1, 2010, from the 95210
Auxiliary Services Personnel Unemployment Compensation Fund to the 95211
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 95212
Department of Education. 95213

Section 265.40.50. LOTTERY PROFITS EDUCATION FUND 95214

Appropriation item 200612, Foundation Funding (Fund 7017), 95215
shall be used in conjunction with appropriation item 200550, 95216
Foundation Funding (GRF), to provide state foundation payments to 95217
school districts. 95218

The Department of Education, with the approval of the 95219
Director of Budget and Management, shall determine the monthly 95220
distribution schedules of appropriation item 200550, Foundation 95221
Funding (GRF), and appropriation item 200612, Foundation Funding 95222
(Fund 7017). If adjustments to the monthly distribution schedule 95223
are necessary, the Department of Education shall make such 95224
adjustments with the approval of the Director of Budget and 95225

Management. 95226

Section 265.40.60. LOTTERY PROFITS EDUCATION RESERVE FUND 95227

(A) There is hereby created the Lottery Profits Education 95228
Reserve Fund (Fund 7018) in the State Treasury. Investment 95229
earnings of the Lottery Profits Education Reserve Fund shall be 95230
credited to the fund. The Superintendent of Public Instruction may 95231
certify cash balances exceeding \$75,000,000 in Fund 7018 to the 95232
Director of Budget and Management in June of any given fiscal 95233
year. Prior to making the certification, the Superintendent of 95234
Public Instruction shall determine whether the funds above the 95235
\$75,000,000 threshold are needed to help pay for foundation 95236
program obligations for that fiscal year. 95237

For fiscal years 2010 and 2011, notwithstanding any 95238
provisions of law to the contrary, amounts necessary to make loans 95239
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 95240
Revised Code are hereby appropriated to Fund 7018. Loan repayments 95241
from loans made in previous years shall be deposited to the fund. 95242
95243

(B) On July 15, 2009, or as soon as possible thereafter, the 95244
Director of the Ohio Lottery Commission shall certify to the 95245
Director of Budget and Management the amount by which lottery 95246
profit transfers received by the Lottery Profits Education Fund 95247
(Fund 7017) exceeded \$667,900,000 in fiscal year 2009. The 95248
Director of Budget and Management may transfer the amount so 95249
certified, plus the cash balance in Fund 7017, to Fund 7018. 95250

(C) On July 15, 2010, or as soon as possible thereafter, the 95251
Director of the Ohio Lottery Commission shall certify to the 95252
Director of Budget and Management the amount by which lottery 95253
profit transfers received by Fund 7017 exceeded \$705,000,000 in 95254
fiscal year 2010. The Director of Budget and Management may 95255
transfer the amount so certified, plus the cash balance in Fund 95256

7017, to Fund 7018. 95257

(D) Any amounts transferred under division (B) or (C) of this 95258
section may be made available by the Controlling Board in fiscal 95259
years 2010 or 2011, at the request of the Superintendent of Public 95260
Instruction, to provide assistance and grants to school districts 95261
to enable them to remain solvent and to pay unforeseeable expenses 95262
of a temporary or emergency nature that they are unable to pay 95263
from existing resources under section 3316.20 of the Revised Code, 95264
and to provide state foundation payments to school districts. 95265

Section 265.40.70. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 95266
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 95267

Notwithstanding any provision of law to the contrary, in 95268
fiscal year 2010 and fiscal year 2011 the Director of Budget and 95269
Management may make temporary transfers between the General 95270
Revenue Fund and the School District Property Tax Replacement - 95271
Business Fund (Fund 7047) in the Department of Education to ensure 95272
sufficient balances in Fund 7047 and to replenish the General 95273
Revenue Fund for such transfers. 95274

Section 265.40.80. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 95275
BUSINESS 95276

The foregoing appropriation item 200909, School District 95277
Property Tax Replacement - Business, shall be used by the 95278
Department of Education, in consultation with the Department of 95279
Taxation, to make payments to school districts and joint 95280
vocational school districts under section 5751.21 of the Revised 95281
Code. If it is determined by the Director of Budget and Management 95282
that additional appropriations are necessary for this purpose, 95283
such amounts are hereby appropriated. 95284

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 95285

The foregoing appropriation item 200900, School District 95286

Property Tax Replacement-Utility, shall be used by the Department 95287
of Education, in consultation with the Department of Taxation, to 95288
make payments to school districts and joint vocational school 95289
districts under section 5727.85 of the Revised Code. If it is 95290
determined by the Director of Budget and Management that 95291
additional appropriations are necessary for this purpose, such 95292
amounts are hereby appropriated. 95293

DISTRIBUTION FORMULAS 95294

The Department of Education shall report the following to the 95295
Director of Budget and Management and the Legislative Service 95296
Commission: 95297

(A) Changes in formulas for distributing state 95298
appropriations, including administratively defined formula 95299
factors; 95300

(B) Discretionary changes in formulas for distributing 95301
federal appropriations; 95302

(C) Federally mandated changes in formulas for distributing 95303
federal appropriations. 95304

Any such changes shall be reported two weeks prior to the 95305
effective date of the change. 95306

Section 265.50.10. EDUCATIONAL SERVICE CENTERS FUNDING 95307

(A) As used in this section: 95308

(1) "Internet- or computer-based community school" has the 95309
same meaning as in section 3314.02 of the Revised Code. 95310

(2) "Service center ADM" has the same meaning as in section 95311
3317.11 of the Revised Code. 95312

(3) "STEM school" means a science, technology, engineering, 95313
and mathematics school established under Chapter 3326. of the 95314
Revised Code. 95315

(B) Notwithstanding division (F) of section 3317.11 of the Revised Code, no funds shall be provided under that division to an educational service center in either fiscal year for any pupils of a city or exempted village school district unless an agreement to provide services under section 3313.843 of the Revised Code was entered into by January 1, 1997, except that funds shall be provided to an educational service center for any pupils of a city school district if the agreement to provide services was entered into within one year of the date upon which such district changed from a local school district to a city school district.

If an educational service center that entered into an agreement by January 1, 1997, with a city or exempted village school district to provide services under section 3313.843 of the Revised Code ceases to operate because all of the local school districts that constituted the territory of the service center have severed from the service center pursuant to section 3311.059 of the Revised Code, another educational service center, by resolution of its governing board, may assume the obligations of the original service center to provide services to the city or exempted village school district under that agreement. If that other service center assumes those obligations to provide services to the city or exempted village school district, that service center shall be considered to be the service center that entered into the agreement by January 1, 1997, and, accordingly, may receive funds under division (F) of section 3317.11 of the Revised Code in accordance with this section in fiscal years 2010 and 2011 for pupils of that city or exempted village school district.

(C) Notwithstanding any provision of the Revised Code to the contrary, an educational service center that sponsors a community school under Chapter 3314. of the Revised Code in either fiscal year may include the students of that community school in its service center ADM for purposes of state funding under division

(F) of section 3317.11 of the Revised Code, unless the community 95348
school is an Internet- or computer-based community school. A 95349
service center shall include the community school students in its 95350
service center ADM only to the extent that the students are not 95351
already so included, and only in accordance with guidelines issued 95352
by the Department of Education. If the students of a community 95353
school sponsored by an educational service center are included in 95354
the service center ADM of another educational service center, 95355
those students shall be removed from the service center ADM of the 95356
other educational service center and added to the service center 95357
ADM of the community school's sponsoring service center. The 95358
General Assembly authorizes this procedure as an incentive for 95359
educational service centers to take over sponsorship of community 95360
schools from the State Board of Education as the State Board's 95361
sponsorship is phased out in accordance with Sub. H.B. 364 of the 95362
124th General Assembly. No student of an Internet- or 95363
computer-based community school shall be counted in the service 95364
center ADM of any educational service center. The Department shall 95365
pay educational service centers under division (F) of section 95366
3317.11 of the Revised Code for community school students included 95367
in their service center ADMs under this division only if 95368
sufficient funds earmarked within appropriation item 200550, 95369
Foundation Funding, for payments under that division remain after 95370
first paying for students attributable to their local and client 95371
school districts, in accordance with divisions (B) and (E) of this 95372
section. 95373

(D) Notwithstanding division (C) of section 3326.45 of the 95374
Revised Code, the Department shall pay educational service centers 95375
under division (H) of section 3317.11 of the Revised Code for 95376
services provided to STEM schools only if sufficient funds 95377
earmarked within appropriation item 200550, Foundation Funding, 95378
for payments under that division remain after first paying for 95379
students attributable to the local and client school districts of 95380

the service centers and for community school students in their 95381
service center ADMs, in accordance with divisions (B), (C), and 95382
(E) of this section. 95383

(E) If insufficient funds are earmarked within appropriation 95384
item 200550, Foundation Funding, for the full amount of payments 95385
to educational service centers, as calculated under this section 95386
and section 3317.11 of the Revised Code, the Department shall 95387
allocate funding to the service centers in accordance with the 95388
same methodology the Department used for that purpose for fiscal 95389
year 2009. 95390

Section 265.50.20. WAIVER OF PUPIL TO TEACHER RATIO 95391

For the school year commencing July 1, 2009, or the school 95392
year commencing July 1, 2010, or both, the Superintendent of 95393
Public Instruction may waive for the board of education of any 95394
school district the ratio of teachers to pupils in kindergarten 95395
through fourth grade required under paragraph (A)(3) of rule 95396
3301-35-05 of the Administrative Code if the following conditions 95397
apply: 95398

(A) The board of education requests the waiver. 95399

(B) After the Department of Education conducts an on-site 95400
evaluation of the district related to meeting the required ratio, 95401
the board of education demonstrates to the satisfaction of the 95402
Superintendent of Public Instruction that providing the facilities 95403
necessary to meet the required ratio during the district's regular 95404
school hours with pupils in attendance would impose an extreme 95405
hardship on the district. 95406

(C) The board of education provides assurances that are 95407
satisfactory to the Superintendent of Public Instruction that the 95408
board will act in good faith to meet the required ratio as soon as 95409
possible. 95410

Section 265.50.30. PRIVATE TREATMENT FACILITY PROJECT	95411
(A) As used in this section:	95412
(1) The following are "participating residential treatment centers":	95413
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2010 or fiscal year 2011 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	95414
(b) Abraxas, in Shelby;	95415
(c) Paint Creek, in Bainbridge;	95416
(d) Act One, in Akron;	95417
(e) F.I.R.S.T., in Mansfield.	95418
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	95419
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	95420
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	95421
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	95422
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a	95423
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residential treatment facility specified in division (A) of this 95440
section shall be enrolled in an approved educational program 95441
located in or near the facility. Approval of the educational 95442
program shall be contingent upon compliance with the criteria 95443
established for such programs by the Department of Education. The 95444
educational program shall be provided by a school district or 95445
educational service center, or by the residential facility itself. 95446
Maximum flexibility shall be given to the residential treatment 95447
facility to determine the provider. In the event that a voluntary 95448
agreement cannot be reached and the residential facility does not 95449
choose to provide the educational program, the educational service 95450
center in the county in which the facility is located shall 95451
provide the educational program at the treatment center to 95452
children under twenty-two years of age residing in the treatment 95453
center. 95454

(C) Any school district responsible for tuition for a 95455
residential child shall, notwithstanding any conflicting provision 95456
of the Revised Code regarding tuition payment, pay tuition for the 95457
child for fiscal year 2010 and fiscal year 2011 to the education 95458
program provider and in the amount specified in this division. If 95459
there is no school district responsible for tuition for a 95460
residential child and if the participating residential treatment 95461
center to which the child is assigned is located in the city, 95462
exempted village, or local school district that, if the child were 95463
not a resident of that treatment center, would be the school 95464
district where the child is entitled to attend school under 95465
sections 3313.64 and 3313.65 of the Revised Code, that school 95466
district, notwithstanding any conflicting provision of the Revised 95467
Code, shall pay tuition for the child for fiscal year 2010 and 95468
fiscal year 2011 under this division unless that school district 95469
is providing the educational program to the child under division 95470
(B) of this section. 95471

A tuition payment under this division shall be made to the 95472
school district, educational service center, or residential 95473
treatment facility providing the educational program to the child. 95474

The amount of tuition paid shall be: 95475

(1) The amount of tuition determined for the district under 95476
division (A) of section 3317.08 of the Revised Code; 95477

(2) In addition, for any student receiving special education 95478
pursuant to an individualized education program as defined in 95479
section 3323.01 of the Revised Code, a payment for excess costs. 95480
This payment shall equal the actual cost to the school district, 95481
educational service center, or residential treatment facility of 95482
providing special education and related services to the student 95483
pursuant to the student's individualized education program, minus 95484
the tuition paid for the child under division (C)(1) of this 95485
section. 95486

A school district paying tuition under this division shall 95487
not include the child for whom tuition is paid in the district's 95488
average daily membership certified under division (A) of section 95489
3317.03 of the Revised Code. 95490

(D) In each of fiscal years 2010 and 2011, the Department of 95491
Education shall reimburse, from appropriations made for the 95492
purpose, a school district, educational service center, or 95493
residential treatment facility, whichever is providing the 95494
service, that has demonstrated that it is in compliance with the 95495
funding criteria for each served child for whom a school district 95496
must pay tuition under division (C) of this section. The amount of 95497
the reimbursement shall be the amount appropriated for this 95498
purpose divided by the full-time equivalent number of children for 95499
whom reimbursement is to be made. 95500

(E) Funds provided to a school district, educational service 95501
center, or residential treatment facility under this section shall 95502

be used to supplement, not supplant, funds from other public 95503
sources for which the school district, service center, or 95504
residential treatment facility is entitled or eligible. 95505

(F) The Department of Education shall track the utilization 95506
of funds provided to school districts, educational service 95507
centers, and residential treatment facilities under this section 95508
and monitor the effect of the funding on the educational programs 95509
they provide in participating residential treatment facilities. 95510
The Department shall monitor the programs for educational 95511
accountability. 95512

Section 265.50.40. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 95513
ASSESSMENT OF EDUCATION PROGRESS 95514

The General Assembly intends for the Superintendent of Public 95515
Instruction to provide for school district participation in the 95516
administration of the National Assessment of Education Progress in 95517
accordance with section 3301.27 of the Revised Code. Each school 95518
and school district selected for participation by the 95519
Superintendent of Public Instruction shall participate. 95520

Section 265.50.50. DEPARTMENT OF EDUCATION APPROPRIATION 95521
TRANSFERS FOR STUDENT ASSESSMENT 95522

In fiscal year 2010 and fiscal year 2011, if the 95523
Superintendent of Public Instruction determines that additional 95524
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 95525
of the 125th General Assembly and this act for assessments of 95526
student performance, the Superintendent of Public Instruction may 95527
recommend the reallocation of unexpended and unencumbered General 95528
Revenue Fund appropriations within the Department of Education to 95529
appropriation item 200437, Student Assessment, to the Director of 95530
Budget and Management. If the Director of Budget and Management 95531
determines that such a reallocation is required, the Director of 95532

Budget and Management may transfer unexpended and unencumbered 95533
appropriations within the Department of Education as necessary to 95534
appropriation item 200437, Student Assessment. If these 95535
transferred appropriations are not sufficient to fully fund the 95536
assessment requirements in fiscal year 2010 or fiscal year 2011, 95537
the Superintendent of Public Instruction may request that the 95538
Controlling Board transfer up to \$9,000,000 cash from the Lottery 95539
Profits Education Reserve Fund (Fund 7018) to the General Revenue 95540
Fund. Upon approval of the Controlling Board, these transferred 95541
funds are hereby appropriated for the same purpose as 95542
appropriation item 200437, Student Assessment. 95543

Section 265.50.55. TRANSFER AND ADJUSTMENT OF ARRA STATE 95544
FISCAL STABILIZATION FUND APPROPRIATIONS 95545

The Director of Budget and Management may transfer 95546
appropriation between appropriation items 200550, Foundation 95547
Funding, and 200551, Foundation Funding - Federal Stimulus, in 95548
each fiscal year, upon the written request of the Superintendent 95549
of Public Instruction, including transferring appropriation 95550
between fiscal year 2010 and fiscal year 2011. The Director shall 95551
report each transfer made under this section to the Controlling 95552
Board at its next regularly scheduled meeting after the transfer 95553
is made. 95554

Section 265.50.60. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 95555
STUDENTS 95556

(A) As used in this section: 95557

(1) "IEP" has the same meaning as in section 3323.01 of the 95558
Revised Code. 95559

(2) "SBH student" means a student receiving special education 95560
and related services for severe behavior disabilities pursuant to 95561
an IEP. 95562

(B) This section applies only to a community school 95563
established under Chapter 3314. of the Revised Code that in each 95564
of fiscal years 2010 and 2011 enrolls a number of SBH students 95565
equal to at least fifty per cent of the total number of students 95566
enrolled in the school in the applicable fiscal year. 95567

(C) In addition to any state foundation payments made, in 95568
each of fiscal years 2010 and 2011, the Department of Education 95569
shall pay to a community school to which this section applies a 95570
subsidy equal to the difference between the aggregate amount 95571
calculated and paid in that fiscal year to the community school 95572
for special education and related services additional weighted 95573
costs for the SBH students enrolled in the school and the 95574
aggregate amount that would have been calculated for the school 95575
for special education and related services additional weighted 95576
costs for those same students in fiscal year 2001. If the 95577
difference is a negative number, the amount of the subsidy shall 95578
be zero. 95579

(D) The amount of any subsidy paid to a community school 95580
under this section shall not be deducted from the school district 95581
in which any of the students enrolled in the community school are 95582
entitled to attend school under section 3313.64 or 3313.65 of the 95583
Revised Code. The amount of any subsidy paid to a community school 95584
under this section shall be paid from funds appropriated to the 95585
Department of Education in appropriation item 200550, Foundation 95586
Funding. 95587

Section 265.50.70. EARMARK ACCOUNTABILITY 95588

At the request of the Superintendent of Public Instruction, 95589
any entity that receives a budget earmark under the Department of 95590
Education shall submit annually to the chairpersons of the 95591
committees of the House of Representatives and the Senate 95592
primarily concerned with education and to the Department of 95593

Education a report that includes a description of the services 95594
supported by the funds, a description of the results achieved by 95595
those services, an analysis of the effectiveness of the program, 95596
and an opinion as to the program's applicability to other school 95597
districts. For an earmarked entity that received state funds from 95598
an earmark in the prior fiscal year, no funds shall be provided by 95599
the Department of Education to an earmarked entity for a fiscal 95600
year until its report for the prior fiscal year has been 95601
submitted. 95602

Section 265.50.80. PROHIBITION FROM OPERATING FROM HOME 95603

No community school established under Chapter 3314. of the 95604
Revised Code that was not open for operation as of May 1, 2005, 95605
shall operate from a home, as defined in section 3313.64 of the 95606
Revised Code. 95607

Section 265.50.90. EARLY COLLEGE START UP COMMUNITY SCHOOL 95608

(A) As used in this section: 95609

(1) "Big eight school district" has the same meaning as in 95610
section 3314.02 of the Revised Code. 95611

(2) "Early college high school" means a high school that 95612
provides students with a personalized learning plan based on an 95613
accelerated curriculum combining high school and college-level 95614
coursework. 95615

(B) Any early college high school that is operated by a big 95616
eight school district in partnership with a private university may 95617
operate as a new start-up community school under Chapter 3314. of 95618
the Revised Code beginning in the 2007-2008 school year, if all of 95619
the following conditions are met: 95620

(1) The governing authority and sponsor of the school enter 95621
into a contract in accordance with section 3314.03 of the Revised 95622

Code and, notwithstanding division (D) of section 3314.02 of the Revised Code, both parties adopt and sign the contract by July 9, 2007.

(2) Notwithstanding division (A) of section 3314.016 of the Revised Code, the school's governing authority enters into a contract with the private university under which the university will be the school's operator.

(3) The school provides the same educational program the school provided while part of the big eight school district.

Section 265.60.30. USE OF VOLUNTEERS

The Department of Education may utilize the services of volunteers to accomplish any of the purposes of the Department. The Superintendent of Public Instruction shall approve for what purposes volunteers may be used and for these purposes may recruit, train, and oversee the services of volunteers. The Superintendent may reimburse volunteers for necessary and appropriate expenses in accordance with state guidelines and may designate volunteers as state employees for the purpose of motor vehicle accident liability insurance under section 9.83 of the Revised Code, for immunity under section 9.86 of the Revised Code, and for indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

Section 265.60.50. (A) Not later than July 1, 2010, the State Board of Education and Superintendent of Public Instruction jointly shall study the following proposals and make recommendations to the General Assembly:

(1) Adopting new statewide academic standards and model curricula in English language arts, mathematics, science, and social studies to replace the existing standards and curricula in reading, writing, mathematics, science, and social studies adopted

under section 3301.079 of the Revised Code;	95653
(2) Revising the academic standards and model curricula in fine arts and foreign language adopted under section 3301.0718 of the Revised Code;	95654 95655 95656
(3) Revising the academic standards and model curricula in computer literacy adopted under section 3301.0718 of the Revised Code and expanding them to cover grades kindergarten through twelve;	95657 95658 95659 95660
(4) Adopting academic standards and model curricula for grades kindergarten through twelve in the area of financial literacy and entrepreneurship;	95661 95662 95663
(5) Developing new achievement tests aligned with the revised academic standards described in division (A)(1) of this section;	95664 95665
(6) Combining the grade-level reading and writing achievement tests and diagnostic assessments into a single achievement test or diagnostic assessment in the subject of English language arts;	95666 95667 95668
(7) Reducing the scoring ranges on the achievement tests from the five levels described in division (A)(2) of section 3301.0710 of the Revised Code to three levels by eliminating the accelerated and basic levels;	95669 95670 95671 95672
(8) Eliminating the restrictions on the dates and times for administering the achievement tests established in divisions (C), (D), and (H) of section 3301.0710 of the Revised Code and instead requiring the Superintendent of Public Instruction to designate those dates and times;	95673 95674 95675 95676 95677
(9) Developing a new high school assessment system consisting of the following components to replace the Ohio Graduation Tests as a requirement for a high school diploma:	95678 95679 95680
(a) A nationally standardized assessment in science, mathematics, and English language arts;	95681 95682

(b) A series of end-of-course examinations in science,	95683
mathematics, English language arts, and social studies;	95684
(c) A community service learning project;	95685
(d) A senior project.	95686
(10) Establishing new performance indicators for the school	95687
district and building report cards issued under section 3302.03 of	95688
the Revised Code;	95689
(11) Extending the length of the minimum school year;	95690
(12) Allocating school hours more effectively in terms of	95691
classroom instruction, competency-based evaluation, planning time,	95692
and professional development;	95693
(13) Designating school districts as innovation zones for the	95694
purpose of implementing innovative educational practices and	95695
learning opportunities for students and exempting districts from	95696
education mandates.	95697
(B) The recommendations under division (A) of this section	95698
shall address the necessity of implementing each proposal, a	95699
timeline that would be required for implementation, the estimated	95700
cost of implementation, and legislative changes needed for	95701
implementation.	95702
(C) Copies of the recommendations shall be provided to the	95703
General Assembly, in accordance with section 101.68 of the Revised	95704
Code, and to the Governor.	95705
Section 265.60.60. EDUCATOR STANDARDS BOARD	95706
(A) The State Board of Education shall appoint two teachers	95707
under division (A)(1)(a) of section 3319.60 of the Revised Code,	95708
as amended by this act, not later than sixty days after the	95709
effective date of this section. The term of office of the new	95710
secondary school teacher member shall expire July 1, 2011, and the	95711

term of office of the new elementary school teacher member shall 95712
expire July 1, 2012. Thereafter, the term of the additional 95713
secondary and elementary school teachers appointed to the Educator 95714
Standards Board shall be for two years. 95715

(B) The State Board of Education shall appoint a school 95716
district treasurer or business manager to the Educator Standards 95717
Board under division (A)(1)(c) of section 3319.60 of the Revised 95718
Code, as amended by this act, not later than sixty days after the 95719
effective date of this section. The term of office of that member 95720
shall expire July 1, 2012. Thereafter, the term of the school 95721
district treasurer or business manager appointed to the Educator 95722
Standards Board shall be for two years. 95723

(C) The State Board of Education shall appoint a parent to 95724
the Educator Standards Board under division (A)(1)(e) of section 95725
3319.60 of the Revised Code, as amended by this act, not later 95726
than sixty days after the effective date of this section. The term 95727
of office of that member shall expire July 1, 2011. Thereafter, 95728
the term of the parent representative appointed to the Educator 95729
Standards Board shall be for two years. 95730

(D) The higher education representatives appointed by the 95731
State Board of Education to the Educator Standards Board prior to 95732
the effective date of this section under former division (A)(5) of 95733
section 3319.60 of the Revised Code shall serve for the remainder 95734
of their terms. The Chancellor of the Ohio Board of Regents shall 95735
appoint higher education representatives to the Educator Standards 95736
Board under division (A)(2) of section 3319.60 of the Revised 95737
Code, as amended by this act, as the terms of the higher education 95738
representatives appointed under former division (A)(5) of that 95739
section expire, each for a term of two years. The Chancellor also 95740
shall fill any vacancies that occur during the term of a higher 95741
education representative appointed under former division (A)(5) of 95742
that section. 95743

Section 265.60.70. RESTRICTION OF LIABILITY FOR CERTAIN	95744
REIMBURSEMENTS	95745
(A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a school district executed on or before June 1, 2009, in the case of a school district for which the formula ADM for fiscal year 2005, as reported for that fiscal year under division (A) of section 3317.03 of the Revised Code, was reduced based on enrollment reports for community schools, made under section 3314.08 of the Revised Code, regarding students entitled to attend school in the district, which reduction of formula ADM resulted in a reduction of foundation funding or transitional aid funding for fiscal year 2005, 2006, or 2007, no school district, except a district named in the court's judgment or the settlement agreement, shall have a legal claim for reimbursement of the amount of such reduction in foundation funding or transitional aid funding, and the state shall not have liability for reimbursement of the amount of such reduction in foundation funding or transitional aid funding.	95746 95747 95748 95749 95750 95751 95752 95753 95754 95755 95756 95757 95758 95759 95760 95761 95762
(B) As used in this section:	95763
(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.	95764 95765
(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	95766 95767 95768
(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.	95769 95770
(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section	95771 95772 95773

206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 95774
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 95775
of the 127th General Assembly. 95776

Section 265.60.90. All duties, powers, obligations, and 95777
functions performed by, all rights exercised by, and the remaining 95778
unexpended, unencumbered balance of any money appropriated or 95779
reappropriated to the Department of Administrative Services with 95780
regard to the School Employees Health Care Board under section 95781
9.901 of the Revised Code, whether obligated or unobligated, are 95782
transferred to the Department of Education on July 1, 2009. The 95783
Department of Education thereupon succeeds to, and shall assume, 95784
all duties, powers, obligations, and functions performed by, all 95785
rights exercised by, and the remaining unexpended, unencumbered 95786
balance of any money appropriated or reappropriated to the 95787
Department of Administrative Services with regard to the School 95788
Employees Health Care Board under section 9.901 of the Revised 95789
Code. 95790

Any aspect of the board's operations commenced but not 95791
completed by the Department of Administrative Services on July 1, 95792
2009, shall be completed by the Superintendent of Public 95793
Instruction or staff of the Department of Education in the same 95794
manner, and with the same effect, as if completed by the 95795
Department of Administrative Services or the staff of the 95796
Department of Administrative Services. Any validation, cure, 95797
right, privilege, remedy, obligation, or liability related to the 95798
board's operations is neither lost nor impaired by reason of the 95799
transfer and shall be administered by the Department of Education. 95800

All of the rules, orders, and determinations of the 95801
Department of Administrative Services in relation to the board's 95802
operations continue in effect as rules, orders, and determinations 95803
of the Superintendent of Public Instruction until modified or 95804

rescinded by the Superintendent. At the request of the 95805
Superintendent, and if necessary to ensure the integrity of the 95806
numbering of the Administrative Code, the Director of the 95807
Legislative Service Commission shall renumber the rules of the 95808
board to reflect the transfer to the Department of Education. 95809

The Department of Administrative Services and the 95810
Superintendent shall identify the employees of the board to be 95811
transferred to the Department of Education. The employees shall be 95812
transferred on July 1, 2009, or as soon as possible thereafter. 95813

Whenever the Department of Administrative Services is 95814
referred to in relation to the board in any law, contract, or 95815
other document, the reference shall be deemed to refer to the 95816
Department of Education in relation to the board. 95817

Any action or proceeding that is related to the board's 95818
operations and that is pending on the effective date of this 95819
section is not affected by the transfer and shall be prosecuted or 95820
defended in the name of the Superintendent or the Department of 95821
Education. In all such actions and proceedings, the Superintendent 95822
or the Department of Education, upon application to the court or 95823
agency, shall be substituted as a party. 95824

On or after July 1, 2009, notwithstanding any provision of 95825
law to the contrary, the Director of Budget and Management shall 95826
take any action with respect to budget changes made necessary by 95827
the transfer, including the creation of new funds and the 95828
consolidation of funds. The Director may transfer cash balances 95829
between funds. The Director may cancel encumbrances and 95830
re-establish encumbrances or parts of encumbrances as needed in 95831
the fiscal year in the appropriate fund and appropriation item for 95832
the same purpose and to the same vendor. As determined by the 95833
Director, encumbrances re-established in the fiscal year in a 95834
different fund or appropriation item used by an agency or between 95835
agencies are appropriated. The Director shall reduce each year's 95836

appropriation balances by the amount of the encumbrance canceled 95837
in their respective funds and appropriation item. Any unencumbered 95838
or unallocated appropriation balances from the previous fiscal 95839
year may be transferred to the appropriate appropriation item to 95840
be used for the same purposes, as determined by the Director. 95841

Section 265.70.10. CENTER FOR EARLY CHILDHOOD DEVELOPMENT 95842

(A) The Governor and the Superintendent of Public Instruction 95843
shall create the Center for Early Childhood Development in the 95844
Department of Education comprised of staff from the Department of 95845
Education, the Department of Job and Family Services, the 95846
Department of Health, and any other state agency as determined 95847
necessary by the Governor and the Superintendent. The Governor and 95848
the Superintendent also shall hire a Director of the Center who 95849
shall report to the Superintendent and the Governor. The Center, 95850
under the supervision of the Director, shall research and make 95851
recommendations about the coordination of early childhood programs 95852
and services for children, beginning with prenatal care and 95853
continuing until entry into kindergarten, and the eventual 95854
transfer of the authority to implement those programs and services 95855
from other state agencies to the Department of Education. 95856

(B) The Center for Early Childhood Development shall promote 95857
family-centered programs and services that acknowledge and support 95858
the social, emotional, cognitive, intellectual, and physical 95859
development of children and the vital role of families in ensuring 95860
the well-being and success of children. 95861

(C) The Director of the Center for Early Childhood 95862
Development, in partnership with staff from the Department of 95863
Education, the Department of Job and Family Services, the 95864
Department of Health, and any other state agency as determined 95865
necessary by the Governor and the Superintendent, and advised by 95866
the Early Childhood Advisory Council, shall submit an 95867

implementation plan to the Superintendent and the Governor not 95868
later than December 31, 2009. The implementation plan shall 95869
include research and recommendations regarding all of the 95870
following: 95871

(1) The identification of programs, services, and funding 95872
sources to be transferred from other state agencies to the 95873
Department of Education; 95874

(2) A new administrative structure within the Department of 95875
Education for the purpose of implementing early childhood programs 95876
and services; 95877

(3) Statutory changes necessary to implement the new 95878
administrative structure within the Department of Education; 95879

(4) A timeline for the transition from the current 95880
administrative structure within other state agencies to the new 95881
administrative structure within the Department of Education. 95882

(D) The Director of Budget and Management may seek 95883
Controlling Board approval to do any of the following to support 95884
the preparation of an implementation plan to create a new 95885
administrative structure for early childhood programs and services 95886
within the Department of Education: 95887

(1) Create new funds and non-GRF appropriation items; 95888

(2) Transfer cash between funds; 95889

(3) Transfer appropriations within the same fund used by the 95890
same state agency. 95891

Any transfers of cash approved by the Controlling Board under 95892
this section are hereby appropriated. 95893

Section 265.70.20. EARLY CHILDHOOD FINANCING WORKGROUP 95894

The Early Childhood Advisory Council shall establish an Early 95895
Childhood Financing Workgroup. The chairperson of the Early 95896

Childhood Advisory Council shall serve as chairperson of the Early Childhood Financing Workgroup. The Early Childhood Financing Workgroup shall develop recommendations that explore the implementation of a single financing system for early care and education programs that includes aligned payment mechanisms and consistent eligibility and co-payment policies. Not later than December 31, 2009, the Early Childhood Financing Workgroup shall submit its recommendations to the Governor. Upon the order of the Early Childhood Advisory Council, the Early Childhood Financing Workgroup shall cease to exist.

Section 265.70.40. MORATORIUM ON LOCAL SCHOOL DISTRICT RELOCATIONS TO DIFFERENT EDUCATIONAL SERVICE CENTERS

Notwithstanding section 3311.059 of the Revised Code, as amended by this act, and notwithstanding Section 265.70.41 of this act, no severance of the territory of a local school district from the educational service center to which it currently belongs and annexation of that district's territory to an adjacent educational service center, as otherwise authorized under that section, shall be effective for the period beginning on the effective date of this section and ending July 1, 2011. All resolutions proposing such severance and annexation approved by the State Board of Education but not effective prior to July 1, 2009, are hereby void. All resolutions proposing such severance and annexation pending on the effective date of this section are hereby void and shall not be considered by the State Board. If the board of education of a local school district with such a severance and annexation action pending or approved on the effective date of this section that is void under this section desires to have the action considered after July 1, 2011, the board shall adopt after that date a new resolution in the manner prescribed by section 3311.059 of the Revised Code. No local school district shall adopt a severance and annexation resolution under that section during

the period beginning on the effective date of this section and 95929
ending July 1, 2011. 95930

Section 265.70.41. The amendments to section 3311.059 of the 95931
Revised Code enacted by this act shall apply to any resolution 95932
proposing the severance of a local school district from its 95933
current educational service center and annexation of the district 95934
to the territory of another service center pending before the 95935
State Board of Education on and after the effective date of this 95936
section. 95937

Section 265.80.10. (A) Notwithstanding the amendments to and 95938
repeal of statutes by this act, the Board of Speech-Language 95939
Pathology and Audiology shall accept applications for new, and 95940
renewal of, speech-language pathology student permits through the 95941
effective date of the rules adopted by the State Board of 95942
Education under section 3319.227 of the Revised Code, as enacted 95943
by this act, and shall issue the permits on the basis of the 95944
applications received by that date in accordance with former 95945
section 4753.073 of the Revised Code as it existed prior to the 95946
effective date of this section. Starting on the effective date of 95947
the rules adopted under section 3319.227 of the Revised Code, the 95948
State Board of Education shall begin issuing speech-language 95949
pathology intern licenses in accordance with that section. 95950

(B) Any speech-language pathology student permit issued under 95951
former section 4753.073 of the Revised Code, as it existed prior 95952
to the effective date of this section, or under division (A) of 95953
this section shall remain valid until its expiration. 95954

(C) Notwithstanding the repeal of section 4753.101 of the 95955
Revised Code by this act, and until the effective date of the 95956
rules adopted by the State Board of Education under section 95957
3319.227 of the Revised Code, the Board of Speech-Language 95958

Pathology and Audiology may take disciplinary action, in 95959
accordance with any rules established under former section 95960
4753.101 of the Revised Code, against any person who holds a 95961
speech-language pathology student permit. 95962

Section 265.80.20. UNAUDITABLE COMMUNITY SCHOOL 95963

(A) If the Auditor of State or a public accountant, pursuant 95964
to section 117.41 of the Revised Code, declares a community school 95965
established under Chapter 3314. of the Revised Code to be 95966
unauditable, the Auditor of State shall provide written 95967
notification of that declaration to the school, the school's 95968
sponsor, and the Department of Education. The Auditor of State 95969
also shall post the notification on the Auditor of State's web 95970
site. 95971

(B) Notwithstanding any provision to the contrary in Chapter 95972
3314. of the Revised Code or any other provision of law, a sponsor 95973
of a community school that is notified by the Auditor of State 95974
under division (A) of this section that a community school it 95975
sponsors is unauditabile shall not enter into contracts with any 95976
additional community schools under section 3314.03 of the Revised 95977
Code until the Auditor of State or a public accountant has 95978
completed a financial audit of that school. 95979

(C) Not later than forty-five days after receiving 95980
notification by the Auditor of State under division (A) of this 95981
section that a community school is unauditabile, the sponsor of the 95982
school shall provide a written response to the Auditor of State. 95983
The response shall include the following: 95984

(1) An overview of the process the sponsor will use to review 95985
and understand the circumstances that led to the community school 95986
becoming unauditabile; 95987

(2) A plan for providing the Auditor of State with the 95988

documentation necessary to complete an audit of the community 95989
school and for ensuring that all financial documents are available 95990
in the future; 95991

(3) The actions the sponsor will take to ensure that the plan 95992
described in division (C)(2) of this section is implemented. 95993

(D) If a community school fails to make reasonable efforts 95994
and continuing progress to bring its accounts, records, files, or 95995
reports into an auditable condition within ninety days after being 95996
declared unauditabile, the Auditor of State, in addition to 95997
requesting legal action under sections 117.41 and 117.42 of the 95998
Revised Code, shall notify the Department of the school's failure. 95999
If the Auditor of State or a public accountant subsequently is 96000
able to complete a financial audit of the school, the Auditor of 96001
State shall notify the Department that the audit has been 96002
completed. 96003

(E) Notwithstanding any provision to the contrary in Chapter 96004
3314. of the Revised Code or any other provision of law, upon 96005
notification by the Auditor of State under division (D) of this 96006
section that a community school has failed to make reasonable 96007
efforts and continuing progress to bring its accounts, records, 96008
files, or reports into an auditable condition following a 96009
declaration that the school is unauditabile, the Department shall 96010
immediately cease all payments to the school under Chapter 3314. 96011
of the Revised Code and any other provision of law. Upon 96012
subsequent notification from the Auditor of State under that 96013
division that the Auditor of State or a public accountant was able 96014
to complete a financial audit of the community school, the 96015
Department shall release all funds withheld from the school under 96016
this section. 96017

Section 265.80.30. (A) This section applies only to the 96018
contract for vocational education services, under section 3313.90 96019

of the Revised Code, between: 96020

(1) A local school district receiving the services under the 96021
contract, which was created under section 3311.26 of the Revised 96022
Code and began operating in fiscal year 2005; 96023

(2) Another local school district providing the services 96024
under the contract, the territory of which district had included 96025
the territory of the district described in division (A)(1) of this 96026
section prior to the creation of that district. 96027

(B) Notwithstanding anything to the contrary in rule 96028
3301-61-06 of the Administrative Code, a vocational education 96029
contract to which this section applies that expires on or before 96030
June 30, 2010, may be renewed one time for a term of less than 96031
five years. 96032

Section 265.80.40. Not later than January 29, 2010, the State 96033
Board of Education shall develop a list of best practices for 96034
improving parental involvement in schools that public and 96035
nonpublic schools may use to increase parental participation. The 96036
Department of Education shall make the list available to schools 96037
on its web site. 96038

Section 265.80.50. The State Board of Education shall 96039
initiate rulemaking procedures for the rules for the Special 96040
Education Scholarship Pilot Program, required under section 96041
3310.64 of the Revised Code, as enacted by this act, so that those 96042
rules are in effect by January 31, 2011. 96043

Section 265.80.51. The Department of Education shall conduct 96044
a formative evaluation of the Special Education Scholarship Pilot 96045
Program established under sections 3310.51 to 3310.64 of the 96046
Revised Code, using both quantitative and qualitative analyses, 96047
and shall report its findings to the General Assembly not later 96048

than December 31, 2013. In conducting the evaluation, the 96049
 Department shall to the extent possible gather comments from 96050
 parents who have been awarded scholarships under the program, 96051
 school district officials, representatives of registered private 96052
 providers, educators, and representatives of educational 96053
 organizations for inclusion in the report required under this 96054
 section. 96055

Section 267.10. ELC OHIO ELECTIONS COMMISSION 96056

General Revenue Fund 96057

GRF 051321	Operating Expenses	\$	381,578	\$	381,578	96058
TOTAL GRF	General Revenue Fund	\$	381,578	\$	381,578	96059

General Services Fund Group 96060

4P20 051601	Ohio Elections	\$	250,000	\$	255,000	96061
	Commission Fund					

TOTAL GSF	General Services Fund	\$	250,000	\$	255,000	96062
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	631,578	\$	636,578	96063
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Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 96065

DIRECTORS 96066

General Services Fund Group 96067

4K90 881609	Operating Expenses	\$	572,159	\$	572,159	96068
TOTAL GSF	General Services					96069

Fund Group		\$	572,159	\$	572,159	96070
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TOTAL ALL BUDGET FUND GROUPS		\$	572,159	\$	572,159	96071
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Section 271.10. PAY EMPLOYEE BENEFITS FUNDS 96073

Accrued Leave Liability Fund Group 96074

8060 995666	Accrued Leave Fund	\$	65,200,000	\$	67,200,000	96075
8070 995667	Disability Fund	\$	27,400,000	\$	28,100,000	96076

TOTAL ALF	Accrued Leave Liability					96077
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Fund Group		\$	92,600,000	\$	95,300,000	96078
Agency Fund Group						96079
1240 995673	Payroll Deductions	\$	881,573,000	\$	943,283,110	96080
8080 995668	State Employee Health	\$	551,795,580	\$	598,643,430	96081
	Benefit Fund					
8090 995669	Dependent Care	\$	2,969,635	\$	2,969,635	96082
	Spending Account					
8100 995670	Life Insurance	\$	2,229,834	\$	2,229,834	96083
	Investment Fund					
8110 995671	Parental Leave	\$	3,900,000	\$	4,000,000	96084
	Benefit Fund					
8130 995672	Health Care Spending	\$	8,977,689	\$	12,000,000	96085
	Account					
TOTAL AGY Agency Fund Group		\$	1,451,445,738	\$	1,563,126,009	96086
TOTAL ALL BUDGET FUND GROUPS		\$	1,544,045,738	\$	1,658,426,009	96087

ACCRUED LEAVE LIABILITY FUND 96088

The foregoing appropriation item 995666, Accrued Leave Fund, 96089
shall be used to make payments from the Accrued Leave Liability 96090
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 96091
If it is determined by the Director of Budget and Management that 96092
additional amounts are necessary, the amounts are hereby 96093
appropriated. 96094

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 96095

The foregoing appropriation item 995667, Disability Fund, 96096
shall be used to make payments from the State Employee Disability 96097
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 96098
Revised Code. If it is determined by the Director of Budget and 96099
Management that additional amounts are necessary, the amounts are 96100
hereby appropriated. 96101

PAYROLL WITHHOLDING FUND 96102

The foregoing appropriation item 995673, Payroll Deductions, 96103

shall be used to make payments from the Payroll Withholding Fund 96104
(Fund 1240). If it is determined by the Director of Budget and 96105
Management that additional appropriation amounts are necessary, 96106
the amounts are hereby appropriated. 96107

STATE EMPLOYEE HEALTH BENEFIT FUND 96108

The foregoing appropriation item 995668, State Employee 96109
Health Benefit Fund, shall be used to make payments from the State 96110
Employee Health Benefit Fund (Fund 8080) pursuant to section 96111
124.87 of the Revised Code. If it is determined by the Director of 96112
Budget and Management that additional amounts are necessary, the 96113
amounts are hereby appropriated. 96114

DEPENDENT CARE SPENDING FUND 96115

The foregoing appropriation item 995669, Dependent Care 96116
Spending Account, shall be used to make payments from the 96117
Dependent Care Spending Fund (Fund 8090) to employees eligible for 96118
dependent care expenses. If it is determined by the Director of 96119
Budget and Management that additional amounts are necessary, the 96120
amounts are hereby appropriated. 96121

LIFE INSURANCE INVESTMENT FUND 96122

The foregoing appropriation item 995670, Life Insurance 96123
Investment Fund, shall be used to make payments from the Life 96124
Insurance Investment Fund (Fund 8100) for the costs and expenses 96125
of the state's life insurance benefit program pursuant to section 96126
125.212 of the Revised Code. If it is determined by the Director 96127
of Budget and Management that additional amounts are necessary, 96128
the amounts are hereby appropriated. 96129

PARENTAL LEAVE BENEFIT FUND 96130

The foregoing appropriation item 995671, Parental Leave 96131
Benefit Fund, shall be used to make payments from the Parental 96132
Leave Benefit Fund (Fund 8110) to employees eligible for parental 96133

leave benefits pursuant to section 124.137 of the Revised Code. If 96134
it is determined by the Director of Budget and Management that 96135
additional amounts are necessary, the amounts are hereby 96136
appropriated. 96137

HEALTH CARE SPENDING ACCOUNT FUND 96138

The foregoing appropriation item 995672, Health Care Spending 96139
Account, shall be used to make payments from the Health Care 96140
Spending Account Fund (Fund 8130) for payments pursuant to state 96141
employees' participation in a flexible spending account for 96142
non-reimbursed health care expenses and section 124.821 of the 96143
Revised Code. If it is determined by the Director of 96144
Administrative Services that additional appropriation amounts are 96145
necessary, the Director of Administrative Services may request 96146
that the Director of Budget and Management increase such amounts. 96147
Such amounts are hereby appropriated. 96148

At the request of the Director of Administrative Services, 96149
the Director of Budget and Management may transfer up to \$145,000 96150
from the General Revenue Fund to the Health Care Spending Account 96151
Fund during fiscal years 2010 and 2011. This cash shall be 96152
transferred as needed to provide adequate cash flow for the Health 96153
Care Spending Account Fund during fiscal year 2010 and fiscal year 96154
2011. If funds are available at the end of fiscal years 2010 and 96155
2011, the Director of Budget and Management shall transfer cash up 96156
to the amount previously transferred in the respective year, plus 96157
interest income, from the Health Care Spending Account (Fund 8130) 96158
to the General Revenue Fund. 96159

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 96160

General Revenue Fund 96161

GRF 125321	Operating Expenses	\$	4,090,876	\$	4,090,876	96162
TOTAL GRF	General Revenue Fund	\$	4,090,876	\$	4,090,876	96163

General Services Fund Group				96164
5720 125603 Training and	\$	87,075	\$ 87,075	96165
Publications				
TOTAL GSF General Services				96166
Fund Group	\$	87,075	\$ 87,075	96167
TOTAL ALL BUDGET FUND GROUPS	\$	4,177,951	\$ 4,177,951	96168

Section 273.20. CONSOLIDATION OF SERVICES WITH STATE 96170

EMPLOYMENT RELATIONS BOARD 96171

(A) Beginning on July 1, 2009, the Chairperson of the State 96172
Employment Relations Board is the appointing authority for all 96173
employees of the State Personnel Board of Review and the State 96174
Employment Relations Board. After conferring with the Chairperson 96175
of the State Personnel Board of Review, the Chairperson of the 96176
State Employment Relations Board shall identify the employees, 96177
equipment, assets, and records of the State Personnel Board of 96178
Review to be transferred to the State Employment Relations Board. 96179
The State Employment Relations Board and the State Personnel Board 96180
of Review shall enter into an interagency agreement to transfer to 96181
the State Employment Relations Board employees, equipment, assets, 96182
and records of the State Personnel Board of Review by July 1, 96183
2009, or as soon as possible thereafter. The agreement may include 96184
provisions to transfer property and any other provisions necessary 96185
for the continued administration of program activities. The 96186
employees of the State Personnel Board of Review that the 96187
Chairperson of the State Employment Relations Board identifies for 96188
transfer, and any equipment assigned to those employees, are 96189
hereby transferred to the State Employment Relations Board. Any 96190
employees of the State Personnel Board of Review so transferred 96191
shall retain the rights specified in sections 124.321 to 124.328 96192
of the Revised Code, and any employee transferred to the State 96193
Employment Relations Board retains the employee's respective 96194
classification, but the Chairperson of the State Employment 96195

Relations Board may reassign and reclassify the employee's 96196
position and compensation as the Chairperson determines to be in 96197
the interest of efficient office administration. Pursuant to 96198
division (B)(2)(b) of section 4117.02 of the Revised Code, as 96199
amended by this act, to the extent determined necessary by the 96200
Chairperson of the State Employment Relations Board, the State 96201
Personnel Board of Review shall utilize employees of the State 96202
Employment Relations Board in the exercise of the powers and the 96203
performance of the duties of the State Personnel Board of Review. 96204

(B) Effective July 1, 2009, and pursuant to section 124.03 of 96205
the Revised Code, the State Personnel Board of Review shall 96206
exercise its duties and exist as a separate entity within the 96207
State Employment Relations Board. The costs of the State Personnel 96208
Board of Review shall be supported by the foregoing appropriation 96209
item 125321, Operating Expenses. 96210

On July 1, 2009, or as soon as possible thereafter, the 96211
Director of Budget and Management shall transfer the cash balance 96212
of the Transcript and Other Documents Fund (Fund 6360) used by the 96213
State Personnel Board of Review to the Training, Publications, and 96214
Grants Fund (Fund 5720) used by the State Employment Relations 96215
Board. Upon completion of the transfer, Fund 6360 is abolished. 96216
The Director shall cancel any existing encumbrances against 96217
appropriation item 124601, Records and Reporting Support, and 96218
re-establish them against appropriation item 125603, Training and 96219
Publications. The re-established encumbrance amounts are hereby 96220
appropriated. 96221

Any business commenced but not completed under Fund 6360 by 96222
July 1, 2009, shall be completed under Fund 5720 in the same 96223
manner, and with the same effect, as if completed with regard to 96224
Fund 6360. No validation, cure, right, privilege, remedy, 96225
obligation, or liability is lost or impaired by reason of the 96226
transfer and shall be administered with regard to Fund 5720. 96227

On and after July 1, 2009, where the Transcript and Other 96228
Documents Fund is referred to in any statute, rule, contract, 96229
grant, or other document, the reference is hereby deemed to refer 96230
to the Training, Publications, and Grants Fund. 96231

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 96232

General Services Fund Group 96233
4K90 892609 Operating Expenses \$ 902,772 \$ 902,772 96234
TOTAL GSF General Services 96235
Fund Group \$ 902,772 \$ 902,772 96236
TOTAL ALL BUDGET FUND GROUPS \$ 902,772 \$ 902,772 96237

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 96239

General Services Fund Group 96240
1990 715602 Laboratory Services \$ 935,907 \$ 983,929 96241
2190 715604 Central Support \$ 15,718,301 \$ 15,718,301 96242
Indirect
4A10 715640 Operating Expenses \$ 3,336,872 \$ 3,336,872 96243
TOTAL GSF General Services 96244
Fund Group \$ 19,991,081 \$ 20,039,103 96245
Federal Special Revenue Fund Group 96246
3530 715612 Public Water Supply \$ 2,933,812 \$ 2,941,282 96247
3540 715614 Hazardous Waste \$ 4,193,000 \$ 4,193,000 96248
Management - Federal
3570 715619 Air Pollution Control \$ 6,282,777 \$ 6,310,203 96249
- Federal
3620 715605 Underground Injection \$ 111,874 \$ 111,874 96250
Control - Federal
3BU0 715684 Water Quality \$ 7,435,000 \$ 6,489,000 96251
Protection
3C50 715688 Federal NRD \$ 100,000 \$ 100,000 96252
Settlements

3F20	715630	Revolving Loan Fund - Operating	\$	1,129,696	\$	907,543	96253
3F30	715632	Federally Supported Cleanup and Response	\$	2,159,486	\$	2,159,551	96254
3F50	715641	Nonpoint Source Pollution Management	\$	6,880,000	\$	6,095,000	96255
3K40	715634	DOD Monitoring and Oversight	\$	729,130	\$	732,280	96256
3N40	715657	DOE Monitoring and Oversight	\$	878,578	\$	884,050	96257
3T30	715669	Drinking Water State Revolving Fund	\$	2,238,848	\$	2,273,323	96258
3V70	715606	Agencywide Grants	\$	500,000	\$	500,000	96259
TOTAL FED Federal Special Revenue							96260
Fund Group			\$	35,572,201	\$	33,697,106	96261
State Special Revenue Fund Group							96262
4J00	715638	Underground Injection Control	\$	383,676	\$	383,676	96263
4K20	715648	Clean Air - Non Title V	\$	3,456,261	\$	3,587,176	96264
4K30	715649	Solid Waste	\$	14,282,845	\$	14,282,845	96265
4K40	715650	Surface Water Protection	\$	7,965,000	\$	8,915,000	96266
4K40	715686	Environmental Lab Service	\$	2,132,000	\$	2,132,000	96267
4K50	715651	Drinking Water Protection	\$	7,487,198	\$	7,699,007	96268
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000	96269
4R50	715656	Scrap Tire Management	\$	5,125,000	\$	5,125,000	96270
4R90	715658	Voluntary Action Program	\$	852,141	\$	852,141	96271
4T30	715659	Clean Air - Title V Permit Program	\$	16,699,500	\$	16,699,500	96272

4U70	715660	Construction and Demolition Debris	\$	888,970	\$	885,554	96273
5000	715608	Immediate Removal Special Account	\$	437,798	\$	437,798	96274
5030	715621	Hazardous Waste Facility Management	\$	8,887,756	\$	8,887,756	96275
5050	715623	Hazardous Waste Cleanup	\$	11,955,989	\$	11,955,989	96276
5050	715674	Clean Ohio Environmental Review	\$	109,725	\$	109,725	96277
5410	715670	Site Specific Cleanup	\$	25,359	\$	25,359	96278
5420	715671	Risk Management Reporting	\$	135,964	\$	135,964	96279
5920	715627	Anti Tampering Settlement	\$	5,654	\$	5,654	96280
5BC0	715617	Clean Ohio	\$	690,322	\$	690,322	96281
5BC0	715622	Local Air Pollution Control	\$	1,026,369	\$	1,026,369	96282
5BC0	715624	Surface Water	\$	8,997,413	\$	8,997,413	96283
5BC0	715667	Groundwater	\$	1,093,741	\$	1,093,741	96284
5BC0	715672	Air Pollution Control	\$	5,199,290	\$	5,199,290	96285
5BC0	715673	Drinking Water	\$	2,550,250	\$	2,550,250	96286
5BC0	715675	Hazardous Waste	\$	100,847	\$	100,847	96287
5BC0	715676	Assistance and Prevention	\$	700,302	\$	700,302	96288
5BC0	715677	Laboratory	\$	1,216,333	\$	1,216,333	96289
5BC0	715678	Corrective Actions	\$	1,179,775	\$	1,179,775	96290
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	96291
5BC0	715690	Environmental Review Appeals	\$	487,000	\$	487,000	96292
5BT0	715679	C&DD Groundwater Monitoring	\$	200,000	\$	203,800	96293

5BY0	715681	Auto Emissions Test	\$	14,385,892	\$	14,803,470	96294
5CD0	715682	Clean Diesel School Buses	\$	600,000	\$	600,000	96295
5H40	715664	Groundwater Support	\$	1,872,193	\$	1,884,247	96296
5N20	715613	Dredge and Fill	\$	30,000	\$	30,000	96297
5Y30	715685	Surface Water Improvement	\$	2,000,000	\$	500,000	96298
6440	715631	ER Radiological Safety	\$	286,114	\$	286,114	96299
6600	715629	Infectious Waste Management	\$	100,000	\$	100,000	96300
6760	715642	Water Pollution Control Loan Administration	\$	4,610,529	\$	4,832,682	96301
6780	715635	Air Toxic Release	\$	174,600	\$	179,746	96302
6790	715636	Emergency Planning	\$	2,623,395	\$	2,628,647	96303
6960	715643	Air Pollution Control Administration	\$	750,000	\$	750,000	96304
6990	715644	Water Pollution Control Administration	\$	750,000	\$	750,000	96305
6A10	715645	Environmental Education	\$	1,500,000	\$	1,500,000	96306
TOTAL SSR		State Special Revenue	\$	134,505,201	\$	134,960,492	96307
Fund Group							
Clean Ohio Conservation Fund Group							96308
5S10	715607	Clean Ohio - Operating	\$	291,174	\$	291,174	96309
TOTAL CLF		Clean Ohio Conservation	\$	291,174	\$	291,174	96310
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	190,359,657	\$	188,987,875	96311
AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT							96312
On July 1 of each fiscal year, or as soon as possible							96313
thereafter, the Director of Budget and Management shall transfer							96314

\$14,385,892 in fiscal year 2010, and \$14,803,470 in fiscal year 2011 in cash from the General Revenue Fund to the Auto Emissions Test Fund (Fund 5BY0) for the operation and oversight of the auto emissions testing program.

Effective September 30, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Motor Vehicle Inspection and Maintenance Fund (Fund 6020) to Fund 5BY0. Fund 6020 is abolished in division (D) of section 3704.14 of the Revised Code as amended by this act.

AREAWIDE PLANNING AGENCIES

The Director of Environmental Protection Agency shall award grants from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the "Federal Clean Water Act," 33 U.S.C. 1288.

ENVIRONMENTAL REVIEW AND APPEALS

The foregoing appropriation item 715690, Environmental Review Appeals, shall be used to support the Environmental Review Appeals Commission.

CORRECTIVE CASH TRANSFER FOR COPPERWELD BANKRUPTCY SETTLEMENT

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,323,933.19 in cash, which the Agency received from the Copperweld bankruptcy settlement, that was mistakenly deposited in the Hazardous Waste Cleanup Fund (Fund 5050) to the Environmental Protection Remediation Fund (Fund 5410).

Section 281.10. ETC ETECH OHIO

General Revenue Fund

GRF 935401 Statehouse News \$ 219,960 \$ 219,960

		Bureau					
GRF	935402	Ohio Government	\$	716,417	\$	716,417	96344
		Telecommunications					
		Services					
GRF	935408	General Operations	\$	2,150,917	\$	2,164,444	96345
GRF	935409	Technology Operations	\$	3,594,504	\$	3,602,446	96346
GRF	935410	Content Development,	\$	4,137,306	\$	4,138,244	96347
		Acquisition, and					
		Distribution					
GRF	935411	Technology	\$	6,963,226	\$	6,977,487	96348
		Integration and					
		Professional					
		Development					
GRF	935412	Information	\$	1,387,062	\$	1,350,394	96349
		Technology					
TOTAL GRF		General Revenue Fund	\$	19,169,392	\$	19,169,392	96350
		General Services Fund Group					96351
4F30	935603	Affiliate Services	\$	450,000	\$	50,000	96352
4T20	935605	Government	\$	25,000	\$	25,000	96353
		Television/Telecommunications					
		Operating					
TOTAL GSF		General Services Fund	\$	475,000	\$	75,000	96354
		Group					
		Federal Special Revenue Fund Group					96355
3S30	935606	Enhancing Education	\$	163,000	\$	163,000	96356
		Technology					
3X80	935604	IDEA	\$	18,892	\$	0	96357
TOTAL FED		Federal Special Revenue	\$	181,892	\$	163,000	96358
		Fund Group					
		State Special Revenue Fund Group					96359
4W90	935630	Telecommunity	\$	25,000	\$	25,000	96360
4X10	935634	Distance Learning	\$	23,734	\$	24,150	96361

5D40	935640	Conference/Special Purposes	\$	1,471,396	\$	1,473,527	96362
5FK0	935608	Media Services	\$	300,000	\$	300,000	96363
5T30	935607	Gates Foundation Grants	\$	200,000	\$	200,000	96364
TOTAL SSR State Special Revenue Fund Group			\$	2,020,130	\$	2,022,677	96365
TOTAL ALL BUDGET FUND GROUPS			\$	21,846,414	\$	21,430,069	96366

Section 281.20. STATEHOUSE NEWS BUREAU 96368

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 96369
96370
96371

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 96372

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 96373
96374
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TECHNOLOGY OPERATIONS 96380

The foregoing appropriation item 935409, Technology Operations, shall be used by eTech Ohio to pay expenses of eTech Ohio's network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall link all public K-12 classrooms to each other and to the Internet, and provide access to voice, video, other communication services, and data educational resources for students and teachers. 96381
96382
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96384
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96387

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 96388

The foregoing appropriation 935410, Content Development, 96389

Acquisition, and Distribution, shall be used for the development, 96390
acquisition, and distribution of information resources by public 96391
media and radio reading services and for educational use in the 96392
classroom and online. 96393

Of the foregoing appropriation item 935410, Content 96394
Development, Acquisition, and Distribution, up to \$1,104,605 in 96395
fiscal year 2010 and up to \$1,104,905 in fiscal year 2011 shall be 96396
allocated equally among the 12 Ohio educational television 96397
stations and used with the advice and approval of eTech Ohio. 96398
Funds shall be used for the production of interactive 96399
instructional programming series with priority given to resources 96400
aligned with state academic content standards in consultation with 96401
the Ohio Department of Education and for teleconferences to 96402
support eTech Ohio. The programming shall be targeted to the needs 96403
of the poorest two hundred school districts as determined by the 96404
district's adjusted valuation per pupil as defined in former 96405
section 3317.0213 of the Revised Code as that section existed 96406
prior to June 30, 2005. 96407

Of the foregoing appropriation item 935410, Content 96408
Development, Acquisition, and Distribution, up to \$2,695,736 in 96409
fiscal year 2010 and up to \$2,696,336 in fiscal year 2011 shall be 96410
distributed by eTech Ohio to Ohio's qualified public educational 96411
television stations and educational radio stations to support 96412
their operations. The funds shall be distributed pursuant to an 96413
allocation formula used by the Ohio Educational Telecommunications 96414
Network Commission unless a substitute formula is developed by 96415
eTech Ohio in consultation with Ohio's qualified public 96416
educational television stations and educational radio stations. 96417
96418

Of the foregoing appropriation 935410, Content Development, 96419
Acquisition, and Distribution, up to \$336,965 in fiscal year 2010 96420
and up to \$337,003 in fiscal year 2011 shall be distributed by 96421

eTech Ohio to Ohio's qualified radio reading services to support 96422
their operations. The funds shall be distributed pursuant to an 96423
allocation formula used by the Ohio Educational Telecommunications 96424
Network Commission unless a substitute formula is developed by 96425
eTech Ohio in consultation with Ohio's qualified radio reading 96426
services. 96427

Section 281.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL 96428
DEVELOPMENT 96429

The foregoing appropriation item 935411, Technology 96430
Integration and Professional Development, shall be used by eTech 96431
Ohio for the provision of staff development, hardware, software, 96432
telecommunications services, and information resources to support 96433
educational uses of technology in the classroom and at a distance 96434
and for professional development for teachers, administrators, and 96435
technology staff on the use of educational technology in 96436
qualifying public schools, including the State School for the 96437
Blind, the State School for the Deaf, and the Department of Youth 96438
Services. 96439

Of the foregoing appropriation item 935411, Technology 96440
Integration and Professional Development, up to \$2,675,641 in 96441
fiscal year 2010 and up to \$2,675,966 in fiscal year 2011, shall 96442
be used by eTech Ohio to contract with educational television to 96443
provide Ohio public schools with instructional resources and 96444
services with priority given to resources and services aligned 96445
with state academic content standards and such resources and 96446
services shall be based upon the advice and approval of eTech 96447
Ohio, based on a formula used by the Ohio SchoolNet Commission 96448
unless and until a substitute formula is developed by eTech Ohio 96449
in consultation with Ohio's educational technology agencies and 96450
noncommercial educational television stations. 96451

Section 281.40. TELECOMMUNITY 96452

The foregoing appropriation item 935630, Telecommunity, shall 96453
be distributed by eTech Ohio on a grant basis to eligible school 96454
districts to establish "distance learning" through interactive 96455
video technologies in the school district. Per agreements with 96456
eight Ohio local telephone companies, ALLTEL Ohio, CENTURY 96457
Telephone of Ohio, Chillicothe Telephone Company, Cincinnati Bell 96458
Telephone Company, Orwell Telephone Company, Sprint North Central 96459
Telephone, VERIZON, and Western Reserve Telephone Company, school 96460
districts are eligible for funds if they are within one of the 96461
listed telephone company service areas. Funds to administer the 96462
program shall be expended by eTech Ohio up to the amount specified 96463
in the agreements with the listed telephone companies. 96464

96465

Within thirty days after the effective date of this section, 96466
the Director of Budget and Management shall transfer to Fund 4W90 96467
in the State Special Revenue Fund Group any investment earnings 96468
from moneys paid by any telephone company as part of any 96469
settlement agreement between the listed companies and the Public 96470
Utilities Commission in fiscal years 1996 and beyond. 96471

DISTANCE LEARNING 96472

The foregoing appropriation item 935634, Distance Learning, 96473
shall be distributed by eTech Ohio on a grant basis to eligible 96474
school districts to establish "distance learning" in the school 96475
district. Per an agreement with Ameritech, school districts are 96476
eligible for funds if they are within an Ameritech service area. 96477
Funds to administer the program shall be expended by eTech Ohio up 96478
to the amount specified in the agreement with Ameritech. 96479

Within thirty days after the effective date of this section, 96480
the Director of Budget and Management shall transfer to Fund 4X10 96481
in the State Special Revenue Fund Group any investment earnings 96482

from moneys paid by any telephone company as part of a settlement 96483
agreement between the company and the Public Utilities Commission 96484
in fiscal year 1995. 96485

GATES FOUNDATION GRANTS 96486

The foregoing appropriation item 935607, Gates Foundation 96487
Grants, shall be used by eTech Ohio to provide professional 96488
development to school district principals, superintendents, and 96489
other administrative staff on the use of education technology. 96490

Section 283.10. ETH OHIO ETHICS COMMISSION 96491

General Revenue Fund 96492

GRF 146321	Operating Expenses	\$	1,659,310	\$	1,659,310	96493
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TOTAL GRF	General Revenue Fund	\$	1,659,310	\$	1,659,310	96494
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General Services Fund Group 96495

4M60 146601	Operating Expenses	\$	440,086	\$	440,086	96496
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TOTAL GSF	General Services					96497
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Fund Group		\$	440,086	\$	440,086	96498
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TOTAL ALL BUDGET FUND GROUPS		\$	2,099,396	\$	2,099,396	96499
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Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 96501

General Revenue Fund 96502

GRF 723403	Junior Fair Subsidy	\$	360,000	\$	360,000	96503
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TOTAL GRF	General Revenue Fund	\$	360,000	\$	360,000	96504
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State Special Revenue Fund Group 96505

4N20 723602	Ohio State Fair	\$	520,000	\$	520,000	96506
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Harness Racing

5060 723601	Operating Expenses	\$	11,753,315	\$	11,753,315	96507
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TOTAL SSR	State Special Revenue					96508
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Fund Group		\$	12,273,315	\$	12,273,315	96509
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TOTAL ALL BUDGET FUND GROUPS		\$	12,633,315	\$	12,633,315	96510
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STATE FAIR RESERVE 96511

The General Manager of the Expositions Commission may submit a request to the Controlling Board to use available amounts in the State Fair Reserve Fund (Fund 6400) if the following conditions apply:

(A) Admissions receipts for the 2009 or 2010 Ohio State Fair are less than \$1,982,000 because of inclement weather or extraordinary circumstances;

(B) The Ohio Expositions Commission declares a state of fiscal exigency; and

(C) The request contains a plan describing how the Expositions Commission will eliminate the cash shortage causing the request.

The amount approved by the Controlling Board is hereby appropriated.

Section 287.10. GOV OFFICE OF THE GOVERNOR

General Revenue Fund

GRF 040321	Operating Expenses	\$	2,971,945	\$	2,971,945	
GRF 040403	Federal Relations	\$	201,201	\$	201,201	
TOTAL GRF	General Revenue Fund	\$	3,173,146	\$	3,173,146	

General Services Fund Group

5AK0 040607	Federal Relations	\$	365,149	\$	365,149	
TOTAL GSF	General Services Fund	\$	365,149	\$	365,149	

Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,538,295 \$ 3,538,295

FEDERAL RELATIONS

A portion of the foregoing appropriation items 040403, Federal Relations, and 040607, Federal Relations, may be used to support Ohio's membership in national or regional associations.

The Office of the Governor may charge any state agency of the

executive branch using an intrastate transfer voucher such amounts 96540
necessary to defray the costs incurred for the conduct of federal 96541
relations associated with issues that can be attributed to the 96542
agency. Amounts collected shall be deposited in the Federal 96543
Relations Fund (Fund 5AK0). 96544

Section 289.10. DOH DEPARTMENT OF HEALTH 96545

General Revenue Fund 96546

GRF 440407 Animal Borne Disease \$ 600,000 \$ 642,291 96547
and Prevention

GRF 440412 Cancer Incidence \$ 874,234 \$ 874,234 96548
Surveillance System

GRF 440413 Local Health \$ 3,301,921 \$ 3,301,921 96549
Department Support

GRF 440416 Mothers and Children \$ 7,538,449 \$ 7,538,449 96550
Safety Net Services

GRF 440418 Immunizations \$ 7,739,432 \$ 7,839,432 96551

GRF 440431 Free Clinics Safety \$ 624,751 \$ 624,751 96552
Net Services

GRF 440438 Breast and Cervical \$ 2,500,000 \$ 2,500,000 96553
Cancer Screening

GRF 440444 AIDS Prevention and \$ 6,442,314 \$ 6,442,314 96554
Treatment

GRF 440446 Infectious Disease \$ 500,000 \$ 500,000 96555
Protection and
Surveillance

GRF 440451 Public Health \$ 3,099,138 \$ 3,099,138 96556
Laboratory

GRF 440452 Child and Family \$ 921,615 \$ 921,615 96557
Health Services Match

GRF 440453 Health Care Quality \$ 9,917,765 \$ 9,917,765 96558
Assurance

GRF 440454	Local Environmental Health	\$	791,677	\$	791,677	96559
GRF 440459	Help Me Grow	\$	14,965,000	\$	14,965,000	96560
GRF 440465	Federally Qualified Health Centers	\$	2,686,688	\$	2,686,688	96561
GRF 440467	Access to Dental Care	\$	772,120	\$	772,120	96562
GRF 440469	Health - Federal Stimulus	\$	2,680,035	\$	2,463,903	96563
GRF 440505	Medically Handicapped Children	\$	8,762,451	\$	8,762,451	96564
GRF 440507	Targeted Health Care Services Over 21	\$	1,493,449	\$	1,493,449	96565
GRF 440511	Uncompensated Care/Emergency Medical Assistance	\$	589,738	\$	663,579	96566
TOTAL GRF General Revenue Fund		\$	76,800,777	\$	76,800,777	96567
State Highway Safety Fund Group						96568
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	96569
TOTAL HSF State Highway Safety Fund Group		\$		\$		96570
		\$	233,894	\$	233,894	96571
General Services Fund Group						96572
1420 440646	Agency Health Services	\$	7,961,915	\$	7,961,915	96573
2110 440613	Central Support Indirect Costs	\$	28,884,706	\$	28,884,706	96574
4730 440622	Lab Operating Expenses	\$	4,954,045	\$	4,954,045	96575
6830 440633	Employee Assistance Program	\$	1,204,905	\$	1,204,905	96576
6980 440634	Nurse Aide Training	\$	100,000	\$	100,000	96577
TOTAL GSF General Services Fund Group		\$	43,105,571	\$	43,105,571	96578
						96579

Federal Special Revenue Fund Group					96580	
3200 440601	Maternal Child Health	\$	29,056,772	\$	29,068,886	96581
	Block Grant					
3870 440602	Preventive Health	\$	7,826,659	\$	7,826,659	96582
	Block Grant					
3890 440604	Women, Infants, and	\$	298,672,689	\$	308,672,689	96583
	Children					
3910 440606	Medicaid/Medicare	\$	25,891,157	\$	26,826,242	96584
3920 440618	Federal Public Health	\$	136,778,215	\$	136,778,215	96585
	Programs					
TOTAL FED	Federal Special Revenue					96586
Fund Group		\$	498,225,492	\$	509,172,691	96587
State Special Revenue Fund Group						96588
4700 440647	Fee Supported	\$	23,923,382	\$	23,923,382	96589
	Programs					
4710 440619	Certificate of Need	\$	898,000	\$	898,000	96590
4770 440627	Medically Handicapped	\$	3,693,016	\$	3,693,016	96591
	Children Audit					
4D60 440608	Genetics Services	\$	3,317,000	\$	3,317,000	96592
4F90 440610	Sickle Cell Disease	\$	1,035,344	\$	1,035,344	96593
	Control					
4G00 440636	Heirloom Birth	\$	5,000	\$	5,000	96594
	Certificate					
4G00 440637	Birth Certificate	\$	5,000	\$	5,000	96595
	Surcharge					
4L30 440609	Miscellaneous	\$	333,164	\$	333,164	96596
	Expenses					
4P40 440628	Ohio Physician Loan	\$	476,870	\$	476,870	96597
	Repayment					
4V60 440641	Save Our Sight	\$	2,260,880	\$	2,260,880	96598
5B50 440616	Quality, Monitoring,	\$	838,479	\$	838,479	96599
	and Inspection					

5C00	440615	Alcohol Testing and Permit	\$	1,126,239	\$	1,126,239	96600
5CJ0	440654	Sewage Treatment System Innovation	\$	250,000	\$	250,000	96601
5CN0	440645	Choose Life	\$	75,000	\$	75,000	96602
5D60	440620	Second Chance Trust	\$	1,054,951	\$	1,054,951	96603
5ED0	440651	Smoke Free Indoor Air	\$	189,500	\$	190,452	96604
5G40	440639	Adoption Services	\$	20,000	\$	20,000	96605
5L10	440623	Nursing Facility Technical Assistance Program	\$	548,062	\$	548,062	96606
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	140,000	96607
6100	440626	Radiation Emergency Response	\$	850,000	\$	850,000	96608
6660	440607	Medically Handicapped Children - County Assessments	\$	17,320,687	\$	17,320,687	96609
TOTAL SSR State Special Revenue							96610
Fund Group			\$	58,360,574	\$	58,361,526	96611
Holding Account Redistribution Fund Group							96612
R014	440631	Vital Statistics	\$	44,986	\$	44,986	96613
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	96614
TOTAL 090 Holding Account							96615
Redistribution Fund Group			\$	64,986	\$	64,986	96616
TOTAL ALL BUDGET FUND GROUPS			\$	676,791,294	\$	687,739,445	96617

Section 289.20. HIV/AIDS PREVENTION/TREATMENT 96619

The foregoing appropriation item 440444, AIDS Prevention and 96620
Treatment, shall be used to assist persons with HIV/AIDS in 96621
acquiring HIV-related medications and to administer educational 96622

prevention initiatives. 96623

INFECTIOUS DISEASE PREVENTION 96624

The foregoing appropriation item 440446, Infectious Disease 96625
Protection and Surveillance, shall be used for coordination and 96626
management of prevention program operations and the purchase of 96627
drugs for sexually transmitted diseases. 96628

HELP ME GROW 96629

The foregoing appropriation item 440459, Help Me Grow, shall 96630
be used by the Department of Health to distribute subsidies to 96631
counties to implement the Help Me Grow Program. Appropriation item 96632
440459, Help Me Grow, may be used in conjunction with Early 96633
Intervention funding from the Department of Mental Retardation and 96634
Developmental Disabilities, and in conjunction with other early 96635
childhood funds and services to promote the optimal development of 96636
young children and family-centered programs and services that 96637
acknowledge and support the social, emotional, cognitive, 96638
intellectual, and physical development of children and the vital 96639
role of families in ensuring the well-being and success of 96640
children. The Department of Health shall enter into an interagency 96641
agreement with the Department of Education, Department of Mental 96642
Retardation and Developmental Disabilities, Department of Job and 96643
Family Services, and Department of Mental Health to ensure that 96644
all early childhood programs and initiatives are coordinated and 96645
school linked. 96646

Of the foregoing appropriation item 440459, Help Me Grow, if 96647
a county Family and Children First Council selects home-visiting 96648
programs, the home-visiting program shall only be eligible for 96649
funding if it serves pregnant women, or parents or other primary 96650
caregivers and the parent or other primary caregiver's child or 96651
children under three years of age, through quality programs of 96652
early childhood home visitation and if the home visitations are 96653

performed by nurses, social workers, child development specialists 96654
or other well-trained and competent staff, as demonstrated by 96655
education or training and the provision of ongoing specific 96656
training and supervision in the model of service being delivered. 96657
The home-visiting program also shall be required to have outcome 96658
and research standards that demonstrate ongoing positive outcomes 96659
for children, parents, and other primary caregivers that enhance 96660
child health and development, and conform to a clear consistent 96661
home visitation model that has been in existence for at least 96662
three years. The home visitation model shall be research-based; 96663
grounded in relevant, empirically based knowledge; linked to 96664
program-determined outcomes; associated with a national 96665
organization or institution of higher education that has 96666
comprehensive home visitation program standards that ensure high 96667
quality service delivery and continuous program improvement; and 96668
have demonstrated significant positive outcomes when evaluated 96669
using well-designed and rigorous randomized, controlled, or 96670
quasi-experimental research designs, and the evaluation results 96671
have been published in a peer-reviewed journal. 96672

The foregoing appropriation item 440459, Help Me Grow, may 96673
also be used for the Autism Diagnosis Education Pilot Program. 96674

DEPARTMENT OF HEALTH - FEDERAL STIMULUS 96675

Upon the request of the Director of Health, the Director of 96676
Budget and Management may transfer appropriation from 96677
appropriation item 440469, Health - Federal Stimulus, to the 96678
following appropriation items: \$300,000 in fiscal year 2010 and 96679
\$257,709 in fiscal year 2011 to appropriation item 440407, Animal 96680
Borne Disease and Prevention; \$50,000 in each fiscal year to 96681
appropriation item 440412, Cancer Incidence Surveillance System; 96682
\$106,194 in each fiscal year to appropriation item 440413, Local 96683
Health Department Support; \$800,000 in fiscal year 2010 and 96684
\$700,000 in fiscal year 2011 to appropriation item 440418, 96685

Immunizations; \$200,000 in each fiscal year to appropriation item 96686
440431, Free Clinics Safety Net Services; \$200,000 in each fiscal 96687
year to appropriation item 440446, Infectious Disease Protection 96688
and Surveillance; \$100,000 in each fiscal year to appropriation 96689
item 440454, Local Environmental Health; \$50,000 in each fiscal 96690
year to appropriation item 440465, Federally Qualified Health 96691
Centers; \$100,000 in each fiscal year to appropriation item 96692
440468, Chronic Disease and Injury Prevention; and \$773,841 in 96693
fiscal year 2010 and \$700,000 in fiscal year 2011 to appropriation 96694
item 440511, Uncompensated Care/Emergency Medical Assistance. 96695

TARGETED HEALTH CARE SERVICES OVER 21 96696

The foregoing appropriation item 440507, Targeted Health Care 96697
Services Over 21, shall be used to administer the Cystic Fibrosis 96698
Program and to implement the Hemophilia Insurance Premium Payment 96699
Program. 96700

The foregoing appropriation item 440507, Targeted Health Care 96701
Services Over 21, shall also be used to provide essential 96702
medications and to pay the copayments for drugs approved by the 96703
Department of Health and covered by Medicare Part D that are 96704
dispensed to Bureau for Children with Medical Handicaps (BCMH) 96705
participants for the Cystic Fibrosis Program. 96706

These funds also may be used, to the extent that funding is 96707
available, to provide up to 18 in-patient hospital days for 96708
participants in the Cystic Fibrosis Program. 96709

The Department shall expend all of these funds. 96710

GENETICS SERVICES 96711

The foregoing appropriation item 440608, Genetics Services 96712
(Fund 4D60), shall be used by the Department of Health to 96713
administer programs authorized by sections 3701.501 and 3701.502 96714
of the Revised Code. None of these funds shall be used to counsel 96715
or refer for abortion, except in the case of a medical emergency. 96716

MEDICALLY HANDICAPPED CHILDREN AUDIT 96717

The Medically Handicapped Children Audit Fund (Fund 4770) 96718
shall receive revenue from audits of hospitals and recoveries from 96719
third-party payers. Moneys may be expended for payment of audit 96720
settlements and for costs directly related to obtaining recoveries 96721
from third-party payers and for encouraging Medically Handicapped 96722
Children's Program recipients to apply for third-party benefits. 96723
Moneys also may be expended for payments for diagnostic and 96724
treatment services on behalf of medically handicapped children, as 96725
defined in division (A) of section 3701.022 of the Revised Code, 96726
and Ohio residents who are twenty-one or more years of age and who 96727
are suffering from cystic fibrosis or hemophilia. Moneys may also 96728
be expended for administrative expenses incurred in operating the 96729
Medically Handicapped Children's Program. 96730

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 96731
PERMIT FUND 96732

The Director of Budget and Management, pursuant to a plan 96733
submitted by the Department of Health, or as otherwise determined 96734
by the Director of Budget and Management, shall set a schedule to 96735
transfer cash from the Liquor Control Fund (Fund 7043) to the 96736
Alcohol Testing and Permit Fund (Fund 5C00) to meet the operating 96737
needs of the Alcohol Testing and Permit Program. 96738

The Director of Budget and Management may transfer to the 96739
Alcohol Testing and Permit Fund (Fund 5C00) from the Liquor 96740
Control Fund (Fund 7043) created in section 4301.12 of the Revised 96741
Code such amounts at such times as determined by the transfer 96742
schedule. 96743

DENTIST LOAN REPAYMENT ADVISORY BOARD 96744

As specified in the amendments made by this act to section 96745
3702.92 of the Revised Code, the Governor, Speaker of the House of 96746
Representatives, and President of the Senate shall each appoint 96747

one additional member to the Dentist Loan Repayment Advisory Board. The appointments shall be made not later than sixty days after the effective date of section 3702.92 of the Revised Code. The terms of office of the additional members shall end on January 27, 2011, except that a legislative member ceases to be a member of the Board on ceasing to be a member of the General Assembly. Vacancies occurring prior to January 27, 2011, shall be filled in the manner prescribed for original appointments under this section.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments (Fund 6660), shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

CASH TRANSFER FROM THE SEWAGE INNOVATION FUND TO FEE SUPPORTED PROGRAMS FUND

On July 1, 2009, or as soon as possible thereafter, the Director of Health shall certify to the Director of Budget and Management the amount of cash to be transferred from the Sewage Innovation Fund (Fund 5CJ0) to the Fee Supported Program Fund (Fund 4700) to meet the needs of the Sewage Program. The Director of Budget and Management may transfer the amount certified. The amount certified is hereby appropriated.

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management may transfer, cash from the Resident Protection Fund (Fund 4E30), which is used by the Ohio Department of Job and Family Services, to the Nursing Facility Technical Assistance Program Fund (Fund 5L10), which is used by the Ohio Department of Health, to be used under section 3721.026 of the Revised Code. The transfers shall be up to \$698,595 in each

fiscal year. 96779

Section 289.30. DISEASE AND CANCER COMMISSION 96780

(A) There is hereby established in the Department of Health 96781
the Disease and Cancer Commission. The Commission shall be 96782
composed of individuals selected by the Director of Health who are 96783
both of the following: 96784

(1) Representatives of boards of health of city health 96785
districts or general health districts, or the authorities having 96786
the duties of a board of health under section 3709.05 of the 96787
Revised Code; 96788

(2) Located in an area in which the Director of Health 96789
determines there is a high prevalence of one of the following: 96790

(a) Colorectal cancer; 96791

(b) Prostate cancer; 96792

(c) Sickle cell anemia; 96793

(d) Triple negative breast cancer. 96794

(B) The Governor shall designate from among the Commission 96795
members an individual to serve as the chairperson of the 96796
Commission who shall establish the meeting time and locations for 96797
the Commission. 96798

(C) The Commission shall study colorectal cancer, prostate 96799
cancer, sickle cell anemia, and triple negative breast cancer in 96800
areas of the state in which the Director determines such 96801
conditions are prevalent. Not later than June 30, 2011, the 96802
Commission shall submit a report to the Governor, Speaker and 96803
Minority Leader of the House of Representatives, and President and 96804
Minority Leader of the Senate describing its findings on the 96805
prevalence of colorectal cancer, prostate cancer, sickle cell 96806
anemia, and triple negative breast cancer in the areas included in 96807

the study. The report shall include policy recommendations to 96808
combat the prevalence of these conditions in such areas. 96809

(D) The Commission shall cease to exist on submission of the 96810
report under division (C) of this section. 96811

Section 289.40. FUNDING FOR IMMUNIZATIONS 96812

To the extent permitted under state and federal law, the 96813
Department of Health shall use state general revenue funds and 96814
federal funds appropriated for the purchase of vaccinations to 96815
provide immunizations to children and adults in Ohio. 96816

Section 289.50. GRANTS FOR WOMEN'S HEALTH SERVICES 96817

If the Department of Health uses any state funds under 96818
section 289.10 of this act for grants for services that are 96819
included in the description of "women's health services" in 96820
section 3701.046 of the Revised Code, the Department shall comply 96821
with the requirements of that section with respect to those funds. 96822

Section 289.60. FEDERAL ABSTINENCE EDUCATION PROGRAM 96823

The Director of Health shall apply to the United States 96824
Secretary of Health and Human Services for abstinence education 96825
funding under Title V of the "Social Security Act," 42 U.S.C. 710. 96826

Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 96827

Agency Fund Group 96828
4610 372601 Operating Expenses \$ 16,819 \$ 16,819 96829
TOTAL AGY Agency Fund Group \$ 16,819 \$ 16,819 96830
TOTAL ALL BUDGET FUND GROUPS \$ 16,819 \$ 16,819 96831

Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 96833

General Revenue Fund 96834

GRF 148100	Personal Services	\$	157,216	\$	157,216	96835
GRF 148200	Maintenance	\$	38,100	\$	38,100	96836
GRF 148402	Community Projects	\$	129,264	\$	129,264	96837
TOTAL GRF	General Revenue Fund	\$	324,580	\$	324,580	96838
General Services Fund Group						96839
6010 148602	Gifts and Miscellaneous	\$	4,558	\$	4,558	96840
TOTAL GSF	General Services Fund Group	\$	4,558	\$	4,558	96842
TOTAL ALL BUDGET FUND GROUPS		\$	329,138	\$	329,138	96843

Section 295.10. OHS OHIO HISTORICAL SOCIETY 96845

General Revenue Fund						96846
GRF 360501	Education and Collections	\$	3,291,754	\$	3,291,754	96847
GRF 360502	Site and Museum Operations	\$	5,415,927	\$	5,415,927	96848
GRF 360504	Ohio Preservation Office	\$	326,066	\$	326,066	96849
GRF 360505	National Afro-American Museum	\$	592,568	\$	592,568	96850
GRF 360506	Hayes Presidential Center	\$	401,490	\$	401,490	96851
TOTAL GRF	General Revenue Fund	\$	10,027,805	\$	10,027,805	96852
TOTAL ALL BUDGET FUND GROUPS		\$	10,027,805	\$	10,027,805	96853

SUBSIDY APPROPRIATION 96854

Upon approval by the Director of Budget and Management, the 96855
foregoing appropriation items shall be released to the Ohio 96856
Historical Society in quarterly amounts that in total do not 96857
exceed the annual appropriations. The funds and fiscal records of 96858
the society for fiscal year 2010 and fiscal year 2011 shall be 96859
examined by independent certified public accountants approved by 96860

the Auditor of State, and a copy of the audited financial 96861
statements shall be filed with the Office of Budget and 96862
Management. The society shall prepare and submit to the Office of 96863
Budget and Management the following: 96864

(A) An estimated operating budget for each fiscal year of the 96865
biennium. The operating budget shall be submitted at or near the 96866
beginning of each calendar year. 96867

(B) Financial reports, indicating actual receipts and 96868
expenditures for the fiscal year to date. These reports shall be 96869
filed at least semiannually during the fiscal biennium. 96870

The foregoing appropriations shall be considered to be the 96871
contractual consideration provided by the state to support the 96872
state's offer to contract with the Ohio Historical Society under 96873
section 149.30 of the Revised Code. 96874

STATE ARCHIVES 96875

Of the foregoing appropriation item 360501, Education and 96876
Collections, \$910,459 in each fiscal year shall be used for the 96877
State Archives, Library, and Artifact Collections Program. 96878

HAYES PRESIDENTIAL CENTER 96879

If a United States government agency, including, but not 96880
limited to, the National Park Service, chooses to take over the 96881
operations or maintenance of the Hayes Presidential Center, in 96882
whole or in part, the Ohio Historical Society shall make 96883
arrangements with the National Park Service or other United States 96884
government agency for the efficient transfer of operations or 96885
maintenance. 96886

Section 301.10. REP OHIO HOUSE OF REPRESENTATIVES 96887

General Revenue Fund 96888

GRF 025321 Operating Expenses \$ 18,517,093 \$ 18,517,093 96889

TOTAL GRF General Revenue Fund	\$	18,517,093	\$	18,517,093	96890
General Services Fund Group					96891
1030 025601 House Reimbursement	\$	1,433,664	\$	1,433,664	96892
4A40 025602 Miscellaneous Sales	\$	37,849	\$	37,849	96893
TOTAL GSF General Services					96894
Fund Group	\$	1,471,513	\$	1,471,513	96895
TOTAL ALL BUDGET FUND GROUPS	\$	19,988,606	\$	19,988,606	96896

OPERATING EXPENSES 96897

On July 1, 2009, or as soon as possible thereafter, the Clerk 96898
of the House of Representatives may certify to the Director of 96899
Budget and Management the amount of the unexpended, unencumbered 96900
balance of the foregoing appropriation item 025321, Operating 96901
Expenses, at the end of fiscal year 2009 to be reappropriated to 96902
fiscal year 2010. The amount certified is hereby reappropriated to 96903
the same appropriation item for fiscal year 2010. 96904

On July 1, 2010, or as soon as possible thereafter, the Clerk 96905
of the House of Representatives may certify to the Director of 96906
Budget and Management the amount of the unexpended, unencumbered 96907
balance of the foregoing appropriation item 025321, Operating 96908
Expenses, at the end of fiscal year 2010 to be reappropriated to 96909
fiscal year 2011. The amount certified is hereby reappropriated to 96910
the same appropriation item for fiscal year 2011. 96911

Section 303.10. HFA OHIO HOUSING FINANCE AGENCY 96912

Agency Fund Group					96913
5AZ0997601 Housing Finance Agency	\$	8,614,627	\$	8,614,627	96914
Personal Services					
TOTAL AGY Agency Fund Group	\$	8,614,627	\$	8,614,627	96915
TOTAL ALL BUDGET FUND GROUPS	\$	8,614,627	\$	8,614,627	96916

Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL 96918

General Revenue Fund 96919

GRF 965321	Operating Expenses	\$	1,164,218	\$	1,164,218	96920
TOTAL GRF	General Revenue Fund	\$	1,164,218	\$	1,164,218	96921
General Services Fund Group						96922
5FA0 965603	Deputy Inspector	\$	400,000	\$	400,000	96923
General for ODOT						
5FT0 965604	Deputy Inspector	\$	425,000	\$	425,000	96924
General for BWC/OIC						
TOTAL GSF	General Services Fund	\$	825,000	\$	825,000	96925
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,989,218	\$	1,989,218	96926
 Section 307.10. INS DEPARTMENT OF INSURANCE						96928
General Revenue Fund						96929
GRF 820607	State Coverage	\$	2,000,000	\$	2,000,000	96930
Initiative						
TOTAL GRF	General Revenue Fund	\$	2,000,000	\$	2,000,000	96931
Federal Special Revenue Fund Group						96932
3CX0 820608	State Coverage	\$	50,000,000	\$	100,000,000	96933
Initiative - Federal						
3U50 820602	OSHIIP Operating	\$	1,770,000	\$	1,790,000	96934
Grant						
TOTAL FED	Federal Special					96935
Revenue Fund Group						
		\$	51,770,000	\$	101,790,000	96936
State Special Revenue Fund Group						96937
5540 820601	Operating Expenses -	\$	200,000	\$	200,000	96938
OSHIIP						
5540 820606	Operating Expenses	\$	22,884,736	\$	22,884,736	96939
5540 820609	State Coverage	\$	479,575	\$	479,575	96940
Initiative						
Administration						
5550 820605	Examination	\$	9,275,768	\$	9,294,668	96941
TOTAL SSR	State Special Revenue					96942

Fund Group	\$	32,840,079	\$	32,858,979	96943
TOTAL ALL BUDGET FUND GROUPS	\$	86,610,079	\$	136,648,979	96944

STATE COVERAGE INITIATIVE 96945

Of the foregoing appropriation item 820607, State Coverage 96946
Initiative, up to \$2,000,000 in each fiscal year shall be used to 96947
support health information technology strategies. No funds shall 96948
be released or used as state matching money for private funds 96949
unless the Department of Insurance secures private funds that are 96950
equal to or greater than a one-to-one matching ratio. In the 96951
selection procedures for the qualified private funds, the 96952
Department shall give preference to Ohio companies. 96953

MARKET CONDUCT EXAMINATION 96954

When conducting a market conduct examination of any insurer 96955
doing business in this state, the Superintendent of Insurance may 96956
assess the costs of the examination against the insurer. The 96957
superintendent may enter into consent agreements to impose 96958
administrative assessments or fines for conduct discovered that 96959
may be violations of statutes or rules administered by the 96960
superintendent. All costs, assessments, or fines collected shall 96961
be deposited to the credit of the Department of Insurance 96962
Operating Fund (Fund 5540). 96963

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 96964

The Director of Budget and Management, at the request of the 96965
Superintendent of Insurance, may transfer funds from the 96966
Department of Insurance Operating Fund (Fund 5540), established by 96967
section 3901.021 of the Revised Code, to the Superintendent's 96968
Examination Fund (Fund 5550), established by section 3901.071 of 96969
the Revised Code, only for expenses incurred in examining domestic 96970
fraternal benefit societies as required by section 3921.28 of the 96971
Revised Code. 96972

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 96973

Not later than the thirty-first day of July each fiscal year, 96974
the Director of Budget and Management shall transfer \$5,000,000 96975
from the Department of Insurance Operating Fund (Fund 5540) to the 96976
General Revenue Fund. 96977

Section 307.20. HEALTH CARE COVERAGE AND QUALITY COUNCIL 96978

(A) The Health Care Coverage and Quality Council created 96979
under section 3923.90 of the Revised Code, as enacted by this act, 96980
shall hold its first meeting not later than September 1, 2009. 96981

(B) In addition to the Council's duties specified in section 96982
3923.91 of the Revised Code, the Council shall evaluate and 96983
recommend strategies pursuant to the recommendations of the former 96984
Ohio Medicaid Administrative Study Council to establish an 96985
initiative conducted by clinicians in the Office of Ohio Health 96986
Plans within the Department of Job and Family Services to do all 96987
of the following: 96988

(1) Adopt evidence-based protocols for the prevention and 96989
management of disease; 96990

(2) Develop a centralized system for payment of Medicaid 96991
claims; 96992

(3) Provide physicians, nurses, and allied health 96993
professionals with training on Medicaid claims procedures and 96994
Medicaid payment reforms; 96995

(4) Monitor results for preventive and primary care services. 96996

(C) Not later than June 30, 2010, the Council shall submit a 96997
report of its findings and recommendations to the Governor, the 96998
President of the Senate, and the Speaker of the House of 96999
Representatives. 97000

Section 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 97001
General Revenue Fund 97002

GRF 600321	Support Services				97003
	State	\$	39,633,697	\$	39,633,697 97004
	Federal	\$	6,994,182	\$	6,994,182 97005
	Support Services Total	\$	46,627,879	\$	46,627,879 97006
GRF 600410	TANF State	\$	190,932,468	\$	203,183,335 97007
GRF 600413	Child Care	\$	88,415,688	\$	93,105,300 97008
	Match/Maintenance of Effort				
GRF 600416	Computer Projects				97009
	State	\$	78,711,648	\$	78,911,648 97010
	Federal	\$	8,745,738	\$	8,767,960 97011
	Computer Projects Total	\$	87,457,386	\$	87,679,608 97012
GRF 600417	Medicaid Provider Audits				97013
	State	\$	1,400,000	\$	1,400,000 97014
	Federal	\$	1,400,000	\$	1,400,000 97015
	Medicaid Provider Audits Total	\$	2,800,000	\$	2,800,000 97016
GRF 600420	Child Support Administration	\$	7,369,234	\$	7,431,310 97017
GRF 600421	Office of Family Stability	\$	2,720,599	\$	2,720,599 97018
GRF 600423	Office of Children and Families	\$	4,842,705	\$	4,842,705 97019
GRF 600425	Office of Ohio Health Plans				97020
	State	\$	14,688,390	\$	11,452,327 97021
	Federal	\$	15,287,916	\$	11,919,769 97022
	Office of Ohio Health Plans Total	\$	29,976,306	\$	23,372,096 97023
GRF 600502	Administration - Local	\$	23,582,308	\$	23,150,288 97024
GRF 600511	Disability Financial Assistance	\$	25,335,908	\$	25,335,908 97025

GRF 600521	Entitlement	\$ 107,026,181	\$ 100,893,286	97026
	Administration - Local			
GRF 600523	Children and Families	\$ 74,209,378	\$ 74,209,378	97027
	Services			
GRF 600525	Health Care/Medicaid			97028
	State	\$ 2,493,379,157	\$ 3,539,256,149	97029
	Federal	\$ 6,372,697,855	\$ 7,407,374,830	97030
	Health Care Total	\$ 8,866,077,012	\$10,946,630,979	97031
GRF 600526	Medicare Part D	\$ 271,746,617	\$ 287,194,790	97032
GRF 600528	Adoption Services			97033
	State	\$ 38,722,700	\$ 41,060,302	97034
	Federal	\$ 49,792,948	\$ 47,455,346	97035
	Adoption Services Total	\$ 88,515,648	\$ 88,515,648	97036
GRF 600533	Child, Family, and	\$ 50,000,000	\$ 50,000,000	97037
	Adult Community &			
	Protective Services			
GRF 600534	Adult Protective	\$ 522,040	\$ 511,453	97038
	Services			
GRF 600535	Early Care and	\$ 150,000,000	\$ 150,000,000	97039
	Education			
GRF 600537	Children's Hospital	\$ 6,000,000	\$ 6,000,000	97040
GRF 600540	Second Harvest Food	\$ 3,500,000	\$ 3,500,000	97041
	Banks			
GRF 600661	Child Care - Federal	\$ 8,915,224	\$ 13,459,664	97042
	Stimulus			
TOTAL GRF	General Revenue Fund			97043
	State	\$ 3,681,653,942	\$ 4,757,252,139	97044
	Federal	\$ 6,454,918,639	\$ 7,483,912,087	97045
	GRF Total	\$10,136,572,581	\$12,241,164,226	97046
	General Services Fund Group			97047
4A80 600658	Child Support	\$ 26,000,000	\$ 26,000,000	97048
	Collections			
4R40 600665	BCII Services/Fees	\$ 36,974	\$ 36,974	97049

5BG0	600653	Managed Care Assessment	\$	168,914,857	\$	0	97050
5C90	600671	Medicaid Program Support	\$	69,876,838	\$	68,313,238	97051
5DL0	600639	Medicaid Revenue and Collections	\$	63,600,000	\$	63,600,000	97052
5DM0	600633	Administration & Operating	\$	19,853,583	\$	19,928,733	97053
5FX0	600638	Medicaid Payment Withholding	\$	26,000,000	\$	26,000,000	97054
5N10	600677	County Technologies	\$	500,000	\$	500,000	97055
5P50	600692	Health Care Services	\$	84,052,802	\$	226,469,478	97056
TOTAL GSF General Services							97057
Fund Group			\$	458,835,054	\$	430,848,423	97058
Federal Special Revenue Fund Group							97059
3270	600606	Child Welfare	\$	33,972,321	\$	33,984,200	97060
3310	600686	Federal Operating	\$	60,672,731	\$	56,569,912	97061
3840	600610	Food Assistance and State Administration	\$	159,109,776	\$	159,109,427	97062
3850	600614	Refugee Services	\$	10,497,024	\$	11,265,511	97063
3950	600616	Special Activities/Child and Family Services	\$	3,113,200	\$	2,813,200	97064
3960	600620	Social Services Block Grant	\$	120,000,000	\$	120,000,000	97065
3970	600626	Child Support	\$	305,830,981	\$	305,832,341	97066
3980	600627	Adoption Maintenance/ Administration	\$	355,345,646	\$	352,184,668	97067
3A20	600641	Emergency Food Distribution	\$	9,953,222	\$	4,970,000	97068
3AW0	600675	Faith Based Initiatives	\$	544,140	\$	544,140	97069
3D30	600648	Children's Trust Fund	\$	2,040,524	\$	2,040,524	97070

		Federal				
3F00	600623	Health Care Federal	\$3,257,696,629	\$ 2,481,516,614		97071
3F00	600650	Hospital Care	\$ 362,092,785	\$ 367,826,196		97072
		Assurance Match				
3G50	600655	Interagency	\$1,703,777,044	\$ 1,666,905,912		97073
		Reimbursement				
3H70	600617	Child Care Federal	\$ 241,862,780	\$ 241,862,779		97074
3N00	600628	IV-E Foster Care	\$ 169,324,768	\$ 161,644,455		97075
		Maintenance				
3S50	600622	Child Support	\$ 534,050	\$ 534,050		97076
		Projects				
3V00	600688	Workforce Investment	\$ 326,923,124	\$ 327,145,616		97077
		Act				
3V40	600678	Federal Unemployment	\$ 167,478,790	\$ 136,982,528		97078
		Programs				
3V40	600679	Unemployment	\$ 3,487,473	\$ 3,487,473		97079
		Compensation Review				
		Commission - Federal				
3V60	600689	TANF Block Grant	\$ 755,528,435	\$ 760,614,433		97080
TOTAL FED		Federal Special Revenue				97081
Fund Group			\$8,049,785,443	\$ 7,197,833,979		97082
State Special Revenue		Fund Group				97083
1980	600647	Children's Trust Fund	\$ 5,881,011	\$ 5,881,011		97084
4A90	600607	Unemployment	\$ 27,134,851	\$ 37,772,416		97085
		Compensation				
		Administration Fund				
4A90	600694	Unemployment	\$ 2,357,197	\$ 2,431,133		97086
		Compensation Review				
		Commission				
4E30	600605	Nursing Home	\$ 4,759,914	\$ 4,759,914		97087
		Assessments				
4E70	600604	Child and Family	\$ 121,318	\$ 121,318		97088
		Services Collections				

4F10	600609	Foundation	\$	250,000	\$	250,000	97089
		Grants/Child & Family Services					
4J50	600613	Nursing Facility Bed	\$	36,713,984	\$	36,713,984	97090
		Assessments					
4J50	600618	Residential State	\$	15,700,000	\$	15,700,000	97091
		Supplement Payments					
4K10	600621	ICF/MR Bed Assessments	\$	28,261,826	\$	29,482,434	97092
4R30	600687	Banking Fees	\$	700,000	\$	700,000	97093
4Z10	600625	HealthCare Compliance	\$	1,000,000	\$	1,000,000	97094
5AJ0	600631	Money Follows the Person	\$	6,286,485	\$	6,195,163	97095
5DB0	600637	Military Injury Grants	\$	2,000,000	\$	2,000,000	97096
5DP0	600634	Adoption Assistance Loan	\$	500,000		500,000	97097
5ES0	600630	Food Assistance	\$	500,000	\$	500,000	97098
5GC0	600640	GOFBCI/Family Stability	\$	70,000	\$	70,000	97099
5GF0	600656	Medicaid - Hospital	\$	357,000,000	\$	354,000,000	97100
5Q90	600619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	97101
5R20	600608	Medicaid-Nursing Facilities	\$	347,955,251	\$	365,135,000	97102
5S30	600629	MR/DD Medicaid Administration and Oversight	\$	2,070,707	\$	2,070,707	97103
5U30	600654	Health Care Services Administration	\$	12,017,389	\$	12,017,389	97104
5U60	600663	Children and Family Support	\$	3,000,000	\$	3,000,000	97105
6510	600649	Hospital Care Assurance Program Fund	\$	220,612,051	\$	218,164,239	97106
TOTAL SSR State Special Revenue							97107

Fund Group			\$ 1,131,017,982	\$ 1,154,590,706	97108
Agency Fund Group					97109
1920 600646	Support Intercept -		\$ 130,000,000	\$ 130,000,000	97110
	Federal				
5830 600642	Support Intercept -		\$ 16,000,000	\$ 16,000,000	97111
	State				
5B60 600601	Food Assistance		\$ 2,000,000	\$ 2,000,000	97112
	Intercept				
TOTAL AGY	Agency Fund Group		\$ 148,000,000	\$ 148,000,000	97113
Holding Account Redistribution Fund Group					97114
R012 600643	Refunds and Audit		\$ 2,200,000	\$ 2,200,000	97115
	Settlements				
R013 600644	Forgery Collections		\$ 10,000	\$ 10,000	97116
TOTAL 090	Holding Account		\$ 2,210,000	\$ 2,210,000	97117
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS			\$19,926,421,060	\$21,174,647,334	97118

Section 309.20. SUPPORT SERVICES 97120

Section 309.20.10. AGENCY FUND GROUP 97121

The Agency Fund Group and Holding Account Redistribution Fund 97122
Group shall be used to hold revenues until the appropriate fund is 97123
determined or until the revenues are directed to the appropriate 97124
governmental agency other than the Department of Job and Family 97125
Services. If receipts credited to the Support Intercept - Federal 97126
Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 97127
the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 97128
Settlements Fund (Fund R012), or the Forgery Collections Fund 97129
(Fund R013) exceed the amounts appropriated from the fund, the 97130
Director of Job and Family Services may request the Director of 97131
Budget and Management to authorize expenditures from the fund in 97132
excess of the amounts appropriated. Upon the approval of the 97133

Director of Budget and Management, the additional amounts are 97134
hereby appropriated. 97135

Section 309.30. MEDICAID 97136

Section 309.30.03. MEDICAID PROVIDER AUDITS 97137

Of the foregoing appropriation item 600417, Medicaid Provider 97138
Audits, \$1,400,000 in each fiscal year shall be used by the 97139
Auditor of State, in consultation with the Department of Job and 97140
Family Services, to perform audits of providers of Medicaid 97141
services as defined in section 117.10 of the Revised Code. 97142

Section 309.30.10. HEALTH CARE/MEDICAID 97143

The foregoing appropriation item 600525, Health 97144
Care/Medicaid, shall not be limited by section 131.33 of the 97145
Revised Code. 97146

Section 309.30.11. MEDICAID COST MANAGEMENT 97147

The Department of Job and Family Services shall achieve the 97148
following savings to the Medicaid Program as specified in the 97149
Department's Quarterly Cost Management Report on Ohio's Medicaid 97150
Program from November 9, 2007: (1) \$12,500,000 in fiscal year 2010 97151
and \$37,500,000 in fiscal year 2011 by increasing medical support 97152
collections related to child support cases; (2) \$8,543,343 in 97153
fiscal year 2010 and \$37,463,393 in fiscal year 2011 by increasing 97154
Medicare enrollment for Medicaid recipients who qualify for 97155
Medicare; and (3) \$20,000,000 in fiscal year 2011 by implementing 97156
a medical claims editing system to ungroup claims and identify 97157
questionable claims prior to payment. 97158

Section 309.30.12. MEDICAID COVERAGE OF OXYGEN SERVICES TO 97159
ICF/MR RESIDENTS 97160

Of the foregoing appropriation item 600525, Health 97161
Care/Medicaid, \$30,000 in each fiscal year shall be used to 97162
reimburse medical suppliers of oxygen services in accordance with 97163
section 5111.236 of the Revised Code. 97164

Section 309.30.15. CHILDREN'S HOSPITALS 97165

(A) As used in this section: 97166

(1) "Children's hospital" means a hospital that primarily 97167
serves patients eighteen years of age and younger and is excluded 97168
from Medicare prospective payment in accordance with 42 C.F.R. 97169
412.23(d). 97170

(2) "Medicaid inpatient cost-to-charge ratio" means the 97171
historic Medicaid inpatient cost-to-charge ratio applicable to a 97172
hospital as described in rules adopted by the Director of Job and 97173
Family Services in paragraph (B)(2) of rule 5101:3-2-22 of the 97174
Administrative Code. 97175

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 97176
the Administrative Code and except as provided in division (C) of 97177
this section, the Director of Job and Family Services shall pay a 97178
children's hospital that meets the criteria in paragraphs (E)(1) 97179
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 97180
cost outlier claim made in fiscal years 2010 and 2011, an amount 97181
that is the product of the hospital's allowable charges and the 97182
hospital's Medicaid inpatient cost-to-charge ratio. 97183

(C) The Director of Job and Family Services shall cease 97184
paying a children's hospital for a cost outlier claim under the 97185
methodology in division (B) of this section and revert to paying 97186
the hospital for such a claim according to the methodology in 97187
paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 97188
Administrative Code, as applicable, when the difference between 97189
the total amount the Director has paid according to the 97190

methodology in division (B) of this section for such claims and 97191
the total amount the Director would have paid according to the 97192
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 97193
the Administrative Code for such claims, as the applicable 97194
paragraph existed on June 30, 2009, exceeds the amounts available 97195
under division (F) of this section. 97196

(D) The Director of Job and Family Services shall make 97197
supplemental Medicaid payments to children's hospitals for 97198
inpatient services under a program modeled after the program the 97199
Department of Job and Family Services was required to create for 97200
fiscal years 2006 and 2007 in Section 206.66.79 of Am. Sub. H.B. 97201
66 of the 126th General Assembly if the difference between the 97202
total amount the Director has paid according to the methodology in 97203
division (B) of this section for cost outlier claims and the total 97204
amount the Director would have paid according to the methodology 97205
in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 97206
Administrative Code for such claims, as the applicable paragraph 97207
existed on June 30, 2009, does not require the expenditure of all 97208
state and federal funds available under division (F) of this 97209
section for the applicable fiscal year. The program may be the 97210
same as the program the Director used for making the payments to 97211
children's hospitals for fiscal years 2008 and 2009 under Section 97212
309.30.13 of Am. Sub. H.B. 119 of the 127th General Assembly. 97213

(E) The Director of Job and Family Services shall not adopt, 97215
amend, or rescind any rules that would result in decreasing the 97216
amount paid to children's hospitals under division (B) of this 97217
section for cost outlier claims. 97218

(F) Of the foregoing appropriation item, 600537, Children's 97219
Hospital, up to \$6 million (state share) in each fiscal year plus 97220
the corresponding federal match, if available, shall be used by 97221
the Department to pay the amounts described in divisions (B) and 97222

(D) of this section. The Department shall also use the amounts 97223
available pursuant to divisions (F)(2) and (3) of Section 97224
309.30.74 of this act, plus the corresponding federal match, to 97225
pay the amounts described in divisions (B) and (D) of this 97226
section. 97227

Section 309.30.20. FISCAL YEARS 2010 AND 2011 MEDICAID 97228
REIMBURSEMENT SYSTEM FOR NURSING FACILITIES 97229

(A) As used in this section: 97230

(1) "Applicable fiscal year" means the following: 97231

(a) In the case of rates to be paid under this section for 97232
nursing facility services provided during fiscal year 2010, fiscal 97233
year 2010; 97234

(b) In the case of rates to be paid under this section for 97235
nursing facility services provided during fiscal year 2011, fiscal 97236
year 2011. 97237

(2) "Franchise permit fee," "Medicaid days," "nursing 97238
facility," and "provider" have the same meanings as in section 97239
5111.20 of the Revised Code. 97240

(3) "Nursing facility services" means nursing facility 97241
services covered by the Medicaid program that a nursing facility 97242
provides to a resident of the nursing facility who is a Medicaid 97243
recipient eligible for Medicaid-covered nursing facility services. 97244
97245

(B) Except as otherwise provided by this section, the 97246
provider of a nursing facility that has a valid Medicaid provider 97247
agreement on the day immediately preceding the first day of the 97248
applicable fiscal year and a valid Medicaid provider agreement 97249
during the applicable fiscal year shall be paid, for nursing 97250
facility services the nursing facility provides during the 97251
applicable fiscal year, the rate calculated for the nursing 97252

facility under sections 5111.20 to 5111.33 of the Revised Code 97253
with the following adjustments: 97254

(1) The nursing facility's rate for capital costs shall be 97255
the greater of the following: 97256

(a) The sum calculated under division (B)(2) of section 97257
5111.25 of the Revised Code for the nursing facility; 97258

(b) The median rate for capital costs for the nursing 97259
facilities in the nursing facility's peer group as determined 97260
under division (D) of section 5111.25 of the Revised Code, 97261
adjusted as follows: 97262

(i) Increase the rate so determined by two per cent; 97263

(ii) Increase the rate determined under division (B)(1)(b)(i) 97264
of this section by two per cent; 97265

(iii) Increase the rate determined under division 97266
(B)(1)(b)(ii) of this section by one per cent. 97267

(2) The cost per case mix-unit calculated under section 97268
5111.231 of the Revised Code, the rate for ancillary and support 97269
costs calculated under section 5111.24 of the Revised Code, and 97270
the rate for tax costs calculated under section 5111.242 of the 97271
Revised Code shall each be adjusted as follows: 97272

(a) Increase the cost and rates so calculated by two per 97273
cent; 97274

(b) Increase the cost and rates determined under division 97275
(B)(2)(a) of this section by two per cent; 97276

(c) Increase the cost and rates determined under division 97277
(B)(2)(b) of this section by one per cent. 97278

(3) The mean payment used in the calculation of the quality 97279
incentive payment made under section 5111.244 of the Revised Code 97280
shall be, weighted by Medicaid days, three dollars and three cents 97281
per Medicaid day. 97282

(C)(1) If the rate determined for a nursing facility under 97283
division (B) of this section for nursing facility services 97284
provided during fiscal year 2010 is more than the sum calculated 97285
under division (C)(3) of this section for the nursing facility, 97286
the Department of Job and Family Services shall reduce the nursing 97287
facility's rate determined under division (B) of this section for 97288
fiscal year 2010 by one-half of the difference between the rate 97289
determined for the nursing facility under division (B) of this 97290
section for fiscal year 2010 and the sum calculated under division 97291
(C)(3) of this section for the nursing facility. 97292

(2) If the rate determined for a nursing facility under 97293
division (B) of this section for nursing facility services 97294
provided during the applicable fiscal year is less than the sum 97295
calculated under division (C)(3) of this section for the nursing 97296
facility, the Department shall increase the nursing facility's 97297
rate determined under division (B) of this section for the 97298
applicable fiscal year by the difference between the rate 97299
determined for the nursing facility under division (B) of this 97300
section for the applicable fiscal year and the sum calculated 97301
under division (C)(3) of this section for the nursing facility. 97302

(3) The sum of the following shall be calculated for the 97303
purpose of divisions (C)(1) and (2) of this section: 97304

(a) The rate the provider is paid for nursing facility 97305
services the nursing facility provides on June 30, 2009; 97306

(b) In the case of a nursing facility that pays the franchise 97307
permit fee, one hundred seventy-three per cent of the mean of the 97308
amounts calculated under divisions (D)(1)(c)(ii), (iii), and (iv) 97309
of section 5111.231 of the Revised Code; 97310

(c) In the case of a nursing facility that does not pay the 97311
franchise permit fee, zero. 97312

(D) If the United States Centers for Medicare and Medicaid 97313

Services requires that the franchise permit fee be reduced or 97314
eliminated, the Department of Job and Family Services shall reduce 97315
the amount it pays providers of nursing facility services under 97316
this section as necessary to reflect the loss to the state of the 97317
revenue and federal financial participation generated from the 97318
franchise permit fee. 97319

(E) The Department of Job and Family Services shall follow 97320
this section in determining the rate to be paid to the provider of 97321
a nursing facility that has a valid Medicaid provider agreement on 97322
the day immediately preceding the first day of the applicable 97323
fiscal year and a valid Medicaid provider agreement during the 97324
applicable fiscal year notwithstanding anything to the contrary in 97325
sections 5111.20 to 5111.33 of the Revised Code. 97326

Section 309.30.30. NURSING FACILITY CAPITAL COSTS STUDY 97327

Not later than December 31, 2010, the Department of Job and 97328
Family Services shall submit a report to the Governor and, in 97329
accordance with section 101.68 of the Revised Code, the General 97330
Assembly with recommendations for developing a new system for 97331
reimbursing nursing facilities' capital costs under the Medicaid 97332
program. The report may include recommendations for changes to 97333
other parts of the Medicaid reimbursement system for nursing 97334
facilities. The Department shall prepare the report in 97335
consultation with the Ohio Academy of Nursing Homes; the 97336
Association of Ohio Philanthropic Homes, Housing, and Services for 97337
the Aging; and the Ohio Health Care Association. The 97338
recommendations regarding the new system for reimbursing nursing 97339
facilities for capital costs shall focus on both of the following: 97340

(A) Resulting in a statewide average per diem rate, weighted 97341
by Medicaid days, for capital costs for the first fiscal year the 97342
system is implemented that is budget neutral compared to the 97343
statewide average per diem rate, weighted by Medicaid days, for 97344

capital costs under section 5111.25 of the Revised Code, as 97345
amended by this act; 97346

(B) Appropriately recognizing increased costs incurred by 97347
nursing facilities for capital improvements to, and replacement 97348
of, existing nursing facilities. 97349

Section 309.30.60. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT 97350
SYSTEM FOR ICFs/MR 97351

(A) As used in this section: 97352

"Change of operator," "entering operator," and "exiting 97353
operator" have the same meanings as in section 5111.65 of the 97354
Revised Code. 97355

"Franchise permit fee" and "provider" have the same meanings 97356
as in section 5111.20 of the Revised Code. 97357

"ICF/MR" means an intermediate care facility for the mentally 97358
retarded as defined in section 5111.20 of the Revised Code. 97359

"ICF/MR services" means services covered by the Medicaid 97360
program that an ICF/MR provides to a Medicaid recipient eligible 97361
for the services. 97362

"Medicaid days" means all days during which a resident who is 97363
a Medicaid recipient occupies a bed in an ICF/MR that is included 97364
in the ICF/MR's Medicaid-certified capacity. Therapeutic or 97365
hospital leave days for which payment is made under section 97366
5111.33 of the Revised Code are considered Medicaid days 97367
proportionate to the percentage of the ICF/MR's per resident per 97368
day rate paid for those days. 97369

"Per diem rate" means the per diem rate calculated pursuant 97370
to sections 5111.20 to 5111.33 of the Revised Code. 97371

(B) This section applies to providers of ICFs/MR to which 97372
either of the following applies: 97373

(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2009, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2010.

(2) The ICF/MR undergoes a change of operator effective July 1, 2009, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2009, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2010.

(C) Except as otherwise provided by this section, the provider of an ICF/MR to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during fiscal year 2010, the rate calculated for the ICF/MR under sections 5111.20 to 5111.33 of the Revised Code.

(D) If the mean total per diem rate for all ICFs/MR in this state for fiscal year 2010, weighted by May 2009 Medicaid days and calculated as of July 1, 2009, exceeds \$279.88, the Department shall reduce the total per diem rate for each ICF/MR to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate exceeds \$279.88.

(E) The rate of an ICF/MR set pursuant to this section shall not be subject to any adjustments authorized by sections 5111.20 to 5111.33 of the Revised Code, or any rule authorized by those sections, during the remainder of fiscal year 2010.

(F) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of ICF/MR services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(G) The Department of Job and Family Services shall follow

this section in determining the rate to be paid providers of 97405
ICF/MR services subject to this section notwithstanding anything 97406
to the contrary in sections 5111.20 to 5111.33 of the Revised 97407
Code. 97408

(H) Not later than September 30, 2009, the Director of Job 97409
and Family Services shall submit an amendment to the state 97410
Medicaid plan to the United States Secretary of Health and Human 97411
Services as necessary to implement this section. On receipt of the 97412
United States Secretary's approval of the amendment to the state 97413
Medicaid plan, the Director shall implement this section 97414
retroactive to the later of the effective date of the state 97415
Medicaid plan amendment or July 1, 2009. 97416

Section 309.30.70. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT 97417
SYSTEM FOR ICFs/MR 97418

(A) As used in this section: 97419

"Change of operator," "entering operator," and "exiting 97420
operator" have the same meanings as in section 5111.65 of the 97421
Revised Code. 97422

"Franchise permit fee" and "provider" have the same meanings 97423
as in section 5111.20 of the Revised Code. 97424

"ICF/MR" means an intermediate care facility for the mentally 97425
retarded as defined in section 5111.20 of the Revised Code. 97426

"ICF/MR services" means services covered by the Medicaid 97427
program that an ICF/MR provides to a Medicaid recipient eligible 97428
for the services. 97429

"Medicaid days" means all days during which a resident who is 97430
a Medicaid recipient occupies a bed in an ICF/MR that is included 97431
in the ICF/MR's Medicaid-certified capacity. Therapeutic or 97432
hospital leave days for which payment is made under section 97433
5111.33 of the Revised Code are considered Medicaid days 97434

proportionate to the percentage of the ICF/MR's per resident per 97435
day rate paid for those days. 97436

"Per diem rate" means the per diem rate calculated pursuant 97437
to sections 5111.20 to 5111.33 of the Revised Code. 97438

(B) This section applies to providers of ICFs/MR to which 97439
either of the following applies: 97440

(1) The provider has a valid Medicaid provider agreement for 97441
the ICF/MR on June 30, 2010, and a valid Medicaid provider 97442
agreement for the ICF/MR during fiscal year 2011. 97443

(2) The ICF/MR undergoes a change of operator effective July 97444
1, 2010, the exiting operator has a valid Medicaid provider 97445
agreement for the ICF/MR on June 30, 2010, and the entering 97446
operator has a valid Medicaid provider agreement for the ICF/MR 97447
during fiscal year 2011. 97448

(C) Except as otherwise provided by this section, the 97449
provider of an ICF/MR to which this section applies shall be paid, 97450
for ICF/MR services the ICF/MR provides during fiscal year 2011, 97451
the rate calculated for the ICF/MR under sections 5111.20 to 97452
5111.33 of the Revised Code. 97453

(D) If the mean total per diem rate for all ICFs/MR in this 97454
state for fiscal year 2011, weighted by May 2010 Medicaid days and 97455
calculated as of July 1, 2010, exceeds \$282.54, the Department 97456
shall reduce the total per diem rate for each ICF/MR to which this 97457
section applies by a percentage that is equal to the percentage by 97458
which the mean total per diem rate exceeds \$282.54. 97459

(E) The rate of an ICF/MR set pursuant to this section shall 97460
not be subject to any adjustments authorized by sections 5111.20 97461
to 5111.33 of the Revised Code, or any rule authorized by those 97462
sections, during the remainder of fiscal year 2011. 97463

(F) If the United States Centers for Medicare and Medicaid 97464

Services requires that the franchise permit fee be reduced or 97465
eliminated, the Department of Job and Family Services shall reduce 97466
the amount it pays providers of ICF/MR services under this section 97467
as necessary to reflect the loss to the state of the revenue and 97468
federal financial participation generated from the franchise 97469
permit fee. 97470

(G) The Department of Job and Family Services shall follow 97471
this section in determining the rate to be paid providers of 97472
ICF/MR services subject to this section notwithstanding anything 97473
to the contrary in sections 5111.20 to 5111.33 of the Revised 97474
Code. 97475

(H) Not later than September 30, 2010, the Director of Job 97476
and Family Services shall submit an amendment to the state 97477
Medicaid plan to the United States Secretary of Health and Human 97478
Services as necessary to implement this section. On receipt of the 97479
United States Secretary's approval of the amendment to the state 97480
Medicaid plan, the Director shall implement this section 97481
retroactive to the later of the effective date of the state 97482
Medicaid plan amendment or July 1, 2010. 97483

Section 309.30.71. ICF/MR REIMBURSEMENT STUDY COUNCIL 97484

(A) There is hereby created the ICF/MR Reimbursement Study 97485
Council consisting of all of the following members: 97486

(1) The Director of Job and Family Services; 97487

(2) The Deputy Director of the Office of Ohio Health Plans of 97488
the Department of Job and Family Services; 97489

(3) The Director of Mental Retardation and Developmental 97490
Disabilities; 97491

(4) One representative of Medicaid recipients residing in 97492
intermediate care facilities for the mentally retarded, appointed 97493
by the Governor; 97494

(5) Two representatives of each of the following organizations, appointed by their respective governing bodies:	97495 97496
(a) The Ohio Provider Resource Association;	97497
(b) The Ohio Health Care Association;	97498
(c) The Ohio Association of County Boards of Mental Retardation and Developmental Disabilities.	97499 97500
Initial appointments of members described in divisions (A)(4) and (5) of this section shall be made not later than thirty days after the effective date of this section. Vacancies shall be filled in the same manner as the original appointments. Members described in those divisions shall serve at the pleasure of the official or governing body making the appointment of the member.	97501 97502 97503 97504 97505 97506
The Director of Job and Family Services shall serve as chairperson of the council. Members of the council shall serve without compensation, except to the extent that serving on the council is part of their regular duties of employment.	97507 97508 97509 97510
(B) The council shall review the system established by sections 5111.20 to 5111.33 of the Revised Code for reimbursing intermediate care facilities for the mentally retarded under the Medicaid program. Not later than July 1, 2010, the council shall issue a report of its activities, findings, and recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate.	97511 97512 97513 97514 97515 97516 97517
(C) In its consideration of the system for reimbursing intermediate care facilities for the mentally retarded under division (B) of this section, the council shall use the following principles:	97518 97519 97520 97521
(1) The system should appropriately account for differences in acuity and service needs among individuals in intermediate care facilities for the mentally retarded.	97522 97523 97524

(2) The system should support and encourage quality services,	97525
including both of the following elements:	97526
(a) A high level of coverage of direct care costs;	97527
(b) Pay for performance mechanisms.	97528
(3) The system should reflect appropriate recognition that	97529
virtually all individuals served in intermediate care facilities	97530
for the mentally retarded are Medicaid recipients.	97531
(4) The system should encourage cost-effective service	97532
delivery.	97533
(5) The system should encourage innovation in service	97534
delivery.	97535
(6) The system should encourage appropriate maintenance,	97536
improvement, and replacement of facilities.	97537
(D) The council shall cease to exist on the submission of a	97538
report under division (B) of this section.	97539
Section 309.30.72. (A) As used in this section:	97540
(1) "Durable medical mobility equipment" means manual and	97541
power wheelchairs.	97542
(2) "Asset management service" means a system under which	97543
discarded, no longer required, or otherwise unused but functional	97544
durable medical mobility equipment is reallocated to eligible	97545
Medicaid recipients for reuse.	97546
(B) The Department of Job and Family Services shall study the	97547
potential of using an asset management service within the Medicaid	97548
program. Under the asset management service, the state is to	97549
retain ownership of all durable medical mobility equipment	97550
provided to Medicaid recipients. In conducting the study, the	97551
department shall evaluate all of the following:	97552
(1) The use of an online database that facilitates the	97553

reallocation of durable medical mobility equipment; 97554

(2) The use of an annual inspection and maintenance system to 97555
service and maintain durable medical mobility equipment; 97556

(3) A process whereby durable medical mobility equipment that 97557
has been provided in the past to medicaid recipients may be 97558
included in an asset management service; 97559

(4) The potential costs and cost savings under an asset 97560
management service; 97561

(5) Implementation of an asset management service on a trial 97562
basis before statewide implementation; 97563

(6) Whether any adjustments to the state's Medicaid plan are 97564
necessary to implement an asset management service. 97565

(C) Not later than January 1, 2010, the Department shall 97566
prepare a report of its findings and recommendations resulting 97567
from the study, including a specific recommendation as to whether 97568
an asset management service should be implemented under the 97569
Medicaid program. The Department shall submit the report to the 97570
Governor, Speaker and Minority Leader of the House of 97571
Representatives, and President and Minority Leader of the Senate. 97572

Section 309.30.73. INCREASE IN MEDICAID RATES FOR HOSPITAL 97573
INPATIENT AND OUTPATIENT SERVICES 97574

The Director of Job and Family Services shall amend rules 97575
adopted under section 5111.02 of the Revised Code as necessary to 97576
increase, for the period beginning July 1, 2009, and ending June 97577
30, 2011, the Medicaid reimbursement rates for Medicaid-covered 97578
hospital inpatient services and hospital outpatient services to 97579
rates that result in an amount that is five per cent higher than 97580
the amount resulting from the rates in effect on June 30, 2009. 97581

Section 309.30.74. HOSPITAL ASSESSMENTS 97582

(A) As used in this section:	97583
(1) "Applicable fiscal year" means the following:	97584
(a) For purposes of the assessment imposed under this section for fiscal year 2010, fiscal year 2010;	97585 97586
(b) For purposes of the assessment imposed under this section for fiscal year 2011, fiscal year 2011.	97587 97588
(2) "Cost reporting period" means a twelve-month period used by a hospital in reporting costs for purposes of the Medicare program.	97589 97590 97591
(3)(a) Except as provided in division (A)(3)(b) of this section, "hospital" means a hospital to which any of the following applies:	97592 97593 97594
(i) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital and provides inpatient hospital services, as defined in 42 C.F.R. 440.10.	97595 97596 97597 97598
(ii) The hospital is recognized under the Medicare program as a cancer hospital and is exempt from the Medicare prospective payment system.	97599 97600 97601
(iii) The hospital is a psychiatric hospital licensed under section 5119.20 of the Revised Code.	97602 97603
(b) "Hospital" does not include either of the following:	97604
(i) A federal hospital;	97605
(ii) A hospital that does not charge its patients for its services.	97606 97607
(4) "Hospital care assurance program" means the program established under sections 5112.01 to 5112.21 of the Revised Code.	97608 97609
(5) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.	97610 97611

(6) "Medicare" means the program established under Title 97612
XVIII of the Social Security Act. 97613

(7)(a) Except as provided in divisions (A)(7)(b) and (c) of 97614
this section, "total facility costs" means the total costs to a 97615
hospital for all care provided to all patients, including the 97616
direct, indirect, and overhead costs to the hospital of all 97617
services, supplies, equipment, and capital related to the care of 97618
patients, regardless of whether patients are enrolled in a health 97619
insuring corporation. 97620

(b) "Total facility costs" excludes all of the following of a 97621
hospital's costs as shown on the cost-reporting data used for 97622
purposes of determining the hospital's assessment under division 97623
(B) of this section: 97624

(i) Skilled nursing services provided in distinct-part 97625
nursing facility units; 97626

(ii) Home health services; 97627

(iii) Hospice services; 97628

(iv) Ambulance services; 97629

(v) Renting durable medical equipment; 97630

(vi) Buying durable medical equipment. 97631

(c) "Total facility costs" excludes any costs excluded from a 97632
hospital's total facility costs pursuant to rules, if any, adopted 97633
under division (H) of this section. 97634

(B) For the purposes specified in division (F) of this 97635
section and subject to divisions (I) and (J) of this section, 97636
there is hereby imposed an assessment on all hospitals for fiscal 97637
years 2010 and 2011. 97638

The amount of a hospital's assessment for fiscal year 2010 97639
shall equal one and sixty-one hundredths per cent of the 97640
hospital's total facility costs for the hospital's cost reporting 97641

period that falls during the period beginning January 1, 2007, and 97642
ending June 30, 2008. The amount of a hospital's assessment for 97643
fiscal year 2011 shall equal one and fifty-two hundredths per cent 97644
of the hospital's total facility costs for the hospital's cost 97645
reporting period that falls during the period beginning January 1, 97646
2008, and ending June 30, 2009. The amount of a hospital's total 97647
facility costs shall be derived from cost-reporting data for the 97648
hospital submitted to the Department of Job and Family Services 97649
for purposes of the Hospital Care Assurance Program. The 97650
cost-reporting data used to determine a hospital's assessment is 97651
subject to the same type of adjustments made to the data under the 97652
Hospital Care Assurance Program. 97653

The assessment imposed by this section on a hospital is in 97654
addition to the assessment imposed by section 5112.06 of the 97655
Revised Code. 97656

(C)(1)(a) The Department of Job and Family Services shall 97657
mail to each hospital by certified mail, return receipt requested, 97658
the preliminary determination of the amount that the hospital is 97659
assessed under this section for fiscal year 2010 not later than 97660
the later of the following: 97661

(i) December 15, 2009; 97662

(ii) Fifteen days after the date the United States Secretary 97663
of Health and Human Services approves the Medicaid state plan 97664
amendment sought under Section 309.30.75 of this act regarding the 97665
Hospital Inpatient and Outpatient Supplemental Upper Payment Limit 97666
Program. 97667

(b) The Department shall mail to each hospital by certified 97668
mail, return receipt requested, the preliminary determination of 97669
the amount that the hospital is assessed under this section for 97670
fiscal year 2011 not later than one year after the date the 97671
Department mails the preliminary determination for fiscal year 97672

2010 under division (C)(1)(a) of this section. 97673

(c) Except as provided in division (C)(2) of this section, 97674
the preliminary determination under division (C)(1)(a) or (b) of 97675
this section becomes the final determination for the applicable 97676
fiscal year fifteen days after the preliminary determination is 97677
mailed to the hospital. 97678

(2) A hospital may request that the Department reconsider the 97679
preliminary determination mailed to the hospital under division 97680
(C)(1)(a) or (b) of this section by submitting to the Department a 97681
written request for a reconsideration not later than fourteen days 97682
after the hospital's preliminary determination is mailed to the 97683
hospital. The request must be accompanied by written materials 97684
setting forth the basis for the reconsideration. On receipt of a 97685
timely request, the Department shall reconsider the preliminary 97686
determination and may adjust the preliminary determination on the 97687
basis of the written materials accompanying the request. The 97688
result of the reconsideration is the final determination of the 97689
hospital's assessment under this section for the applicable fiscal 97690
year. 97691

(3) The Department shall mail to each hospital a written 97692
notice of the final determination of its assessment for the 97693
applicable fiscal year. A hospital may appeal the final 97694
determination to the court of common pleas of Franklin County. 97695
While a judicial appeal is pending, the hospital shall pay, in 97696
accordance with division (D) of this section, any amount of its 97697
assessment that is not in dispute. 97698

(D)(1)(a) Each hospital shall pay the amount it is assessed 97699
under this section for fiscal year 2010 in three equal 97700
installments. Except as provided in division (D)(1)(b) of this 97701
section, the installments are due as follows: 97702

(i) The first installment is due not later than fifteen days 97703

after the date the Department mails the hospital written notice of 97704
the final determination of the hospital's assessment for fiscal 97705
year 2010 under division (C)(3) of this section. 97706

(ii) The second installment is due not later than three 97707
months after the date the first installment is due. 97708

(iii) The third installment is due not later than three 97709
months after the date the second installment is due. 97710

(b) The Department may establish an alternative schedule for 97711
hospitals to make their installment payments if the United States 97712
Secretary of Health and Human Services approves the Medicaid state 97713
plan amendment sought under Section 309.30.75 of this act 97714
regarding the Hospital Inpatient and Outpatient Supplemental Upper 97715
Payment Limit Program not later than January 15, 2010. No 97716
installment payment shall be due earlier than sixty days after the 97717
date the previous installment payment was due under the 97718
alternative schedule even if that results in an installment 97719
payment being due after the end of fiscal year 2010. 97720

(2) Each hospital shall pay the amount it is assessed under 97721
this section for fiscal year 2011 in three equal installments. 97722
Each installment is due one year after the date the corresponding 97723
installment payment for the assessment for fiscal year 2010 was 97724
due even if that results in an installment payment being due after 97725
the end of fiscal year 2011. 97726

(E) The Department may audit a hospital to ensure that the 97727
hospital properly pays the amount it is assessed under this 97728
section. The Department may take action to recover from a hospital 97729
any amount the audit reveals that the hospital should have paid 97730
but did not pay. 97731

(F) There is hereby created in the state treasury the 97732
Hospital Assessment Fund. All installment payments made by 97733
hospitals under this section and all recoveries the Department 97734

makes under this section shall be deposited into the fund. All 97735
investment earnings of the fund shall be credited to the fund. 97736

The Department shall use money in the fund as follows: 97737

(1) To fund the Medicaid reimbursement rate increase for 97738
Medicaid-covered hospital inpatient services and hospital 97739
outpatient services required by Section 309.30.73 of this act; 97740

(2) Of the amounts deposited into the fund for fiscal year 97741
2010 that remain in the fund after the Department uses the money 97742
in the fund for the purpose specified in division (F)(1) of this 97743
section, \$4,400,000 shall be used in accordance with division (F) 97744
of Section 309.30.15 of this act; 97745

(3) Of the amounts deposited into the fund for fiscal year 97746
2011 that remain in the fund after the Department uses the money 97747
in the fund for the purpose specified in division (F)(1) of this 97748
section, \$4,000,000 shall be used in accordance with division (F) 97749
of Section 309.30.15 of this act; 97750

(4) Of the amounts deposited into the fund for fiscal years 97751
2010 and 2011 that remain in the fund after the Department uses 97752
the money in the fund for the purposes specified in divisions 97753
(F)(1), (2) (in the case of fiscal year 2010), and (3) (in the 97754
case of fiscal year 2011) of this section, as much as is available 97755
shall be used for the purpose specified in Section 309.30.75 of 97756
this act; 97757

(5) Of the amounts deposited into the fund for fiscal years 97758
2010 and 2011 that remain in the fund after the Department uses 97759
the money in the fund for the purposes specified in divisions 97760
(F)(1), (2) (in the case of fiscal year 2010), (3) (in the case of 97761
fiscal year 2011), and (4) of this section, as much as is 97762
available shall be used for the purpose specified in Section 97763
309.30.76 of this act; 97764

(6) Of the amounts deposited into the fund for fiscal years 97765

2010 and 2011 that remain in the fund after the Department uses 97766
the money in the fund for the purposes specified in divisions 97767
(F)(1), (2) (in the case of fiscal year 2010), (3) (in the case of 97768
fiscal year 2011), (4), and (5) of this section, as much as is 97769
available shall be used for the purpose specified in Section 97770
309.30.77 of this act; 97771

(7) Of the amounts deposited into the fund for fiscal years 97772
2010 and 2011 that remain in the fund after the Department uses 97773
the money in the fund for the purposes specified in divisions 97774
(F)(1), (2) (in the case of fiscal year 2010), (3) (in the case of 97775
fiscal year 2011), (4), (5), and (6) of this section, as much as 97776
is available shall be used for the purpose specified in Section 97777
309.30.78 of this act. 97778

(G) At the request of a hospital, the Department shall 97779
provide the hospital a written letter stating that it is the 97780
Department's official position that the assessments the hospital 97781
pays under this section are a community benefit for purposes of 97782
federal taxation. 97783

(H) The Director of Job and Family Services may adopt, amend, 97784
and rescind rules in accordance with Chapter 119. of the Revised 97785
Code as necessary to implement this section. The rules may provide 97786
that a hospital's total facility costs for the purpose of the 97787
assessment under this section exclude any of the following: 97788

(1) A hospital's costs associated with providing care to 97789
recipients of any of the following: 97790

(a) The Medicaid program; 97791

(b) The Medicare program; 97792

(c) The Disability Financial Assistance program established 97793
under Chapter 5115. of the Revised Code; 97794

(d) The Disability Medical Assistance program established 97795

under Chapter 5115. of the Revised Code;	97796
(e) The Program for Medically Handicapped Children established under section 3701.023 of the Revised Code;	97797 97798
(f) Services provided under the Maternal and Child Health Services Block Grant established under Title V of the Social Security Act.	97799 97800 97801
(2) Any other category of hospital costs the Director deems appropriate under federal statutes and regulations governing the Medicaid program.	97802 97803 97804
(I) The Director shall not implement this section unless the United States Secretary of Health and Human Services approves the Medicaid state plan amendment sought under Section 309.30.75 of this act to create the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program.	97805 97806 97807 97808 97809
(J) The Director shall implement the assessment imposed by this section in a manner that makes the assessment a permissible health care-related tax under 42 U.S.C. 1396b(w). However, if the United States Secretary of Health and Human Services determines that the assessment is an impermissible health care-related tax under 42 U.S.C. 1396b(w), the Director shall take all necessary actions to cease implementation of this section and shall promptly refund to each hospital the amount of money in the Hospital Assessment Fund at the time the refund is to be made that the hospital paid under this section, plus any corresponding investment earnings on that amount.	97810 97811 97812 97813 97814 97815 97816 97817 97818 97819 97820
Section 309.30.75. HOSPITAL INPATIENT AND OUTPATIENT SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM	97821 97822
(A) As used in this section, "hospital" has the same meaning as in section 309.30.74 of this act, except that "hospital" excludes a children's hospital as defined in section 309.30.15 of	97823 97824 97825

this act. 97826

(B) The Director of Job and Family Services shall submit a 97827
Medicaid state plan amendment to the United States Secretary of 97828
Health and Human Services to create the Hospital Inpatient and 97829
Outpatient Supplemental Upper Payment Limit Program. If the United 97830
States Secretary approves the Medicaid state plan amendment, the 97831
Director, subject to division (C) of this section, shall do all of 97832
the following: 97833

(1) To the maximum extent permitted by 42 C.F.R. 447.272 and 97834
42 C.F.R. 447.321, make supplemental Medicaid payments under the 97835
program to hospitals for inpatient services and outpatient 97836
services covered by Medicaid using funds made available for the 97837
program under division (F)(4) of Section 309.30.74 of this act and 97838
federal matching funds available for the program; 97839

(2) Except as necessary to comply with division (B)(3)(c) of 97840
this section, make the supplemental Medicaid payments to a 97841
hospital in three equal installments for fiscal year 2010 and 97842
three equal installments for fiscal year 2011 that are due not 97843
later than fifteen days after the date the hospital makes the 97844
corresponding installment payment for its assessment under Section 97845
309.30.74 of this act; 97846

(3) Develop and utilize a system for making the supplemental 97847
Medicaid payments that complies with all of the following: 97848

(a) It is fair and equitable to all hospitals. 97849

(b) To the extent permitted by federal law, it recognizes the 97850
amount of the assessments hospitals pay under Section 309.30.74 of 97851
this act. 97852

(c) It ensures that payments to children's hospitals under 97853
Section 309.30.15 of this act are not reduced or eliminated due to 97854
the upper payment limits on Medicaid payments to hospitals 97855
established by 42 C.F.R. 447.272 and 42 C.F.R. 447.321. 97856

(B) The Director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.

(C) The Director shall take all necessary actions to cease implementation of this section if the United States Secretary of Health and Human Services determines that the assessment imposed under Section 309.30.74 of this act is an impermissible health care-related tax under 42 U.S.C. 1396b(w).

Section 309.30.76. INCREASE IN MEDICAID RATES FOR HOSPITAL HOME HEALTH SERVICES

(A) As used in this section, "hospital" has the same meaning as in Section 309.30.74 of this act, except that "hospital" excludes a children's hospital as defined in Section 309.30.15 of this act.

(B) Subject to division (C) of this section, the Director of Job and Family Services shall amend rules adopted under section 5111.02 of the Revised Code as necessary to increase, for the period beginning July 1, 2009, and ending June 30, 2011, and to the maximum extent permitted by federal law, the Medicaid reimbursement rates for Medicaid-covered home health services provided by a home health service provider that is wholly owned or controlled by one or more hospitals or one or more nonprofit entities that own or control one or more hospitals in this state.

(C) The Department of Job and Family Services shall pay the rate increase specified in division (B) of this section only to the extent funds are available for the rate increase pursuant to division (F)(5) of Section 309.30.74 of this act.

Section 309.30.77. INCREASE IN MEDICAID RATES FOR HOSPITAL AMBULANCE SERVICES

(A) As used in this section, "hospital" has the same meaning

as in Section 309.30.74 of this act, except that "hospital" 97887
excludes a children's hospital as defined in Section 309.30.15 of 97888
this act. 97889

(B) Subject to division (C) of this section, the Director of 97890
Job and Family Services shall amend rules adopted under section 97891
5111.02 of the Revised Code as necessary to increase, for the 97892
period beginning July 1, 2009, and ending June 30, 2011, and to 97893
the maximum extent permitted by federal law, the Medicaid 97894
reimbursement rates for Medicaid-covered ambulance services 97895
provided by an ambulance service provider that is wholly owned or 97896
controlled by one or more hospitals or one or more nonprofit 97897
entities that own or control one or more hospitals in this state. 97898

(C) The Department of Job and Family Services shall pay the 97899
rate increase specified in division (B) of this section only to 97900
the extent funds are available for the rate increase pursuant to 97901
division (F)(6) of Section 309.30.74 of this act. 97902

**Section 309.30.78. INCREASE IN MEDICAID RATES FOR HOSPITAL 97903
HOSPICE SERVICES 97904**

(A) As used in this section, "hospital" has the same meaning 97905
as in Section 309.30.74 of this act, except that "hospital" 97906
excludes a children's hospital as defined in Section 309.30.15 of 97907
this act. 97908

(B) Subject to division (C) of this section, the Director of 97909
Job and Family Services shall amend rules adopted under section 97910
5111.02 of the Revised Code as necessary to increase, for the 97911
period beginning July 1, 2009, and ending June 30, 2011, and to 97912
the maximum extent permitted by federal law, the Medicaid 97913
reimbursement rates for Medicaid-covered hospice services provided 97914
by a hospice service provider that is wholly owned or controlled 97915
by one or more hospitals or one or more nonprofit entities that 97916
own or control one or more hospitals in this state. 97917

(C) The Department of Job and Family Services shall pay the rate increase specified in division (B) of this section only to the extent funds are available for the rate increase pursuant to division (F)(7) of Section 309.30.74 of this act.

Section 309.30.80. RESIDENTIAL STATE SUPPLEMENT TRANSFER

The Department of Aging may transfer cash from the foregoing appropriation item 490412, Residential State Supplement, and the PASSPORT/Residential State Supplement Fund (Fund 4J40), to the Home and Community-Based Services for the Aged Fund (Fund 4J50), used by the Department of Job and Family Services to make benefit payments to Residential State Supplement recipients. The transfer shall be made using an intrastate transfer voucher.

Section 309.30.90. MONEY FOLLOWS THE PERSON

The Director of Budget and Management may seek Controlling Board approval to do any of the following in support of any home and community-based services Medicaid waiver component:

(A) Create new funds and appropriation items associated with a unified long-term care budget;

(B) Transfer cash between funds used by affected agencies;

(C) Transfer appropriation between appropriation items within a fund and used by the same state agency.

Any transfers of cash approved by the Controlling Board under this section are hereby appropriated.

Section 309.31.10. MONEY FOLLOWS THE PERSON ENHANCED REIMBURSEMENT FUND

The Money Follows the Person Enhanced Reimbursement Fund is hereby created in the state treasury. This is a continuation of the fund created by Section 751.20 of Am. Sub. H.B. 562 of the

127th General Assembly. The federal payments made to the state 97946
under subsection (e) of section 6071 of the "Deficit Reduction Act 97947
of 2005," Pub. L. No. 109-171, shall be deposited into the fund. 97948
The Department of Job and Family Services shall use money 97949
deposited into the fund for system reform activities related to 97950
the Money Follows the Person demonstration project. 97951

Section 309.31.20. MEDICARE PART D 97952

The foregoing appropriation item 600526, Medicare Part D, may 97953
be used by the Department of Job and Family Services for the 97954
implementation and operation of the Medicare Part D requirements 97955
contained in the "Medicare Prescription Drug, Improvement, and 97956
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 97957
the request of the Department of Job and Family Services, the 97958
Director of Budget and Management may transfer the state share of 97959
appropriations between appropriation item 600525, Health 97960
Care/Medicaid, or appropriation item 600526, Medicare Part D. If 97961
the state share of appropriation item 600525, Health 97962
Care/Medicaid, is adjusted, the Director of Budget and Management 97963
shall adjust the federal share accordingly. The Department of Job 97964
and Family Services shall provide notification to the Controlling 97965
Board of any transfers at the next scheduled Controlling Board 97966
meeting. 97967

Section 309.31.30. OHIO ACCESS SUCCESS PROJECT AND 97968
IDENTIFICATION OF OVERPAYMENTS 97969

Notwithstanding any limitations in sections 3721.51 and 97970
3721.56 of the Revised Code, in each fiscal year, cash from the 97971
Home and Community-Based Services for the Aged Fund (Fund 4J50), 97972
in excess of the amounts needed for the transfers to the 97973
PASSPORT/Residential State Supplement Fund (Fund 4J40) used by the 97974
Department of Aging, may be used by the Department of Job and 97975

Family Services for the following purposes: (A) up to \$3,000,000 97976
in each fiscal year to fund the state share of audits or limited 97977
reviews of Medicaid providers; and (B) up to \$450,000 in each 97978
fiscal year to provide one-time transitional benefits under the 97979
Ohio Access Success Project that the Director of Job and Family 97980
Services may establish under section 5111.97 of the Revised Code. 97981
97982

Section 309.31.40. TRANSFER OF FUNDS TO THE DEPARTMENT OF 97983
AGING 97984

The Department of Job and Family Services shall transfer 97985
\$33,263,984 cash in each fiscal year from the Home and 97986
Community-Based Services for the Aged Fund (Fund 4J50) to the 97987
PASSPORT/Residential State Supplement Fund (Fund 4J40), used by 97988
the Department of Aging. The transfer may occur on a quarterly 97989
basis or on a schedule developed and agreed to by both 97990
departments. The transfer shall be made using an intrastate 97991
transfer voucher. 97992

Section 309.31.50. PROVIDER FRANCHISE FEE OFFSETS 97993

(A) At least quarterly, the Director of Job and Family 97994
Services shall certify to the Director of Budget and Management 97995
both of the following: 97996

(1) The amount of offsets withheld under section 3721.541 of 97997
the Revised Code from payments made from the General Revenue Fund. 97998

(2) The amount of offsets withheld under section 5112.341 of 97999
the Revised Code from payments made from the General Revenue Fund. 98000

(B) The Director of Budget and Management may transfer cash 98001
from the General Revenue Fund to all of the following: 98002

(1) The Home and Community Based Services for the Aged Fund 98003
(Fund 4J50), or the Nursing Facility Stabilization Fund (Fund 98004

5R20), in accordance with sections 3721.56 and 3721.561 of the Revised Code; 98005
98006

(2) The ICF/MR Bed Assessments Fund (Fund 4K10). 98007

(C) Amounts transferred pursuant to this section are hereby appropriated. 98008
98009

Section 309.31.55. STUDY OF PROVIDER FRANCHISE PERMIT FEES 98010

There is hereby created a committee to study the issue of funding the Medicaid program through franchise permit fees on providers of health-care services. The President of the Senate shall appoint two members of the Senate, each from a different political party, to the committee. The Speaker of the House of Representatives shall appoint two members of the House of Representatives, each from a different political party, to the committee. The Governor may appoint as many individuals to the committee as the Governor determines appropriate. Members of the committee shall serve without compensation, except to the extent that serving on the committee is considered part of their regular employment duties. The President of the Senate shall designate one of the members of the Senate appointed to the committee to serve as a co-chairperson of the committee. The Speaker of the House of Representatives shall designate one of the members of the House of Representatives appointed to serve on the committee to serve as the other co-chairperson of the committee. The Department of Job and Family Services shall provide any support staff the committee needs. Not later than June 30, 2010, the committee shall submit a report of the committee's study, with any recommendations, to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. The committee shall cease to exist on submission of its report. 98011
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Section 309.31.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF 98034

MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 98035

The Department of Job and Family Services shall transfer 98036
\$12,000,000 cash in each fiscal year from the ICF/MR Bed 98037
Assessments Fund (Fund 4K10) to the Home and Community-Based 98038
Services Fund (Fund 4K80), used by the Department of Mental 98039
Retardation and Developmental Disabilities. The transfer may occur 98040
on a quarterly basis or on a schedule developed and agreed to by 98041
both departments. The transfer shall be made using an intrastate 98042
transfer voucher. 98043

Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES 98044

Notwithstanding any limitations contained in sections 5112.31 98045
and 5112.37 of the Revised Code, in each fiscal year, cash from 98046
the ICF/MR Bed Assessments Fund (Fund 4K10) in excess of the 98047
amounts needed for transfers to the Home and Community-Based 98048
Services Fund (Fund 4K80), used by the Department of Mental 98049
Retardation and Developmental Disabilities, may be used by the 98050
Department of Job and Family Services to cover costs of care 98051
provided to participants in a waiver with an ICF/MR level of care 98052
requirement administered by the Department of Job and Family 98053
Services. 98054

Section 309.31.80. HOSPITAL CARE ASSURANCE MATCH 98055

The foregoing appropriation item 600650, Hospital Care 98056
Assurance Match, shall be used by the Department of Job and Family 98057
Services solely for distributing funds to hospitals under section 98058
5112.08 of the Revised Code. 98059

Section 309.31.90. HEALTH CARE SERVICES ADMINISTRATION FUND 98060

Of the amount received by the Department of Job and Family 98061
Services during fiscal year 2010 and fiscal year 2011 from the 98062
first installment of assessments paid under section 5112.06 of the 98063

Revised Code and intergovernmental transfers made under section 98064
5112.07 of the Revised Code, the Director of Job and Family 98065
Services shall deposit \$350,000 in each fiscal year into the state 98066
treasury to the credit of the Health Care Services Administration 98067
Fund (Fund 5U30). 98068

Section 309.32.10. MEDICAID PROGRAM SUPPORT FUND - STATE 98069

The foregoing appropriation item 600671, Medicaid Program 98070
Support, shall be used by the Department of Job and Family 98071
Services to pay for Medicaid services and contracts. The 98072
Department may also deposit to Fund 5C90 revenues received from 98073
other state agencies for Medicaid services under the terms of 98074
interagency agreements between the Department and other state 98075
agencies, and all funds the Department recovers because the 98076
benefits a person received under the Disability Medical Assistance 98077
Program established in section 5115.10 of the Revised Code were 98078
determined to be covered by the Medicaid Program established under 98079
Chapter 5111. of the Revised Code. 98080

Section 309.32.20. TRANSFERS OF IMD/DSH CASH TO THE 98081
DEPARTMENT OF MENTAL HEALTH 98082

The Department of Job and Family Services shall transfer cash 98083
from the Medicaid Program Support Fund (Fund 5C90), to the 98084
Behavioral Health Medicaid Services Fund (Fund 4X50), used by the 98085
Department of Mental Health, in accordance with an interagency 98086
agreement that delegates authority from the Department of Job and 98087
Family Services to the Department of Mental Health to administer 98088
specified Medicaid services. The transfer shall be made using an 98089
intrastate transfer voucher. 98090

Section 309.32.30. PRESCRIPTION DRUG REBATE FUND 98091

The foregoing appropriation item 600692, Health Care 98092

Services, shall be used by the Department of Job and Family 98093
Services to pay for Medicaid services and contracts. 98094

Section 309.32.40. FEDERAL MATCH FOR ADAMHS BOARDS' 98095
ADMINISTRATIVE COSTS 98096

As used in this section, "community behavioral health boards" 98097
means boards of alcohol, drug addiction, and mental health 98098
services, community mental health boards, and alcohol and drug 98099
addiction services boards. 98100

Not later than October 1, 2009, the Director of Job and 98101
Family Services shall seek federal approval to establish a system 98102
under which community behavioral health boards obtain federal 98103
financial participation for the allowable administrative 98104
activities the boards perform in the administration of the 98105
Medicaid program. The Director shall implement the system on 98106
receipt of federal approval. The Director shall work with the 98107
Directors of Alcohol and Drug Addiction Services and Mental Health 98108
and representatives of community behavioral health boards when 98109
implementing this section. 98110

Section 309.32.50. PRIOR AUTHORIZATION STUDY 98111

The Department of Job and Family Services shall study the 98112
issue of requiring prior authorization for all services and goods 98113
available under the fee-for-service component of the Medicaid 98114
program. Not later than August 1, 2009, the Department shall issue 98115
a request for information to obtain information needed to conduct 98116
the study. Not later than October 1, 2009, the Department shall 98117
submit a report regarding the study to the General Assembly in 98118
accordance with section 101.68 of the Revised Code. The report 98119
shall include a discussion of expected cost savings such a prior 98120
authorization system would have for the Medicaid program. 98121

Section 309.32.60. THIRD PARTY LIABILITY - PILOT PROGRAM	98122
(A) As used in this section:	98123
(1) "Medicaid program" means the medical assistance program established under Chapter 5111. of the Revised Code.	98124 98125
(2) "Third party" has the same meaning as in section 5101.571 of the Revised Code.	98126 98127
(B)(1) Except as provided in division (C) of this section and using technology designed to identify all persons liable to pay a claim for a medical item or service, the Director of Job and Family Services shall establish and administer a pilot program for the purpose of identifying third parties that are liable for paying all or a portion of a claim for a medical item or service provided to a Medicaid recipient before the claim is submitted to, or paid by, the Medicaid program. The Director shall determine the duration of the pilot program, except that the Director shall not terminate the program less than eighteen months after it is established.	98128 98129 98130 98131 98132 98133 98134 98135 98136 98137 98138
(2) In administering the pilot program, the Director shall, subject to division (B)(3) of this section, ensure that all aspects of the program comply with Ohio and federal law, including the "Health Insurance Portability and Accountability Act of 1996," Pub. L. No. 104-191, as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the Act.	98139 98140 98141 98142 98143 98144 98145
(3) The Director's duty to ensure compliance with the laws described in division (B)(2) of this section does not prohibit either of the following:	98146 98147 98148
(a) A third party from providing information to the Department of Job and Family Services or disclosing or making use of information as permitted under section 5101.572 of the Revised	98149 98150 98151

Code or when required by any other provision of Ohio or federal 98152
law; 98153

(b) The Department from using information provided by a third 98154
party as permitted in section 5101.572 of the Revised Code or when 98155
required by any other provision of Ohio or federal law. 98156

(C)(1) The Director may enter into a contract with any person 98157
under which the person serves as the administrator of the pilot 98158
program. Before entering into a contract for a pilot program 98159
administrator, the Department shall issue a request for proposals 98160
from persons seeking to be considered. The Department shall 98161
develop a process to be used in issuing the request for proposals, 98162
receiving responses to the request, and evaluating the responses 98163
on a competitive basis. In accordance with that process, the 98164
Department shall select the person to be awarded the contract. 98165

(2) The Director may delegate to the person awarded the 98166
contract any of the Director's powers or duties specified in this 98167
section. The terms of the contract shall specify the extent to 98168
which the powers or duties are delegated to the pilot program 98169
administrator. 98170

(3) In exercising powers or performing duties delegated under 98171
the contract, the pilot program administrator is subject to the 98172
same provisions of this section that grant the powers or duties to 98173
the Director, as well as any limitations or restrictions that are 98174
applicable to or associated with those powers or duties. 98175

(4) The terms of a contract for a pilot program administrator 98176
shall include a provision that specifies that the Director or any 98177
agent of the Director is not liable for the failure of the 98178
administrator to comply with a term of the contract, including any 98179
term that specifies the administrator's duty to ensure compliance 98180
with the laws described in division (B)(1) of this section. 98181

(D) Twelve months after the pilot program is established, the 98182

Director shall evaluate the program's effectiveness. As part of 98183
this evaluation, the Director shall determine both of the 98184
following: 98185

(1) For the twelve months immediately preceding the 98186
establishment of the pilot program, all of the following: 98187

(a) The amount of money paid for each Medicaid claim in which 98188
no third party liability was indicated by the Medicaid recipient 98189
but for which at least one third party was liable to pay all or a 98190
portion of the claim, and the amount attributable to each liable 98191
party; 98192

(b) The portion of the amounts attributable to each liable 98193
third party, described in division (D)(1)(a) of this section, that 98194
were recovered by the Director or a person with which the Director 98195
has contracted to manage the recovery of money due from liable 98196
third parties. 98197

(c) The portion of the amounts attributable to each liable 98198
third party, described in division (D)(1)(a) of this section, that 98199
would have been identified by the technology used by the pilot 98200
program had the technology been used in those twelve months. 98201

(2) For the first twelve months of the pilot program, both of 98202
the following: 98203

(a) The items described in divisions (D)(1)(a) and (b) of 98204
this section. 98205

(b) The portion of the amounts attributable to each liable 98206
third party, described in division (D)(1)(a) of this section, that 98207
were identified by the technology used by pilot program. 98208

(E) Not later than three months after the evaluation required 98209
by division (D) of this section is initiated, the Director shall 98210
prepare and submit to the Governor, the Speaker and Minority 98211
Leader of the House of Representatives, and the President and 98212

Minority Leader of the Senate a report that summarizes the results 98213
of the Director's evaluation of the pilot program. At a minimum, 98214
the report shall summarize and compare the determinations made 98215
under division (D) of this section, conclude whether the program 98216
achieved savings for the Medicaid program, and make a 98217
recommendation as to whether the pilot program should be extended 98218
or be made permanent. 98219

(F) The Director may adopt rules in accordance with Chapter 98220
119. of the Revised Code as necessary to implement this section. 98221

Section 309.32.70. DURABLE MEDICAL EQUIPMENT STUDY 98222

The Department of Job and Family Services shall prepare and 98223
submit to the Speaker and Minority Leader of the House of 98224
Representatives and the President and Minority Leader of the 98225
Senate a report on expenditures for durable medical equipment by 98226
the Medicaid program. In preparing the report, the Department 98227
shall do all of the following: 98228

(A) Identify the types of durable medical equipment that 98229
represent, in total, greater than fifty per cent of the state's 98230
total Medicaid expenditures for durable medical equipment; 98231

(B) Consult with durable medical equipment suppliers to 98232
identify cost-saving strategies; 98233

(C) Evaluate opportunities for competitive purchasing 98234
procedures for durable medical equipment. 98235

The report prepared under this section shall include 98236
recommendations on strategies to reduce the Medicaid program's 98237
costs for durable medical equipment. The report shall be submitted 98238
not later than July 1, 2010. 98239

Section 309.40. FAMILY STABILITY 98240

Section 309.40.10. FOOD STAMPS TRANSFER 98241

On July 1, 2009, or as soon as possible thereafter, the 98242
Director of Budget and Management may transfer up to \$1,000,000 98243
cash from the Food Stamp Program Fund (Fund 3840), to the Food 98244
Assistance Fund (Fund 5ES0). 98245

Section 309.40.20. NAME OF FOOD STAMP PROGRAM 98246

The Director of Job and Family Services is not required to 98247
amend rules regarding the Food Stamp Program to change the name of 98248
the program to the Supplemental Nutrition Assistance Program. The 98249
Director may refer to the program as the Food Stamp Program or the 98250
Food Assistance Program in rules and documents of the Department 98251
of Job and Family Services. 98252

Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD 98253
BANKS 98254

The foregoing appropriation item 600540, Second Harvest Food 98255
Banks, shall be used to provide funds to the Ohio Association of 98256
Second Harvest Food Banks to purchase and distribute food 98257
products. 98258

Notwithstanding section 5101.46 of the Revised Code and any 98259
other provision in this bill, in addition to funds designated for 98260
the Ohio Association of Second Harvest Food Banks in this section, 98261
in fiscal years 2010 and 2011, the Director of Job and Family 98262
Services shall provide assistance from eligible funds to the Ohio 98263
Association of Second Harvest Food Banks in an amount equal to the 98264
assistance provided in state fiscal year 2009. 98265

Section 309.40.50. CHILD SUPPORT COLLECTIONS/TANF MOE 98266

The foregoing appropriation item 600658, Child Support 98267
Collections, shall be used by the Department of Job and Family 98268

Services to meet the TANF maintenance of effort requirements of 42 98269
U.S.C. 609(a)(7). When the state is assured that it will meet the 98270
maintenance of effort requirement, the Department of Job and 98271
Family Services may use funds from appropriation item 600658, 98272
Child Support Collections, to support public assistance 98273
activities. 98274

Section 309.40.55. KINSHIP PERMANENCY INCENTIVE PROGRAM 98275

Of the foregoing appropriation item 600689, TANF Block Grant 98276
(Fund 3V60), up to \$10,000,000 in each fiscal year may be used to 98277
support, in accordance with sections 5101.80 and 5101.801 of the 98278
Revised Code, the activities of the Kinship Permanency Incentive 98279
Program created under section 5101.802 of the Revised Code. 98280

The Department of Job and Family Services shall prepare 98281
reports concerning: 98282

(A) Stability and permanency outcomes for children for whom 98283
incentive payments are made under the program; 98284

(B) The total amount of payments made under the program, 98285
patterns of expenditures made per child, and cost savings realized 98286
from placing children with kinship caregivers rather than other 98287
out-of-home placements. 98288

The department shall submit reports to the Governor, the 98289
Speaker and Minority Leader of the House of Representatives, and 98290
the President and Minority Leader of the Senate not later than 98291
December 31, 2009, and December 31, 2010. 98292

Section 309.40.57. HELP ME GROW 98293

Of the foregoing appropriation item 600689, TANF Block Grant, 98294
up to \$21,535,000 in each fiscal year may be used for the Help Me 98295
Grow Program. 98296

Section 309.40.60. EARLY LEARNING INITIATIVE	98297
(A) As used in this section:	98298
(1) "Title IV-A services" means benefits and services that are allowable under Title IV-A of the "Social Security Act," as specified in 42 U.S.C. 604(a), except that they shall not be benefits and services included in the term "assistance" as defined in 45 C.F.R. 260.31(a) and shall be benefits and services that are excluded from the definition of the term "assistance" under 45 C.F.R. 260.31(b).	98299 98300 98301 98302 98303 98304 98305
(2) "Eligible child" means a child who is at least three years of age but not of compulsory school age or enrolled in kindergarten, is eligible for Title IV-A services, and whose family income at the time of application does not exceed two hundred per cent of the federal poverty guidelines.	98306 98307 98308 98309 98310
(3) "Early learning program" means a program for eligible children that provides Title IV-A services, according to the purposes listed in 45 C.F.R. 260.20(c), that are early learning services, as defined by pursuant to division (D)(1) of this section.	98311 98312 98313 98314 98315
(4) "Early learning provider" means an entity that operates an early learning program.	98316 98317
(5) "Early learning agency" means an early learning provider or an entity that has entered into an agreement with an early learning provider requiring the early learning provider to operate an early learning program on behalf of the entity.	98318 98319 98320 98321
(6) "Federal poverty line" has the same meaning as in section 5104.01 of the Revised Code.	98322 98323
(7) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	98324 98325
(B) The Early Learning Initiative is hereby established. The	98326

Department of Education and the Department of Job and Family Services shall administer the Initiative in accordance with sections 5101.80 and 5101.801 of the Revised Code. The Initiative shall provide early learning services to eligible children. Early learning services may be provided on a full-day basis, a part-day basis, or both a full-day and part-day basis.

(C) The Department of Job and Family Services shall do both of the following:

(1) Reimburse early learning agencies for services provided to eligible children according to the terms of the contract and the rules adopted under division (C)(2) of this section;

(2) In consultation with the Department of Education, adopt rules in accordance with Chapter 119. of the Revised Code to implement the Early Learning Initiative. The rules shall include all of the following:

(a) Provisions regarding the establishment of co-payments for families of eligible children whose family income is more than one hundred per cent of the federal poverty guidelines but equal to or less than the maximum amount of family income authorized for an eligible child as defined in division (A)(2) of this section;

(b) An exemption from co-payment requirements for families whose family income is equal to or less than one hundred per cent of the federal poverty guideline;

(c) A definition of "enrollment" for the purpose of compensating early learning agencies;

(d) Provisions that establish compensation rates for early learning agencies based on the enrollment of eligible children;

(e) Provisions for the completion of criminal record checks for employees of early learning agencies and early learning providers whereby sections 109.572(A)(8), (A)(9), and (B)(2) of

the Revised Code are considered applicable to these employees; 98357

(f) Provisions for the timeline of eligibility determination; 98358

(g) A requirement that early learning programs licensed by 98359
the Department of Education under sections 3301.52 to 3301.59 of 98360
the Revised Code participate in the quality-rating program 98361
established under section 5104.30 of the Revised Code. 98362

(D) The Department of Education shall do all of the 98363
following: 98364

(1) Define the early learning services that will be provided 98365
to eligible children through the Early Learning Initiative; 98366

(2) In consultation with the Department of Job and Family 98367
Services, develop an application form and criteria for the 98368
selection of early learning agencies. The criteria shall require 98369
an early learning agency, or each early learning provider with 98370
which the agency has entered into an agreement for the operation 98371
of an early learning program on the agency's behalf, to be 98372
licensed by the Department of Education under sections 3301.52 to 98373
3301.59 of the Revised Code or by the Department of Job and Family 98374
Services under Chapter 5104. of the Revised Code; 98375

(3) Establish early learning program guidelines for school 98376
readiness to assess the operation of early learning programs. 98377

(E) Any entity that seeks to be an early learning agency 98378
shall apply to the Department of Education by a deadline 98379
established by the Department. The Department of Education shall 98380
select entities that meet the criteria established under division 98381
(D)(2) of this section to be early learning agencies. Upon 98382
selection of an entity to be an early learning agency, the 98383
Department of Education shall designate the number of eligible 98384
children the agency may enroll. The Department of Education shall 98385
notify the Department of Job and Family Services of the number so 98386
designated. 98387

(F) The Department of Education and the Department of Job and Family Services shall enter into a contract with each early learning agency selected under division (E) of this section. The requirements of section 127.16 of the Revised Code do not apply to contracts entered into under this section. The contract shall outline the terms and conditions applicable to the provision of Title IV-A services for eligible children and shall include at least the following:

(1) The respective duties of the early learning agency, the Department of Education, and the Department of Job and Family Services;

(2) Requirements applicable to the allowable use of and accountability for compensation paid under the contract;

(3) Reporting requirements, including a requirement that the early learning provider inform the Department of Education when the provider learns that a kindergarten eligible child will not be enrolled in kindergarten;

(4) The compensation schedule payable under the contract;

(5) Audit requirements;

(6) Provisions for suspending, modifying, or terminating the contract.

(G) If an early learning agency, or an early learning provider operating an early learning program on the agency's behalf, substantially fails to meet the early learning program guidelines for school readiness or exhibits substandard performance, as determined by the Department of Education, the agency shall develop and implement a corrective action plan. The Department of Education shall approve the corrective action plan prior to implementation.

(H) If an early learning agency fails to implement a

corrective action plan under division (G) of this section, the 98418
Department of Education may direct the Department of Job and 98419
Family Services to either withhold funding or request that the 98420
Department of Job and Family Services suspend or terminate the 98421
contract with the agency. 98422

(I) Each early learning program shall do all of the 98423
following: 98424

(1) Meet teacher qualification requirements prescribed by 98425
section 3301.311 of the Revised Code; 98426

(2) Align curriculum to the early learning content standards; 98427

(3) Meet any assessment requirements prescribed by section 98428
3301.0715 of the Revised Code that apply to the program; 98429

(4) Require teachers, except teachers enrolled and working to 98430
obtain a degree pursuant to section 3301.311 of the Revised Code, 98431
to attend a minimum of twenty hours per biennium of professional 98432
development as prescribed by the Department of Education regarding 98433
the implementation of early learning program guidelines for school 98434
readiness; 98435

(5) Document and report child progress; 98436

(6) Meet and report compliance with the early learning 98437
program guidelines for school success; 98438

(7) Participate in early language and literacy classroom 98439
observation evaluation studies. 98440

(J) Each county Department of Job and Family Services shall 98441
determine eligibility for Title IV-A services for children seeking 98442
to enroll in an early learning program within fifteen days after 98443
receipt of a completed application in accordance with rules 98444
adopted under this section. 98445

(K) The provision of early learning services in an early 98446
learning program shall not prohibit or otherwise prevent an 98447

individual from obtaining certificates for payment under division 98448
(C) of section 5104.32 of the Revised Code. 98449

(L) Notwithstanding section 126.07 of the Revised Code: 98450

(1) Any fiscal year 2010 contract executed prior to July 1, 98451
2009, between the Departments of Job and Family Services and 98452
Education and an early learning agency that was not an early 98453
learning agency as of June 30, 2009, shall be deemed to be 98454
effective as of July 1, 2009, upon issuance of a state purchase 98455
order, even if the purchase order is approved at some later date. 98456

(2) Any fiscal year 2010 contract executed between the 98457
Departments of Job and Family Services and Education and an early 98458
learning agency that had a valid contract for early learning 98459
services on June 30, 2009, shall be deemed to be effective as of 98460
July 1, 2009, upon the issuance of a state purchase order, even if 98461
the purchase order is approved at some later date. 98462

(3) Any fiscal year 2011 contract executed prior to July 1, 98463
2010, between the Departments of Job and Family Services and 98464
Education and an early learning agency that was not an early 98465
learning agency as of June 30, 2010, shall be deemed to be 98466
effective as of July 1, 2010, upon issuance of a state purchase 98467
order, even if the purchase order is approved at some later date. 98468

(4) Any fiscal year 2011 contract executed between the 98469
Departments of Job and Family Services and Education and an early 98470
learning agency that had a valid contract for early learning 98471
services on June 30, 2010, shall be deemed to be effective as of 98472
July 1, 2010, upon the issuance of a state purchase order, even if 98473
the purchase order is approved at some later date. 98474

(M) The Departments of Job and Family Services and Education 98475
shall contract for up to 12,000 enrollment slots for eligible 98476
children in each fiscal year through the Early Learning 98477
Initiative. 98478

(N) Eligible expenditures for the Early Learning Initiative 98479
shall be claimed each fiscal year to help meet the state's TANF 98480
maintenance of effort requirement. The Superintendent of Public 98481
Instruction and the Director of Job and Family Services shall 98482
enter into an interagency agreement to carry out the requirements 98483
under this division, which shall include developing reporting 98484
guidelines for these expenditures. 98485

Section 309.40.70. COMMITTEE TO STUDY PUBLICLY FUNDED CHILD 98486
CARE SERVICES 98487

(A) A committee is hereby created to study publicly funded 98488
child care services, including the Early Learning Initiative 98489
enacted pursuant to this act and pursuant to changes in the 98490
administrative rules governing reimbursement and eligibility for 98491
publicly funded child day-care. The study shall include the 98492
following subjects: 98493

(1) The effects of changing the definitions of full-time and 98494
part-time care on the following: 98495

(a) Children, families, and providers of care, including the 98496
effects on the quality of care; 98497

(b) Number of children served and the availability and 98498
accessibility of subsidized care to caregivers with full-time and 98499
part-time jobs; 98500

(c) Availability of full-time and part-time care in areas 98501
with a high incidence of poverty; 98502

(d) Private pay rates; 98503

(e) Closure of centers and center programs; 98504

(f) Loss of jobs in the child care industry. 98505

(2) The effects of changes to the Early Learning Initiative 98506
on families and children including the following: 98507

(a) Distribution and use of program slots across the state;	98508
(b) Effect of mandatory participation in the voluntary child day-care center quality-rating program as described in section 5104.30 of the Revised Code on program quality;	98509 98510 98511
(c) Outcomes in terms of school readiness and other related factors for children who participate in the program.	98512 98513
(B) The committee shall consist of the following members:	98514
(1) Three members of the House of Representatives, two appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader of the House of Representatives;	98515 98516 98517
(2) Three members of the Senate, two appointed by the President of the Senate and one appointed by the Minority Leader of the Senate;	98518 98519 98520
(3) One parent of a child receiving publicly funded child care services, appointed by the President of the Senate;	98521 98522
(4) Two representatives of licensed child care centers serving low-income areas, one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate;	98523 98524 98525 98526
(5) One representative from the Ohio Association of Child Care Providers, appointed by the President of the Senate;	98527 98528
(6) One representative from the Ohio State Alliance of Young Men's Christian Associations, appointed by the Speaker of the House of Representatives;	98529 98530 98531
(7) One representative from the Department of Job and Family Services, appointed by the Speaker of the House of Representatives;	98532 98533 98534
(8) One representative from the Department of Education, appointed by the President of the Senate.	98535 98536

(C) The Department of Education shall provide the committee 98537
meeting space and clerical assistance. The committee shall prepare 98538
a report of its findings by June 30, 2010, and shall provide a 98539
copy of the report to the Governor, the Speaker of the House of 98540
Representatives, and the President of the Senate, at which time 98541
the committee shall cease to exist. 98542

Section 309.45. CHILD WELFARE 98543

Section 309.45.10. ALTERNATIVE RESPONSE 98544

The Department of Job and Family Services shall develop, 98545
implement, oversee, and evaluate a pilot program based on an 98546
"Alternative Response" approach to reports of child abuse, 98547
neglect, and dependency. The pilot program shall be implemented in 98548
not more than ten counties that are selected by the Department and 98549
that agree to participate in the pilot program. The pilot program 98550
shall last eighteen months, not including time expended in 98551
preparation for the implementation of the pilot program and any 98552
post-pilot program evaluation activity. After the eighteen-month 98553
period, the ten sites may continue to administer the Alternative 98554
Response approach uninterrupted, unless the Department determines 98555
otherwise. 98556

The Department shall assure that the Alternative Response 98557
pilot program is independently evaluated with respect to outcomes 98558
for children and families, costs, worker satisfaction, and any 98559
other criteria the Department determines will be useful in the 98560
consideration of statewide implementation of an Alternative 98561
Response approach to child protection. The measure associated with 98562
the eighteen-month pilot program shall, for the purposes of the 98563
evaluation, be compared with those same measures in the pilot 98564
counties during the eighteen-month period immediately preceding 98565
the beginning of the pilot program period. If the independent 98566

evaluation of the pilot program recommends statewide 98567
implementation of an Alternative Response approach to child 98568
protection, the Department may expand the Alternative Response 98569
approach statewide through a schedule determined by the 98570
Department. Prior to statewide implementation, the Department 98571
shall adopt rules in accordance with Chapter 119. of the Revised 98572
Code as necessary to carry out the purposes of this section. Until 98573
that time, the Department may adopt rules in accordance with 98574
section 111.15 of the Revised Code, as if they were internal 98575
management rules, as necessary to carry out the purposes of this 98576
section. 98577

Section 309.45.15. INDEPENDENT LIVING SERVICES 98578

Of the foregoing appropriation item 600523, Children and 98579
Families Services, up to \$1,500,000 in each fiscal year shall be 98580
used to provide independent living services to foster youth and 98581
former foster youth between 16 and 21 years of age. 98582

Section 309.45.21. CHILD, FAMILY, AND ADULT COMMUNITY AND 98583
PROTECTIVE SERVICES 98584

(A) The foregoing appropriation item 600533, Child, Family, 98585
and Adult Community & Protective Services, shall be distributed to 98586
each county department of job and family services using the 98587
formula the Department of Job and Family Services uses when 98588
distributing Title XX funds to county departments of job and 98589
family services under section 5101.46 of the Revised Code. County 98590
departments shall use the funds distributed to them under this 98591
section as follows, in accordance with the written plan of 98592
cooperation entered into under section 307.983 of the Revised 98593
Code: 98594

(1) To assist individuals achieve or maintain 98595
self-sufficiency, including by reducing or preventing dependency 98596

among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines; 98597
98598

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the alternative approach pilot program developed under Section 309.40.40 of this act; 98599
98600
98601
98602

(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application; 98603
98604
98605
98606

(4) To provide outreach, referral, application assistance, and other services to assist individuals receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs. 98607
98608
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(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation. 98613
98614
98615
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Section 309.45.25. ADOPTION ASSISTANCE LOAN 98620

Of the forgoing appropriation item 600634, Adoption Assistance Loan, the Department of Job and Family Services may use up to ten per cent for administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code. 98621
98622
98623
98624

Section 309.45.90. REALLOCATION OF UNUSED COUNTY ALLOCATIONS 98625

(A) As used in this section: 98626

(1) "Income maintenance funds" means funds the Department of 98627
Job and Family Services allocates to a county to meet matching 98628
fund requirements or reimburse a county for administrative 98629
expenditures incurred in the administration of the Disability 98630
Financial Assistance Program, Disability Medical Assistance 98631
Program, Medicaid Program, or Supplemental Nutrition Assistance 98632
Program. 98633

(2) "TANF funds" means funds the Department of Job and Family 98634
Services allocates to a county for Title IV-A programs, as defined 98635
in section 5101.80 of the Revised Code. 98636

(3) "TANF Title XX transfer funds" means funds the Department 98637
of Job and Family Services allocates to a county for purposes of 98638
section 5101.461 of the Revised Code. 98639

(4) "Title XX social services funds" means funds the 98640
Department of Job and Family Services allocates to a county 98641
department of job and family services for purposes of section 98642
5101.46 of the Revised Code. 98643

(B) If a county informs the Department of Job and Family 98644
Services that the county will not use the entire amount of the 98645
income maintenance funds, TANF funds, TANF Title XX transfer 98646
funds, or Title XX social services funds allocated to the county 98647
for fiscal year 2010 or fiscal year 2011 or the Department 98648
determines through an annual close out or reconciliation of funds 98649
that a county did not use the entire amount of any of those funds 98650
allocated to the county for fiscal year 2010 or 2011, the 98651
Department shall reallocate the portion of the funds the county 98652
will or did not use to other counties for the remainder of the 98653
fiscal year in which the funds are reallocated or the next fiscal 98654
year. In reallocating the funds, the Department shall do both of 98655
the following: 98656

(1) For each of the funds separately, rank each county by the percentage reduction in allocations of the funds from the fiscal year preceding the fiscal year in which the reallocation is made to the fiscal year in which the reallocation is made, with the county that has the greatest reduction percentage placed at the top of the ranking;

(2) Reallocate each of the funds separately to counties in the order in which counties are ranked under division (B)(1) of this section in a manner that provides, to the extent funds are available for reallocation, for each county to be, as a result of the reallocation, allocated the same amount of the funds that the county was allocated the previous fiscal year, other than the counties that will or did not use the full amount of their allocation of the funds.

Section 309.50. UNEMPLOYMENT COMPENSATION

Section 309.50.10. EMPLOYER SURCHARGE

The surcharge and the interest on the surcharge amounts due for calendar years 1988, 1989, and 1990 as required by Am. Sub. H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 118th General Assembly, and section 4141.251 of the Revised Code as it existed prior to its repeal by Sub. H.B. 478 of the 122nd General Assembly, again shall be assessed and collected by, accounted for, and made available to the Department of Job and Family Services in the same manner as set forth in section 4141.251 of the Revised Code as it existed prior to its repeal by Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the repeal of the surcharge for calendar years after 1990, pursuant to Sub. H.B. 478 of the 122nd General Assembly, except that amounts received by the Director on or after July 1, 2001, shall be deposited into the Unemployment Compensation Special

Administrative Fund (Fund 4A90) established pursuant to section 98687
4141.11 of the Revised Code. 98688

Section 309.50.20. FEDERAL UNEMPLOYMENT PROGRAMS 98689

All unexpended funds remaining at the end of fiscal year 2009 98690
that were appropriated and made available to the state under 98691
section 903(d) of the Social Security Act, as amended, in the 98692
foregoing appropriation item 600678, Federal Unemployment Programs 98693
(Fund 3V40), are hereby appropriated to the Department of Job and 98694
Family Services. Upon the request of the Director of Job and 98695
Family Services, the Director of Budget and Management may 98696
increase the appropriation for fiscal year 2010 by the amount 98697
remaining unspent from the fiscal year 2009 appropriation and may 98698
increase the appropriation for fiscal year 2011 by the amount 98699
remaining unspent from the fiscal year 2010 appropriation. The 98700
appropriation shall be used under the direction of the Department 98701
of Job and Family Services to pay for administrative activities 98702
for the Unemployment Insurance Program, employment services, and 98703
other allowable expenditures under section 903(d) of the Social 98704
Security Act, as amended. 98705

The amounts obligated pursuant to this section shall not 98706
exceed at any time the amount by which the aggregate of the 98707
amounts transferred to the account of the state under section 98708
903(d) of the Social Security Act, as amended, exceeds the 98709
aggregate of the amounts obligated for administration and paid out 98710
for benefits and required by law to be charged against the amounts 98711
transferred to the account of the state. 98712

Section 309.50.30. REMOVAL OF UNEMPLOYMENT COMPENSATION 98713
ADVISORY COUNCIL MEMBERS 98714

The intent of the General Assembly in the amendments made in 98715
this act to section 145.012 is to provide that service as a member 98716

of the Unemployment Compensation Advisory Council on or after the 98717
effective date of this section shall not be service as a public 98718
employee for purposes of Chapter 145. of the Revised Code. The 98719
amendments are not intended to prohibit the use of such service 98720
for calculation of benefits under Chapter 145. of the Revised Code 98721
for service prior to the effective date of this section. 98722
98723

Section 310.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 98724

General Revenue Fund 98725

GRF 029321	Operating Expenses	\$	435,168	\$	435,168	98726
TOTAL GRF	General Revenue Fund	\$	435,168	\$	435,168	98727
TOTAL ALL BUDGET FUND GROUPS		\$	435,168	\$	435,168	98728

OPERATING 98729

The Chief Administrative Officer of the House of 98730
Representatives and the Clerk of the Senate shall determine, by 98731
mutual agreement, which of them shall act as fiscal agent for the 98732
Joint Committee on Agency Rule Review. Members of the Committee 98733
shall be paid in accordance with section 101.35 of the Revised 98734
Code. 98735

OPERATING EXPENSES 98736

On July 1, 2009, or as soon as possible thereafter, the 98737
Executive Director of the Joint Committee on Agency Rule Review 98738
may certify to the Director of Budget and Management the amount of 98739
the unexpended, unencumbered balance of the foregoing 98740
appropriation item 029321, Operating Expenses, at the end of 98741
fiscal year 2009 to be reappropriated to fiscal year 2010. The 98742
amount certified is hereby reappropriated to the same 98743
appropriation item for fiscal year 2010. 98744

On July 1, 2010, or as soon as possible thereafter, the 98745
Executive Director of the Joint Committee on Agency Rule Review 98746

may certify to the Director of Budget and Management the amount of 98747
the unexpended, unencumbered balance of the foregoing 98748
appropriation item 029321, Operating Expenses, at the end of 98749
fiscal year 2010 to be reappropriated to fiscal year 2011. The 98750
amount certified is hereby reappropriated to the same 98751
appropriation item for fiscal year 2011. 98752

Section 311.10. JCO JUDICIAL CONFERENCE OF OHIO 98753

General Revenue Fund 98754

GRF 018321 Operating Expenses \$ 800,000 \$ 800,000 98755

TOTAL GRF General Revenue Fund \$ 800,000 \$ 800,000 98756

General Services Fund Group 98757

4030 018601 Ohio Jury \$ 350,000 \$ 350,000 98758

Instructions

TOTAL GSF General Services Fund \$ 350,000 \$ 350,000 98759

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,150,000 \$ 1,150,000 98760

CASH TRANSFERS TO THE GENERAL REVENUE FUND 98761

Notwithstanding any provision of law to the contrary, in each 98762
of fiscal years 2010 and 2011, the Director of Budget and 98763
Management shall transfer, for the purpose of supporting the 98764
amounts appropriated to the foregoing appropriation item 018321, 98765
Operating Expenses, a total of \$800,000 in cash from any 98766
combination of the following three funds, used by the Department 98767
of Public Safety, to the General Revenue Fund: the Driving Under 98768
Influence Fines Fund (Fund 83G0), the Elementary School Program 98769
Fund (Fund 83N0), and the Seat Belt Education Fund (Fund 8440). 98770

OHIO JURY INSTRUCTIONS FUND 98771

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 98772
grants, royalties, dues, conference fees, bequests, devises, and 98773
other gifts received for the purpose of supporting costs incurred 98774

by the Judicial Conference of Ohio in dispensing educational and 98775
informational data to the state's judicial system. Fund 4030 shall 98776
be used by the Judicial Conference of Ohio to pay expenses 98777
incurred in dispensing educational and informational data to the 98778
state's judicial system. All moneys accruing to Fund 4030 in 98779
excess of \$350,000 in fiscal year 2010 and in excess of \$350,000 98780
in fiscal year 2011 are hereby appropriated for the purposes 98781
authorized. 98782

No money in Fund 4030 shall be transferred to any other fund 98783
by the Director of Budget and Management or the Controlling Board. 98784

Section 313.10. JSC THE JUDICIARY/SUPREME COURT 98785

General Revenue Fund 98786

GRF 005321 Operating Expenses - \$ 131,055,370 \$ 131,055,370 98787
Judiciary/Supreme
Court

GRF 005401 State Criminal \$ 206,770 \$ 206,770 98788
Sentencing Council

GRF 005409 Ohio Courts \$ 4,250,000 \$ 4,250,000 98789
Technology Initiative

TOTAL GRF General Revenue Fund \$ 135,512,140 \$ 135,512,140 98790

General Services Fund Group 98791

6720 005601 Continuing Judicial \$ 300,000 \$ 300,000 98792
Education

TOTAL GSF General Services Fund \$ 300,000 \$ 300,000 98793
Group

Federal Special Revenue Fund Group 98794

3J00 005603 Federal Grants \$ 2,137,866 \$ 1,917,081 98795

TOTAL FED Federal Special Revenue \$ 2,137,866 \$ 1,917,081 98796

Fund Group

State Special Revenue Fund Group 98797

4C80 005605	Attorney Services	\$	3,704,659	\$	3,704,659	98798
5T80 005609	Grants and Awards	\$	50,000	\$	50,000	98799
6A80 005606	Supreme Court	\$	1,284,142	\$	1,284,142	98800
	Admissions					
TOTAL SSR State Special Revenue		\$	5,038,801	\$	5,038,801	98801
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	142,988,807	\$	142,768,022	98802

OHIO COURTS TECHNOLOGY INITIATIVE 98803

The foregoing appropriation item 005409, Ohio Courts 98804
Technology Initiative, shall be used to fund an initiative by the 98805
Supreme Court to facilitate the exchange of information and 98806
warehousing of data by and between Ohio courts and other justice 98807
system partners through the creation of an Ohio Courts Network, 98808
the delivery of technology services to courts throughout the 98809
state, including the provision of hardware, software, and the 98810
development and implementation of educational and training 98811
programs for judges and court personnel, and operation of the 98812
Commission on Technology and the Courts by the Supreme Court for 98813
the promulgation of statewide rules, policies, and uniform 98814
standards, and to aid in the orderly adoption and comprehensive 98815
use of technology in Ohio courts. 98816

CONTINUING JUDICIAL EDUCATION 98817

The Continuing Judicial Education Fund (Fund 6720) shall 98818
consist of fees paid by judges and court personnel for attending 98819
continuing education courses and other gifts and grants received 98820
for the purpose of continuing judicial education. The foregoing 98821
appropriation item 005601, Continuing Judicial Education, shall be 98822
used to pay expenses for continuing education courses for judges 98823
and court personnel. If it is determined by the Administrative 98824
Director of the Supreme Court that additional appropriations are 98825
necessary, the amounts are hereby appropriated. 98826

No money in Fund 6720 shall be transferred to any other fund 98827

by the Director of Budget and Management or the Controlling Board. 98828
Interest earned on moneys in Fund 6720 shall be credited to the 98829
fund. 98830

FEDERAL GRANTS 98831

The Federal Grants Fund (Fund 3J00) shall consist of grants 98832
and other moneys awarded to the Supreme Court (The Judiciary) by 98833
the United States Government or other entities that receive the 98834
moneys directly from the United States Government and distribute 98835
those moneys to the Supreme Court (The Judiciary). The foregoing 98836
appropriation item 005603, Federal Grants, shall be used in a 98837
manner consistent with the purpose of the grant or award. If it is 98838
determined by the Administrative Director of the Supreme Court 98839
that additional appropriations are necessary, the amounts are 98840
hereby appropriated. 98841

No money in Fund 3J00 shall be transferred to any other fund 98842
by the Director of Budget and Management or the Controlling Board. 98843
However, interest earned on moneys in Fund 3J00 shall be credited 98844
or transferred to the General Revenue Fund. 98845

ATTORNEY SERVICES 98846

The Attorney Services Fund (Fund 4C80), formerly known as the 98847
Attorney Registration Fund, shall consist of moneys received by 98848
the Supreme Court (The Judiciary) pursuant to the Rules for the 98849
Government of the Bar of Ohio. In addition to funding other 98850
activities considered appropriate by the Supreme Court, the 98851
foregoing appropriation item 005605, Attorney Services, may be 98852
used to compensate employees and to fund appropriate activities of 98853
the following offices established by the Supreme Court: the Office 98854
of Disciplinary Counsel, the Board of Commissioners on Grievances 98855
and Discipline, the Clients' Security Fund, and the Attorney 98856
Services Division. If it is determined by the Administrative 98857
Director of the Supreme Court that additional appropriations are 98858

necessary, the amounts are hereby appropriated. 98859

No moneys in Fund 4C80 shall be transferred to any other fund 98860
by the Director of Budget and Management or the Controlling Board. 98861
Interest earned on moneys in Fund 4C80 shall be credited to the 98862
fund. 98863

GRANTS AND AWARDS 98864

The Grants and Awards Fund (Fund 5T80) shall consist of 98865
grants and other moneys awarded to the Supreme Court (The 98866
Judiciary) by the State Justice Institute, the Division of 98867
Criminal Justice Services, or other entities. The foregoing 98868
appropriation item 005609, Grants and Awards, shall be used in a 98869
manner consistent with the purpose of the grant or award. If it is 98870
determined by the Administrative Director of the Supreme Court 98871
that additional appropriations are necessary, the amounts are 98872
hereby appropriated. 98873

No moneys in Fund 5T80 shall be transferred to any other fund 98874
by the Director of Budget and Management or the Controlling Board. 98875
However, interest earned on moneys in Fund 5T80 shall be credited 98876
or transferred to the General Revenue Fund. 98877

SUPREME COURT ADMISSIONS 98878

The foregoing appropriation item 005606, Supreme Court 98879
Admissions, shall be used to compensate Supreme Court employees 98880
who are primarily responsible for administering the attorney 98881
admissions program under the Rules for the Government of the Bar 98882
of Ohio, and to fund any other activities considered appropriate 98883
by the court. Moneys shall be deposited into the Supreme Court 98884
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 98885
Government of the Bar of Ohio. If it is determined by the 98886
Administrative Director of the Supreme Court that additional 98887
appropriations are necessary, the amounts are hereby appropriated. 98888

No moneys in Fund 6A80 shall be transferred to any other fund 98889

by the Director of Budget and Management or the Controlling Board. 98890
Interest earned on moneys in Fund 6A80 shall be credited to the 98891
fund. 98892

Section 313.20. SUPREME COURT FILING FEE 98893

The General Assembly hereby respectfully requests the Supreme 98894
Court to modify Rule XV of the Rules of Practice of the Supreme 98895
Court of Ohio pursuant to its authority under the Ohio 98896
Constitution to make that Rule consistent with the amendments made 98897
by this act to section 2503.17 of the Revised Code. 98898

Section 315.10. LEC LAKE ERIE COMMISSION 98899

State Special Revenue Fund Group				98900
4C00 780601 Lake Erie Protection	\$	450,000	\$ 450,000	98901
Fund				
5D80 780602 Lake Erie Resources	\$	301,087	\$ 301,087	98902
Fund				
TOTAL SSR State Special Revenue				98903
Fund Group	\$	751,087	\$ 751,087	98904
TOTAL ALL BUDGET FUND GROUPS	\$	751,087	\$ 751,087	98905

Section 317.10. LRS LEGAL RIGHTS SERVICE 98907

General Revenue Fund				98908
GRF 054321 Support Services	\$	142,614	\$ 142,614	98909
GRF 054401 Ombudsman	\$	209,698	\$ 209,698	98910
TOTAL GRF General Revenue Fund	\$	352,312	\$ 352,312	98911
General Services Fund Group				98912
5M00 054610 Settlements	\$	81,352	\$ 81,352	98913
TOTAL GSF General Services				98914
Fund Group	\$	81,352	\$ 81,352	98915
Federal Special Revenue Fund Group				98916

3050	054602	Protection and Advocacy - Developmentally Disabled	\$	1,500,000	\$	1,500,000	98917
3AG0	054613	Protection and Advocacy - Voter Accessibility	\$	135,000	\$	135,000	98918
3B80	054603	Protection and Advocacy - Mentally Ill	\$	1,100,000	\$	1,100,000	98919
3CA0	054615	Work Incentives Planning and Assistance	\$	355,000	\$	355,000	98920
3N30	054606	Protection and Advocacy - Individual Rights	\$	570,000	\$	570,000	98921
3N90	054607	Assistive Technology	\$	160,000	\$	160,000	98922
3R90	054604	Family Support Collaborative	\$	12,500	\$	0	98923
3R90	054616	Developmental Disability Publications	\$	130,000	\$	130,000	98924
3T20	054609	Client Assistance Program	\$	435,000	\$	435,000	98925
3X10	054611	Protection and Advocacy - Beneficiaries of Social Security	\$	235,000	\$	235,000	98926
3Z60	054612	Protection and Advocacy - Traumatic Brain Injury	\$	70,000	\$	70,000	98927
TOTAL FED	Federal Special Revenue						98928
Fund Group			\$	4,702,500	\$	4,690,000	98929

State Special Revenue Fund Group				98930
5AE0 054614 Grants and Contracts	\$	24,600	\$ 24,600	98931
TOTAL SSR State Special Revenue Fund Group	\$	24,600	\$ 24,600	98932
TOTAL ALL BUDGET FUND GROUPS	\$	5,160,764	\$ 5,148,264	98933

Section 317.20. LEGAL RIGHTS SERVICE NONPROFIT TRANSITION 98935

STUDY 98936

(A) The Legal Rights Service Commission shall conduct a study 98937
concerning a potential transition from a public entity to a 98938
nonprofit organization effective July 1, 2011. The study shall 98939
include an analysis of all of the following: 98940

(1) The feasibility of a transition to a nonprofit 98941
organization; 98942

(2) The potential effects on service delivery, including 98943
client service and access to required resources, and any other 98944
service delivery advantages or disadvantages that might result 98945
from the transition to a nonprofit organization; 98946

(3) Potential organizational effects, including cost savings 98947
and non-state funding sources, and any other organizational 98948
advantages or disadvantages that might result from the transition 98949
to a nonprofit organization; 98950

(4) The approximate amount of time necessary to achieve a 98951
transition to nonprofit status. 98952

(B) The Legal Rights Service Commission shall develop a 98953
process plan by which a transition to a nonprofit organization 98954
could be implemented not later than July 1, 2011. 98955

(C) Not later than six months after the effective date of 98956
this section, a written report of the results of the study and a 98957
copy of the process plan shall be submitted to the Governor, the 98958
Speaker and the Minority Leader of the House of Representatives, 98959

and the President and the Minority Leader of the Senate. 98960

Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 98961

General Revenue Fund 98962

GRF 028321 Legislative Ethics \$ 550,000 \$ 550,000 98963
Committee

TOTAL GRF General Revenue Fund \$ 550,000 \$ 550,000 98964

General Services Fund Group 98965

4G70 028601 Joint Legislative \$ 100,000 \$ 100,000 98966
Ethics Committee

TOTAL GSF General Services Fund \$ 100,000 \$ 100,000 98967

Group

TOTAL ALL BUDGET FUND GROUPS \$ 650,000 \$ 650,000 98968

Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION 98969

General Revenue Fund 98970

GRF 035321 Operating Expenses \$ 15,117,700 \$ 15,117,700 98971

GRF 035402 Legislative Interns \$ 1,000,000 \$ 1,000,000 98972

GRF 035407 Legislative Task \$ 750,000 \$ 750,000 98973
Force on
Redistricting

GRF 035409 National Associations \$ 520,468 \$ 542,976 98974

GRF 035410 Legislative \$ 3,500,000 \$ 3,500,000 98975
Information Systems

TOTAL GRF General Revenue Fund \$ 20,888,168 \$ 20,910,676 98976

General Services Fund Group 98977

4100 035601 Sale of Publications \$ 10,000 \$ 10,000 98978

4F60 035603 Legislative Budget \$ 200,000 \$ 200,000 98979
Services

5EF0 035607 Legislative Agency \$ 30,000 \$ 30,000 98980
Telephone Usage

TOTAL GSF General Services 98981

Fund Group	\$	240,000	\$	240,000	98982
TOTAL ALL BUDGET FUND GROUPS	\$	21,128,168	\$	21,150,676	98983

The Legislative Agency Telephone Usage Fund (Fund 5EF0), 98984
 created by section 103.24 of the Revised Code, is the same fund, 98985
 with a new name, as the House and Senate Telephone Usage Fund 98986
 created by the Controlling Board in 2007. 98987

Section 323.10. LIB STATE LIBRARY BOARD 98988

General Revenue Fund 98989

GRF 350321 Operating Expenses \$ 5,200,000 \$ 5,200,000 98990

GRF 350401 Ohioana Rental \$ 128,560 \$ 128,560 98991

Payments

GRF 350502 Regional Library \$ 600,000 \$ 600,000 98992

Systems

TOTAL GRF General Revenue Fund \$ 5,928,560 \$ 5,928,560 98993

General Services Fund Group 98994

1390 350602 Intra-Agency Service \$ 9,000 \$ 9,000 98995

Charges

4590 350603 Library Service \$ 2,708,092 \$ 2,708,092 98996

Charges

4S40 350604 Ohio Public Library \$ 5,702,150 \$ 5,702,150 98997

Information Network

5GB0 350605 Library for the Blind \$ 1,274,194 \$ 1,274,194 98998

5GG0 350606 Gates Foundation \$ 500,000 \$ 0 98999

Grants

TOTAL GSF General Services 99000

Fund Group \$ 10,193,436 \$ 9,693,436 99001

Federal Special Revenue Fund Group 99002

3130 350601 LSTA Federal \$ 5,543,747 \$ 5,543,747 99003

TOTAL FED Federal Special Revenue 99004

Fund Group \$ 5,543,747 \$ 5,543,747 99005

TOTAL ALL BUDGET FUND GROUPS \$ 21,665,743 \$ 21,165,743 99006

OHIOANA RENTAL PAYMENTS	99007
The foregoing appropriation item 350401, Ohioana Rental	99008
Payments, shall be used to pay the rental expenses of the Martha	99009
Kinney Cooper Ohioana Library Association under section 3375.61 of	99010
the Revised Code.	99011
REGIONAL LIBRARY SYSTEMS	99012
The foregoing appropriation item 350502, Regional Library	99013
Systems, shall be used to support regional library systems	99014
eligible for funding under sections 3375.83 and 3375.90 of the	99015
Revised Code.	99016
OHIO PUBLIC LIBRARY INFORMATION NETWORK	99017
(A) The foregoing appropriation item 350604, Ohio Public	99018
Library Information Network, shall be used for an information	99019
telecommunications network linking public libraries in the state	99020
and such others as may participate in the Ohio Public Library	99021
Information Network (OPLIN).	99022
The Ohio Public Library Information Network Board of Trustees	99023
created under section 3375.65 of the Revised Code may make	99024
decisions regarding use of the foregoing appropriation item	99025
350604, Ohio Public Library Information Network.	99026
(B) Of the foregoing appropriation item 350604, Ohio Public	99027
Library Information Network, up to \$81,000 in each fiscal year	99028
shall be used to help local libraries use filters to screen out	99029
obscene and illegal internet materials.	99030
The OPLIN Board shall research and assist or advise local	99031
libraries with regard to emerging technologies and methods that	99032
may be effective means to control access to obscene and illegal	99033
materials. The OPLIN Executive Director shall provide biannual	99034
written reports to the Governor, the Speaker and Minority Leader	99035
of the House of Representatives, and the President and Minority	99036

Leader of the Senate on any steps being taken by OPLIN and public 99037
libraries in the state to limit and control such improper usage as 99038
well as information on technological, legal, and law enforcement 99039
trends nationally and internationally affecting this area of 99040
public access and service. 99041

(C) The Ohio Public Library Information Network, INFOhio, and 99042
OhioLINK shall, to the extent feasible, coordinate and cooperate 99043
in their purchase or other acquisition of the use of electronic 99044
databases for their respective users and shall contribute funds in 99045
an equitable manner to such effort. 99046

LIBRARY FOR THE BLIND 99047

The foregoing appropriation item 350605, Library for the 99048
Blind, shall be used for the statewide Talking Book Program to 99049
assist the blind and disabled. 99050

TRANSFER TO OPLIN TECHNOLOGY FUND 99051

Notwithstanding sections 5747.03 and 5747.47 of the Revised 99052
Code and any other provision of law to the contrary, in accordance 99053
with a schedule established by the Director of Budget and 99054
Management, the Director of Budget and Management shall transfer 99055
\$3,702,150 cash in each fiscal year from the Public Library Fund 99056
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 99057

TRANSFER TO LIBRARY FOR THE BLIND FUND 99058

Notwithstanding sections 5747.03 and 5747.47 of the Revised 99059
Code and any other provision of law to the contrary, in accordance 99060
with a schedule established by the Director of Budget and 99061
Management, the Director of Budget and Management shall transfer 99062
\$1,274,194 cash in each fiscal year from the Public Library Fund 99063
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 99064

Section 325.10. LCO LIQUOR CONTROL COMMISSION 99065

Liquor Control Fund Group 99066

7043 970321	Operating Expenses	\$	728,162	\$	772,524	99067
TOTAL LCF	Liquor Control Fund Group	\$	728,162	\$	772,524	99068
TOTAL ALL BUDGET FUND GROUPS		\$	728,162	\$	772,524	99069

Section 327.10. LOT STATE LOTTERY COMMISSION 99071

State Lottery Fund Group						99072
2310 950604	Charitable Gaming	\$	2,378,000	\$	2,378,000	99073
	Oversight					
7044 950100	Personal Services	\$	24,378,979	\$	24,378,979	99074
7044 950200	Maintenance	\$	14,578,155	\$	14,652,155	99075
7044 950300	Equipment	\$	4,058,420	\$	3,603,920	99076
7044 950402	Advertising Contracts	\$	21,756,000	\$	21,756,000	99077
7044 950403	Gaming Contracts	\$	47,978,749	\$	48,756,010	99078
7044 950500	Problem Gambling	\$	350,000	\$	350,000	99079
	Subsidy					
7044 950601	Direct Prize Payments	\$	124,426,168	\$	124,884,039	99080
8710 950602	Annuity Prizes	\$	89,935,565	\$	89,415,976	99081
TOTAL SLF State Lottery Fund						99082
Group		\$	329,840,036	\$	330,175,079	99083
TOTAL ALL BUDGET FUND GROUPS		\$	329,840,036	\$	330,175,079	99084

OPERATING EXPENSES 99085

Notwithstanding sections 127.14 and 131.35 of the Revised 99086
Code, the Controlling Board may, at the request of the State 99087
Lottery Commission, authorize expenditures from the State Lottery 99088
Fund in excess of the amounts appropriated, up to a maximum of 15 99089
per cent of anticipated total revenue accruing from the sale of 99090
lottery tickets. Upon the approval of the Controlling Board, the 99091
additional amounts are hereby appropriated. 99092

DIRECT PRIZE PAYMENTS 99093

Any amounts, in addition to the amounts appropriated in 99094
appropriation item 950601, Direct Prize Payments, that the 99095
Director of the State Lottery Commission determines to be 99096

necessary to fund prizes, bonuses, and commissions are hereby 99097
appropriated. 99098

ANNUITY PRIZES 99099

Upon request of the State Lottery Commission, the Director of 99100
Budget and Management may transfer cash from the State Lottery 99101
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 99102
an amount sufficient to fund deferred prizes. The Treasurer of 99103
State, from time to time, shall credit the Deferred Prizes Trust 99104
Fund (Fund 8710) the pro rata share of interest earned by the 99105
Treasurer of State on invested balances. 99106

Any amounts, in addition to the amounts appropriated in 99107
appropriation item 950602, Annuity Prizes, that the Director of 99108
the State Lottery Commission determines to be necessary to fund 99109
deferred prizes and interest earnings are hereby appropriated. 99110

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 99111

The Director of Budget and Management shall transfer an 99112
amount greater than or equal to \$705,000,000 in fiscal year 2010 99113
and \$711,000,000 in fiscal year 2011 from the State Lottery Fund 99114
to the Lottery Profits Education Fund (Fund 7017). Transfers from 99115
the State Lottery Fund to the Lottery Profits Education Fund shall 99116
represent the estimated net income from operations for the 99117
Commission in fiscal year 2010 and fiscal year 2011. Transfers by 99118
the Director of Budget and Management to the Lottery Profits 99119
Education Fund shall be administered as the statutes direct. 99120

Section 329.10. MHC MANUFACTURED HOMES COMMISSION 99121

General Services Fund Group				99122
4K90 996609 Operating Expenses	\$	400,000	\$ 400,000	99123
TOTAL GSF General Services				99124
Fund Group	\$	400,000	\$ 400,000	99125
TOTAL ALL BUDGET FUND GROUPS	\$	400,000	\$ 400,000	99126

Section 331.10. MED STATE MEDICAL BOARD				99128
General Services Fund Group				99129
5C60 883609	Operating Expenses	\$ 8,100,000	\$ 8,100,000	99130
TOTAL GSF General Services				99131
Fund Group		\$ 8,100,000	\$ 8,100,000	99132
TOTAL ALL BUDGET FUND GROUPS				99133
 Section 333.10. AMB MEDICAL TRANSPORTATION BOARD				99135
General Services Fund Group				99136
4K90 915604	Operating Expenses	\$ 450,734	\$ 450,734	99137
TOTAL GSF General Services				99138
Fund Group		\$ 450,734	\$ 450,734	99139
TOTAL ALL BUDGET FUND GROUPS				99140
 Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH				99142
General Revenue Fund				99143
GRF 332401	Forensic Services	\$ 3,904,972	\$ 3,904,972	99144
GRF 333321	Central Administration	\$ 17,204,000	\$ 17,204,000	99145
GRF 333402	Resident Trainees	\$ 637,460	\$ 637,460	99146
GRF 333403	Pre-Admission Screening Expenses	\$ 650,135	\$ 650,135	99147
GRF 333415	Lease-Rental Payments	\$ 21,626,800	\$ 22,360,300	99148
GRF 334408	Community and Hospital Mental Health Services	\$ 383,724,688	\$ 383,724,688	99149
GRF 334506	Court Costs	\$ 781,322	\$ 781,322	99150
GRF 335404	Behavioral Health Services-Children	\$ 7,460,800	\$ 7,460,000	99151
GRF 335405	Family & Children First	\$ 2,322,000	\$ 2,322,000	99152

GRF	335419	Community Medication Subsidy	\$	9,959,798	\$	9,959,798	99153
GRF	335505	Local Mental Health Systems of Care	\$	85,510,483	\$	65,567,856	99154
GRF	335636	Local Mental Health Subsidy - Federal Stimulus	\$	0	\$	27,697,699	99155
TOTAL GRF		General Revenue Fund	\$	533,782,458	\$	542,271,030	99156
		General Services Fund Group					99157
1490	333609	Central Office Operating	\$	1,200,000	\$	1,200,000	99158
1490	334609	Hospital - Operating Expenses	\$	28,700,000	\$	28,700,000	99159
1500	334620	Special Education	\$	150,000	\$	150,000	99160
4P90	335604	Community Mental Health Projects	\$	250,000	\$	250,000	99161
1510	336601	Office of Support Services	\$	148,998,000	\$	159,279,140	99162
TOTAL GSF		General Services Fund Group	\$	179,298,000	\$	189,579,140	99163
		Federal Special Revenue Fund Group					99164
3240	333605	Medicaid/Medicare	\$	154,500	\$	154,500	99165
3A60	333608	Community and Hospital Services	\$	140,000	\$	140,000	99166
3A70	333612	Social Services Block Grant	\$	25,000	\$	25,000	99167
3A80	333613	Federal Grant - Administration	\$	4,888,105	\$	4,888,105	99168
3A90	333614	Mental Health Block Grant - Administration	\$	748,470	\$	748,470	99169
3B10	333635	Community Medicaid	\$	13,691,682	\$	13,691,682	99170

		Expansion					
3240	334605	Medicaid/Medicare	\$	25,200,000	\$	30,200,000	99171
3A60	334608	Federal Miscellaneous	\$	586,224	\$	586,224	99172
3A80	334613	Federal Letter of	\$	200,000	\$	200,000	99173
		Credit					
3B00	334617	Elementary/Secondary	\$	182,334	\$	182,334	99174
		Education Act					
3A60	335608	Federal Miscellaneous	\$	2,178,699	\$	2,178,699	99175
3A70	335612	Social Services Block	\$	8,632,288	\$	8,632,288	99176
		Grant					
3A80	335613	Federal Grant -	\$	2,595,040	\$	2,595,040	99177
		Community Mental					
		Health Board Subsidy					
3A90	335614	Mental Health Block	\$	14,220,930	\$	14,220,930	99178
		Grant					
3B10	335635	Community Medicaid	\$	362,770,242	\$	345,067,320	99179
		Expansion					
TOTAL FED		Federal Special Revenue	\$	436,213,514	\$	423,510,592	99180
Fund Group							
State		Special Revenue Fund Group					99181
2320	333621	Family and Children	\$	725,000	\$	725,000	99182
		First Administration					
4850	333632	Mental Health	\$	134,233	\$	134,233	99183
		Operating					
4X50	333607	Behavioral Health	\$	3,000,624	\$	3,000,624	99184
		Medicaid Services					
5V20	333611	Non-Federal	\$	560,000	\$	560,000	99185
		Miscellaneous					
4850	334632	Mental Health	\$	2,400,000	\$	2,400,000	99186
		Operating					
6920	334636	Community Mental	\$	80,000	\$	80,000	99187
		Health Board Risk					
		Fund					

5AU0	335615	Behavioral Healthcare	\$	6,690,000	\$	6,690,000	99188
5CH0	335622	Residential Support Service	\$	1,500,000	\$	1,500,000	99189
6320	335616	Community Capital Replacement	\$	350,000	\$	350,000	99190
TOTAL SSR State Special Revenue Fund Group			\$	15,439,857	\$	15,439,857	99191
TOTAL ALL BUDGET FUND GROUPS			\$	1,164,733,829	\$	1,170,800,619	99192

Section 335.10.10. FORENSIC SERVICES 99194

The foregoing appropriation item 332401, Forensic Services, 99195
shall be used to provide psychiatric services to courts of common 99196
pleas. The appropriation shall be allocated through community 99197
mental health boards to certified community agencies and shall be 99198
distributed according to the criteria delineated in rule 99199
5122:32-01 of the Administrative Code. These community forensic 99200
funds may also be used to provide forensic training to community 99201
mental health boards and to forensic psychiatry residency programs 99202
in hospitals operated by the Department of Mental Health and to 99203
provide evaluations of patients of forensic status in facilities 99204
operated by the Department of Mental Health prior to conditional 99205
release to the community. 99206

In addition, appropriation item 332401, Forensic Services, 99207
may be used to support projects involving mental health or 99208
substance abuse, to assist courts and law enforcement to identify 99209
and develop appropriate alternative services to incarceration for 99210
nonviolent mentally ill offenders, and to provide specialized 99211
re-entry services to offenders leaving prisons and jails. Funds 99212
may also be used to provide forensic monitoring and tracking in 99213
addition to community programs serving persons of forensic status 99214
on conditional release or probation. 99215

Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS 99216

The foregoing appropriation item 333402, Resident Trainees, 99217
shall be used to fund training agreements entered into by the 99218
Director of Mental Health for the development of curricula and the 99219
provision of training programs to support public mental health 99220
services. 99221

Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES 99222

The foregoing appropriation item 333403, Pre-Admission 99223
Screening Expenses, shall be used to ensure that uniform statewide 99224
methods for pre-admission screening are in place for persons who 99225
have severe mental illness and are referred for long-term Medicaid 99226
certified nursing facility placement. Pre-admission screening 99227
includes the following activities: pre-admission assessment, 99228
consideration of continued stay requests, discharge planning and 99229
referral, and adjudication of appeals and grievance procedures. 99230
99231

Section 335.20.30. LEASE-RENTAL PAYMENTS 99232

The foregoing appropriation item 333415, Lease-Rental 99233
Payments, shall be used to meet all payments during the period 99234
from July 1, 2009, to June 30, 2011, by the Department of Mental 99235
Health under leases and agreements made under section 154.20 of 99236
the Revised Code. These appropriations are the source of funds 99237
pledged for bond service charges on obligations issued pursuant to 99238
Chapter 154. of the Revised Code. 99239

Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES 99240

The Department of Mental Health shall administer specified 99241
Medicaid services as delegated by the Department of Job and Family 99242
Services in an interagency agreement. The foregoing appropriation 99243
item 333607, Behavioral Health Medicaid Services, may be used to 99244
make payments for free-standing psychiatric hospital inpatient 99245

services as defined in an interagency agreement with the 99246
Department of Job and Family Services. 99247

Section 335.30.10. COMMUNITY MENTAL HEALTH BOARD RISK FUND 99248

The foregoing appropriation item 334636, Community Mental 99249
Health Board Risk Fund, shall be used to make payments under 99250
section 5119.62 of the Revised Code. 99251

Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN 99252

The foregoing appropriation item 335404, Behavioral Health 99253
Services-Children, shall be used to provide behavioral health 99254
services for children and their families. At least \$1,000,000 in 99255
each fiscal year shall be used to provide behavioral health 99256
treatment services for children under the age of seven and their 99257
families. Behavioral health services include mental health and 99258
alcohol and other drug treatment services and other necessary 99259
supports. 99260

The foregoing appropriation item 335404, Behavioral Health 99261
Services-Children, shall be distributed to boards of alcohol, drug 99262
addiction, and mental health services, including community mental 99263
health boards and alcohol and drug addiction boards, based upon a 99264
distribution formula approved by the Director of Mental Health, 99265
except that the amount earmarked for children under the age of 99266
seven shall be distributed to the local boards based on 99267
community-need as determined by the Director of Mental Health. 99268
These moneys shall be used in accordance with the board's 99269
applicable plan or plans developed under sections 340.03 and 99270
340.033 of the Revised Code and in collaboration with the local 99271
family and children first council. Collaboration with the local 99272
council shall be conducted through a process defined by a system 99273
of care guidance as approved by the Ohio Family and Children First 99274
Cabinet Council. 99275

Section 335.40.20. COMMUNITY MEDICATION SUBSIDY 99276

The foregoing appropriation item 335419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs. 99277
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Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE 99282

The foregoing appropriation item 335505, Local Mental Health Systems of Care, shall be used for mental health services provided by community mental health boards in accordance with a community mental health plan submitted under section 340.03 of the Revised Code and as approved by the Department of Mental Health. 99283
99284
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99288

Section 337.10. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 99289
99290

General Revenue Fund				99291
GRF	320321	Central Administration	\$ 4,936,950 \$ 4,936,950	99292
GRF	320412	Protective Services	\$ 2,558,619 \$ 2,558,619	99293
GRF	320415	Lease-Rental Payments	\$ 21,626,800 \$ 22,360,300	99294
GRF	322413	Residential and Support Services	\$ 5,854,555 \$ 5,854,555	99295
GRF	322416	Medicaid Waiver - State Match	\$ 76,940,156 \$ 96,995,649	99296
GRF	322451	Family Support Services	\$ 6,616,953 \$ 6,616,953	99297
GRF	322501	County Boards Subsidies	\$ 82,093,807 \$ 49,338,483	99298
GRF	322503	Tax Equity	\$ 14,000,000 \$ 14,000,000	99299

GRF	322504	Martin Settlement	\$	36,841,819	\$	36,841,819	99300
GRF	322646	MR/DD Subsidy - Federal Stimulus	\$	0	\$	23,185,824	99301
GRF	322647	ICF/MR Franchise Fee - Developmental Centers	\$	5,600,000	\$	7,500,000	99302
GRF	323321	Developmental Center and Residential Facilities Operation Expenses	\$	72,874,333	\$	80,147,778	99303
TOTAL GRF	General Revenue Fund		\$	329,943,992	\$	350,336,930	99304
General Services Fund Group							99305
4880	322603	Provider Audit Refunds	\$	10,000	\$	10,000	99306
1520	323609	Developmental Center and Residential Operating Services	\$	912,176	\$	912,176	99307
TOTAL GSF	General Services Fund Group		\$	922,176	\$	922,176	99308
Federal Special Revenue Fund Group							99309
3A50	320613	DD Council	\$	2,891,473	\$	2,963,760	99310
3250	322612	Community Social Service Programs	\$	10,494,451	\$	10,494,451	99311
3G60	322639	Medicaid Waiver - Federal	\$	759,888,829	\$	745,540,748	99312
3M70	322650	CAFS Medicaid	\$	28,465,980	\$	29,349,502	99313
3A40	323605	Developmental Center and Residential Facility Services and Support	\$	167,503,941	\$	162,857,712	99314
TOTAL FED	Federal Special Revenue Fund Group		\$	969,244,674	\$	951,206,173	99315

State Special Revenue Fund Group					99316
5GE0 320606	Operating and Services	\$ 3,760,504	\$ 7,521,008		99317
2210 322620	Supplement Service Trust	\$ 150,000	\$ 150,000		99318
4K80 322604	Medicaid Waiver - State Match	\$ 12,000,000	\$ 12,000,000		99319
5CT0 322632	Intensive Behavioral Needs	\$ 1,000,000	\$ 1,000,000		99320
5DJ0 322625	Targeted Case Management Match	\$ 13,716,454	\$ 13,716,454		99321
5DJ0 322626	Targeted Case Management Services	\$ 29,926,640	\$ 29,926,640		99322
5DK0 322629	Capital Replacement Facilities	\$ 750,000	\$ 750,000		99323
5EV0 322627	Program Fees	\$ 500,000	\$ 500,000		99324
5H00 322619	Medicaid Repayment	\$ 15,000	\$ 15,000		99325
5Z10 322624	County Board Waiver Match	\$ 158,648,995	\$ 169,754,424		99326
4890 323632	Developmental Center Direct Care Support	\$ 15,395,774	\$ 15,395,684		99327
5S20 590622	Medicaid Administration & Oversight	\$ 15,000,000	\$ 15,000,000		99328
TOTAL SSR State Special Revenue Fund Group		\$ 250,863,367	\$ 265,729,210		99329
TOTAL ALL BUDGET FUND GROUPS		\$ 1,550,974,209	\$ 1,568,194,489		99330

Section 337.20.10. LEASE-RENTAL PAYMENTS 99332

The foregoing appropriation item 320415, Lease-Rental 99333
 Payments, shall be used to meet all payments at the time they are 99334
 required to be made during the period from July 1, 2009, to June 99335
 30, 2011, by the Department of Mental Retardation and 99336

Developmental Disabilities under leases and agreements made under 99337
section 154.20 of the Revised Code. These appropriations are the 99338
source of funds pledged for bond service charges or obligations 99339
issued pursuant to Chapter 154. of the Revised Code. 99340

Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES 99341

The Department of Mental Retardation and Developmental 99342
Disabilities may designate a portion of appropriation item 322413, 99343
Residential and Support Services, for Sermak Class Services used 99344
to implement the requirements of the agreement settling the 99345
consent decree in *Sermak v. Manuel*, Case No. c-2-80-220, United 99346
States District Court for the Southern District of Ohio, Eastern 99347
Division. 99348

Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE 99349
PROGRAMS 99350

The foregoing appropriation item 322413, Residential Support 99351
Services, may be used for residential and support service 99352
programs, developed by the Department of Mental Retardation and 99353
Developmental Disabilities, that enable persons with mental 99354
retardation and developmental disabilities to live in the 99355
community. 99356

Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF) 99357

Except as otherwise provided in section 5123.0416 of the 99358
Revised Code, the purposes for which the foregoing appropriation 99359
item 322416, Medicaid Waiver - State Match, shall be used include 99360
the following: 99361

(A) Home and community-based waiver services under Title XIX 99362
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 99363
as amended. 99364

(B) To pay the nonfederal share of the cost of one or more 99365

new intermediate care facilities for the mentally retarded 99366
certified beds, if the Director of Mental Retardation and 99367
Developmental Disabilities is required by this act to transfer to 99368
the Director of Job and Family Services funds to pay such 99369
nonfederal share. 99370

Section 337.30.40. FISCAL PLAN FOR HOME AND COMMUNITY-BASED 99371
WAIVER SERVICES 99372

Not later than December 31, 2009, the Director of Mental 99373
Retardation and Developmental Disabilities shall submit a plan to 99374
the Director of Job and Family Services with recommendations for 99375
actions to be taken addressing the fiscal sustainability of home 99376
and community-based services as defined in section 5123.01 of the 99377
Revised Code. The plan may include recommendations for all of the 99378
following: 99379

(A) Changing the ranges in the amount the Medicaid program 99380
will pay per individual for the home and community-based services; 99381

(B) Establishing one or more maximum amounts that the 99382
Medicaid program will pay per individual for the home and 99383
community-based services; 99384

(C) Modifying the methodology used in establishing payment 99385
rates for providers, including the methodology's component that 99386
reflects wages and benefits for persons providing direct care and 99387
the component that reflects training and direct supervision of 99388
those persons. 99389

Section 337.30.50. STATE SUBSIDY TO COUNTY MR/DD BOARDS 99390

Except as otherwise provided in the section of this act 99391
titled "Nonfederal Share of New ICF/MR Beds," the Director of 99392
Mental Retardation and Developmental Disabilities, in consultation 99393
with the county boards of mental retardation and developmental 99394
disabilities, shall develop a formula for allocating the foregoing 99395

appropriation item 322501, County Boards Subsidies, to each board. 99396
The Department shall distribute this subsidy to county boards in 99397
quarterly installments. 99398

Except as otherwise provided in section 5126.0511 of the 99399
Revised Code, county boards shall use the subsidy for early 99400
childhood services and adult services provided under section 99401
5126.05 of the Revised Code, service and support administration 99402
provided under section 5126.15 of the Revised Code, and supported 99403
living as defined in section 5126.01 of the Revised Code. 99404

Section 337.30.60. COUNTY BOARD SHARE OF WAIVER SERVICES 99405

As used in this section, "home and community-based services" 99406
has the same meaning as in section 5123.01 of the Revised Code. 99407

The Director of Mental Retardation and Developmental 99408
Disabilities shall establish a methodology to be used in state 99409
fiscal years 2010 and 2011 to estimate the quarterly amount each 99410
county board of mental retardation and developmental disabilities 99411
is to pay of the nonfederal share of home and community-based 99412
services that section 5126.0510 of the Revised Code requires 99413
county boards to pay. Each quarter, the Director shall submit to a 99414
county board written notice of the amount the county board is to 99415
pay for that quarter. The notice shall specify when the payment is 99416
due. 99417

If a county board fails to make the full payment by the time 99418
it is due, the Director of Mental Retardation and Developmental 99419
Disabilities may withhold the amount the county board fails to pay 99420
from one or more of the state subsidies that the Department of 99421
Mental Retardation and Developmental Disabilities would otherwise 99422
provide to the county board. Each quarter, the Director may use 99423
one or more of the following appropriation items to transfer cash 99424
from the General Revenue Fund to the County Board Waiver Match 99425
Fund (Fund 5Z10) equal to the amount the county board failed to 99426

pay:	99427
(A) Appropriation item 322413, Residential and Support Services;	99428
(B) Appropriation item 322451, Family Support Services;	99430
(C) Appropriation item 322501, County Boards Subsidies;	99431
(D) Appropriation item 322503, Tax Equity.	99432
Transfers shall be made using an intrastate transfer voucher.	99433
Section 337.30.70. TAX EQUITY	99434
Notwithstanding section 5126.18 of the Revised Code, if the Director of Mental Retardation and Developmental Disabilities determines that there is sufficient appropriation available, the foregoing appropriation item 322503, Tax Equity, shall be used to pay each county board of mental retardation and developmental disabilities an amount that is equal to the amount the board received for fiscal year 2009. If the Director determines that there is not sufficient appropriation available for this purpose, the Department shall pay to each county board an amount that is proportionate to the amount the board received for fiscal year 2009. Proportionality shall be determined by dividing the total tax equity payments distributed to county boards for fiscal year 2009 by the tax equity payment a county board received for fiscal year 2009.	99435 99436 99437 99438 99439 99440 99441 99442 99443 99444 99445 99446 99447 99448
Section 337.30.80. MEDICAID WAIVER - STATE MATCH (FUND 4K80)	99449
The foregoing appropriation item 322604, Medicaid Waiver - State Match (Fund 4K80), shall be used as state matching funds for home and community-based waivers.	99450 99451 99452
Section 337.30.85. ICF/MR CONVERSION	99453
(A) As used in this section, "home and community-based	99454

services" has the same meaning as in section 5123.01 of the Revised Code.

(B) For each quarter of the biennium, the Director of Mental Retardation and Developmental Disabilities shall certify to the Director of Budget and Management the estimated amount needed to fund the provision of home and community-based services made available by the slots sought under section 5111.877 of the Revised Code. On receipt of certification, the Director of Budget and Management shall transfer the estimated amount in cash from the General Revenue Fund to the Home and Community-Based Services/Mental Retardation Fund (Fund 4K80), used by the Department of Mental Retardation and Developmental Disabilities. Upon completion of the transfer, appropriation item 600525, Health Care/Medicaid, is hereby reduced by the amount transferred under this section plus the corresponding federal share. The amount transferred to Fund 4K80 is hereby appropriated to appropriation item 322604, Medicaid Waiver - State Match.

(C) If receipts credited to the Medicaid Waiver Fund (Fund 3G60) exceed the amounts appropriated from the fund, the Director of Mental Retardation and Developmental Disabilities may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

(D) If receipts credited to the Interagency Reimbursement Fund (Fund 3G50) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 337.30.90. TARGETED CASE MANAGEMENT SERVICES 99486

County boards of mental retardation and developmental 99487
disabilities shall pay the nonfederal portion of targeted case 99488
management costs to the Department of Mental Retardation and 99489
Developmental Disabilities. The Director of Mental Retardation and 99490
Developmental Disabilities shall withhold any amount owed to the 99491
Department from subsequent payments from any appropriation item or 99492
money otherwise due to a nonpaying county. 99493

The Directors of Mental Retardation and Developmental 99494
Disabilities and Job and Family Services may enter into an 99495
interagency agreement under which the Department of Mental 99496
Retardation and Developmental Disabilities shall transfer cash to 99497
the Department of Job and Family Services equal to the nonfederal 99498
portion of the cost of targeted case management services paid by 99499
county boards and the Department of Job and Family Services shall 99500
pay the total cost of targeted case management claims. The 99501
transfer shall be made using an intrastate transfer voucher. 99502

Section 337.31.10. TRANSFER TO PROGRAM FEE FUND 99503

On July 1, 2009, or as soon as possible thereafter, the 99504
Director of Mental Retardation and Developmental Disabilities 99505
shall request that the Director of Budget and Management transfer 99506
the cash balance in the Conference/Training Fund (Fund 4B50) to 99507
the Program Fee Fund (Fund 5EV0). Upon completion of the transfer, 99508
Fund 4B50 is abolished. The Director of Mental Retardation and 99509
Developmental Disabilities shall cancel any existing encumbrances 99510
against appropriation item 320640, Training and Service 99511
Development, and re-establish them against appropriation item 99512
322627, Program Fees. The re-established encumbrances are hereby 99513
appropriated. 99514

Section 337.31.20. DEVELOPMENTAL CENTER BILLING FOR SERVICES 99515

Developmental centers of the Department of Mental Retardation 99516
and Developmental Disabilities may provide services to persons 99517
with mental retardation or developmental disabilities living in 99518
the community or to providers of services to these persons. The 99519
Department may develop a method for recovery of all costs 99520
associated with the provisions of these services. 99521

Section 337.40.10. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 99522
PHARMACY PROGRAMS 99523

The Director of Mental Retardation and Developmental 99524
Disabilities shall transfer cash to the Department of Job and 99525
Family Services quarterly, in an amount equal to the nonfederal 99526
share of Medicaid prescription drug claim costs for all 99527
developmental centers paid by the Department of Job and Family 99528
Services. The quarterly transfer shall be made using an intrastate 99529
transfer voucher. 99530

Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT 99531
SERVICES 99532

Any county funds received by the Department of Mental 99533
Retardation and Developmental Disabilities from county boards for 99534
active treatment shall be deposited in the Mental Retardation 99535
Operating Fund (Fund 4890). 99536

Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS 99537

(A) As used in this section, "intermediate care facility for 99538
the mentally retarded" has the same meaning as in section 5111.20 99539
of the Revised Code. 99540

(B) Except as provided in division (D) of this section, if 99541
one or more new beds obtain certification as an intermediate care 99542
facility for the mentally retarded bed on or after July 1, 2009, 99543
the Director of Mental Retardation and Developmental Disabilities 99544

shall transfer cash to the Department of Job and Family Services 99545
to pay the nonfederal share of the cost under the Medicaid Program 99546
for those beds. The transfer shall be made using an intrastate 99547
transfer voucher. Except as otherwise provided in section 99548
5123.0416 of the Revised Code, the Director shall use only the 99549
following appropriation items for the transfer: 99550

(1) Appropriation item 322416, Medicaid Waiver - State Match; 99551
99552

(2) Appropriation item 322501, County Boards Subsidies. 99553

(C) If the beds are located in a county served by a county 99554
board of mental retardation and developmental disabilities that 99555
initiates or supports the beds' certification, the cash that the 99556
Director transfers under division (B) of this section shall be 99557
moneys that the Director has allocated to the county board serving 99558
the county in which the beds are located unless the amount of the 99559
allocation is insufficient to pay the entire nonfederal share of 99560
the cost under the Medicaid Program for those beds. If the 99561
allocation is insufficient, the Director shall use as much of such 99562
moneys allocated to other counties as is needed to make up the 99563
difference. 99564

(D) Division (B) of this section shall not apply in the case 99565
of beds in an intermediate care facility for the mentally retarded 99566
if, under section 5123.193 of the Revised Code, a residential 99567
facility license was obtained for the facility without obtaining 99568
approval of a plan for the proposed residential facility pursuant 99569
to section 5123.042 of the Revised Code. 99570

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 99571

General Revenue Fund 99572

GRF 149321 Operating Expenses \$ 461,698 \$ 461,698 99573

GRF 149501 Minority Health \$ 1,000,000 \$ 1,000,000 99574

Grants

GRF 149502	Lupus Program	\$	136,126	\$	136,126	99575
TOTAL GRF	General Revenue Fund	\$	1,597,824	\$	1,597,824	99576
Federal Special Revenue Fund Group						99577
3J90 149602	Federal Grants	\$	179,250	\$	179,250	99578
TOTAL FED	Federal Special Revenue					99579
Fund Group		\$	179,250	\$	179,250	99580
State Special Revenue Fund Group						99581
4C20 149601	Minority Health	\$	30,000	\$	30,000	99582
Conference						
TOTAL SSR	State Special Revenue					99583
Fund Group		\$	30,000	\$	30,000	99584
TOTAL ALL BUDGET FUND GROUPS		\$	1,807,074	\$	1,807,074	99585

Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR

99587

REGISTRATION BOARD

99588

General Services Fund Group

99589

4K90 865601	Operating Expenses	\$	288,745	\$	288,745	99590
TOTAL GSF	General Services					99591
Fund Group		\$	288,745	\$	288,745	99592
TOTAL ALL BUDGET FUND GROUPS		\$	288,745	\$	288,745	99593

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES

99595

General Revenue Fund

99596

GRF 725401	Wildlife-GRF Central	\$	2,300,000	\$	2,300,000	99597
Support						
GRF 725413	Lease Rental Payments	\$	21,417,400	\$	21,556,500	99598
GRF 725423	Stream and Ground	\$	175,000	\$	175,000	99599
Water Gauging						
GRF 725456	Canal Lands	\$	300,000	\$	300,000	99600
GRF 725502	Soil and Water	\$	4,500,000	\$	900,000	99601
Districts						

GRF	725652	Natural Resources Operations	\$	4,886,947	\$	4,492,839	99602
GRF	725903	Natural Resources General Obligation Debt Service	\$	26,334,400	\$	26,549,400	99603
GRF	727321	Division of Forestry	\$	6,906,376	\$	6,906,376	99604
GRF	728321	Division of Geological Survey	\$	1,550,000	\$	1,550,000	99605
GRF	729321	Office of Information Technology	\$	350,000	\$	350,000	99606
GRF	730321	Division of Parks and Recreation	\$	36,119,971	\$	36,119,971	99607
GRF	736321	Division of Engineering	\$	3,000,000	\$	3,000,000	99608
GRF	737321	Division of Soil and Water Resources	\$	6,628,562	\$	6,628,562	99609
GRF	738321	Division of Real Estate and Land Management	\$	2,000,000	\$	2,000,000	99610
GRF	741321	Division of Natural Areas and Preserves	\$	2,339,873	\$	2,333,981	99611
GRF	744321	Division of Mineral Resources Management	\$	5,029,708	\$	4,152,364	99612
TOTAL GRF		General Revenue Fund	\$	123,838,237	\$	119,314,993	99613
		General Services Fund Group					99614
1550	725601	Departmental Projects	\$	2,100,000	\$	2,100,000	99615
1570	725651	Central Support Indirect	\$	6,000,000	\$	6,000,000	99616
2040	725687	Information Services	\$	4,200,000	\$	4,400,448	99617
2070	725690	Real Estate Services	\$	130,000	\$	132,000	99618
2230	725665	Law Enforcement Administration	\$	2,062,410	\$	2,062,410	99619
2270	725406	Parks Projects	\$	150,000	\$	150,000	99620

		Personnel				
4300	725671	Canal Lands	\$	916,541	\$	922,424 99621
4D50	725618	Recycled Materials	\$	50,000	\$	50,000 99622
4S90	725622	NatureWorks Personnel	\$	412,740	\$	412,740 99623
4X80	725662	Water Resources	\$	138,900	\$	138,900 99624
		Council				
5080	725684	Natural Resources	\$	150,000	\$	150,000 99625
		Publications				
5100	725631	Maintenance -	\$	258,919	\$	258,919 99626
		State-owned				
		Residences				
5160	725620	Water Management	\$	2,500,000	\$	2,500,000 99627
6350	725664	Fountain Square	\$	3,500,000	\$	3,500,000 99628
		Facilities Management				
6970	725670	Submerged Lands	\$	772,011	\$	772,011 99629
TOTAL	GSF	General Services				99630
Fund Group			\$	23,341,521	\$	23,549,852 99631
Federal Special Revenue Fund Group						99632
3320	725669	Federal Mine Safety	\$	258,102	\$	258,102 99633
		Grant				
3B30	725640	Federal Forest	\$	600,000	\$	600,000 99634
		Pass-Thru				
3B40	725641	Federal Flood	\$	700,000	\$	700,000 99635
		Pass-Thru				
3B50	725645	Federal Abandoned	\$	14,307,667	\$	14,307,667 99636
		Mine Lands				
3B60	725653	Federal Land and	\$	2,000,000	\$	2,000,000 99637
		Water Conservation				
		Grants				
3B70	725654	Reclamation -	\$	2,394,565	\$	2,388,775 99638
		Regulatory				
3P00	725630	Natural Areas and	\$	215,000	\$	215,000 99639
		Preserves - Federal				

3P10	725632	Geological Survey - Federal	\$	689,506	\$	692,401	99640
3P20	725642	Oil and Gas-Federal	\$	231,456	\$	234,509	99641
3P30	725650	Coastal Management - Federal	\$	1,711,237	\$	1,711,237	99642
3P40	725660	Federal - Soil and Water Resources	\$	316,734	\$	316,734	99643
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	2,025,001	\$	2,025,001	99644
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	99645
TOTAL FED Federal Special Revenue							99646
Fund Group			\$	27,299,268	\$	27,299,426	99647
State Special Revenue Fund Group							99648
4J20	725628	Injection Well Review	\$	68,933	\$	68,933	99649
4M70	725686	Wildfire Suppression	\$	75,000	\$	75,000	99650
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	99651
5090	725602	State Forest	\$	6,000,000	\$	6,000,000	99652
5110	725646	Ohio Geological Mapping	\$	724,310	\$	723,515	99653
5120	725605	State Parks Operations	\$	29,885,528	\$	29,885,528	99654
5140	725606	Lake Erie Shoreline	\$	757,113	\$	757,113	99655
5180	725643	Oil and Gas Permit Fees	\$	2,574,378	\$	2,574,378	99656
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	99657
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	99658
5220	725656	Natural Areas and Preserves	\$	1,400,000	\$	1,400,000	99659
5260	725610	Strip Mining Administration Fee	\$	1,932,491	\$	1,932,491	99660

5270	725637	Surface Mining Administration	\$	1,946,591	\$	1,946,591	99661
5290	725639	Unreclaimed Land Fund	\$	2,021,713	\$	2,023,831	99662
5310	725648	Reclamation Forfeiture	\$	1,500,000	\$	1,500,000	99663
5320	725644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681	99664
5860	725633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	99665
5B30	725674	Mining Regulation		28,850		28,850	99666
5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000	99667
5BV0	725683	Soil and Water Districts	\$	10,875,577	\$	15,104,906	99668
5CU0	725647	Mine Safety	\$	3,053,843	\$	3,199,923	99669
5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000	99670
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000	99671
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	99672
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	99673
5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500	99674
6150	725661	Dam Safety	\$	807,403	\$	807,403	99675
TOTAL SSR State Special Revenue							99676
Fund Group			\$	72,276,401	\$	76,653,133	99677
Clean Ohio Conservation Fund Group							99678
7061	725405	Clean Ohio Operating	\$	310,000	\$	310,000	99679
TOTAL CLF Clean Ohio Conservation							99680
Fund Group							
Wildlife Fund Group							99681
5P20	725634	Wildlife Boater	\$	2,000,000	\$	2,000,000	99682

		Angler Administration					
7015	740401	Division of Wildlife Conservation	\$	58,614,436	\$	54,906,000	99683
8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449	99684
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	99685
8170	725655	Wildlife Conservation Checkoff Fund	\$	2,800,000	\$	2,800,000	99686
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	99687
8190	725685	Ohio River Management	\$	128,584	\$	128,584	99688
		TOTAL WLF Wildlife Fund Group	\$	66,130,354	\$	62,421,918	99689
		Waterways Safety Fund Group					99690
7086	725414	Waterways Improvement	\$	4,265,575	\$	4,265,575	99691
7086	725418	Buoy Placement	\$	52,182	\$	52,182	99692
7086	725501	Waterway Safety	\$	137,867	\$	137,867	99693
		Grants					
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	99694
7086	725513	Watercraft Educational Grants	\$	366,643	\$	366,643	99695
7086	739401	Division of Watercraft	\$	19,784,181	\$	19,784,181	99696
		TOTAL WSF Waterways Safety Fund Group	\$	25,182,601	\$	25,182,601	99697
		Accrued Leave Liability Fund Group					99698
4M80	725675	FOP Contract	\$	20,844	\$	20,844	99699
		TOTAL ALF Accrued Leave Liability Fund Group	\$	20,844	\$	20,844	99700
		Holding Account Redistribution Fund Group					99701
R017	725659	Performance Cash Bond Refunds	\$	296,263	\$	296,263	99702

R043 725624 Forestry	\$	2,000,000	\$	2,000,000	99705
TOTAL 090 Holding Account					99706
Redistribution Fund Group	\$	2,296,263	\$	2,296,263	99707
TOTAL ALL BUDGET FUND GROUPS	\$	340,695,489	\$	337,049,030	99708

Section 343.20. CENTRAL SUPPORT INDIRECT 99710

With the exception of the Division of Wildlife, whose direct 99711
and indirect central support charges shall be paid out of the 99712
General Revenue Fund from the foregoing appropriation item 725401, 99713
Wildlife-GRF Central Support, the Department of Natural Resources, 99714
with approval of the Director of Budget and Management, shall 99715
utilize a methodology for determining each division's payments 99716
into the Central Support Indirect Fund (Fund 1570). The 99717
methodology used shall contain the characteristics of 99718
administrative ease and uniform application in compliance with 99719
federal grant requirements. It may include direct cost charges for 99720
specific services provided. Payments to Fund 1570 shall be made 99721
using an intrastate transfer voucher. 99722

Section 343.20.10. FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS 99723

The foregoing appropriation item 725652, Natural Resources 99724
Operations, shall be used to support services of the Department of 99725
Natural Resources consistent with funds received from the federal 99726
government for fiscal stabilization and recovery purposes. Such 99727
services shall include the improvement of facilities at state 99728
parks. 99729

Section 343.20.20. WELL LOG FILING FEES 99730

The Chief of the Division of Water shall deposit fees 99731
forwarded to the Division pursuant to section 1521.05 of the 99732
Revised Code into the Departmental Services - Intrastate Fund 99733
(Fund 1550) for the purposes described in that section. 99734

Section 343.30. LEASE RENTAL PAYMENTS 99735

The foregoing appropriation item 725413, Lease Rental 99736
Payments, shall be used to meet all payments at the times they are 99737
required to be made during the period from July 1, 2009, to June 99738
30, 2011, by the Department of Natural Resources pursuant to 99739
leases and agreements made under section 154.22 of the Revised 99740
Code. These appropriations are the source of funds pledged for 99741
bond service charges or obligations issued pursuant to Chapter 99742
154. of the Revised Code. 99743

CANAL LANDS 99744

The foregoing appropriation item 725456, Canal Lands, shall 99745
be used to transfer funds to the Canal Lands Fund (Fund 4300) to 99746
provide operating expenses for the State Canal Lands Program. The 99747
transfer shall be made using an intrastate transfer voucher and 99748
shall be subject to the approval of the Director of Budget and 99749
Management. 99750

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 99751

The foregoing appropriation item 725903, Natural Resources 99752
General Obligation Debt Service, shall be used to pay all debt 99753
service and related financing costs during the period July 1, 99754
2009, to June 30, 2011, on obligations issued under sections 99755
151.01 and 151.05 of the Revised Code. 99756

Section 343.30.10. FOUNTAIN SQUARE 99757

The foregoing appropriation item 725664, Fountain Square 99758
Facilities Management, shall be used for payment of repairs, 99759
renovation, utilities, property management, and building 99760
maintenance expenses for the Fountain Square complex. Cash 99761
transferred by intrastate transfer vouchers from various 99762
department funds and rental income received by the Department of 99763
Natural Resources shall be deposited into the Fountain Square 99764

Facilities Management Fund (Fund 6350). 99765

Section 343.40. SOIL AND WATER DISTRICTS 99766

In addition to state payments to soil and water conservation 99767
districts authorized by section 1515.10 of the Revised Code, the 99768
Department of Natural Resources may use appropriation item 725502, 99769
Soil and Water Districts, to pay any soil and water conservation 99770
district an annual amount not to exceed \$30,000, upon receipt of a 99771
request and justification from the district and approval by the 99772
Ohio Soil and Water Conservation Commission. The county auditor 99773
shall credit the payments to the special fund established under 99774
section 1515.10 of the Revised Code for the local soil and water 99775
conservation district. Moneys received by each district shall be 99776
expended for the purposes of the district. 99777

The foregoing appropriation item 725683, Soil and Water 99778
Districts, shall be expended for the purposes described above, 99779
except that the funding source for this appropriation shall be 99780
fees applied on the disposal of construction and demolition debris 99781
and municipal solid waste as provided in section 1515.14 of the 99782
Revised Code. 99783

OIL AND GAS WELL PLUGGING 99784

The foregoing appropriation item 725677, Oil and Gas Well 99785
Plugging, shall be used exclusively for the purposes of plugging 99786
wells and to properly restore the land surface of idle and orphan 99787
oil and gas wells pursuant to section 1509.071 of the Revised 99788
Code. No funds from the appropriation item shall be used for 99789
salaries, maintenance, equipment, or other administrative 99790
purposes, except for those costs directly attributed to the 99791
plugging of an idle or orphan well. This appropriation item shall 99792
not be used to transfer cash to any other fund or appropriation 99793
item. 99794

LITTER CONTROL AND RECYCLING 99795

Of the foregoing appropriation item 725644, Litter Control 99796
and Recycling, up to \$1,500,000 may be used in each fiscal year 99797
for the administration of the Recycling and Litter Prevention 99798
Program. 99799

Section 343.40.10. CLEAN OHIO OPERATING EXPENSES 99800

The foregoing appropriation item 725405, Clean Ohio 99801
Operating, shall be used by the Department of Natural Resources in 99802
administering section 1519.05 of the Revised Code. 99803

Section 343.50. WATERCRAFT MARINE PATROL 99804

Of the foregoing appropriation item 739401, Division of 99805
Watercraft, up to \$200,000 in each fiscal year shall be expended 99806
for the purchase of equipment for marine patrols qualifying for 99807
funding from the Department of Natural Resources pursuant to 99808
section 1547.67 of the Revised Code. Proposals for equipment shall 99809
accompany the submission of documentation for receipt of a marine 99810
patrol subsidy pursuant to section 1547.67 of the Revised Code and 99811
shall be loaned to eligible marine patrols pursuant to a 99812
cooperative agreement between the Department of Natural Resources 99813
and the eligible marine patrol. 99814

Section 343.60. PARKS CAPITAL EXPENSES FUND 99815

The Director of Natural Resources shall submit to the 99816
Director of Budget and Management the estimated design, 99817
engineering, and planning costs of capital-related work to be done 99818
by Department of Natural Resources staff for parks projects. If 99819
the Director of Budget and Management approves the estimated 99820
costs, the Director may release appropriations from appropriation 99821
item C725E6, Project Planning, in the Parks and Recreation 99822
Improvement Fund (Fund 7035), for those purposes. Upon release of 99823

the appropriations, the Department of Natural Resources shall pay 99824
for these expenses from the Parks Capital Expenses Fund (Fund 99825
2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 99826
7035 using an intrastate transfer voucher. 99827

NATUREWORKS CAPITAL EXPENSES FUND 99828

The Department of Natural Resources shall periodically 99829
prepare and submit to the Director of Budget and Management the 99830
estimated design, planning, and engineering costs of 99831
capital-related work to be done by Department of Natural Resources 99832
staff for each capital improvement project within the Ohio Parks 99833
and Natural Resources Fund (Fund 7031). If the Director of Budget 99834
and Management approves the estimated costs, the Director may 99835
release appropriations from appropriation item C725E5, Project 99836
Planning, in fund 7031, for those purposes. Upon release of the 99837
appropriations, the Department of Natural Resources shall pay for 99838
these expenses from the Capital Expenses Fund (Fund 4S90). 99839
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 99840
using an intrastate transfer voucher. 99841

Section 345.10. NUR STATE BOARD OF NURSING 99842

General Services Fund Group 99843

4K90	884609	Operating Expenses	\$	5,661,280	\$	5,661,280	99844
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5AC0	884602	Nurse Education Grant	\$	1,000,000	\$	1,000,000	99845
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Program

5P80	884601	Nursing Special	\$	5,000	\$	5,000	99846
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Issues

TOTAL GSF General Services 99847

Fund Group	\$	6,666,280	\$	6,666,280	99848
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TOTAL ALL BUDGET FUND GROUPS	\$	6,666,280	\$	6,666,280	99849
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NURSING SPECIAL ISSUES 99850

The foregoing appropriation item 884601, Nursing Special 99851

Issues (Fund 5P80), shall be used to pay the costs the Board of 99852
Nursing incurs in implementing section 4723.062 of the Revised 99853
Code. 99854

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 99855
AND ATHLETIC TRAINERS BOARD 99856

General Services Fund Group 99857
4K90 890609 Operating Expenses \$ 900,000 \$ 900,000 99858
TOTAL GSF General Services Fund \$ 900,000 \$ 900,000 99859
Group
TOTAL ALL BUDGET FUND GROUPS \$ 900,000 \$ 900,000 99860

Section 348.10. OLA OHIOANA LIBRARY ASSOCIATION 99862

General Revenue Fund 99863
GRF 355501 Library Subsidy \$ 125,000 \$ 125,000 99864
TOTAL GRF General Revenue Fund \$ 125,000 \$ 125,000 99865
TOTAL ALL BUDGET FUND GROUPS \$ 125,000 \$ 125,000 99866

Section 349.10. ODB OHIO OPTICAL DISPENSERS BOARD 99868

General Services Fund Group 99869
4K90 894609 Operating Expenses \$ 316,664 \$ 316,664 99870
TOTAL GSF General Services 99871
Fund Group \$ 316,664 \$ 316,664 99872
TOTAL ALL BUDGET FUND GROUPS \$ 316,664 \$ 316,664 99873

Section 351.10. OPT STATE BOARD OF OPTOMETRY 99875

General Services Fund Group 99876
4K90 885609 Operating Expenses \$ 325,185 \$ 325,185 99877
TOTAL GSF General Services 99878
Fund Group \$ 325,185 \$ 325,185 99879
TOTAL ALL BUDGET FUND GROUPS \$ 325,185 \$ 325,185 99880

Section 353.10.				OPP STATE BOARD OF ORTHOTICS, PROSTHETICS,	99882
AND PEDORTHICS					99883
General Services Fund Group					99884
4K90	973609	Operating Expenses	\$	105,000 \$	105,000 99885
TOTAL GSF General Services					99886
Fund Group				\$	105,000 \$ 105,000 99887
TOTAL ALL BUDGET FUND GROUPS				\$	105,000 \$ 105,000 99888
 Section 355.10.				UST PETROLEUM UNDERGROUND STORAGE TANK	99889
Agency Fund Group					99890
6910	810632	PUSTRCB Staff	\$	1,050,000 \$	1,050,000 99891
TOTAL AGY Agency Fund Group				\$	1,050,000 \$ 1,050,000 99892
TOTAL ALL BUDGET FUND GROUPS				\$	1,050,000 \$ 1,050,000 99893
 Section 357.10.				PRX STATE BOARD OF PHARMACY	99895
General Services Fund Group					99896
4A50	887605	Drug Law Enforcement	\$	75,500 \$	75,500 99897
4K90	887609	Operating Expenses	\$	5,000,000 \$	5,000,000 99898
TOTAL GSF General Services Fund				\$	5,075,500 \$ 5,075,500 99899
Group					
Federal Special Revenue Fund Group					99900
3BC0	887604	Dangerous Drugs	\$	493,164 \$	500,891 99901
Database					
TOTAL FED Federal Special Revenue				\$	493,164 \$ 500,891 99902
Fund Group					
TOTAL ALL BUDGET FUND GROUPS				\$	5,568,664 \$ 5,576,391 99903
 Section 359.10.				PSY STATE BOARD OF PSYCHOLOGY	99905
General Services Fund Group					99906
4K90	882609	Operating Expenses	\$	525,000 \$	525,000 99907
TOTAL GSF General Services					99908

Fund Group		\$	525,000	\$	525,000	99909
TOTAL ALL BUDGET FUND GROUPS		\$	525,000	\$	525,000	99910
Section 361.10. PUB OHIO PUBLIC DEFENDER COMMISSION						99912
General Revenue Fund						99913
GRF 019321	Public Defender	\$	772,500	\$	612,600	99914
Administration						
GRF 019401	State Legal Defense	\$	4,377,500	\$	3,471,400	99915
Services						
GRF 019403	Multi-County: State	\$	1,308,201	\$	1,456,835	99916
Share						
GRF 019404	Trumbull County -	\$	430,217	\$	467,727	99917
State Share						
GRF 019405	Training Account	\$	50,000	\$	50,000	99918
GRF 019501	County Reimbursement	\$	22,767,720	\$	17,898,638	99919
TOTAL GRF General Revenue Fund		\$	29,706,138	\$	23,957,200	99920
General Services Fund Group						99921
4070 019604	County Representation	\$	196,650	\$	207,143	99922
4080 019605	Client Payments	\$	600,000	\$	600,000	99923
5CX0 019617	Civil Case Filing Fee	\$	743,076	\$	772,121	99924
TOTAL GSF General Services						99925
Fund Group		\$	1,539,726	\$	1,579,264	99926
Federal Special Revenue Fund Group						99927
3S80 019608	Federal	\$	202,347	\$	212,303	99928
Representation						
TOTAL FED Federal Special Revenue						99929
Fund Group		\$	202,347	\$	212,303	99930
State Special Revenue Fund Group						99931
4C70 019601	Multi-County: County	\$	2,227,056	\$	2,384,210	99932
Share						
4X70 019610	Trumbull County -	\$	732,393	\$	765,467	99933
County Share						

5740	019606	Civil Legal Aid	\$	35,000,000	\$	35,000,000	99934
5DY0	019618	Indigent Defense	\$	27,783,000	\$	37,044,000	99935
		Support - County					
		Share					
5DY0	019619	Indigent Defense	\$	3,087,000	\$	4,116,000	99936
		Support Fund - State					
		Office					
TOTAL SSR State Special Revenue							99937
Fund Group			\$	68,829,449	\$	79,309,677	99938
TOTAL ALL BUDGET FUND GROUPS			\$	100,277,660	\$	105,058,444	99939
INDIGENT DEFENSE OFFICE							99940
The foregoing appropriation items 019404, Trumbull County -							99941
State Share, and 019610, Trumbull County - County Share, shall be							99942
used to support an indigent defense office for Trumbull County.							99943
MULTI-COUNTY OFFICE							99944
The foregoing appropriation items 019403, Multi-County: State							99945
Share, and 019601, Multi-County: County Share, shall be used to							99946
support the Office of the Ohio Public Defender's Multi-County							99947
Branch Office Program.							99948
TRAINING ACCOUNT							99949
The foregoing appropriation item 019405, Training Account,							99950
shall be used by the Ohio Public Defender to provide legal							99951
training programs at no cost for private appointed counsel who							99952
represent at least one indigent defendant at no cost and for state							99953
and county public defenders and attorneys who contract with the							99954
Ohio Public Defender to provide indigent defense services.							99955
FEDERAL REPRESENTATION							99956
The foregoing appropriation item 019608, Federal							99957
Representation, shall be used to receive reimbursements from the							99958
federal courts when the Ohio Public Defender provides							99959
representation in federal court cases and to support							99960

representation in such cases.				99961
Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO				99962
General Services Fund Group				99963
5F60 870622 Utility and Railroad	\$	32,000,000	\$ 32,000,000	99964
Regulation				
5F60 870624 NARUC/NRRI Subsidy	\$	125,000	\$ 125,000	99965
5F60 870625 Motor Transportation	\$	6,071,829	\$ 6,071,829	99966
Regulation				
5Q50 870626 Telecommunications	\$	5,000,000	\$ 5,000,000	99967
Relay Service				
TOTAL GSF General Services				99968
Fund Group	\$	43,196,829	\$ 43,196,829	99969
Federal Special Revenue Fund Group				99970
3330 870601 Gas Pipeline Safety	\$	597,959	\$ 597,959	99971
3500 870608 Motor Carrier Safety	\$	7,351,660	\$ 7,351,660	99972
3V30 870604 Commercial Vehicle	\$	100,000	\$ 100,000	99973
Information				
Systems/Networks				
TOTAL FED Federal Special Revenue				99974
Fund Group	\$	8,049,619	\$ 8,049,619	99975
State Special Revenue Fund Group				99976
4A30 870614 Grade Crossing	\$	1,349,757	\$ 1,349,757	99977
Protection				
Devices-State				
4L80 870617 Pipeline Safety-State	\$	187,621	\$ 187,621	99978
4S60 870618 Hazardous Material	\$	464,325	\$ 464,325	99979
Registration				
4S60 870621 Hazardous Materials	\$	373,346	\$ 373,346	99980
Base State				
Registration				
4U80 870620 Civil Forfeitures	\$	235,744	\$ 235,744	99981

5600	870607	Special Assessment	\$	25,000	\$	25,000	99982
5610	870606	Power Siting Board	\$	500,000	\$	500,000	99983
5BP0	870623	Wireless 9-1-1 Administration	\$	34,417,000	\$	36,443,000	99984
6380	870611	Biofuels/Municipal Waste Technology	\$	40,000	\$	40,000	99985
6610	870612	Hazardous Materials Transportation	\$	900,000	\$	900,000	99986
TOTAL SSR State Special Revenue							99987
Fund Group			\$	38,492,793	\$	40,518,793	99988
TOTAL ALL BUDGET FUND GROUPS			\$	89,739,241	\$	91,765,241	99989
 Section 365.10. PWC PUBLIC WORKS COMMISSION							99991
General Revenue Fund							99992
GRF	150904	Conservation General Obligation Debt Service	\$	20,711,100	\$	25,684,900	99993
GRF	150907	State Capital Improvements General Obligation Debt Service	\$	148,331,900	\$	163,443,500	99994
TOTAL GRF General Revenue Fund							99995
\$ 169,043,000 \$ 189,128,400							99996
Clean Ohio Conservation Fund Group							99997
7056	150403	Clean Ohio Operating Expenses	\$	304,332	\$	311,509	99998
TOTAL 056 Clean Ohio Conservation							99999
\$ 304,332 \$ 311,509							99999
Fund Group							
Local Infrastructure Improvements Fund Group							100000
7039	150909	Local Infrastructure Development	\$	261,027	\$	269,555	100001
TOTAL LIF Local Infrastructure							100002
\$ 261,027 \$ 269,555							100002
Improvements Fund Group							

TOTAL ALL BUDGET FUND GROUPS	\$ 169,608,359	\$ 189,709,464	100003
CONSERVATION GENERAL OBLIGATION DEBT SERVICE			100004
The foregoing appropriation item 150904, Conservation General			100005
Obligation Debt Service, shall be used to pay all debt service and			100006
related financing costs during the period from July 1, 2009,			100007
through June 30, 2011, at the times they are required to be made			100008
for obligations issued under sections 151.01 and 151.09 of the			100009
Revised Code.			100010
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE			100011
The foregoing appropriation item 150907, State Capital			100012
Improvements General Obligation Debt Service, shall be used to pay			100013
all debt service and related financing costs during the period			100014
from July 1, 2009, to June 30, 2011, at the times they are			100015
required to be made for obligations issued under sections 151.01			100016
and 151.08 of the Revised Code.			100017
CLEAN OHIO OPERATING EXPENSES			100018
The foregoing appropriation item 150403, Clean Ohio Operating			100019
Expenses, shall be used by the Ohio Public Works Commission in			100020
administering sections 164.20 to 164.27 of the Revised Code.			100021
			100022
REIMBURSEMENT TO THE GENERAL REVENUE FUND			100023
(A) On or before July 15, 2011, the Director of the Public			100024
Works Commission shall certify to the Director of Budget and			100025
Management the following:			100026
(1) The total amount disbursed from appropriation item			100027
700409, Farmland Preservation, during the FY 2010-FY 2011			100028
biennium; and			100029
(2) The amount of interest earnings that have been credited			100030
to the Clean Ohio Conservation Fund (Fund 7056) that are in excess			100031
of the amount needed for other purposes as calculated by the			100032

Director of the Public Works Commission. 100033

(B) If the Director of Budget and Management determines under 100034
division (A)(2) of this section that there are excess interest 100035
earnings, the Director of Budget and Management shall, on or 100036
before July 15, 2011, transfer the excess interest earnings to the 100037
General Revenue Fund in an amount equal to the total amount 100038
disbursed under division (A)(1) of this section from the Clean 100039
Ohio Conservation Fund. 100040

Section 367.10. RAC STATE RACING COMMISSION 100041

State Special Revenue Fund Group 100042

5620 875601 Thoroughbred Race \$ 2,300,000 \$ 2,300,000 100043
Fund

5630 875602 Standardbred \$ 1,900,000 \$ 1,900,000 100044
Development Fund

5640 875603 Quarterhorse \$ 1,000 \$ 1,000 100045
Development Fund

5650 875604 Racing Commission \$ 3,742,342 \$ 3,758,818 100046
Operating

5C40 875607 Simulcast Horse \$ 14,000,000 \$ 14,000,000 100047
Racing Purse

TOTAL SSR State Special Revenue 100048

Fund Group \$ 21,943,342 \$ 21,959,818 100049

Holding Account Redistribution Fund Group 100050

R021 875605 Bond Reimbursements \$ 145,000 \$ 145,000 100051

TOTAL 090 Holding Account 100052

Redistribution

Fund Group \$ 145,000 \$ 145,000 100053

TOTAL ALL BUDGET FUND GROUPS \$ 22,088,342 \$ 22,104,818 100054

Section 371.10. BOR BOARD OF REGENTS 100056

General Revenue Fund 100057

GRF 235321	Operating Expenses	\$	2,195,852	\$	2,195,852	100058
GRF 235401	Lease Rental Payments	\$	124,461,100	\$	107,897,100	100059
GRF 235402	Sea Grants	\$	375,000	\$	375,000	100060
GRF 235406	Articulation and Transfer	\$	2,000,000	\$	2,000,000	100061
GRF 235408	Midwest Higher Education Compact	\$	95,000	\$	95,000	100062
GRF 235409	Information System	\$	800,000	\$	800,000	100063
GRF 235414	State Grants and Scholarship Administration	\$	1,000,000	\$	1,000,000	100064
GRF 235417	Ohio Learning Network	\$	2,500,000	\$	2,500,000	100065
GRF 235428	Appalachian New Economy Partnership	\$	981,887	\$	981,887	100066
GRF 235434	College Readiness and Access	\$	2,500,000	\$	2,500,000	100067
GRF 235438	Choose Ohio First Scholarship	\$	13,000,000	\$	16,000,000	100068
GRF 235443	Adult Basic and Literacy Education - State	\$	7,528,264	\$	7,528,264	100069
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	14,791,288	\$	14,791,288	100070
GRF 235474	Area Health Education Centers Program Support	\$	891,833	\$	891,833	100071
GRF 235501	State Share of Instruction	\$	1,677,708,351	\$	1,689,554,971	100072
GRF 235502	Student Support Services	\$	714,406	\$	714,406	100073
GRF 235504	War Orphans Scholarships	\$	4,331,089	\$	4,331,089	100074

GRF 235507	OhioLINK	\$	5,000,000	\$	5,000,000	100075
GRF 235508	Air Force Institute of Technology	\$	1,000,000	\$	1,000,000	100076
GRF 235510	Ohio Supercomputer Center	\$	3,000,000	\$	3,000,000	100077
GRF 235511	Cooperative Extension Service	\$	23,518,608	\$	22,467,678	100078
GRF 235513	Ohio University Voinovich School	\$	302,474	\$	302,474	100079
GRF 235514	Central State Supplement	\$	10,898,195	\$	10,898,195	100080
GRF 235515	Case Western Reserve University School of Medicine	\$	2,500,000	\$	2,500,000	100081
GRF 235519	Family Practice	\$	3,840,127	\$	3,840,127	100082
GRF 235520	Shawnee State Supplement	\$	2,319,654	\$	2,319,654	100083
GRF 235521	The Ohio State University John Glenn School of Public Affairs	\$	257,474	\$	257,474	100084
GRF 235524	Police and Fire Protection	\$	123,498	\$	123,498	100085
GRF 235525	Geriatric Medicine	\$	633,294	\$	633,294	100086
GRF 235526	Primary Care Residencies	\$	1,895,962	\$	1,895,962	100087
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,000,000	\$	34,000,000	100088
GRF 235536	The Ohio State University Clinical Teaching	\$	11,727,036	\$	11,727,036	100089
GRF 235537	University of	\$	9,645,328	\$	9,645,328	100090

	Cincinnati Clinical Teaching					
GRF 235538	University of Toledo Clinical Teaching	\$	7,518,011	\$	7,518,011	100091
GRF 235539	Wright State University Clinical Teaching	\$	3,652,395	\$	3,652,395	100092
GRF 235540	Ohio University Clinical Teaching	\$	3,530,882	\$	3,530,882	100093
GRF 235541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	3,631,508	\$	3,631,508	100094
GRF 235552	Capital Component	\$	20,382,568	\$	20,382,568	100095
GRF 235553	Dayton Area Graduate Studies Institute	\$	300,000	\$	300,000	100096
GRF 235555	Library Depositories	\$	1,000,000	\$	1,000,000	100097
GRF 235556	Ohio Academic Resources Network	\$	2,354,501	\$	2,354,501	100098
GRF 235558	Long-term Care Research	\$	223,711	\$	223,711	100099
GRF 235563	Ohio College Opportunity Grant	\$	190,000,000	\$	205,000,000	100100
GRF 235567	Central State University Speed to Scale	\$	1,775,254	\$	0	100101
GRF 235572	The Ohio State University Clinic Support	\$	929,591	\$	929,591	100102
GRF 235579	Bliss Institute	\$	257,474	\$	257,474	100103
GRF 235596	Hazardous Materials Program	\$	373,858	\$	373,858	100104
GRF 235599	National Guard	\$	14,912,271	\$	14,912,271	100105

		Scholarship Program					
GRF 235644		State Share of	\$	309,874,026	\$	308,802,662	100106
		Instruction - Federal					
		Stimulus - Education					
GRF 235646		State Share of	\$	87,955,700	\$	103,302,363	100107
		Instruction - Federal					
		Stimulus - Government					
		Services					
GRF 235909		Higher Education	\$	85,317,700	\$	89,480,300	100108
		General Obligation					
		Debt Service					
TOTAL GRF		General Revenue Fund	\$	2,700,525,170	\$	2,729,419,505	100109
		General Services Fund Group					100110
2200 235614		Program Approval and	\$	1,000,000	\$	1,000,000	100111
		Reauthorization					
4560 235603		Sales and Services	\$	200,000	\$	200,000	100112
TOTAL GSF		General Services					100113
Fund Group			\$	1,200,000	\$	1,200,000	100114
		Federal Special Revenue Fund Group					100115
3120 235609		Tech Prep	\$	183,849	\$	183,849	100116
3120 235611		Gear-up Grant	\$	3,900,000	\$	3,900,000	100117
3120 235612		Carl D. Perkins	\$	912,961	\$	912,961	100118
		Grant/Plan					
		Administration					
3120 235617		Improving Teacher	\$	3,200,000	\$	3,200,000	100119
		Quality Grant					
3120 235641		Adult Basic Literacy	\$	17,869,546	\$	17,869,546	100120
		Education - Federal					
3BE0 235636		Adult Education and	\$	1,783,583	\$	1,783,583	100121
		Family Literacy Act					
		Incentive Grant					
3BG0 235626		Star Schools	\$	250,000	\$	0	100122

3H20	235608	Human Services Project	\$	3,500,000	\$	3,500,000	100123
3N60	235605	State Student Incentive Grants	\$	2,533,339	\$	2,533,339	100124
3N60	235638	College Access Challenge Grant	\$	2,268,044	\$	2,268,044	100125
TOTAL FED Federal Special Revenue							100126
Fund Group			\$	36,401,322	\$	36,151,322	100127
State Special Revenue Fund Group							100128
4E80	235602	Higher Educational Facility Commission Administration	\$	30,000	\$	30,000	100129
6490	235607	The Ohio State University Highway/Transportation Research	\$	500,000	\$	500,000	100130
6820	235606	Nursing Loan Program	\$	893,000	\$	893,000	100131
TOTAL SSR State Special Revenue							100132
Fund Group			\$	1,423,000	\$	1,423,000	100133
Third Frontier Research & Development Fund Group							100134
7011	235634	Research Incentive Third Frontier Fund	\$	8,000,000	\$	8,000,000	100135
TOTAL 011 Third Frontier Research & Development Fund Group							100136
TOTAL ALL BUDGET FUND GROUPS			\$	2,747,549,492	\$	2,776,193,827	100137

Section 371.10.10. LEASE RENTAL PAYMENTS 100139

The foregoing appropriation item 235401, Lease Rental 100140
 Payments, shall be used to meet all payments at the times they are 100141
 required to be made during the period from July 1, 2009, to June 100142
 30, 2011, by the Chancellor of the Board of Regents under leases 100143
 and agreements made under section 154.21 of the Revised Code. 100144

These appropriations are the source of funds pledged for bond 100145
service charges or obligations issued pursuant to Chapter 154. of 100146
the Revised Code. 100147

Section 371.10.15. SEA GRANTS 100148

The foregoing appropriation item 235402, Sea Grants, shall be 100149
disbursed to The Ohio State University and shall be used to 100150
conduct research on fish in Lake Erie. 100151

Section 371.10.20. ARTICULATION AND TRANSFER 100152

The foregoing appropriation item 235406, Articulation and 100153
Transfer, shall be used by the Chancellor of the Board of Regents 100154
to maintain and expand the work of the Articulation and Transfer 100155
Council to develop a system of transfer policies to ensure that 100156
students at state institutions of higher education can transfer 100157
and have coursework apply to their majors and degrees at any other 100158
state institution of higher education without unnecessary 100159
duplication or institutional barriers under sections 3333.16, 100160
3333.161, and 3333.162 of the Revised Code. 100161

Section 371.10.30. MIDWEST HIGHER EDUCATION COMPACT 100162

The foregoing appropriation item 235408, Midwest Higher 100163
Education Compact, shall be distributed by the Chancellor of the 100164
Board of Regents under section 3333.40 of the Revised Code. 100165

Section 371.10.40. INFORMATION SYSTEM 100166

The foregoing appropriation item 235409, Information System, 100167
shall be used by the Chancellor of the Board of Regents to support 100168
the development and implementation of information technology 100169
solutions designed to improve the performance and services of the 100170
Chancellor of the Board of Regents and the University System of 100171
Ohio. Information technology solutions shall be provided by the 100172

Ohio Academic Research Network (OARnet). 100173

Section 371.10.50. STATE GRANTS AND SCHOLARSHIP 100174
ADMINISTRATION 100175

The foregoing appropriation item 235414, State Grants and 100176
Scholarship Administration, shall be used by the Chancellor of the 100177
Board of Regents to administer the following student financial aid 100178
programs: Ohio College Opportunity Grant, Ohio War Orphans' 100179
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 100180
Officers College Memorial Fund, and any other student financial 100181
aid programs created by the General Assembly. The appropriation 100182
item also shall be used to administer the federal Leveraging 100183
Educational Assistance Partnership (LEAP) program, Special 100184
Leveraging Educational Assistance Partnership (SLEAP) program, the 100185
federal College Access Challenge Grant (CACG), and other student 100186
financial aid programs created by Congress and to provide fiscal 100187
services for the Ohio National Guard Scholarship Program. 100188
100189

Section 371.10.70. OHIO LEARNING NETWORK 100190

The foregoing appropriation item 235417, Ohio Learning 100191
Network, shall be used by the Chancellor of the Board of Regents 100192
to support the continued implementation of the Ohio Learning 100193
Network, a consortium organized under division (U) of section 100194
3333.04 of the Revised Code to expand access to adult and higher 100195
education opportunities through technology. The funds shall be 100196
used by the Ohio Learning Network to develop and promote learning 100197
and assessment through the use of technology, to test and provide 100198
advice on emerging learning-directed technologies, and to 100199
facilitate cost-effectiveness through shared educational 100200
technology investments. 100201

Section 371.10.80. APPALACHIAN NEW ECONOMY PARTNERSHIP 100202

The foregoing appropriation item 235428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

Section 371.20.06. COLLEGE READINESS AND ACCESS 100210

The foregoing appropriation item 235434, College Readiness and Access, shall be used to support existing early college high schools, which are small, autonomous schools that blend high school and college into a coherent educational program for those not traditionally college-bound. The funds shall be distributed according to guidelines established by the Department of Education and the Chancellor of the Board of Regents.

Section 371.20.10. CHOOSE OHIO FIRST SCHOLARSHIP 100218

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.70 of the Revised Code. Amounts disbursed to institutions shall be paid on a reimbursement basis.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 235438, Choose Ohio First Scholarship, at the end of fiscal year 2010 is hereby reappropriated to the Board of Regents for the same purpose for fiscal year 2011.

Section 371.20.30. ADULT BASIC AND LITERACY EDUCATION 100228

Except as provided in the Sections of this act entitled "Statewide Workforce Development Initiatives" and "Fiscal Year 2011 Plan for Adult Workforce Training Programs", the foregoing

appropriation item 235443, Adult Basic and Literacy Education - 100232
State, shall be used to support adult basic and literacy education 100233
instructional programs and for the operation of an adult basic and 100234
literacy education instructional grant program. The supported 100235
programs shall satisfy the state match and maintenance of effort 100236
requirements for the state-administered grant program. 100237

Of the foregoing appropriation item 235443, Adult Basic and 100238
Literacy Education - State, up to \$507,558 in fiscal year 2010 100239
shall be used for the support and operation of the State Literacy 100240
Resource Center Program. 100241

On or before August 31, 2009, the Chancellor of the Board of 100242
Regents shall submit a funding formula to the Controlling Board 100243
for the allocation of the foregoing appropriation item 235443, 100244
Adult Basic and Literacy Education - State, in fiscal year 2010. 100245

Section 371.20.40. POST-SECONDARY ADULT CAREER-TECHNICAL 100246
EDUCATION 100247

Except as provided in the Sections of this act entitled 100248
"Statewide Workforce Development Initiatives" and "Fiscal Year 100249
2011 Plan for Adult Workforce Training Programs", the foregoing 100250
appropriation item 235444, Post-Secondary Adult Career-Technical 100251
Education, shall be used by the Chancellor of the Board of Regents 100252
in each fiscal year to provide post-secondary adult 100253
career-technical education under sections 3313.52 and 3313.53 of 100254
the Revised Code. 100255

On or before August 31, 2009, the Chancellor of the Board of 100256
Regents shall submit a funding formula to the Controlling Board 100257
for the allocation of funds in fiscal year 2010. 100258

Section 371.20.50. STATEWIDE WORKFORCE DEVELOPMENT 100259
INITIATIVES 100260

The Chancellor may identify amounts of the foregoing 100261

appropriation items 235443, Adult Basic and Literacy Education - 100262
State, and 235444, Post-Secondary Adult Career-Technical 100263
Education, to be used to support the Ohio Skills Bank Program and 100264
the Stackable Certificates Program. The Ohio Skills Bank Program 100265
seeks to align the education of Ohio's workforce with industry 100266
needs. The Stackable Certificates Program consists of 100267
competency-based, low-cost, noncredit and credit-bearing modules 100268
and courses in communications, mathematics, information 100269
technology, and other fields selected by the Chancellor. The 100270
program culminates in a certificate and provides recipients with a 100271
foundation for additional post-secondary education. 100272

Section 371.20.60. FISCAL YEAR 2011 PLAN FOR ADULT WORKFORCE 100273
TRAINING PROGRAMS 100274

Notwithstanding the Sections of this act entitled "Adult 100275
Basic and Literacy Education," and "Post-Secondary Adult 100276
Career-Technical Education," not later than June 1, 2010, the 100277
Chancellor of the Board of Regents, in consultation with the Adult 100278
Workforce Training Workgroup shall submit for approval of the 100279
Controlling Board a plan for the integration of funding support 100280
for the state's adult workforce training and development programs, 100281
beginning in fiscal year 2011. Funding support in the plan shall 100282
include appropriation items 235443, Adult Basic and Literacy 100283
Education - State, and 235444, Post-Secondary Adult 100284
Career-Technical Education. 100285

The plan shall clearly define the formulas, or competitive 100286
process, to be used for funding the activities of adult basic and 100287
literacy education program providers, state literacy resource 100288
centers, post-secondary adult career-technical education 100289
providers, and community colleges. The plan may propose the 100290
creation of new appropriation items as necessary to support its 100291
implementation. 100292

There is hereby created the Adult Workforce Training 100293
Workgroup. The Workgroup shall consist of three representatives of 100294
adult workforce education programs, appointed by the President of 100295
the Senate, and three representatives of Ohio's state-assisted 100296
community colleges, state community colleges, and technical 100297
colleges, appointed by the Speaker of the House of 100298
Representatives. The members of the Workgroup shall serve without 100299
compensation. Initial appointments to the Workgroup shall be 100300
completed within 60 days of the effective date of this section. 100301
Upon the Chancellor's submission of the plan to the Controlling 100302
Board, the Workgroup shall cease to exist. 100303

Section 371.20.70. AREA HEALTH EDUCATION CENTERS 100304

The foregoing appropriation item 235474, Area Health 100305
Education Centers Program Support, shall be used by the Chancellor 100306
of the Board of Regents to support the medical school regional 100307
area health education centers' educational programs for the 100308
continued support of medical and other health professions 100309
education and for support of the Area Health Education Center 100310
Program. 100311

Section 371.20.80. STATE SHARE OF INSTRUCTION FORMULAS 100312

The Chancellor of the Board of Regents shall establish 100313
procedures to allocate the foregoing appropriation items 235501, 100314
State Share of Instruction, 235644, State Share of Instruction - 100315
Federal Stimulus - Education, and 235646, State Share of 100316
Instruction - Federal Stimulus - Government Services, based on the 100317
formulas, enrollment, course completion, degree attainment, and 100318
student access factors in the instructional models set out in this 100319
section. 100320

The foregoing appropriation items 235501, State Share of 100321
Instruction, 235644, State Share of Instruction - Federal Stimulus 100322

- Education, and 235646, State Share of Instruction - Federal 100323
Stimulus - Government Services, shall be combined for the purposes 100324
of allocating the state share of instruction subsidy. 100325

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COMPLETIONS 100326

(1) As soon as possible during each fiscal year of the 100327
biennium ending June 30, 2011, in accordance with instructions of 100328
the Board of Regents, each state-assisted institution of higher 100329
education shall report its actual enrollment, consistent with the 100330
definitions in the Higher Education Information (HEI) system's 100331
enrollment files, to the Chancellor of the Board of Regents. 100332

(2) In defining the number of full-time equivalent students 100333
for state subsidy purposes, the Chancellor of the Board of Regents 100334
shall exclude all undergraduate students who are not residents of 100335
Ohio, except those charged in-state fees in accordance with 100336
reciprocity agreements made under section 3333.17 of the Revised 100337
Code or employer contracts entered into under section 3333.32 of 100338
the Revised Code. 100339

(3) In calculating the core subsidy entitlements for 100340
university branch and main campuses, the Chancellor of the Board 100341
of Regents shall use the following count of FTE students: 100342

(a) The subsidy eligible enrollments by model shall equal 100343
only those FTE students who successfully complete the course as 100344
defined and reported through the Higher Education Information 100345
(HEI) system course enrollment file; 100346

(b) For those FTE students with successful course 100347
completions, identified in division (3)(a) of this section, 100348
completions that were achieved by a student that was eligible to 100349
receive Ohio need-based financial aid shall have their enrollments 100350
weighted by the following: 100351

(i) Campus-specific course completion rates by discipline 100352
area and level; and 100353

(ii) A statewide average OIG/OCOG course completion weight 100354
determined for each discipline area and level. The statewide 100355
average OIG/OCOG course completion weight shall be determined by 100356
calculating the difference between the percentage of traditional 100357
students who complete a course and the percentage of Ohio 100358
Instructional Grant and Ohio College Opportunity Grant recipients 100359
who complete the same course. 100360

(4) In calculating the core subsidy entitlements for Medical 100361
II models only, the Board of Regents shall use the following count 100362
of FTE students: 100363

(a) For those medical schools whose current year enrollment, 100364
including students repeating terms, is below the base enrollment, 100365
the Medical II FTE enrollment shall equal: 65 per cent of the base 100366
enrollment plus 35 per cent of the current year enrollment 100367
including students repeating terms, where the base enrollment is: 100368

The Ohio State University	1010	100369
University of Cincinnati	833	100370
University of Toledo	650	100371
Wright State University	433	100372
Ohio University	433	100373
Northeastern Ohio Universities College of Medicine	433	100374

(b) For those medical schools whose current year enrollment, 100375
excluding students repeating terms, is equal to or greater than 100376
the base enrollment, the Medical II FTE enrollment shall equal the 100377
base enrollment plus the FTE for repeating students. 100378

(c) Students repeating terms may be no more than five per 100379
cent of current year enrollment. 100380

(5) The state share of instruction to state-supported 100381
universities for students enrolled in law schools in fiscal year 100382
2010 and fiscal year 2011 shall be calculated by using the number 100383

of subsidy-eligible FTE law school students funded by state 100384
 subsidy in fiscal year 1995 or the actual number of 100385
 subsidy-eligible FTE law school students at the institution in the 100386
 fiscal year, whichever is less. 100387

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 100388

For purposes of calculating state share of instruction 100389
 allocations, the total instructional costs per full-time 100390
 equivalent student shall be: 100391

Model	Fiscal Year 2010	Fiscal Year 2011	
ARTS AND HUMANITIES 1	\$7,658	\$7,891	100393
ARTS AND HUMANITIES 2	\$10,117	\$10,425	100394
ARTS AND HUMANITIES 3	\$13,067	\$13,464	100395
ARTS AND HUMANITIES 4	\$19,194	\$19,778	100396
ARTS AND HUMANITIES 5	\$29,994	\$30,906	100397
ARTS AND HUMANITIES 6	\$35,991	\$37,085	100398
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$6,732	\$6,937	100399
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$7,803	\$8,041	100400
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$9,619	\$9,911	100401
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$11,607	\$11,959	100402
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$18,044	\$18,592	100403
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$22,615	\$23,303	100404
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$27,528	\$28,365	100405
MEDICAL 1	\$47,494	\$48,938	100406
MEDICAL 2	\$45,420	\$46,801	100407
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$6,943	\$7,154	100408
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$9,792	\$10,090	100409
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$11,963	\$12,327	100410
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$15,282	\$15,747	100411

MEDICINE 4			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$19,471	\$20,063	100412
MEDICINE 5			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$21,771	\$22,433	100413
MEDICINE 6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$27,906	\$28,755	100414
MEDICINE 7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$36,547	\$37,658	100415
MEDICINE 8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$51,283	\$52,842	100416
MEDICINE 9			
Doctoral I and Doctoral II models shall be allocated in			100417
accordance with division (D)(2) of this section.			100418
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,			100419
AND GRADUATE WEIGHTS			100420
For the purpose of implementing the recommendations of the			100421
State Share of Instruction Consultation and the Higher Education			100422
Funding Study Council that priority be given to maintaining state			100423
support for science, technology, engineering, mathematics,			100424
medicine, and graduate programs, the costs in division (B) of this			100425
section shall be weighted by the amounts provided below:			100426
Model	Fiscal	Fiscal	100427
	Year 2010	Year 2011	
ARTS AND HUMANITIES 1	1.0000	1.0000	100428
ARTS AND HUMANITIES 2	1.0000	1.0000	100429
ARTS AND HUMANITIES 3	1.0000	1.0000	100430
ARTS AND HUMANITIES 4	1.0000	1.0000	100431
ARTS AND HUMANITIES 5	1.0425	1.0425	100432
ARTS AND HUMANITIES 6	1.0425	1.0425	100433
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	100434
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	100435
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	100436

BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	100437
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	100438
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	100439
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	100440
MEDICAL 1	1.6456	1.6456	100441
MEDICAL 2	1.7462	1.7462	100442
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	100443
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	100444
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	100445
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	100446
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	100447
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	100448
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	100449
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	100450
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	100451
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			100452
ENTITLEMENTS AND ADJUSTMENTS			100453
(1) Of the foregoing appropriation items 235501, State Share			100454
of Instruction, 235644, State Share of Instruction - Federal			100455
Stimulus - Education, and 235646, State Share of Instruction -			100456
Federal Stimulus - Government Services, 5 per cent of the			100457
appropriation for state-supported community colleges, state			100458
community colleges, and technical colleges in fiscal year 2011			100459
shall be allocated to colleges in proportion to their share of			100460

college student success factors. In fiscal year 2011, student 100461
success factors shall include all measureable student outcomes 100462
that contribute to student achievement as determined by the 100463
Chancellor of the Board of Regents based on the recommendation of 100464
the consultation created in the Section of this act entitled 100465
"Studies to Determine Weights for Fiscal Year 2011 State Share of 100466
Instruction Formula." 100467

(2) Of the foregoing appropriation items 235501, State Share 100468
of Instruction, 235644, State Share of Instruction - Federal 100469
Stimulus - Education, and 235646, State Share of Instruction - 100470
Federal Stimulus - Government Services, up to 12.89 per cent of 100471
the appropriation for university main campuses in each fiscal year 100472
shall be reserved for support of doctoral programs to implement 100473
the funding recommendations made by representatives of the 100474
universities. The amount so reserved shall be referred to as the 100475
doctoral set-aside. 100476

The doctoral set-aside shall be allocated to universities as 100477
follows: 100478

(a) 90 per cent of the doctoral set-aside in fiscal year 2010 100479
and 80 per cent of the doctoral set-aside in fiscal year 2011 100480
shall be allocated to universities in proportion to their share of 100481
the total number of Doctoral I equivalent FTEs as calculated on an 100482
institutional basis using the greater of the two-year or five-year 100483
FTEs for the period fiscal year 1994 through fiscal year 1998 with 100484
annualized FTEs for fiscal years 1994 through 1997 and all-term 100485
FTEs for fiscal year 1998 as adjusted to reflect the effects of 100486
doctoral review and subsequent changes in Doctoral I equivalent 100487
enrollments. For the purposes of this calculation, Doctoral I 100488
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 100489
times the sum of Doctoral II FTEs. 100490

(b) 5 per cent of the doctoral set-aside in fiscal year 2010 100491
and 10 per cent of the doctoral set-aside in fiscal year 2011 100492

shall be allocated to universities in proportion to each campus's 100493
share of the total statewide doctoral degrees, weighted by the 100494
cost of the doctoral discipline. In calculating each campus's 100495
doctoral degrees the Chancellor of the Board of Regents shall use 100496
the three-year average doctoral degrees awarded for the three-year 100497
period ending in the prior year. 100498

(c) 2.5 per cent of the doctoral set-aside in fiscal year 100499
2010 and 5 per cent of the doctoral set-aside in fiscal year 2011 100500
shall be allocated to universities in proportion to their share of 100501
research grant activity, using data collected and published by the 100502
National Science Foundation. Grant awards from the National Health 100503
Institute shall be weighted at 50 per cent. 100504

(d) 2.5 per cent of the doctoral set-aside in fiscal year 100505
2010 and 5 per cent of the doctoral set-aside in fiscal year 2011 100506
shall be allocated to universities based on other quality measures 100507
that contribute to the advancement of the Chancellor's strategic 100508
plan. These other quality measures shall be identified by the 100509
Chancellor in consultation with universities. If for any reason 100510
metrics for distributing the quality component of the doctoral 100511
set-aside are not identified prior to the fiscal year allocation 100512
process, this portion of the doctoral set-aside funds shall be 100513
allocated to universities based on division (D)(2)(a) of this 100514
section. 100515

(3) Of the foregoing appropriation items 235501, State Share 100516
of Instruction, 235644, State Share of Instruction - Federal 100517
Stimulus - Education, and 235646, State Share of Instruction - 100518
Federal Stimulus - Government Services, 6.96 per cent of the 100519
appropriation for university main campuses in each fiscal year 100520
shall be reserved for support of Medical II FTEs. The amount so 100521
reserved shall be referred to as the medical II set-aside. 100522

The medical II set-aside shall be allocated to universities 100523
in proportion to their share of the total number of Medical II 100524

FTEs as calculated in division (A) of this section, weighted by 100525
model cost. 100526

(4) Of the foregoing appropriation items 235501, State Share 100527
of Instruction, 235644, State Share of Instruction - Federal 100528
Stimulus - Education, and 235646, State Share of Instruction - 100529
Federal Stimulus - Government Services, 1.61 per cent of the 100530
appropriation for university main campuses in each fiscal year 100531
shall be reserved for support of Medical I FTEs. The amount so 100532
reserved shall be referred to as the medical I set-aside. 100533

The medical I set-aside shall be allocated to universities in 100534
proportion to their share of the total number of Medical I FTEs as 100535
calculated in division (A) of this section. 100536

(5) Of the foregoing appropriation items 235501, State Share 100537
of Instruction, 235644, State Share of Instruction - Federal 100538
Stimulus - Education, and 235646, State Share of Instruction - 100539
Federal Stimulus - Government Services, 5 per cent of the fiscal 100540
year 2010 appropriation for university main campuses and 10 per 100541
cent of the fiscal year 2011 appropriation for university main 100542
campuses shall be reserved for support of associate, 100543
baccalaureate, master's, and professional level degree attainment. 100544
100545

The degree attainment funding shall be allocated to 100546
universities in proportion to each campus's share of the total 100547
statewide degrees granted, weighted by the cost of the degree 100548
programs. 100549

In calculating the subsidy entitlements for degree attainment 100550
at university main campuses, the Chancellor of the Board of 100551
Regents shall use the following count of degrees and degree costs: 100552

(a) For those associate degrees awarded by a state-supported 100553
university, the subsidy eligible degrees granted are defined as 100554
only those earned by students attending a university that received 100555

funding under GRF appropriation item 235418, Access Challenge, in 100556
fiscal year 2009. 100557

In calculating each campus's count of degrees, the Chancellor 100558
of the Board of Regents shall use the three-year average 100559
associate, baccalaureate, master's, and professional degrees 100560
awarded for the three-year period ending in the prior year. 100561

Eligible associate degrees defined in division (D)(5)(a) of 100562
this section and all bachelor's degrees earned by a student that 100563
was eligible to receive Ohio need-based financial aid shall have 100564
their associates degree cost weighted by a statewide OIG/OCOG 100565
degree completion weight. 100566

The statewide average OIG/OCOG degree completion weight shall 100567
be determined by calculating the difference between the percentage 100568
of traditional students who earned a degree and the percentage of 100569
Ohio Instructional Grant and Ohio College Opportunity Grant 100570
recipients who earned a degree during the same time period. 100571

(6) Each campus's state share of instruction base formula 100572
earnings shall be determined as follows: 100573

(a) For each campus in each fiscal year, the instructional 100574
costs shall be determined by multiplying the amounts listed above 100575
in divisions (B) and (C) of this section by (i) average 100576
subsidy-eligible FTEs for the two-year period ending in the prior 100577
year for all models except Doctoral I and Doctoral II; and (ii) 100578
average subsidy-eligible FTEs for the five-year period ending in 100579
the prior year for all models except Doctoral I and Doctoral II. 100580

(b) The Chancellor of the Board of Regents shall compute the 100581
two calculations listed in division (D)(6)(a) of this section and 100582
use the greater amount as each campus's instructional costs. 100583

(c) The Chancellor of the Board of Regents shall compute a 100584
uniform state share of instructional costs for each sector. 100585

(i) For the state supported community colleges, state community colleges, and technical colleges, the Chancellor of the Board of Regents shall compute the uniform state share of institutional costs by dividing the earmark in division (C)(1) of Section 371.20.90 of this act, less the student college success allocation as described in division (D)(1) of this section, by the sum of all eligible campuses' instructional costs as calculated in division (D)(6)(b) of this section.

(ii) For the state supported university branch campuses, the Chancellor of the Board of Regents shall compute the uniform state share of institutional costs by dividing the earmark in division (C)(2) of Section 371.20.90 of this act by the sum of all campuses' instructional costs as calculated in division (D)(6)(b) of this section.

(iii) For the state supported university main campuses, the Chancellor of the Board of Regents shall compute the uniform state share of institutional costs by dividing the earmark in division (C)(3) of Section 371.20.90 of this act, less the doctoral set-aside, less the medical I set-aside, less the medical II set-aside, and less the degree attainment funding as calculated in divisions (D)(2) to (5) of this section, by the sum of all campuses' instructional costs as calculated in division (D)(6)(b) of this section.

(d) The formula entitlement for each sector's campuses shall be determined by multiplying the uniform state share of costs calculated in division (D)(6)(c) of this section by the campus's instructional cost determined in division (D)(6)(b) of this section.

(7) In addition to the student success allocation, doctoral set-aside, medical I set-aside, medical II set-aside, and the degree attainment allocation determined in division (D)(1) to (D)(5) of this section and the formula entitlement determined in

division (D)(6) of this section, an allocation based on 100618
facility-based plant operations and maintenance (POM) subsidy 100619
shall be made. For each eligible campus, the amount of the POM 100620
allocation in each fiscal year shall be distributed based on what 100621
each campus received in the fiscal year 2009 POM allocation. 100622

Any POM allocations required by this division shall be funded 100623
by proportionately reducing formula entitlement earnings, 100624
including the POM allocations, for all campuses in that sector. 100625

(8) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING 100626

In addition to and after the adjustments noted above, in 100627
fiscal year 2010, no campus shall receive a state share of 100628
instruction allocation that is less than 99 per cent of the prior 100629
year's combined state share of instruction, access challenge, and 100630
success challenge amounts. Funds shall be made available to 100631
support this allocation by proportionately reducing formula 100632
entitlement earnings from those campuses, within each sector, that 100633
are not receiving stability funding. 100634

In fiscal year 2011, in addition to and after the adjustments 100635
noted above, no campus shall receive a state share of instruction 100636
allocation that is less than 98 per cent of the prior year's 100637
combined state share of instruction, access challenge, and success 100638
challenge amounts. Funds shall be made available to support this 100639
allocation by proportionately reducing formula entitlement 100640
earnings from those campuses, within each sector, that do not 100641
receive stability funding. 100642

(9) CAPITAL COMPONENT DEDUCTION 100643

After all other adjustments have been made, state share of 100644
instruction earnings shall be reduced for each campus by the 100645
amount, if any, by which debt service charged in Am. H.B. 748 of 100646
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 100647
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 100648

675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 100649
General Assembly, and Am. Sub. H.B. 699 of the 126th General 100650
Assembly, Am. Sub. H.B. 496 of the 127th General Assembly, and Am. 100651
Sub. H.B. 562 of the 127th General Assembly for that campus 100652
exceeds that campus's capital component earnings. The sum of the 100653
amounts deducted shall be transferred to appropriation item 100654
235552, Capital Component, in each fiscal year. 100655

(E) EXCEPTIONAL CIRCUMSTANCES 100656

Adjustments may be made to the state share of instruction 100657
payments and other subsidies distributed by the Chancellor of the 100658
Board of Regents to state-assisted colleges and universities for 100659
exceptional circumstances. No adjustments for exceptional 100660
circumstances may be made without the recommendation of the 100661
Chancellor and the approval of the Controlling Board. 100662

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 100663
INSTRUCTION 100664

The standard provisions of the state share of instruction 100665
calculation as described in the preceding sections of temporary 100666
law shall apply to any reductions made to appropriation items 100667
235501, State Share of Instruction, 235644, State Share of 100668
Instruction - Federal Stimulus - Education, and 235646, State 100669
Share of Instruction - Federal Stimulus - Government Services, 100670
before the Board of Regents has formally approved the final 100671
allocation of the state share of instruction funds for any fiscal 100672
year. 100673

Any reductions made to appropriation items 235501, State 100674
Share of Instruction, 235644, State Share of Instruction - Federal 100675
Stimulus - Education, and 235646, State Share of Instruction - 100676
Federal Stimulus - Government Services, after the Board of Regents 100677
has formally approved the final allocation of the state share of 100678
instruction funds for any fiscal year, shall be uniformly applied 100679

to each campus in proportion to its share of the final allocation. 100680
100681

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 100682

The state share of instruction payments to the institutions 100683
shall be in substantially equal monthly amounts during the fiscal 100684
year, unless otherwise determined by the Director of Budget and 100685
Management pursuant to section 126.09 of the Revised Code. 100686
Payments during the first six months of the fiscal year shall be 100687
based upon the state share of instruction appropriation estimates 100688
made for the various institutions of higher education according to 100689
the Chancellor of the Board of Regents enrollment estimates. 100690
Payments during the last six months of the fiscal year shall be 100691
distributed after approval of the Controlling Board upon the 100692
request of the Board of Regents. 100693

Section 371.20.90. STATE SHARE OF INSTRUCTION FOR FISCAL 100694
YEARS 2010 AND 2011 100695

The boards of trustees of state-assisted institutions of 100696
higher education shall restrain increases in in-state 100697
undergraduate instructional and general fees. For the 2009-2010 100698
academic year, each state-assisted institution shall not increase 100699
its in-state undergraduate instructional and general fees over 100700
what the institution charged for the 2008-2009 academic year. For 100701
the 2010-2011 academic year, each state-assisted community 100702
college, state community college, technical college, and regional 100703
campus of a state-assisted university shall not increase its 100704
in-state undergraduate instructional and general fees over what 100705
the institution charged for the 2009-2010 academic year. For the 100706
2010-2011 academic year, each main campus of a state-assisted 100707
university shall not increase its in-state undergraduate 100708
instructional and general fees more than 3.5 per cent over what 100709
the institution charged for the 2009-2010 academic year. 100710

These limitations shall not apply to increases required to 100711
comply with institutional covenants related to their obligations 100712
or to meet unfunded legal mandates or legally binding obligations 100713
incurred or commitments made prior to the effective date of this 100714
section with respect to which the institution had identified such 100715
fee increases as the source of funds. Any increase required by 100716
such covenants and any such mandates, obligations, or commitments 100717
shall be reported by the Chancellor of the Board of Regents to the 100718
Controlling Board. 100719

Of the combined appropriations of the foregoing appropriation 100720
items 235501, State Share of Instruction, 235644, State Share of 100721
Instruction - Federal Stimulus - Education, and 235646, State 100722
Share of Instruction - Federal Stimulus - Government Services, 100723
\$60,996,059 in each fiscal year shall be distributed to eligible 100724
colleges and universities based on each campus's share of the 100725
appropriation item 235418, Access Challenge, in fiscal year 2009. 100726
100727

Of the combined appropriations of the foregoing appropriation 100728
items 235501, State Share of Instruction, 235644, State Share of 100729
Instruction - Federal Stimulus - Education, and 235646, State 100730
Share of Instruction - Federal Stimulus - Government Services, 100731
\$10,323,056 in each fiscal year shall be distributed among 100732
state-supported community colleges, state community colleges, and 100733
technical colleges in an amount equal to the amount each 100734
institution received in fiscal year 2009 from the supplemental 100735
tuition subsidy earmarked under Section 375.30.25 of H.B. 119 of 100736
the 127th General Assembly. 100737

(C) The remainder of the combined appropriations of 100738
appropriation items 235501, State Share of Instruction, 235644, 100739
State Share of Instruction - Federal Stimulus - Education, and 100740
235646, State Share of Instruction - Federal Stimulus - Government 100741
Services, shall be distributed according to Section 371.20.80 of 100742

this act. Sector allocations shall be determined using the 100743
following earmarks in accordance with the tuition policy described 100744
in division (A) of this section. 100745

(1) Of the combined appropriations of the foregoing 100746
appropriation items 235501, State Share of Instruction, 235644, 100747
State Share of Instruction - Federal Stimulus - Education, and 100748
235646, State Share of Instruction - Federal Stimulus - Government 100749
Services, \$396,965,932 in fiscal year 2010 and \$419,030,691 in 100750
fiscal year 2011 shall be distributed to state-supported community 100751
colleges, state community colleges, and technical colleges. 100752

100753

(2) Of the combined appropriations of the foregoing 100754
appropriation items 235501, State Share of Instruction, 235644, 100755
State Share of Instruction - Federal Stimulus - Education, and 100756
235646, State Share of Instruction - Federal Stimulus - Government 100757
Services, \$125,682,220 in fiscal year 2010 and \$129,739,380 in 100758
fiscal year 2011 shall be distributed to state-supported 100759
university branch campuses. 100760

(3) Of the combined appropriations of the foregoing 100761
appropriation items 235501, State Share of Instruction, 235644, 100762
State Share of Instruction - Federal Stimulus - Education, and 100763
235646, State Share of Instruction - Federal Stimulus - Government 100764
Services, \$1,481,570,810 in each fiscal year shall be distributed 100765
to state-supported university main campuses. 100766

(D) The state share of instruction payments to the 100767
institutions shall be in substantially equal monthly amounts 100768
during the fiscal year, unless otherwise determined by the 100769
Director of Budget and Management pursuant to section 126.09 of 100770
the Revised Code. Payments during the last six months of the 100771
fiscal year shall be distributed after approval of the Controlling 100772
Board upon the request of the Chancellor of the Board of Regents. 100773

Section 371.20.95. STUDIES TO DETERMINE WEIGHTS FOR FISCAL	100774
YEAR 2011 STATE SHARE OF INSTRUCTION FORMULA	100775
(A) STUDY ON IDENTIFYING "AT RISK" STUDENTS	100776
In fiscal year 2010, the Chancellor of the Board of Regents,	100777
in consultation with representatives of state colleges and	100778
universities, shall conduct a study to identify the	100779
socio-economic, demographic, academic, personal, and other factors	100780
that identify a student as being "at-risk" of academic failure,	100781
and recommend how these factors may be used to determine	100782
allocations of the State Share of Instruction after fiscal year	100783
2010. The study shall be completed by April 15, 2010.	100784
Notwithstanding any provision of law to the contrary, the	100785
Chancellor may use the results of the study to recommend	100786
additional weights to be used in the determination of the fiscal	100787
year 2011 State Share of Instruction allocations. The Chancellor	100788
shall report any such formula changes to the Controlling Board by	100789
August 30, 2010.	100790
(B) STUDY ON FUNDING DOCTORAL PROGRAMS THROUGH THE STATE	100791
SHARE OF INSTRUCTION FORMULA	100792
The Chancellor of the Board of Regents, in consultation with	100793
representatives of state universities, shall conduct a study on	100794
the effectiveness and appropriateness of funding for doctoral	100795
programs through the doctoral set-aside as allocated in	100796
appropriation items 235501, State Share of Instruction, 235644,	100797
State Share of Instruction - Federal Stimulus - Education, and	100798
235646, State Share of Instruction - Federal Stimulus - Government	100799
Services. The study may examine alternative funding methodologies	100800
to improve the alignment between university doctoral programs and	100801
the goals of the strategic plan for the University System of Ohio.	100802
The study shall be completed by April 15, 2010. Notwithstanding	100803
any provision of law to the contrary, the Chancellor may use the	100804

results of the study to recommend changes in the determination of 100805
the distribution of the doctoral set-aside beginning in fiscal 100806
year 2011. The Chancellor shall report any such formula changes to 100807
the Controlling Board by August 30, 2010. 100808

100809

(C) STUDY ON THE USE OF SUCCESS POINTS FOR COMMUNITY COLLEGES 100810

The Chancellor of the Board of Regents, in consultation with 100811
representatives of state community colleges, shall conduct a study 100812
on the use of "success points" in the allocation of appropriations 100813
to community colleges in appropriation items 235501, State Share 100814
of Instruction, 235644, State Share of Instruction - Federal 100815
Stimulus - Education, and 235646, State Share of Instruction - 100816
Federal Stimulus - Government Services, in fiscal year 2011. The 100817
study shall identify success points that occur during the academic 100818
career of community college students and recommend a method to 100819
fund achievement of the success points beginning in fiscal year 100820
2011. The study shall be completed by April 15, 2010. 100821

Notwithstanding any provision of law to the contrary, the 100822
Chancellor shall use the results of the study to recommend changes 100823
in the determination of the distribution of the community college 100824
allocations beginning in fiscal year 2011. The Chancellor shall 100825
report any such formula changes to the Controlling Board by August 100826
30, 2010. 100827

Section 371.30.10. HIGHER EDUCATION - BOARD OF TRUSTEES 100828

(A) Funds appropriated for instructional subsidies at 100829
colleges and universities may be used to provide such branch or 100830
other off-campus undergraduate courses of study and such master's 100831
degree courses of study as may be approved by the Chancellor of 100832
the Board of Regents. 100833

(B) In providing instructional and other services to 100834
students, boards of trustees of state-assisted institutions of 100835

higher education shall supplement state subsidies with income from 100836
charges to students. Except as otherwise provided in this Section, 100837
each board shall establish the fees to be charged to all students, 100838
including an instructional fee for educational and associated 100839
operational support of the institution and a general fee for 100840
noninstructional services, including locally financed student 100841
services facilities used for the benefit of enrolled students. The 100842
instructional fee and the general fee shall encompass all charges 100843
for services assessed uniformly to all enrolled students. Each 100844
board may also establish special purpose fees, service charges, 100845
and fines as required; such special purpose fees and service 100846
charges shall be for services or benefits furnished individual 100847
students or specific categories of students and shall not be 100848
applied uniformly to all enrolled students. A tuition surcharge 100849
shall be paid by all students who are not residents of Ohio. 100850

The board of trustees of a state-assisted institution of 100851
higher education shall not authorize a waiver or nonpayment of 100852
instructional fees or general fees for any particular student or 100853
any class of students other than waivers specifically authorized 100854
by law or approved by the Chancellor. This prohibition is not 100855
intended to limit the authority of boards of trustees to provide 100856
for payments to students for services rendered the institution, 100857
nor to prohibit the budgeting of income for staff benefits or for 100858
student assistance in the form of payment of such instructional 100859
and general fees. 100860

Each state-assisted institution of higher education in its 100861
statement of charges to students shall separately identify the 100862
instructional fee, the general fee, the tuition charge, and the 100863
tuition surcharge. Fee charges to students for instruction shall 100864
not be considered to be a price of service but shall be considered 100865
to be an integral part of the state government financing program 100866
in support of higher educational opportunity for students. 100867

(C) The boards of trustees of state-assisted institutions of higher education shall ensure that faculty members devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per quarter per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Chancellor of the Board of Regents.

(D) The authority of government vested by law in the boards of trustees of state-assisted institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served.

Section 371.30.20. STUDENT SUPPORT SERVICES

The foregoing appropriation item 235502, Student Support Services, shall be distributed by the Chancellor of the Board of Regents to Ohio's state-assisted colleges and universities that incur disproportionate costs in the provision of support services to disabled students.

Section 371.30.30. WAR ORPHANS SCHOLARSHIPS

The foregoing appropriation item 235504, War Orphans Scholarships, shall be used to reimburse state-assisted institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of the Board of Regents under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 235504, War Orphans Scholarships, at the end of fiscal year 2010 is hereby reappropriated to the Board of Regents for the same purpose for fiscal year 2011.

Section 371.30.40. OHIOLINK

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of the Board of Regents to support OhioLINK, a consortium organized under division (U) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources and the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

Section 371.30.50. AIR FORCE INSTITUTE OF TECHNOLOGY

The foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio.

Section 371.30.60. OHIO SUPERCOMPUTER CENTER

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The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of the Board of Regents to support the operation of the Ohio Supercomputer Center, a consortium organized under division (U) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

Funds shall be used, in part, to support the Ohio Supercomputer Center's Computational Science Initiative.

Section 371.30.70. COOPERATIVE EXTENSION SERVICE 100938

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 371.30.80. OHIO UNIVERSITY VOINOVICH SCHOOL 100944

The foregoing appropriation item 235513, Ohio University Voinovich School, shall be used by the Chancellor of the Board of Regents to support the operations of Ohio University's Voinovich School.

Section 371.30.90. CENTRAL STATE SUPPLEMENT 100949

The foregoing appropriation item 235514, Central State Supplement, shall be used by Central State University to keep undergraduate fees below the statewide average, consistent with its mission of service to many first-generation college students from groups historically underrepresented in higher education and from families with limited incomes.

Section 371.40.10. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 100956
100957

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of the Board of Regents in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 100958
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Section 371.40.20. FAMILY PRACTICE 100965

Notwithstanding section 3333.031 of the Revised Code, the Board of Regents, and not the Chancellor, shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235519, Family Practice. 100966
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Section 371.40.30. SHAWNEE STATE SUPPLEMENT 100971

The foregoing appropriation item 235520, Shawnee State Supplement, shall be used by Shawnee State University as detailed by both of the following: 100972
100973
100974

(A) To allow Shawnee State University to keep its undergraduate fees below the statewide average, consistent with its mission of service to an economically depressed Appalachian region; 100975
100976
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(B) To allow Shawnee State University to employ new faculty to develop and teach in new degree programs that meet the needs of Appalachians. 100979
100980
100981

Section 371.40.40. OSU JOHN GLENN SCHOOL OF PUBLIC AFFAIRS 100982

The foregoing appropriation item 235521, The Ohio State 100983

University John Glenn School of Public Affairs, shall be used by 100984
the Chancellor of the Board of Regents to support the operations 100985
of The Ohio State University's John Glenn School of Public 100986
Affairs. 100987

Section 371.40.50. POLICE AND FIRE PROTECTION 100988

The foregoing appropriation item 235524, Police and Fire 100989
Protection, shall be used for police and fire services in the 100990
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 100991
Portsmouth, Xenia Township (Greene County), Rootstown Township, 100992
and the City of Nelsonville that may be used to assist these local 100993
governments in providing police and fire protection for the 100994
central campus of the state-affiliated university located therein. 100995

Section 371.40.60. GERIATRIC MEDICINE 100996

Notwithstanding section 3333.031 of the Revised Code, the 100997
Board of Regents, and not the Chancellor, shall develop plans 100998
consistent with existing criteria and guidelines as may be 100999
required for the distribution of appropriation item 235525, 101000
Geriatric Medicine. 101001

Section 371.40.70. PRIMARY CARE RESIDENCIES 101002

Notwithstanding section 3333.031 of the Revised Code, Board 101003
of Regents, and not the Chancellor, shall develop plans consistent 101004
with existing criteria and guidelines as may be required for the 101005
distribution of appropriation item 235526, Primary Care 101006
Residencies. 101007

The foregoing appropriation item 235526, Primary Care 101008
Residencies, shall be distributed in each fiscal year of the 101009
biennium, based on whether or not the institution has submitted 101010
and gained approval for a plan. If the institution does not have 101011
an approved plan, it shall receive five per cent less funding per 101012

student than it would have received from its annual allocation. 101013
The remaining funding shall be distributed among those 101014
institutions that meet or exceed their targets. 101015

Section 371.40.80. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 101016
CENTER 101017

The foregoing appropriation item 235535, Ohio Agricultural 101018
Research and Development Center, shall be disbursed through the 101019
Chancellor of the Board of Regents to The Ohio State University in 101020
monthly payments, unless otherwise determined by the Director of 101021
Budget and Management under section 126.09 of the Revised Code. 101022
The Ohio Agricultural Research and Development Center shall not be 101023
required to remit payment to The Ohio State University during the 101024
biennium ending June 30, 2011, for cost reallocation assessments. 101025
The cost reallocation assessments include, but are not limited to, 101026
any assessment on state appropriations to the Center. 101027

101028

The Ohio Agricultural Research and Development Center, an 101029
entity of the College of Food, Agricultural, and Environmental 101030
Sciences of The Ohio State University, shall further its mission 101031
of enhancing Ohio's economic development and job creation by 101032
continuing to internally allocate on a competitive basis 101033
appropriated funding of programs based on demonstrated 101034
performance. Academic units, faculty, and faculty-driven programs 101035
shall be evaluated and rewarded consistent with agreed-upon 101036
performance expectations as called for in the College's 101037
Expectations and Criteria for Performance Assessment. 101038

Section 371.40.90. STATE UNIVERSITY CLINICAL TEACHING 101039

The foregoing appropriation items 235536, The Ohio State 101040
University Clinical Teaching; 235537, University of Cincinnati 101041
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 101042

235539, Wright State University Clinical Teaching; 235540, Ohio
University Clinical Teaching; and 235541, Northeastern Ohio
Universities College of Medicine Clinical Teaching, shall be
distributed through the Chancellor of the Board of Regents.

Section 371.50.10. CAPITAL COMPONENT

The foregoing appropriation item 235552, Capital Component,
shall be used by the Chancellor of the Board of Regents to
implement the capital funding policy for state-assisted colleges
and universities established in Am. H.B. 748 of the 121st General
Assembly. Appropriations from this item shall be distributed to
all campuses for which the estimated campus debt service
attributable to new qualifying capital projects is less than the
campus's formula-determined capital component allocation. Campus
allocations shall be determined by subtracting the estimated
campus debt service attributable to new qualifying capital
projects from the campus's formula-determined capital component
allocation. Moneys distributed from this appropriation item shall
be restricted to capital-related purposes.

Any campus for which the estimated campus debt service
attributable to qualifying capital projects is greater than the
campus's formula-determined capital component allocation shall
have the difference subtracted from its State Share of Instruction
allocation in each fiscal year. Appropriation equal to the sum of
all such amounts except that of the Ohio Agricultural Research and
Development Center shall be transferred from appropriation item
235501, State Share of Instruction, to appropriation item 235552,
Capital Component. Appropriation equal to any estimated Ohio
Agricultural Research and Development Center debt service
attributable to qualifying capital projects that is greater than
the Center's formula-determined capital component allocation shall

be transferred from appropriation item 235535, Ohio Agricultural 101074
Research and Development Center, to appropriation item 235552, 101075
Capital Component. 101076

Section 371.50.15. DAYTON AREA GRADUATE STUDIES INSTITUTE 101077

The foregoing appropriation item 235553, Dayton Area Graduate 101078
Studies Institute, shall be used by the Board of Regents to 101079
support the Dayton Area Graduate Studies Institute, an engineering 101080
graduate consortium of three universities in the Dayton area: 101081
Wright State University, the University of Dayton, and the Air 101082
Force Institute of Technology, with the participation of the 101083
University of Cincinnati and The Ohio State University. 101084

Section 371.50.20. LIBRARY DEPOSITORIES 101085

The foregoing appropriation item, 235555, Library 101086
Depositories, shall be distributed to the state's five regional 101087
depository libraries for the cost-effective storage of and access 101088
to lesser-used materials in university library collections. The 101089
depositories shall be administrated by the Chancellor of the Board 101090
of Regents. 101091

Section 371.50.30. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 101092

The foregoing appropriation item 235556, Ohio Academic 101093
Resources Network, shall be used by the Chancellor of the Board of 101094
Regents to support the operations of the Ohio Academic Resources 101095
Network, a consortium organized under division (U) of section 101096
3333.04 of the Revised Code, which shall include support for 101097
Ohio's colleges and universities in maintaining and enhancing 101098
network connections, using new network technologies to improve 101099
research, education, and economic development programs, and 101100
sharing information technology services. The network shall give 101101
priority to supporting the Third Frontier Network and allocating 101102

bandwidth to programs directly supporting Ohio's economic 101103
development. 101104

Section 371.50.40. LONG-TERM CARE RESEARCH 101105

The foregoing appropriation item 235558, Long-term Care 101106
Research, shall be disbursed to Miami University for long-term 101107
care research. 101108

Section 371.50.50. OHIO COLLEGE OPPORTUNITY GRANT 101109

Of the foregoing appropriation item 235563, Ohio College 101110
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 101111
by the Chancellor of the Board of Regents to award need-based 101112
financial aid to students enrolled in eligible private nonprofit 101113
institutions of higher education. 101114

Of the foregoing appropriation item 235563, Ohio College 101115
Opportunity Grant, \$29,000,000 in each fiscal year shall be used 101116
by the Chancellor of the Board of Regents to award needs-based 101117
financial aid to students enrolled in eligible proprietary 101118
post-secondary institutions of higher education. 101119

The remainder of the foregoing appropriation item 235563, 101120
Ohio College Opportunity Grant, shall be used by the Chancellor of 101121
the Board of Regents to award needs-based financial aid to 101122
students enrolled in eligible public institutions of higher 101123
education, excluding early college high school and post-secondary 101124
enrollment option participants. 101125

An amount equal to the unexpended, unencumbered portion of 101126
the foregoing appropriation item 235563, Ohio College Opportunity 101127
Grant, at the end of fiscal year 2010 is hereby reappropriated to 101128
the Board of Regents for the same purpose for fiscal year 2011. 101129

On or before August 31, 2009, the Chancellor of the Board of 101130
Regents shall submit award tables to the Controlling Board for the 101131

2009-2010 academic year and allocations of Ohio College 101132
Opportunity Grant awards not already specified in section 3333.122 101133
of the Revised Code. 101134

Notwithstanding section 3333.122 of the Revised Code, no 101135
student shall be eligible to receive an Ohio College Opportunity 101136
Grant for more than ten semesters, fifteen quarters, or the 101137
equivalent of five academic years, less the number of semesters or 101138
quarters in which the student received an Ohio Instructional 101139
Grant. 101140

Section 371.50.60. CENTRAL STATE UNIVERSITY SPEED TO SCALE 101141

The foregoing appropriation 235567, Central State University 101142
Speed to Scale, shall be used to achieve the goals of the Speed to 101143
Scale Plan, which include increasing student enrollment through 101144
freshman recruitment and transferred students, increasing the 101145
proportion of in-state students to 80 per cent of the total 101146
student population, and increasing the student retention rates 101147
between the first and second year of college by two per cent each 101148
year. The goals shall be accomplished by the targeting of student 101149
retention, improved articulation agreements with two-year 101150
campuses, increased use of alternative course options, including 101151
online coursework and Ohio Learning Network resources, College 101152
Tech Prep, Post Secondary Enrollment Options, and other 101153
dual-credit programs, and strategic partnerships with research 101154
institutions to improve the quality of Central State University's 101155
offering of science, technology, engineering, mathematics, and 101156
medical instruction. In fiscal year 2010, the disbursement of 101157
these funds shall be contingent upon Central State University 101158
meeting the annual goals for the student enrollment and retention 101159
rate increases. 101160

The Speed to Scale Task Force shall meet not less than 101161
quarterly to discuss progress of the plan, including performance 101162

on accountability metrics and issues experienced in planned 101163
efforts, and to monitor and support the creation of partnerships 101164
with other state institutions of higher education. The Task Force 101165
shall consist of the president of Central State University or the 101166
president's designee, the president of Sinclair Community College 101167
or the president's designee, the president of Cincinnati State 101168
Technical and Community College or the president's designee, the 101169
president of Cuyahoga Community College or the president's 101170
designee, the president of The Ohio State University or the 101171
president's designee, the president of the University of 101172
Cincinnati or the president's designee, the president of Wright 101173
State University or the president's designee, one representative 101174
from the Board of Regents, one member of the House of 101175
Representatives appointed by the Speaker of the House of 101176
Representatives, one member of the Senate appointed by the 101177
President of the Senate, the Director of Budget and Management or 101178
the director's designee, and a representative of the Governor's 101179
Office appointed by the Governor. 101180

On the thirtieth day of June of each fiscal year, Central 101181
State University and the Speed to Scale Task Force shall jointly 101182
submit to the Governor, the Director of Budget and Management, the 101183
Speaker of the House of Representatives, the President of the 101184
Senate, and the Board of Regents a report describing the status of 101185
their progress on the accountability metrics included in the Speed 101186
to Scale Plan. 101187

Section 371.50.70. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 101188

The foregoing appropriation item 235572, The Ohio State 101189
University Clinic Support, shall be distributed through the 101190
Chancellor of the Board of Regents to The Ohio State University 101191
for support of dental and veterinary medicine clinics. 101192

Section 371.50.83. BLISS INSTITUTE 101193

The foregoing appropriation item 235579, Bliss Institute, 101194
shall be used to support the Bliss Institute of Applied Politics 101195
at the University of Akron. 101196

Section 371.50.90. HAZARDOUS MATERIALS PROGRAM 101197

The foregoing appropriation item 235596, Hazardous Materials 101198
Program, shall be used by the Chancellor of the Board of Regents 101199
to make awards for the establishment or continued development and 101200
support of hazardous materials education, studies, or programs at 101201
Ohio institutions of higher education. 101202

Section 371.60.10. NATIONAL GUARD SCHOLARSHIP PROGRAM 101203

The Chancellor of the Board of Regents shall disburse funds 101204
from appropriation item 235599, National Guard Scholarship 101205
Program, at the direction of the Adjutant General. During each 101206
fiscal year, the Chancellor of the Board of Regents, within ten 101207
days of cancellation, may certify to the Director of Budget and 101208
Management the amount of canceled prior-year encumbrances in 101209
appropriation item 235599, National Guard Scholarship Program. 101210
Upon receipt of the certification, the Director of Budget and 101211
Management may transfer cash in an amount up to the amount 101212
certified from the General Revenue Fund to the National Guard 101213
Scholarship Reserve Fund (Fund 5BM0). Upon the request of the 101214
Adjutant General, the Chancellor of the Board of Regents shall 101215
seek Controlling Board approval to authorize additional 101216
expenditures for appropriation item 235623, National Guard 101217
Scholarship Reserve Fund. Upon approval of the Controlling Board, 101218
the additional amounts are hereby appropriated. The Chancellor of 101219
the Board of Regents shall disburse funds from appropriation item 101220
235623, National Guard Scholarship Reserve Fund, at the direction 101221
of the Adjutant General. 101222

Section 371.60.20. PLEDGE OF FEES 101223

Any new pledge of fees, or new agreement for adjustment of 101224
fees, made in the biennium ending June 30, 2011, to secure bonds 101225
or notes of a state-assisted institution of higher education for a 101226
project for which bonds or notes were not outstanding on the 101227
effective date of this section shall be effective only after 101228
approval by the Chancellor of the Board of Regents, unless 101229
approved in a previous biennium. 101230

Section 371.60.30. HIGHER EDUCATION GENERAL OBLIGATION DEBT 101231
SERVICE 101232

The foregoing appropriation item 235909, Higher Education 101233
General Obligation Debt Service, shall be used to pay all debt 101234
service and related financing costs at the times they are required 101235
to be made for obligations issued during the period from July 1, 101236
2009, to June 30, 2011, under sections 151.01 and 151.04 of the 101237
Revised Code. 101238

Section 371.60.40. SALES AND SERVICES 101239

The Chancellor of the Board of Regents is authorized to 101240
charge and accept payment for the provision of goods and services. 101241
Such charges shall be reasonably related to the cost of producing 101242
the goods and services. No charges may be levied for goods or 101243
services that are produced as part of the routine responsibilities 101244
or duties of the Chancellor. All revenues received by the 101245
Chancellor of the Board of Regents shall be deposited into Fund 101246
4560, and may be used by the Chancellor of the Board of Regents to 101247
pay for the costs of producing the goods and services. 101248
101249

Section 371.60.50. HIGHER EDUCATIONAL FACILITY COMMISSION 101250
ADMINISTRATION 101251

The foregoing appropriation item 235602, Higher Educational Facility Commission Administration, shall be used by the Chancellor of the Board of Regents for operating expenses related to the Chancellor of the Board of Regents' support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the Chancellor, the Director of Budget and Management shall transfer up to \$45,000 cash in fiscal year 2010 and up to \$45,000 cash in fiscal year 2011 from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 4E80).

Section 371.60.60. NURSING LOAN PROGRAM 101262

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program. Up to \$167,580 in each fiscal year may be used for operating expenses associated with the program. Any additional funds needed for the administration of the program are subject to Controlling Board approval.

Section 371.60.70. VETERANS PREFERENCES 101269

The Chancellor of the Board of Regents shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans preference laws.

Section 371.60.80. STATE NEED-BASED FINANCIAL AID RECONCILIATION 101276
101277

By the first day of August in each fiscal year, or as soon as possible thereafter, the Chancellor of the Ohio Board of Regents shall certify to the Director of Budget and Management the amount

necessary to pay any outstanding prior year obligations to higher education institutions for the state's need-based financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Need-based Financial Aid Reconciliation, from revenues received in the State Need-based Financial Aid Reconciliation Fund (Fund 5Y50).

Section 371.60.90. TRANSFERS TO STATE NEED-BASED FINANCIAL AID PROGRAMS

In each fiscal year of the biennium, if the Chancellor of the Board of Regents determines that additional funds are needed to support the distribution of state need-based financial aid in accordance with section 3333.122 of the Revised Code, the Chancellor shall recommend the reallocation of the unexpended, unencumbered portions of General Revenue Fund appropriation items in the Board of Regents to appropriation item 235563, Ohio College Opportunity Grant. If the Director of Budget and Management determines that such a reallocation is required, the Director may transfer appropriation in an amount not to exceed those unexpended, unencumbered General Revenue Fund appropriations in the Board of Regents as necessary to appropriation item 235563, Ohio College Opportunity Grant.

If those transferred appropriations are not sufficient to support the distribution of state need-based financial aid in accordance with section 3333.122 of the Revised Code in each fiscal year, the Director of Budget and Management may authorize expenditures in excess of the amounts appropriated, but not to exceed \$5,000,000 in each fiscal year from appropriation item 235563, Ohio College Opportunity Grant. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 371.60.95. TRANSFER AND ADJUSTMENT OF ARRA STATE 101311
FISCAL STABILIZATION FUND APPROPRIATIONS 101312

The Director of Budget and Management may transfer 101313
appropriation between appropriation items 235501, State Share of 101314
Instruction, 235646, SSI - Federal Stimulus - Government Services, 101315
and 235644, State Share of Instruction - Federal Stimulus - 101316
Education, in each fiscal year, upon the written request of the 101317
Chancellor of the Board of Regents, including transferring 101318
appropriation between fiscal year 2010 and fiscal year 2011. The 101319
Director shall report each transfer made under this section to the 101320
Controlling Board at its next regularly scheduled meeting after 101321
the transfer is made. 101322

Section 371.70.10. EFFICIENCY SAVINGS 101323

Each state-assisted institution of higher education, as 101324
defined in section 3345.011 of the Revised Code, shall demonstrate 101325
at least a three per cent savings through internal efficiencies in 101326
each fiscal year. Institutions shall identify savings to the 101327
Chancellor of the Board of Regents, who shall certify the amount 101328
of savings of each institution. 101329

Section 375.10. DRC DEPARTMENT OF REHABILITATION AND 101330
CORRECTION 101331

General Revenue Fund 101332

GRF 501321 Institutional \$ 928,188,147 \$ 903,630,244 101333
Operations

GRF 501403 Prisoner Compensation \$ 8,599,255 \$ 8,599,255 101334

GRF 501405 Halfway House \$ 41,128,699 \$ 42,360,343 101335

GRF 501406 Lease Rental Payments \$ 101,578,100 \$ 98,080,200 101336

GRF 501407 Community \$ 17,000,000 \$ 17,000,000 101337

Nonresidential

Programs

GRF	501408	Community Misdemeanor Programs	\$	9,500,000	\$	9,500,000	101338
GRF	501501	Community Residential Programs - CBCF	\$	58,000,000	\$	58,000,000	101339
GRF	501620	Institutional Operations - Federal Stimulus	\$	0	\$	34,200,000	101340
GRF	502321	Mental Health Services	\$	73,500,000	\$	73,500,000	101341
GRF	503321	Parole and Community Operations	\$	75,785,243	\$	77,326,155	101342
GRF	504321	Administrative Operations	\$	26,388,606	\$	26,388,606	101343
GRF	505321	Institution Medical Services	\$	252,462,498	\$	251,763,268	101344
GRF	506321	Institution Education Services	\$	22,730,539	\$	22,730,539	101345
GRF	507321	Institution Recovery Services	\$	5,025,028	\$	5,025,028	101346
TOTAL GRF	General Revenue Fund		\$	1,619,886,115	\$	1,628,103,638	101347
General Services Fund Group							101348
1480	501602	Services and Agricultural	\$	105,000,000	\$	105,000,000	101349
2000	501607	Ohio Penal Industries	\$	35,000,000	\$	35,000,000	101350
4830	501605	Property Receipts	\$	255,015	\$	261,315	101351
4B00	501601	Sewer Treatment Services	\$	2,310,188	\$	2,310,188	101352
4D40	501603	Prisoner Programs	\$	14,600,000	\$	14,800,000	101353
4L40	501604	Transitional Control	\$	1,900,000	\$	1,900,000	101354
4S50	501608	Education Services	\$	2,500,000	\$	2,500,000	101355
5710	501606	Training Academy Receipts	\$	50,000	\$	50,000	101356
5930	501618	Laboratory Services	\$	6,100,000	\$	6,300,000	101357
5AF0	501609	State and Non-Federal	\$	150,000	\$	150,000	101358

		Awards					
5H80	501617	Offender Financial	\$	1,500,000	\$	1,500,000	101359
		Responsibility					
5L60	501611	Information	\$	800,000	\$	800,000	101360
		Technology Services					
TOTAL GSF	General Services Fund		\$	170,165,203	\$	170,571,503	101361
Group							
Federal Special Revenue Fund Group							101362
3230	501619	Federal Grants	\$	12,198,353	\$	12,198,353	101363
3S10	501615	Truth-In-Sentencing	\$	8,251,241	\$	0	101364
		Grants					
TOTAL FED	Federal Special Revenue						101365
Fund Group							
			\$	20,449,594	\$	12,198,353	101366
TOTAL ALL BUDGET FUND GROUPS			\$	1,810,500,912	\$	1,810,873,494	101367
TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL							101368
SENTENCING REFORMS							101369
For the purposes of implementing criminal sentencing reforms,							101370
and notwithstanding any other provision of law to the contrary,							101371
the Director of Budget and Management, at the request of the							101372
Director of Rehabilitation and Correction, shall transfer up to							101373
\$14,000,000 in appropriations, in each of fiscal years 2010 and							101374
2011, from appropriation item 501321, Institutional Operations, to							101375
any combination of appropriation items 501405, Halfway House;							101376
501407, Community Residential Programs; 501408, Community							101377
Misdemeanor Programs; and 501501, Community Residential Programs -							101378
CBCF.							101379
OHIO BUILDING AUTHORITY LEASE PAYMENTS							101380
The foregoing appropriation item 501406, Lease Rental							101381
Payments, shall be used to meet all payments during the period							101382
from July 1, 2009, to June 30, 2011, under the primary leases and							101383
agreements for those buildings made under Chapter 152. of the							101384
Revised Code. These appropriations are the source of funds pledged							101385

for bond service charges or obligations issued pursuant to Chapter	101386
152. of the Revised Code.	101387
PRISONER COMPENSATION	101388
Money from the foregoing appropriation item 501403, Prisoner	101389
Compensation, shall be transferred on a quarterly basis by	101390
intrastate transfer voucher to the Services and Agricultural Fund	101391
(Fund 1480) for the purposes of paying prisoner compensation.	101392
OSU MEDICAL CHARGES	101393
Notwithstanding section 341.192 of the Revised Code, at the	101394
request of the Department of Rehabilitation and Correction, The	101395
Ohio State University Medical Center, including the James Cancer	101396
Hospital and Solove Research Institute and the Richard M. Ross	101397
Heart Hospital, shall provide necessary care to persons who are	101398
confined in state adult correctional facilities. The provision of	101399
necessary care shall be billed to the Department at a rate not to	101400
exceed the authorized reimbursement rate for the same service	101401
established by the Department of Job and Family Services under the	101402
Medical Assistance Program.	101403
Section 375.20. PILOT PROJECT FOR THE CONTRACTUAL PROVISION	101404
OF INMATE HEALTHCARE	101405
The Department of Rehabilitation and Correction shall	101406
develop, oversee, and evaluate a pilot project for the provision	101407
of comprehensive correctional health care services through private	101408
correctional health care contractors to complement the current	101409
system for the provision of health care services to inmates of	101410
state correctional facilities. Proposals shall be solicited	101411
through a request for proposals. The department shall determine	101412
the method for requesting proposals, the form of the	101413
request-for-proposal, and criteria for the provision of	101414
comprehensive correctional health care services under the pilot	101415

project. Comprehensive correctional health care services are 101416
medical, dental, and mental health care services comparable to 101417
those provided by the Department of Rehabilitation and Correction 101418
to inmates at and outside of state correctional facilities. The 101419
department shall determine the award of contracts based upon 101420
written criteria prepared by the department. 101421

A pilot project for the provision of comprehensive 101422
correctional health care services must include a minimum of 20 per 101423
cent of the current inmate population and be designed to include a 101424
representative sample of the inmate population in order to promote 101425
a realistic comparison of services and costs. The department shall 101426
control inmate participation in the pilot project based on current 101427
standard operating procedures and the need to maintain the 101428
representative sample of the inmate population. The department 101429
shall determine the locations for the pilot project and in making 101430
that determination shall give consideration to the geographic 101431
proximity of medical facilities to promote economies of scale. The 101432
locations shall include a representative sample of current 101433
facilities, the facilities' missions, and medical acuity. The mix 101434
of facilities shall remain consistent throughout the pilot project 101435
in order to promote a realistic comparison of costs and services. 101436

The pilot project shall be developed and implemented by 101437
January 1, 2010, for a period of two years, conditioned upon a 101438
private contractor offering a minimum of 10 per cent savings from 101439
the department's projected costs for comprehensive correctional 101440
health care services during the period of the project. The cost 101441
comparison shall include all on-site and off-site healthcare 101442
costs, including all personnel, benefit, administrative, overhead, 101443
and transportation costs. 101444

Section 377.10. RSC REHABILITATION SERVICES COMMISSION 101445

General Revenue Fund 101446

GRF	415402	Independent Living Council	\$	360,000	\$	360,000	101447
GRF	415406	Assistive Technology	\$	38,025	\$	38,025	101448
GRF	415431	Office for People with Brain Injury	\$	180,810	\$	180,810	101449
GRF	415506	Services for People with Disabilities	\$	17,738,043	\$	17,738,043	101450
GRF	415508	Services for the Deaf	\$	100,000	\$	100,000	101451
TOTAL GRF	General Revenue Fund		\$	18,416,878	\$	18,416,878	101452
General Services Fund Group							101453
4670	415609	Business Enterprise Operating Expenses	\$	1,393,002	\$	1,389,851	101454
TOTAL GSF	General Services Fund Group		\$	1,393,002	\$	1,389,851	101455
Federal Special Revenue Fund Group							101456
3170	415620	Disability Determination	\$	81,685,226	\$	83,498,461	101457
3790	415616	Federal - Vocational Rehabilitation	\$	130,057,624	\$	131,132,654	101458
3L10	415601	Social Security Personal Care Assistance	\$	3,000,000	\$	2,700,000	101459
3L10	415605	Social Security Community Centers for the Deaf	\$	750,000	\$	750,000	101460
3L10	415608	Social Security Special Programs/Assistance	\$	1,752,714	\$	1,884,714	101461
3L40	415612	Federal Independent Living Centers or Services	\$	620,880	\$	620,880	101462
3L40	415615	Federal - Supported	\$	883,214	\$	839,054	101463

		Employment				
3L40	415617	Independent	\$	1,951,862	\$	1,953,293 101465
		Living/Vocational				
		Rehabilitation				
		Programs				
TOTAL FED		Federal Special				101466
Revenue Fund Group			\$	220,701,520	\$	223,379,056 101467
State Special Revenue Fund Group						101468
4680	415618	Third Party Funding	\$	5,008,974	\$	5,008,974 101469
4L10	415619	Services for	\$	4,067,773	\$	3,994,154 101470
		Rehabilitation				
4W50	415606	Program Management	\$	15,620,782	\$	15,767,803 101471
		Expenses				
TOTAL SSR		State Special				101472
Revenue Fund Group			\$	24,697,529	\$	24,770,931 101473
TOTAL ALL BUDGET FUND GROUPS			\$	265,208,929	\$	267,956,716 101474
		INDEPENDENT LIVING COUNCIL				101475
		The foregoing appropriation item 415402, Independent Living				101476
		Council, shall be used to fund the operations of the State				101477
		Independent Living Council and shall be used to support state				101478
		independent living centers and independent living services under				101479
		Title VII of the Independent Living Services and Centers for				101480
		Independent Living of the Rehabilitation Act Amendments of 1992,				101481
		106 Stat. 4344, 29 U.S.C. 796d.				101482
		ASSISTIVE TECHNOLOGY				101483
		The foregoing appropriation item 415406, Assistive				101484
		Technology, shall be provided to Assistive Technology of Ohio and				101485
		used to provide grants and assistive technology services under the				101486
		program for people with disabilities in the State of Ohio.				101487
		OFFICE FOR PEOPLE WITH BRAIN INJURY				101488
		The foregoing appropriation item 415431, Office for People				101489

with Brain Injury, shall be used to plan and coordinate 101490
head-injury-related services provided by state agencies and other 101491
government or private entities, to assess the needs for such 101492
services, and to set priorities in this area. 101493

VOCATIONAL REHABILITATION SERVICES 101494

The foregoing appropriation item 415506, Services for People 101495
with Disabilities, shall be used as state matching funds to 101496
provide vocational rehabilitation services to eligible consumers. 101497

At the request of the Chancellor of the Board of Regents, the 101498
Director of Budget and Management may transfer any unexpended, 101499
unencumbered appropriation in fiscal year 2010 or fiscal year 2011 101500
from appropriation item 235502, Student Support Services, to 101501
appropriation item 415506, Services for People with Disabilities. 101502
Any appropriation so transferred shall be used by the Ohio 101503
Rehabilitation Services Commission to obtain additional federal 101504
matching funds to serve disabled students. 101505

SERVICES FOR THE DEAF 101506

The foregoing appropriation item 415508, Services for the 101507
Deaf, shall be used to provide grants to community centers for the 101508
deaf. These funds shall not be provided in lieu of Social Security 101509
reimbursement funds. 101510

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 101511

The foregoing appropriation item 415617, Independent 101512
Living/Vocational Rehabilitation Programs, shall be used to 101513
support vocational rehabilitation programs. 101514

SOCIAL SECURITY REIMBURSEMENT FUNDS 101515

Reimbursement funds received from the Social Security 101516
Administration, United States Department of Health and Human 101517
Services, for the costs of providing services and training to 101518
return disability recipients to gainful employment shall be 101519

expended from the Social Security Reimbursement Fund (Fund 3L10), 101520
to the extent funds are available, as follows: 101521

(A) Appropriation item 415601, Social Security Personal Care 101522
Assistance, to provide personal care services in accordance with 101523
section 3304.41 of the Revised Code; 101524

(B) Appropriation item 415605, Social Security Community 101525
Centers for the Deaf, to provide grants to community centers for 101526
the deaf in Ohio for services to individuals with hearing 101527
impairments; and 101528

(C) Appropriation item 415608, Social Security Special 101529
Programs/Assistance, to provide vocational rehabilitation services 101530
to individuals with severe disabilities who are Social Security 101531
beneficiaries, to enable them to achieve competitive employment. 101532
This appropriation item shall also be used to pay a portion of 101533
indirect costs of the Personal Care Assistance Program and the 101534
Independent Living Programs as mandated by federal OMB Circular 101535
A-87. 101536

PROGRAM MANAGEMENT EXPENSES 101537

The foregoing appropriation item 415606, Program Management 101538
Expenses, shall be used to support the administrative functions of 101539
the commission related to the provision of vocational 101540
rehabilitation, disability determination services, and ancillary 101541
programs. 101542

Section 379.10. RCB RESPIRATORY CARE BOARD 101543

General Services Fund Group				101544
4K90 872609 Operating Expenses	\$	488,142	\$ 488,142	101545
TOTAL GSF General Services				101546
Fund Group	\$	488,142	\$ 488,142	101547
TOTAL ALL BUDGET FUND GROUPS	\$	488,142	\$ 488,142	101548

Section 381.10. RDF REVENUE DISTRIBUTION FUNDS				101550
Volunteer Firefighters' Dependents Fund				101551
7085	800985	Volunteer Firemen's Dependents Fund	\$ 300,000 \$ 300,000	101552
TOTAL 085 Volunteer Firefighters' Dependents Fund				101553
				101554
Agency Fund Group				101555
4P80	001698	Cash Management Improvement Fund	\$ 3,100,000 \$ 3,100,000	101556
6080	001699	Investment Earnings	\$ 250,000,000 \$ 250,000,000	101557
7062	110962	Resort Area Excise Tax	\$ 1,000,000 \$ 1,000,000	101558
7063	110963	Permissive Tax Distribution	\$ 1,849,000,000 \$ 1,849,000,000	101559
7067	110967	School District Income Tax	\$ 350,000,000 \$ 350,000,000	101560
TOTAL AGY Agency Fund Group				101561
Holding Account Redistribution				101562
R045	110617	International Fuel Tax Distribution	\$ 50,000,000 \$ 50,000,000	101563
TOTAL 090 Holding Account Redistribution Fund				101564
Revenue Distribution Fund Group				101565
7049	038900	Indigent Drivers Alcohol Treatment	\$ 2,200,000 \$ 2,200,000	101566
7050	762900	International Registration Plan Distribution	\$ 30,000,000 \$ 30,000,000	101567
7051	762901	Auto Registration Distribution	\$ 539,000,000 \$ 539,000,000	101568
7054	110954	Local Government	\$ 95,125,000 \$ 95,125,000	101569

		Property Tax				
		Replacement - Utility				
7060	110960	Gasoline Excise Tax	\$ 375,000,000	\$ 375,000,000		101570
		Fund				
7065	110965	Public Library Fund	\$ 406,100,000	\$ 407,400,000		101571
7066	800966	Undivided Liquor	\$ 13,500,000	\$ 13,500,000		101572
		Permits				
7068	110968	State and Local	\$ 242,500,000	\$ 242,500,000		101573
		Government Highway				
		Distribution				
7069	110969	Local Government Fund	\$ 673,700,000	\$ 676,000,000		101574
7081	110981	Local Government	\$ 366,800,000	\$ 378,000,000		101575
		Property Tax				
		Replacement-Business				
7082	110982	Horse Racing Tax	\$ 130,000	\$ 130,000		101576
7083	700900	Ohio Fairs Fund	\$ 2,325,000	\$ 2,325,000		101577
TOTAL RDF Revenue Distribution						101578
Fund Group			\$ 2,746,380,000	\$ 2,761,180,000		101579
TOTAL ALL BUDGET FUND GROUPS			\$ 5,249,780,000	\$ 5,264,580,000		101580

ADDITIONAL APPROPRIATIONS

101581

Appropriation items in this section shall be used for the 101582
purpose of administering and distributing the designated revenue 101583
distribution funds according to the Revised Code. If it is 101584
determined that additional appropriations are necessary for this 101585
purpose, such amounts are hereby appropriated. 101586

GENERAL REVENUE FUND TRANSFERS

101587

Notwithstanding any provision of law to the contrary, in 101588
fiscal year 2010 and fiscal year 2011, the Director of Budget and 101589
Management may transfer from the General Revenue Fund to the Local 101590
Government Tangible Property Tax Replacement Fund (Fund 7081) in 101591
the Revenue Distribution Fund Group, those amounts necessary to 101592
reimburse local taxing units under section 5751.22 of the Revised 101593

Code. Also, in fiscal year 2010 and fiscal year 2011, the Director 101594
of Budget and Management may make temporary transfers from the 101595
General Revenue Fund to ensure sufficient balances in the Local 101596
Government Tangible Property Tax Replacement Fund (Fund 7081) and 101597
to replenish the General Revenue Fund for such transfers. 101598
101599

On July 1 of each fiscal year, or as soon as possible 101600
thereafter, the Director of Budget and Management shall transfer 101601
\$5,000,000 cash from the General Revenue Fund to the Public 101602
Library Fund (Fund 7065). 101603

On July 1, 2010, or as soon as possible thereafter, the 101604
Director of Budget and Management shall transfer \$11,200,000 cash 101605
from the General Revenue Fund to the Local Government Property Tax 101606
Replacement-Business Fund (Fund 7081). 101607

Section 383.10. SAN BOARD OF SANITARIAN REGISTRATION 101608

General Services Fund Group				101609
4K90 893609 Operating Expenses	\$	130,000	\$ 130,000	101610
TOTAL GSF General Services				101611
Fund Group	\$	130,000	\$ 130,000	101612
TOTAL ALL BUDGET FUND GROUPS	\$	130,000	\$ 130,000	101613

Section 384.10. OSB OHIO STATE SCHOOL FOR THE BLIND 101615

General Revenue Fund				101616
GRF 226100 Personal Services	\$	7,326,155	\$ 7,326,155	101617
GRF 226200 Maintenance	\$	688,363	\$ 688,363	101618
GRF 226300 Equipment	\$	72,783	\$ 72,783	101619
TOTAL GRF General Revenue Fund	\$	8,087,301	\$ 8,087,301	101620
General Services Fund Group				101621
4H80 226602 Education Reform	\$	61,000	\$ 61,000	101622

Grants

TOTAL GSF General Services				101623
Fund Group	\$	61,000	\$ 61,000	101624
Federal Special Revenue Fund Group				101625
3100 226626 Coordinating Unit	\$	2,527,105	\$ 2,527,105	101626
3P50 226643 Medicaid Professional Services Reimbursement	\$	50,000	\$ 50,000	101627
TOTAL FED Federal Special Revenue Fund Group	\$	2,577,105	\$ 2,577,105	101628
State Special Revenue Fund Group				101630
4M50 226601 Work Study and Technology Investment	\$	250,000	\$ 250,000	101631
TOTAL SSR State Special Revenue Fund Group	\$	250,000	\$ 250,000	101632
TOTAL ALL BUDGET FUND GROUPS	\$	10,975,406	\$ 10,975,406	101634
Section 384.50. OSD OHIO SCHOOL FOR THE DEAF				101636
General Revenue Fund				101637
GRF 221100 Personal Services	\$	8,713,704	\$ 8,713,704	101638
GRF 221200 Maintenance	\$	905,035	\$ 905,035	101639
GRF 221300 Equipment	\$	78,650	\$ 78,650	101640
TOTAL GRF General Revenue Fund	\$	9,697,389	\$ 9,697,389	101641
General Services Fund Group				101642
4M10 221602 Education Reform Grants	\$	76,000	\$ 76,000	101643
TOTAL GSF General Services Fund Group	\$	76,000	\$ 76,000	101644
Federal Special Revenue Fund Group				101646
3110 221625 Coordinating Unit	\$	2,460,135	\$ 2,460,135	101647
3AD0 221604 VREAL Ohio	\$	25,000	\$ 25,000	101648
3R00 221684 Medicaid Professional	\$	35,000	\$ 35,000	101649

		Services				
		Reimbursement				
3Y10	221686	Early Childhood Grant	\$	300,000	\$	300,000 101650
TOTAL FED Federal Special						101651
Revenue Fund Group			\$	2,820,135	\$	2,820,135 101652
State Special Revenue Fund Group						101653
4M00	221601	Educational Program	\$	190,000	\$	190,000 101654
		Expenses				
5H60	221609	Even Start Fees and	\$	250,716	\$	250,716 101655
		Gifts				
TOTAL SSR State Special Revenue						101656
Fund Group			\$	440,716	\$	440,716 101657
TOTAL ALL BUDGET FUND GROUPS			\$	13,034,240	\$	13,034,240 101658
 Section 385.10. SFC SCHOOL FACILITIES COMMISSION						101660
General Revenue Fund						101661
GRF	230908	Common Schools	\$	192,559,200	\$	165,510,500 101662
		General Obligation				
		Debt Service				
TOTAL GRF General Revenue Fund			\$	192,559,200	\$	165,510,500 101663
State Special Revenue Fund Group						101664
5E30	230644	Operating Expenses	\$	9,250,000	\$	9,750,000 101665
TOTAL SSR State Special Revenue						101666
Fund Group			\$	9,250,000	\$	9,750,000 101667
School Building Assistance Fund Group						101668
5S60	230602	Community School Loan	\$	102,000	\$	102,000 101669
		Guarantee				
TOTAL SBA School Building			\$	102,000	\$	102,000 101670
Assistance Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	201,911,200	\$	175,362,500 101671
 Section 385.20. COMMON SCHOOLS GENERAL OBLIGATION DEBT						101673

SERVICE 101674

The foregoing appropriation item 230908, Common Schools 101675
General Obligation Debt Service, shall be used to pay all debt 101676
service and related financing costs at the times they are required 101677
to be made for obligations issued during the period from July 1, 101678
2009, through June 30, 2011, under sections 151.01 and 151.03 of 101679
the Revised Code. 101680

OPERATING EXPENSES 101681

The foregoing appropriation item 230644, Operating Expenses, 101682
shall be used by the Ohio School Facilities Commission to carry 101683
out its responsibilities under this section and Chapter 3318. of 101684
the Revised Code. 101685

In both fiscal years 2010 and 2011, the Executive Director of 101686
the Ohio School Facilities Commission shall certify on a quarterly 101687
basis to the Director of Budget and Management the amount of cash 101688
from interest earnings to be transferred from the School Building 101689
Assistance Fund (Fund 7032), the Public School Building Fund (Fund 101690
7021), and the Educational Facilities Trust Fund (Fund N087) to 101691
the Ohio School Facilities Commission Fund (Fund 5E30). The amount 101692
transferred from the School Building Assistance Fund (Fund 7032) 101693
may not exceed investment earnings credited to the fund, less any 101694
amount required to be paid for federal arbitrage rebate purposes. 101695
101696

If the Executive Director of the Ohio School Facilities 101697
Commission determines that transferring cash from interest 101698
earnings is insufficient to support operations and carry out its 101699
responsibilities under this section and Chapter 3318. of the 101700
Revised Code, the Commission may, with the approval of the 101701
Controlling Board, transfer cash not generated from interest from 101702
the Public School Building Fund (Fund 7021) and the Educational 101703
Trust Fund (Fund N087) to the Ohio School Facilities Commission 101704

Fund (Fund 5E30).	101705
SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION	101706
At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within one year of receiving Controlling Board approval under section 3318.05 of the Revised Code. The Executive Director of the Ohio School Facilities Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.	101707 101708 101709 101710 101711 101712 101713 101714 101715 101716
Section 385.50. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL FACILITIES	101717 101718
Notwithstanding any other provision of law to the contrary, the Ohio School Facilities Commission may provide assistance under the Exceptional Needs School Facilities Program established in section 3318.37 of the Revised Code to any school district, and not exclusively to a school district in the lowest seventy-five per cent of adjusted valuation per pupil on the current ranking of school districts established under section 3318.011 of the Revised Code, for the purpose of the relocation or replacement of school facilities required as a result of extreme environmental contamination.	101719 101720 101721 101722 101723 101724 101725 101726 101727 101728
The school district's portion of a project to replace a contaminated facility undertaken pursuant to this section shall not exceed fifty per cent of the cost of the project. This paragraph does not affect the district's portion of the cost of subsequent classroom facilities projects the district may undertake under Chapter 3318. of the Revised Code.	101729 101730 101731 101732 101733 101734

The Ohio School Facilities Commission shall contract with an independent environmental consultant to conduct a study and to report to the Commission as to the seriousness of the environmental contamination, whether the contamination violates applicable state and federal standards, and whether the facilities are no longer suitable for use as school facilities. The Commission then shall make a determination regarding funding for the relocation or replacement of the school facilities. If the federal government or other public or private entity provides funds for restitution of costs incurred by the state or school district in the relocation or replacement of the school facilities, the school district shall use such funds in excess of the school district's share to refund the state for the state's contribution to the environmental contamination portion of the project. The school district may apply an amount of such restitution funds up to an amount equal to the school district's portion of the project, as defined by the Commission, toward paying its portion of that project to reduce the amount of bonds the school district otherwise must issue to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code.

Section 385.60. CANTON CITY SCHOOL DISTRICT PROJECT

(A) The Ohio School Facilities Commission may commit up to thirty-five million dollars to the Canton City School District for construction of a facility described in this section, in lieu of a high school that would otherwise be authorized under Chapter 3318. of the Revised Code. The Commission shall not commit funds under this section unless all of the following conditions are met:

(1) The District has entered into a cooperative agreement with a state-assisted technical college;

(2) The District has received an irrevocable commitment of additional funding from nonpublic sources; and

(3) The facility is intended to serve both secondary and postsecondary instructional purposes.

(B) The Commission shall enter into an agreement with the District for the construction of the facility authorized under this section that is separate from and in addition to the agreement required for the District's participation in the Classroom Facilities Assistance Program under section 3318.08 of the Revised Code. Notwithstanding that section and sections 3318.03, 3318.04, and 3318.083 of the Revised Code, the additional agreement shall provide, but not be limited to, the following:

(1) The Commission shall not have any oversight responsibilities over the construction of the facility.

(2) The facility need not comply with the specifications for plans and materials for high schools adopted by the Commission.

(3) The Commission may decrease the basic project cost that would otherwise be calculated for a high school under Chapter 3318. of the Revised Code.

(4) The state shall not share in any increases in the basic project cost for the facility above the amount authorized under this section.

All other provisions of Chapter 3318. of the Revised Code apply to the approval and construction of a facility authorized under this section.

The state funds committed to the facility authorized by this section shall be part of the total amount the state commits to the Canton City School District under Chapter 3318. of the Revised Code. All additional state funds committed to the Canton City School District for classroom facilities assistance shall be subject to all provisions of Chapter 3318. of the Revised Code.

Section 385.70. Notwithstanding section 3318.05 of the

Revised Code, for each school district whose project under 101796
sections 3318.01 to 3318.20 of the Revised Code was conditionally 101797
approved by the Ohio School Facilities Commission in July 2008, 101798
that conditional approval shall lapse and the amount reserved and 101799
encumbered for the project shall be released on December 31, 2009. 101800

Section 385.80. Notwithstanding any provision of Chapter 101801
3318. of the Revised Code to the contrary, and notwithstanding the 101802
agreement between the Cincinnati City School District and the Ohio 101803
School Facilities Commission under section 3318.08 of the Revised 101804
Code, the Commission shall encumber and pay state funds to the 101805
District in the amount of \$4,000,000, in addition to the amount 101806
prescribed in that agreement, for the purpose of dedicating 101807
additional state funding toward the acquisition of the School for 101808
the Creative and Performing Arts, as that building is included in 101809
the District's project under section 3318.38 of the Revised Code. 101810
The District shall use the funds paid under this section solely 101811
for that purpose. The School for the Creative and Performing Arts 101812
need not comply with the specifications included in the Ohio 101813
Design Manual adopted by the Commission to implement classroom 101814
facilities projects under Chapter 3318. of the Revised Code. This 101815
section shall not affect any other building included in the 101816
District's project under section 3318.38 of the Revised Code, nor 101817
shall it affect the state's portion of funding for the remainder 101818
of that project. 101819

The Commission shall use funds appropriated to it for 101820
classroom facilities projects to pay the funds required under this 101821
section. The Commission shall encumber the funds required under 101822
this section in accordance with section 3318.11 of the Revised 101823
Code. 101824

Section 385.85. In fiscal years 2010 through 2012, the Ohio 101825

School Facilities Commission may approve one or more projects 101826
under the Exceptional Needs School Facilities Assistance Program 101827
established under that section for any school district that meets 101828
the following conditions: 101829

(A) The district initially applied for the Exceptional Needs 101830
Program in fiscal year 2008. 101831

(B) The district's position on the rankings certified under 101832
section 3318.011 of the Revised Code for fiscal year 2009 is 101833
higher than three hundred sixty. 101834

Section 385.90. (A) As used in this section: 101835

(1) "Basic project cost," "percentile," and "project" have 101836
the same meanings as in section 3318.01 of the Revised Code. 101837

(2) "Equity list" means the school district percentile 101838
rankings calculated under section 3318.011 of the Revised Code. 101839

(3) A school district's "portion of the basic project cost" 101840
means the amount calculated under section 3318.032 of the Revised 101841
Code. 101842

(B) Notwithstanding any provision of Chapter 3318. of the 101843
Revised Code to the contrary, in the case of a school district 101844
that received in fiscal year 2008 elector approval for a bond 101845
issue for its portion of the basic project cost of a project under 101846
sections 3318.01 to 3318.20 of the Revised Code, based on a 101847
preliminary estimated equity list projecting rankings of school 101848
districts if amendments to section 3318.011 of the Revised Code 101849
enacted by Am. Sub. H.B. 119 of the 127th General Assembly had 101850
been effective for projects in that fiscal year, and which 101851
district on the alternate equity list for fiscal year 2009 funding 101852
required by Section 733.13 of Am. Sub. H.B. 562 of the 127th 101853
General Assembly, retroactively applying those amendments, was 101854
ranked one percentile higher than on the preliminary estimated 101855

equity list, resulting in the district's calculated portion being 101856
one per cent higher than the amount projected at the time of the 101857
bond issue election, the Ohio School Facilities Commission shall 101858
reduce the district's portion to that projected on the preliminary 101859
estimated equity list. 101860

Section 385.93. (A) As used in this section, "equity list" 101861
means the school district percentile rankings calculated under 101862
section 3318.011 of the Revised Code. 101863

(B) Not later than thirty days after the effective date of 101864
this section, the Department of Education shall create an 101865
alternate equity list for fiscal year 2009, for use in fiscal year 101866
2010, by recalculating each school district's percentile ranking 101867
under section 3318.011 of the Revised Code and shall certify the 101868
alternate equity list to the Ohio School Facilities Commission. 101869
For this purpose, the Department shall recalculate each school 101870
district's percentile ranking using the district's "average 101871
taxable value" as that term is defined in the version of section 101872
3318.011 of the Revised Code, as it results from the amendments to 101873
that section enacted by this act. 101874

(C) The Commission shall use the alternate equity list 101875
certified under division (B) of this section to determine the 101876
priority for assistance under sections 3318.01 to 3318.20 of the 101877
Revised Code in fiscal year 2010 for each school district that has 101878
not previously been offered funding under those sections. However, 101879
no district that already has been offered assistance under those 101880
sections for fiscal year 2010 prior to the Commission's receipt of 101881
the alternate equity list shall be denied the opportunity for 101882
assistance under those sections for that fiscal year. 101883

(D) Notwithstanding any provision of Chapter 3318. of the 101884
Revised Code to the contrary, for each school district that 101885
receives the Commission's conditional approval of the district's 101886

project under sections 3318.01 to 3318.20 of the Revised Code in 101887
fiscal year 2010, the district's portion of the basic project cost 101888
shall be the lesser of the following: 101889

(1) The amount required under section 3318.032 of the Revised 101890
Code calculated using the percentile in which the district ranks 101891
on the alternate equity list certified under division (B) of this 101892
section; 101893

(2) The amount required under section 3318.032 of the Revised 101894
Code calculated using the percentile in which the district ranks 101895
on the original equity list for fiscal year 2009. 101896

PAYMENT OF DEBT FOR STATEHOUSE RESTORATION 101897

There is hereby appropriated from the Public School Building 101898
Fund (Fund 7021) in fiscal year 2010 the amount necessary to pay 101899
any outstanding debt obligations issued for the restoration of the 101900
Ohio Statehouse that was completed in 1996. 101901

Section 387.10. SOS SECRETARY OF STATE 101902

General Revenue Fund 101903

GRF 050321	Operating Expenses	\$	2,464,293	\$	2,221,793	101904
GRF 050407	Pollworkers Training	\$	250,197	\$	250,197	101905
TOTAL GRF	General Revenue Fund	\$	2,714,490	\$	2,471,990	101906

General Services Fund Group 101907

4120 050609	Notary Commission	\$	500,000	\$	500,000	101908
4130 050601	Information Systems	\$	75,000	\$	50,000	101909
4140 050602	Citizen Education	\$	55,712	\$	55,712	101910

Fund

4S80 050610	Board of Voting	\$	7,200	\$	7,200	101911
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Machine Examiners

5FG0 050620	BOE Reimbursement and	\$	100,000	\$	100,000	101912
	Education					

5FH0 050621	Statewide Ballot Advertising	\$	300,000	\$	300,000	101913
5FJ0 050622	County Voting Machine Revolving Lease/Loan Fund	\$	500,000	\$	500,000	101914
TOTAL General Services Fund Group		\$	1,537,912	\$	1,512,912	101915
Federal Special Revenue Fund Group						101916
3AH0 050614	Election Reform/Health and Human Services	\$	800,000	\$	800,000	101917
3AS0 050616	2005 HAVA Voting Machines	\$	3,000,000	\$	3,000,000	101918
TOTAL FED Federal Special Revenue Fund Group		\$	3,800,000	\$	3,800,000	101919 101920
State Special Revenue Fund Group						101921
5990 050603	Business Services Operating Expenses	\$	14,086,100	\$	14,245,400	101922
5N90 050607	Technology Improvements	\$	180,000	\$	180,000	101923
TOTAL SSR State Special Revenue Fund Group		\$	14,266,100	\$	14,425,400	101924 101925
Holding Account Redistribution Fund Group						101926
R001 050605	Uniform Commercial Code Refunds	\$	30,000	\$	30,000	101927
R002 050606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000	101928
TOTAL 090 Holding Account Redistribution Fund Group		\$	115,000	\$	115,000	101929 101930
TOTAL ALL BUDGET FUND GROUPS		\$	22,433,502	\$	22,325,302	101931
BOARD OF VOTING MACHINE EXAMINERS						101932
The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and						101933 101934

expenses of the members of the Board of Voting Machine Examiners, 101935
and for other expenses that are authorized to be paid from the 101936
Board of Voting Machine Examiners Fund, which is created in 101937
section 3506.05 of the Revised Code. Moneys not used shall be 101938
returned to the person or entity submitting equipment for 101939
examination. If it is determined that additional appropriations 101940
are necessary, such amounts are hereby appropriated. 101941

HAVA FUNDS 101942

In accordance with the requirements of the "Help America Vote 101943
Act," Pub. L. No. 107-252, on July 1, 2009, or as soon as possible 101944
thereafter, the Secretary of State shall distribute \$2,645,076 101945
from the 2005 HAVA Voting Machine Fund (Fund 3AS0) to the counties 101946
in the amounts specified below: 101947

County	Amount	
Adams	\$5,985	101949
Allen	\$27,275	101950
Ashland	\$11,781	101951
Ashtabula	\$28,627	101952
Athens	\$15,553	101953
Auglaize	\$9,016	101954
Belmont	\$14,994	101955
Brown	\$7,889	101956
Butler	\$80,577	101957
Carroll	\$6,804	101958
Champaign	\$6,312	101959
Clark	\$22,541	101960
Clermont	\$45,082	101961
Clinton	\$8,566	101962
Columbiana	\$23,217	101963
Coshocton	\$7,686	101964
Crawford	\$10,017	101965
Cuyahoga	\$323,691	101966

Darke	\$12,978	101967
Defiance	\$8,757	101968
Delaware	\$34,083	101969
Erie	\$13,976	101970
Fairfield	\$30,996	101971
Fayette	\$5,861	101972
Franklin	\$265,104	101973
Fulton	\$9,702	101974
Gallia	\$8,001	101975
Geauga	\$21,640	101976
Greene	\$35,595	101977
Guernsey	\$9,135	101978
Hamilton	\$198,362	101979
Hancock	\$16,821	101980
Hardin	\$6,426	101981
Harrison	\$3,906	101982
Henry	\$6,678	101983
Highland	\$9,576	101984
Hocking	\$6,174	101985
Holmes	\$6,048	101986
Huron	\$13,356	101987
Jackson	\$8,127	101988
Jefferson	\$16,821	101989
Knox	\$12,537	101990
Lake	\$54,243	101991
Lawrence	\$18,934	101992
Licking	\$37,737	101993
Logan	\$9,918	101994
Lorain	\$66,591	101995
Lucas	\$101,619	101996
Madison	\$9,693	101997
Mahoning	\$66,024	101998
Marion	\$14,679	101999

Medina	\$40,068	102000
Meigs	\$6,086	102001
Mercer	\$6,441	102002
Miami	\$24,444	102003
Monroe	\$6,312	102004
Montgomery	\$132,741	102005
Morgan	\$3,150	102006
Morrow	\$8,190	102007
Muskingum	\$17,451	102008
Noble	\$6,086	102009
Ottawa	\$9,918	102010
Paulding	\$4,788	102011
Perry	\$7,938	102012
Pickaway	\$10,206	102013
Pike	\$6,678	102014
Portage	\$37,107	102015
Preble	\$10,144	102016
Putnam	\$7,889	102017
Richland	\$30,933	102018
Ross	\$14,742	102019
Sandusky	\$16,230	102020
Scioto	\$15,255	102021
Seneca	\$11,496	102022
Shelby	\$7,889	102023
Stark	\$90,720	102024
Summit	\$107,070	102025
Trumbull	\$48,258	102026
Tuscarawas	\$18,837	102027
Union	\$10,206	102028
Van Wert	\$6,610	102029
Vinton	\$4,508	102030
Warren	\$38,771	102031
Washington	\$12,623	102032

Wayne	\$23,625	102033
Williams	\$9,918	102034
Wood	\$30,681	102035
Wyandot	\$5,355	102036

No county shall receive a distribution under this section 102037
until it has entered into an agreement with the Secretary of State 102038
governing the use of the distribution it is to receive. The 102039
distributions are also subject to Controlling Board approval. 102040

Distributions under this section shall be used only to cover 102041
expenses related to contractual voting equipment maintenance fees, 102042
voting equipment software or firmware license fees, voting 102043
equipment support fees, and the acquisition of replacement or 102044
additional voting equipment incurred during the 2010 calendar 102045
year. 102046

An amount equal to the unexpended, unencumbered portion of 102047
appropriation item 050616, 2005 HAVA Voting Machines, at the end 102048
of fiscal year 2010 is reappropriated for the same purpose in 102049
fiscal year 2011. 102050

An amount equal to the unexpended, unencumbered portion of 102051
appropriation item 050614, Election Reform/Health and Human 102052
Services, at the end of fiscal year 2010 is reappropriated for the 102053
same purpose in fiscal year 2011. 102054

On July 1, 2009, or as soon as possible thereafter, the 102055
Director of Budget and Management shall transfer from the General 102056
Revenue Fund to the credit of the Election Data Collection Grant 102057
Fund (Fund 3AC0), all investment earnings and amounts equal to the 102058
interest earnings attributable to Fund 3AC0 in each quarter of 102059
fiscal year 2009 to Fund 3AC0. An amount equal to the unexpended, 102060
unencumbered portion of appropriation item 050619, Election Data 102061
Collection Grant, at the end of fiscal year 2009 is reappropriated 102062
in fiscal year 2010 for the same purpose. 102063

The Director of Budget and Management shall credit the 102064
ongoing interest earnings from the Election Reform/Health and 102065
Human Services Fund (Fund 3AH0), the 2005 HAVA Voting Machines 102066
Fund (Fund 3AS0), and the Election Data Collection Grant Fund 102067
(Fund 3AC0) to the respective funds and distribute these earnings 102068
in accordance with the terms of the grant under which the money is 102069
received. 102070

HOLDING ACCOUNT REDISTRIBUTION GROUP 102071

The foregoing appropriation items 050605, Uniform Commercial 102072
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 102073
be used to hold revenues until they are directed to the 102074
appropriate accounts or until they are refunded. If it is 102075
determined that additional appropriations are necessary, such 102076
amounts are hereby appropriated. 102077

CASH TRANSFER TO THE CORPORATE AND UNIFORM COMMERCIAL CODE 102078
FILING FUND 102079

On July 1, 2009, or as soon as possible thereafter, the 102080
Director of Budget and Management shall transfer \$53,915.40 cash 102081
from the Public Utility Territorial Administration Fund (Fund 102082
5590) to the Corporate and Uniform Commercial Code Filing Fund 102083
(Fund 5990). 102084

Section 389.10. SEN THE OHIO SENATE 102085

General Revenue Fund 102086

GRF 020321	Operating Expenses	\$	10,911,095	\$	10,911,095	102087
TOTAL GRF	General Revenue Fund	\$	10,911,095	\$	10,911,095	102088

General Services Fund Group 102089

1020 020602	Senate Reimbursement	\$	852,001	\$	852,001	102090
4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	102091
TOTAL GSF	General Services					102092
Fund Group		\$	886,498	\$	886,498	102093

TOTAL ALL BUDGET FUND GROUPS	\$	11,797,593	\$	11,797,593	102094
OPERATING EXPENSES					102095
On July 1, 2009, or as soon as possible thereafter, the Clerk					102096
of the Senate may certify to the Director of Budget and Management					102097
the amount of the unexpended, unencumbered balance of the					102098
foregoing appropriation item 020321, Operating Expenses, at the					102099
end of fiscal year 2009 to be reappropriated to fiscal year 2010.					102100
The amount certified is hereby reappropriated to the same					102101
appropriation item for fiscal year 2010.					102102
On July 1, 2010, or as soon as possible thereafter, the Clerk					102103
of the Senate may certify to the Director of Budget and Management					102104
the amount of the unexpended, unencumbered balance of the					102105
foregoing appropriation item 020321, Operating Expenses, at the					102106
end of fiscal year 2010 to be reappropriated to fiscal year 2011.					102107
The amount certified is hereby reappropriated to the same					102108
appropriation item for fiscal year 2011.					102109
Section 391.10. CSF COMMISSIONERS OF THE SINKING FUND					102110
Debt Service Fund Group					102111
7070155905 Third Frontier	\$	20,948,300	\$	29,011,600	102112
Research and					
Development Bond					
Retirement Fund					
7072155902 Highway Capital	\$	202,074,000	\$	203,434,200	102113
Improvement Bond					
Retirement Fund					
7073155903 Natural Resources Bond	\$	26,334,400	\$	26,549,400	102114
Retirement Fund					
7074155904 Conservation Projects	\$	20,711,100	\$	25,684,900	102115
Bond Service Fund					
7076155906 Coal Research and	\$	9,968,400	\$	10,947,000	102116
Development Bond					

	Retirement Fund				
7077155907	State Capital	\$	148,331,900	\$	163,443,500 102117
	Improvement Bond				
	Retirement Fund				
7078155908	Common Schools Bond	\$	192,559,200	\$	165,510,500 102118
	Retirement Fund				
7079155909	Higher Education Bond	\$	85,317,700	\$	89,480,300 102119
	Retirement Fund				
7090155912	Job Ready Site	\$	5,685,400	\$	10,601,900 102120
	Development Bond				
	Retirement Fund				
TOTAL DSF Debt Service Fund Group		\$	711,930,400	\$	724,663,300 102121
TOTAL ALL BUDGET FUND GROUPS		\$	711,930,400	\$	724,663,300 102122
	ADDITIONAL APPROPRIATIONS				102123
	Appropriation items in this section are for the purpose of				102124
	paying debt service and financing costs on bonds or notes of the				102125
	state issued under the Ohio Constitution and acts of the General				102126
	Assembly. If it is determined that additional amounts are				102127
	necessary for this purpose, such amounts are hereby appropriated.				102128
	Section 393.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				102129
	DEVELOPMENT FOUNDATION				102130
	Tobacco Master Settlement Agreement Fund Group				102131
5M90 945601	Operating Expenses	\$	450,000	\$	450,000 102132
TOTAL TMF Tobacco Master Settlement		\$	450,000	\$	450,000 102133
	Agreement Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$	450,000	\$	450,000 102134
	Section 395.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &				102136
	AUDIOLOGY				102137
	General Services Fund Group				102138
4K90 886609	Operating Expenses	\$	425,000	\$	425,000 102139

TOTAL GSF General Services				102140
Fund Group	\$	425,000	\$ 425,000	102141
TOTAL ALL BUDGET FUND GROUPS	\$	425,000	\$ 425,000	102142

Section 397.10. BTA BOARD OF TAX APPEALS 102144

General Revenue Fund				102145
GRF 116321 Operating Expenses	\$	1,642,450	\$ 1,642,450	102146
TOTAL GRF General Revenue Fund	\$	1,642,450	\$ 1,642,450	102147
TOTAL ALL BUDGET FUND GROUPS	\$	1,642,450	\$ 1,642,450	102148

Section 399.10. TAX DEPARTMENT OF TAXATION 102150

General Revenue Fund				102151
GRF 110321 Operating Expenses	\$	81,441,056	\$ 81,441,055	102152
GRF 110404 Tobacco Settlement	\$	295,231	\$ 295,231	102153
Enforcement				
GRF 110412 Child Support	\$	19,512	\$ 19,512	102154
Administration				
GRF 110901 Property Tax	\$	569,917,420	\$ 577,463,014	102155
Allocation - Taxation				
TOTAL GRF General Revenue Fund	\$	651,673,219	\$ 659,218,812	102156
General Services Fund Group				102157
2280 110628 Tax Reform System	\$	13,600,000	\$ 13,600,000	102158
Implementation				
4330 110602 Tape File Account	\$	125,000	\$ 125,000	102159
5AP0 110632 Discovery Project	\$	2,000,000	\$ 2,000,000	102160
5CZ0 110631 Vendor's License	\$	250,000	\$ 250,000	102161
Application				
5N50 110605 Municipal Income Tax	\$	600,000	\$ 600,000	102162
Administration				
5N60 110618 Kilowatt Hour Tax	\$	100,000	\$ 100,000	102163
Administration				
5V80 110623 Property Tax	\$	12,000,000	\$ 12,000,000	102164

		Administration					
5W40	110625	Centralized Tax	\$	200,000	\$	200,000	102165
		Filing and Payment					
5W70	110627	Exempt Facility	\$	60,000	\$	60,000	102166
		Administration					
TOTAL	GSF	General Services					102167
Fund Group			\$	28,935,000	\$	28,935,000	102168
State Special Revenue Fund Group							102169
4350	110607	Local Tax	\$	18,000,000	\$	18,000,000	102170
		Administration					
4360	110608	Motor Vehicle Audit	\$	1,000,000	\$	1,000,000	102171
4370	110606	Income Tax	\$	200,000	\$	200,000	102172
		Contribution					
		Administration					
4380	110609	School District Income	\$	5,500,000	\$	5,500,000	102173
		Tax					
4C60	110616	International	\$	706,855	\$	706,855	102174
		Registration Plan					
4R60	110610	Tire Tax	\$	200,000	\$	200,000	102175
		Administration					
5V70	110622	Motor Fuel Tax	\$	4,700,000	\$	4,700,000	102176
		Administration					
6390	110614	Cigarette Tax	\$	1,900,000	\$	1,900,000	102177
		Enforcement					
6420	110613	Ohio Political Party	\$	500,000	\$	500,000	102178
		Distributions					
6880	110615	Local Excise Tax	\$	800,000	\$	800,000	102179
		Administration					
TOTAL	SSR	State Special Revenue					102180
Fund Group			\$	33,506,855	\$	33,506,855	102181
Agency Fund Group							102182
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	102183

7095 110995	Municipal Income Tax	\$ 21,000,000	\$ 21,000,000	102184
TOTAL AGY	Agency Fund Group	\$ 1,567,800,000	\$ 1,567,800,000	102185
	Holding Account Redistribution Fund Group			102186
R010 110611	Tax Distributions	\$ 50,000	\$ 50,000	102187
R011 110612	Miscellaneous Income	\$ 50,000	\$ 50,000	102188
	Tax Receipts			
TOTAL 090	Holding Account			102189
Redistribution	Fund Group	\$ 100,000	\$ 100,000	102190
TOTAL ALL BUDGET	FUND GROUPS	\$ 2,282,015,074	\$ 2,289,560,667	102191
	HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX			102192
	EXEMPTION			102193
	The foregoing appropriation item 110901, Property Tax			102194
	Allocation - Taxation, is hereby appropriated to pay for the			102195
	state's costs incurred due to the Homestead Exemption, the			102196
	Manufactured Home Property Tax Rollback, and the Property Tax			102197
	Rollback. The Tax Commissioner shall distribute these funds			102198
	directly to the appropriate local taxing districts, except for			102199
	school districts, notwithstanding the provisions in sections			102200
	321.24 and 323.156 of the Revised Code, which provide for payment			102201
	of the Homestead Exemption, the Manufactured Home Property Tax			102202
	Rollback, and Property Tax Rollback by the Tax Commissioner to the			102203
	appropriate county treasurer and the subsequent redistribution of			102204
	these funds to the appropriate local taxing districts by the			102205
	county auditor.			102206
	Upon receipt of these amounts, each local taxing district			102207
	shall distribute the amount among the proper funds as if it had			102208
	been paid as real property taxes. Payments for the costs of			102209
	administration shall continue to be paid to the county treasurer			102210
	and county auditor as provided for in sections 319.54, 321.26, and			102211
	323.156 of the Revised Code.			102212
	Any sums, in addition to the amounts specifically			102213
	appropriated in appropriation item 110901, Property Tax Allocation			102214

- Taxation, for the Homestead Exemption, the Manufactured Home
Property Tax Rollback, and the Property Tax Rollback payments,
which are determined to be necessary for these purposes, are
hereby appropriated.

MUNICIPAL INCOME TAX

The foregoing appropriation item 110995, Municipal Income
Tax, shall be used to make payments to municipal corporations
under section 5745.05 of the Revised Code. If it is determined
that additional appropriations are necessary to make such
payments, such amounts are hereby appropriated.

TAX REFUNDS

The foregoing appropriation item 110635, Tax Refunds, shall
be used to pay refunds under section 5703.052 of the Revised Code.
If it is determined that additional appropriations are necessary
for this purpose, such amounts are hereby appropriated.

INTERNATIONAL REGISTRATION PLAN AUDIT

The foregoing appropriation item 110616, International
Registration Plan, shall be used under section 5703.12 of the
Revised Code for audits of persons with vehicles registered under
the International Registration Plan.

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT

Of the foregoing appropriation item 110607, Local Tax
Administration, the Tax Commissioner may disburse funds, if
available, for the purposes of paying travel expenses incurred by
members of Ohio's delegation to the Streamlined Sales Tax Project,
as appointed under section 5740.02 of the Revised Code. Any travel
expense reimbursement paid for by the Department of Taxation shall
be done in accordance with applicable state laws and guidelines.

CENTRALIZED TAX FILING AND PAYMENT FUND

The Director of Budget and Management, under a plan submitted

by the Tax Commissioner, or as otherwise determined by the 102245
Director of Budget and Management, shall set a schedule to 102246
transfer cash from the General Revenue Fund to the credit of the 102247
Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers 102248
of cash shall not exceed \$400,000 in the biennium. 102249

TOBACCO SETTLEMENT ENFORCEMENT 102250

The foregoing appropriation item 110404, Tobacco Settlement 102251
Enforcement, shall be used by the Tax Commissioner to pay costs 102252
incurred in the enforcement of divisions (F) and (G) of section 102253
5743.03 of the Revised Code. 102254

LOCAL GOVERNMENT PROPERTY TAX REPLACEMENT - BUSINESS 102255

Notwithstanding section 5751.22(A)(1)(b) of the Revised Code, 102256
payments to local taxing units by May 31, 2011, required by 102257
section 5751.22(C) of the Revised Code shall be in an amount equal 102258
to each of the losses determined under division (D) of section 102259
5751.20 of the Revised Code multiplied by one hundred per cent. 102260

Section 399.20. COMMERCIAL ACTIVITY TAX 102261

(A) Any term used in this section has the same meaning as in 102262
section 5751.01 of the Revised Code. 102263

(B)(1) A person is not required to pay the annual minimum 102264
commercial activity tax due for calendar year 2005 or 2006 under 102265
Chapter 5751. of the Revised Code if the person satisfies all of 102266
the following: 102267

(a) The person was not subject to the tax for those years 102268
because the person did not have nexus with this state or was an 102269
excluded person under division (E)(1) of section 5751.01 of the 102270
Revised Code; 102271

(b) The person erroneously registered for the tax and failed 102272
to cancel the registration before May 10, 2006; 102273

(c) The person canceled its commercial activity tax 102274
 registration before February 10, 2007, and was not required to 102275
 file the returns and pay the annual minimum tax due February 9, 102276
 2007, February 9, 2008, or February 9, 2009. 102277

(2) Notwithstanding division (E) of section 5751.08 of the 102278
 Revised Code, if a person satisfying divisions (B)(1)(a), (b), and 102279
 (c) of this section paid the tax due for calendar year 2005 or 102280
 2006 after being contacted by the Department of Taxation, the 102281
 person may request a refund of the amount paid for that year under 102282
 that section. 102283

(C) The Tax Commissioner shall cancel the registration of 102284
 each such person for which the registration has not yet been 102285
 canceled. 102286

Section 401.10. DOT DEPARTMENT OF TRANSPORTATION 102287

General Revenue Fund 102288

GRF 775451 Public Transportation \$ 12,715,697 \$ 12,715,697 102289
 - State

GRF 776465 Ohio Rail Development \$ 2,932,000 \$ 2,932,000 102290
 Commission

GRF 776668 Transportation \$ 1,352,403 \$ 1,243,338 102291
 Operating - Federal
 Stimulus

TOTAL GRF General Revenue Fund \$ 17,000,100 \$ 16,891,035 102292

TOTAL ALL BUDGET FUND GROUPS \$ 17,000,100 \$ 16,891,035 102293

Section 403.10. TOS TREASURER OF STATE 102295

General Revenue Fund 102296

GRF 090321 Operating Expenses \$ 8,281,875 \$ 8,281,875 102297

GRF 090401 Office of the Sinking \$ 537,223 \$ 537,223 102298
 Fund 102299

GRF 090402 Continuing Education \$ 403,959 \$ 403,959 102300

GRF 090524	Police and Fire	\$	8,000	\$	7,500	102301
	Disability Pension					102302
	Fund					
GRF 090534	Police and Fire Ad Hoc	\$	95,000	\$	90,000	102303
	Cost					
	of Living					102304
GRF 090554	Police and Fire	\$	720,000	\$	680,000	102305
	Survivor					
	Benefits					102306
GRF 090575	Police and Fire Death	\$	20,000,000	\$	20,000,000	102307
	Benefits					102308
TOTAL GRF General Revenue Fund		\$	30,046,057	\$	30,000,557	102309
General Services Fund Group						102310
4E90 090603	Securities Lending	\$	4,200,000	\$	4,200,000	102311
	Income					
5770 090605	Investment Pool	\$	550,000	\$	550,000	102312
	Reimbursement					102313
5C50 090602	County Treasurer	\$	150,000	\$	150,000	102314
	Education					
6050 090609	Treasurer of State	\$	185,000	\$	185,000	102315
	Administrative Fund					102316
TOTAL GSF General Services						102317
Fund Group		\$	5,085,000	\$	5,085,000	102318
Agency Fund Group						102319
4250 090635	Tax Refunds	\$	31,000,000	\$	31,000,000	102320
TOTAL Agency Fund Group		\$	31,000,000	\$	31,000,000	102321
TOTAL ALL BUDGET FUND GROUPS		\$	66,131,057	\$	66,085,557	102322

Section 403.20. OFFICE OF THE SINKING FUND 102324

The foregoing appropriation item 090401, Office of the 102325
Sinking Fund, shall be used for costs incurred by or on behalf of 102326
the Commissioners of the Sinking Fund and the Ohio Public 102327

Facilities Commission with respect to State of Ohio general 102328
obligation bonds or notes, and the Treasurer of State with respect 102329
to State of Ohio general obligation and special obligation bonds 102330
or notes, including, but not limited to, printing, advertising, 102331
delivery, rating fees and the procurement of ratings, professional 102332
publications, membership in professional organizations, and other 102333
services referred to in division (D) of section 151.01 of the 102334
Revised Code. The General Revenue Fund shall be reimbursed for 102335
such costs relating to the issuance and administration of Highway 102336
Capital Improvement bonds or notes authorized under Ohio 102337
Constitution, Article VIII, Section 2m and Chapter 151. of the 102338
Revised Code. That reimbursement shall be made from appropriation 102339
item 155902, Highway Capital Improvement Bond Retirement Fund, by 102340
intrastate transfer voucher pursuant to a certification by the 102341
Office of the Sinking Fund of the actual amounts used. The amounts 102342
necessary to make such a reimbursement are hereby appropriated 102343
from the Highway Capital Improvement Bond Retirement Fund created 102344
in section 151.06 of the Revised Code. 102345

POLICE AND FIRE DEATH BENEFIT FUND 102346

The foregoing appropriation item 090575, Police and Fire 102347
Death Benefits, shall be disbursed quarterly by the Treasurer of 102348
State at the beginning of each quarter of each fiscal year to the 102349
Board of Trustees of the Ohio Police and Fire Pension Fund. The 102350
Treasurer of State shall certify such amounts quarterly to the 102351
Director of Budget and Management. By the twentieth day of June of 102352
each fiscal year, the Board of Trustees of the Ohio Police and 102353
Fire Pension Fund shall certify to the Treasurer of State the 102354
amount disbursed in the current fiscal year to make the payments 102355
required by section 742.63 of the Revised Code and shall return to 102356
the Treasurer of State moneys received from this appropriation 102357
item but not disbursed. 102358

TAX REFUNDS 102359

The foregoing appropriation item 090635, Tax Refunds, shall 102360
be used to pay refunds under section 5703.052 of the Revised Code. 102361
If the Director of Budget and Management determines that 102362
additional amounts are necessary for this purpose, such amounts 102363
are hereby appropriated. 102364

Section 405.10. TTA OHIO TUITION TRUST 102365

State Special Revenue Fund Group 102366

5P30 095602 Variable Savings \$ 6,175,707 \$ 6,156,515 102367
Plans

6450 095601 Guaranteed Savings \$ 842,959 \$ 862,150 102368
Plan

TOTAL SSR State Special Revenue 102369

Fund Group \$ 7,018,666 \$ 7,018,665 102370

TOTAL ALL BUDGET FUND GROUPS \$ 7,018,666 \$ 7,018,665 102371

FUND ABOLITION 102372

On July 1, 2009, or as soon as possible thereafter, the 102373
Director of Budget and Management shall transfer the cash balance 102374
in the Index Savings Plan Fund (Fund 5AM0) to the Variable Savings 102375
Fund (Fund 5P30). The Director shall cancel any existing 102376
encumbrances against appropriation item 095603, Index Savings 102377
Plan, and re-establish them against appropriation item 095602, 102378
Variable Savings Plans. The re-established encumbrance amounts are 102379
hereby appropriated. Upon completion of these transfers, Fund 5AM0 102380
is hereby abolished. 102381

On July 1, 2009, or as soon as possible thereafter, the 102382
Director of Budget and Management shall transfer the cash balance 102383
in the Banking Products Fund (Fund 5DC0) to the Variable College 102384
Savings Fund (Fund 5P30). The Director shall cancel any existing 102385
encumbrances against appropriation item 095604, Banking Products, 102386
and re-establish them against appropriation item 095602, Variable 102387
Savings Plans. The re-established encumbrance amounts are hereby 102388

appropriated. Upon completion of these transfers, Fund 5DC0 is 102389
hereby abolished. 102390

Section 407.10. VTO VETERANS' ORGANIZATIONS 102391

General Revenue Fund 102392

VAP AMERICAN EX-PRISONERS OF WAR 102393

GRF 743501 State Support \$ 27,533 \$ 27,533 102394

VAN ARMY AND NAVY UNION, USA, INC. 102395

GRF 746501 State Support \$ 60,513 \$ 60,513 102396

VKW KOREAN WAR VETERANS 102397

GRF 747501 State Support \$ 54,398 \$ 54,398 102398

VJW JEWISH WAR VETERANS 102399

GRF 748501 State Support \$ 32,687 \$ 32,687 102400

VCW CATHOLIC WAR VETERANS 102401

GRF 749501 State Support \$ 63,789 \$ 63,789 102402

VPH MILITARY ORDER OF THE PURPLE HEART 102403

GRF 750501 State Support \$ 62,015 \$ 62,015 102404

VVV VIETNAM VETERANS OF AMERICA 102405

GRF 751501 State Support \$ 204,549 \$ 204,549 102406

VAL AMERICAN LEGION OF OHIO 102407

GRF 752501 State Support \$ 332,561 \$ 332,561 102408

VII AMVETS 102409

GRF 753501 State Support \$ 316,711 \$ 316,711 102410

VAV DISABLED AMERICAN VETERANS 102411

GRF 754501 State Support \$ 237,939 \$ 237,939 102412

VMC MARINE CORPS LEAGUE 102413

GRF 756501 State Support \$ 127,569 \$ 127,569 102414

V37 37TH DIVISION AEF VETERANS' ASSOCIATION 102415

GRF 757501 State Support \$ 6,541 \$ 6,541 102416

VFW VETERANS OF FOREIGN WARS 102417

GRF 758501 State Support \$ 271,277 \$ 271,277 102418

TOTAL GRF General Revenue Fund \$ 1,798,082 \$ 1,798,082 102419

TOTAL ALL BUDGET FUND GROUPS		\$	1,798,082	\$	1,798,082	102420
RELEASE OF FUNDS						102421
The Director of Budget and Management may release the						102422
foregoing appropriation items 743501, 746501, 747501, 748501,						102423
749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,						102424
and 758501, State Support.						102425
Section 409.10. DVS DEPARTMENT OF VETERANS SERVICES						102426
General Revenue Fund						102427
GRF 900100 Personal Services		\$	25,219,282	\$	25,219,282	102428
GRF 900200 Maintenance		\$	4,427,264	\$	4,427,264	102429
GRF 900402 Hall of Fame		\$	118,750	\$	118,750	102430
GRF 900403 Veteran Record		\$	40,631	\$	40,631	102431
Conversion						
GRF 900408 Department of		\$	2,283,100	\$	2,283,100	102432
Veterans Services						
TOTAL GRF General Revenue Fund		\$	32,089,027	\$	32,089,027	102433
General Services Fund Group						102434
4840 900603 Veterans Home		\$	770,000	\$	850,000	102435
Services						
TOTAL GSF General Services Fund		\$	770,000	\$	850,000	102436
Group						
Federal Special Revenue Fund Group						102437
3680 900614 Veterans Training		\$	745,892	\$	745,892	102438
3740 900606 Troops to Teachers		\$	100,000	\$	100,000	102439
3BX0 900609 Medicare Services		\$	2,000,000	\$	2,200,000	102440
3L20 900601 Veterans Home		\$	16,979,245	\$	17,454,046	102441
Operations - Federal						
TOTAL FED Federal Special Revenue						102442
Fund Group		\$	19,825,137	\$	20,499,938	102443
State Special Revenue Fund Group						102444

4E20	900602	Veterans Home	\$	9,314,438	\$	9,780,751	102445
		Operating					
6040	900604	Veterans Home	\$	1,541,020	\$	1,700,000	102446
		Improvement					
TOTAL SSR State Special Revenue							102447
Fund Group			\$	10,855,458	\$	11,480,751	102448
TOTAL ALL BUDGET FUND GROUPS			\$	63,539,622	\$	64,919,716	102449
 Section 411.10. DVM STATE VETERINARY MEDICAL BOARD							102451
General Services Fund Group							102452
4K90	888609	Operating Expenses	\$	319,407	\$	319,407	102453
TOTAL GSF General Services							102454
Fund Group			\$	319,407	\$	319,407	102455
TOTAL ALL BUDGET FUND GROUPS			\$	319,407	\$	319,407	102456
 Section 413.10. DYS DEPARTMENT OF YOUTH SERVICES							102458
General Revenue Fund							102459
GRF	470401	RECLAIM Ohio	\$	201,695,971	\$	192,963,840	102460
GRF	470412	Lease Rental Payments	\$	23,460,900	\$	26,043,900	102461
GRF	470510	Youth Services	\$	18,558,587	\$	18,558,587	102462
GRF	470640	RECLAIM - Federal	\$	3,767,869	\$	0	102463
		Stimulus					
GRF	472321	Parole Operations	\$	13,400,020	\$	13,400,020	102464
GRF	477321	Administrative	\$	14,754,419	\$	14,754,419	102465
		Operations					
TOTAL GRF General Revenue Fund			\$	275,637,766	\$	265,720,766	102466
General Services Fund Group							102467
1750	470613	Education	\$	11,000,000	\$	11,000,000	102468
		Reimbursement					
4790	470609	Employee Food Service	\$	200,000	\$	150,000	102469
4A20	470602	Child Support	\$	450,000	\$	450,000	102470
4G60	470605	General Operational	\$	250,000	\$	250,000	102471

		Funds		
5BN0	470629	E-Rate Program	\$ 35,000	\$ 35,000 102472
TOTAL GSF General Services				102473
Fund Group			\$ 11,935,000	\$ 11,885,000 102474
Federal Special Revenue Fund Group				102475
3210	470601	Education	\$ 6,531,076	\$ 5,455,413 102476
3210	470603	Juvenile Justice Prevention	\$ 300,000	\$ 300,000 102477
3210	470606	Nutrition	\$ 2,750,000	\$ 2,750,000 102478
3210	470610	Rehabilitation Programs	\$ 36,000	\$ 36,000 102479
3210	470614	Title IV-E Reimbursements	\$ 6,000,000	\$ 6,000,000 102480
3BH0	470630	Federal Juvenile Programs FFY 06	\$ 50,000	\$ 0 102481
3BT0	470634	Federal Juvenile Programs	\$ 50,000	\$ 0 102482
3BY0	470635	Federal Juvenile Programs FFY 07	\$ 334,000	\$ 335,000 102483
3BZ0	470636	Federal Juvenile Programs FFY 08	\$ 653,350	\$ 570,700 102484
3CP0	470638	Federal Juvenile Programs FFY 09	\$ 500,000	\$ 500,000 102485
3CR0	470639	Federal Juvenile Programs FFY 10	\$ 0	\$ 500,000 102486
3V50	470604	Juvenile Justice/Delinquency Prevention	\$ 1,935,300	\$ 2,361,000 102487
3Z80	470625	Federal Juvenile Programs FFY 04	\$ 2,000	\$ 0 102488
3Z90	470626	Federal Juvenile Programs FFY 05	\$ 2,000	\$ 0 102489
TOTAL FED Federal Special Revenue				102490

Fund Group	\$	19,143,726	\$	18,808,113	102491
State Special Revenue Fund Group					102492
1470 470612 Vocational Education	\$	2,166,296	\$	2,788,906	102493
5BH0 470628 Partnerships for Success	\$	1,500,000	\$	1,500,000	102494
TOTAL SSR State Special Revenue					102495
Fund Group	\$	3,666,296	\$	4,288,906	102496
TOTAL ALL BUDGET FUND GROUPS	\$	310,382,788	\$	300,702,785	102497
OHIO BUILDING AUTHORITY LEASE PAYMENTS					102498
The foregoing appropriation item 470412, Lease Rental					102499
Payments, shall be used to meet all payments to the Ohio Building					102500
Authority for the period from July 1, 2009, to June 30, 2011,					102501
under the leases and agreements for facilities made under Chapter					102502
152. of the Revised Code. This appropriation is the source of					102503
funds pledged for bond service charges on related obligations					102504
issued pursuant to Chapter 152. of the Revised Code.					102505
EDUCATION REIMBURSEMENT					102506
The foregoing appropriation item 470613, Education					102507
Reimbursement, shall be used to fund the operating expenses of					102508
providing educational services to youth supervised by the					102509
Department of Youth Services. Operating expenses include, but are					102510
not limited to, teachers' salaries, maintenance costs, and					102511
educational equipment. This appropriation item may be used for					102512
capital expenses related to the education program.					102513
EMPLOYEE FOOD SERVICE AND EQUIPMENT					102514
Notwithstanding section 125.14 of the Revised Code, the					102515
foregoing appropriation item 470609, Employee Food Service, may be					102516
used to purchase any food operational items with funds received					102517
into the fund from reimbursements for state surplus property.					102518
Section 503.10. PERSONAL SERVICE EXPENSES					102519

Unless otherwise prohibited by law, any appropriation from 102520
which personal service expenses are paid shall bear the employer's 102521
share of public employees' retirement, workers' compensation, 102522
disabled workers' relief, and all group insurance programs; the 102523
costs of centralized accounting, centralized payroll processing, 102524
and related personnel reports and services; the cost of the Office 102525
of Collective Bargaining; the cost of the Employee Assistance 102526
Program; the cost of the affirmative action and equal employment 102527
opportunity programs administered by the Department of 102528
Administrative Services; the costs of interagency information 102529
management infrastructure; and the cost of administering the state 102530
employee merit system as required by section 124.07 of the Revised 102531
Code. These costs shall be determined in conformity with the 102532
appropriate sections of law and paid in accordance with procedures 102533
specified by the Office of Budget and Management. Expenditures 102534
from appropriation item 070601, Public Audit Expense - Local 102535
Government, may be exempted from the requirements of this section. 102536

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 102537
AGAINST THE STATE 102538

Except as otherwise provided in this section, an 102539
appropriation in this act or any other act may be used for the 102540
purpose of satisfying judgments, settlements, or administrative 102541
awards ordered or approved by the Court of Claims or by any other 102542
court of competent jurisdiction in connection with civil actions 102543
against the state. This authorization does not apply to 102544
appropriations to be applied to or used for payment of guarantees 102545
by or on behalf of the state, or for payments under lease 102546
agreements relating to, or debt service on, bonds, notes, or other 102547
obligations of the state. Notwithstanding any other statute to the 102548
contrary, this authorization includes appropriations from funds 102549
into which proceeds of direct obligations of the state are 102550
deposited only to the extent that the judgment, settlement, or 102551

administrative award is for, or represents, capital costs for 102552
which the appropriation may otherwise be used and is consistent 102553
with the purpose for which any related obligations were issued or 102554
entered into. Nothing contained in this section is intended to 102555
subject the state to suit in any forum in which it is not 102556
otherwise subject to suit, and is not intended to waive or 102557
compromise any defense or right available to the state in any suit 102558
against it. 102559

Section 503.30. CAPITAL PROJECT SETTLEMENTS 102560

This section specifies an additional and supplemental 102561
procedure to provide for payments of judgments and settlements if 102562
the Director of Budget and Management determines, pursuant to 102563
division (C)(4) of section 2743.19 of the Revised Code, that 102564
sufficient unencumbered moneys do not exist in the fund to support 102565
a particular appropriation to pay the amount of a final judgment 102566
rendered against the state or a state agency, including the 102567
settlement of a claim approved by a court, in an action upon and 102568
arising out of a contractual obligation for the construction or 102569
improvement of a capital facility if the costs under the contract 102570
were payable in whole or in part from a state capital projects 102571
appropriation. In such a case, the Director may either proceed 102572
pursuant to division (C)(4) of section 2743.19 of the Revised Code 102573
or apply to the Controlling Board to increase an appropriation or 102574
create an appropriation out of any unencumbered moneys in the 102575
state treasury to the credit of the capital projects fund from 102576
which the initial state appropriation was made. The amount of an 102577
increase in appropriation or new appropriation approved by the 102578
Controlling Board is hereby appropriated from the applicable 102579
capital projects fund and made available for the payment of the 102580
judgment or settlement. 102581

If the Director does not make the application authorized by 102582

this section or the Controlling Board disapproves the application, 102583
and the Director does not make application under division (C)(4) 102584
of section 2743.19 of the Revised Code, the Director shall for the 102585
purpose of making that payment make a request to the General 102586
Assembly as provided for in division (C)(5) of that section. 102587

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 102588

In order to provide funds for the reissuance of voided 102589
warrants under section 126.37 of the Revised Code, there is hereby 102590
appropriated, out of moneys in the state treasury from the fund 102591
credited as provided in section 126.37 of the Revised Code, that 102592
amount sufficient to pay such warrants when approved by the Office 102593
of Budget and Management. 102594

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 102595
BALANCES OF OPERATING APPROPRIATIONS 102596

(A) An unexpended balance of an operating appropriation or 102597
reappropriation that a state agency lawfully encumbered prior to 102598
the close of a fiscal year is hereby reappropriated on the first 102599
day of July of the following fiscal year from the fund from which 102600
it was originally appropriated or reappropriated for the following 102601
period and shall remain available only for the purpose of 102602
discharging the encumbrance: 102603

(1) For an encumbrance for personal services, maintenance, 102604
equipment, or items for resale, other than an encumbrance for an 102605
item of special order manufacture not available on term contract 102606
or in the open market or for reclamation of land or oil and gas 102607
wells, for a period of not more than five months from the end of 102608
the fiscal year; 102609

(2) For an encumbrance for an item of special order 102610
manufacture not available on term contract or in the open market, 102611
for a period of not more than five months from the end of the 102612

fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended or for a period of two years, whichever is less;

(4) For an encumbrance for any other expense, for such period as the Director approves, provided such period does not exceed two years.

(B) Any operating appropriations for which unexpended balances are reappropriated beyond a five-month period from the end of the fiscal year by division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report on each such item shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses, and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

(D) Notwithstanding division(C) of this section, with the approval of the Director of Budget and Management, an unexpended balance of an encumbrance that was reappropriated on the first day of July by this section for a period specified in division (A)(3) or (4) of this section and that remains encumbered at the close of the fiscal biennium is hereby reappropriated on the first day of July of the following fiscal biennium from the fund from which it was originally appropriated or reappropriated for the applicable

period specified in division (A)(3) or (4) of this section and 102644
shall remain available only for the purpose of discharging the 102645
encumbrance. 102646

(E) The Director of Budget and Management may correct 102647
accounting errors committed by the staff of the Office of Budget 102648
and Management, such as re-establishing encumbrances or 102649
appropriations cancelled in error, during the cancellation of 102650
operating encumbrances in November and of nonoperating 102651
encumbrances in December. 102652

(F) If the Controlling Board approved a purchase, that 102653
approval remains in effect so long as the appropriation used to 102654
make that purchase remains encumbered. 102655

Section 503.60. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 102656
RE-ESTABLISHMENT OF ENCUMBRANCES 102657

Any cash transferred by the Director of Budget and Management 102658
under section 126.15 of the Revised Code is hereby appropriated. 102659
Any amounts necessary to re-establish appropriations or 102660
encumbrances under section 126.15 of the Revised Code are hereby 102661
appropriated. 102662

Section 503.70. INCOME TAX DISTRIBUTION TO COUNTIES 102663

There are hereby appropriated out of any moneys in the state 102664
treasury to the credit of the General Revenue Fund, which are not 102665
otherwise appropriated, funds sufficient to make any payment 102666
required by division (B)(2) of section 5747.03 of the Revised 102667
Code. 102668

Section 503.80. EXPENDITURES AND APPROPRIATION INCREASES 102669
APPROVED BY THE CONTROLLING BOARD 102670

Any money that the Controlling Board approves for expenditure 102671
or any increase in appropriation that the Controlling Board 102672

approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2011.

Section 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE

If the Governor's Residence Fund (Fund 4H20) receives payment for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.

Section 503.95. The Director of Transportation shall permit the construction of a curb cut on State Route 91, near Vine Street, in Lake County.

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows:

<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>	
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 134,631	\$ 134,631	102691 102692
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 887,445	\$ 920,372	102693
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 286,114	\$ 286,114	102694
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,413,889	\$ 1,415,945	102695

Section 506.20. Upon the written request of the Director of Public Safety, the Director of Budget and Management may make periodic transfers of cash totaling \$16,220,000 in each fiscal year from the Highway Operating Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036).

Section 509.10. (A) There is hereby created the Budget Planning and Management Commission, consisting of six members. The Speaker of the House of Representatives shall appoint three members of the House of Representatives, not more than two of whom shall be members of the same political party, and the President of the Senate shall appoint three members of the Senate, not more than two of whom shall be members of the same political party. The initial appointments shall be made not later than ninety days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments.

(B) The commission shall complete a study and make recommendations that are designed to provide relief to the state during the current difficult fiscal and economic period. In developing the recommendations, the commission shall do all of the following:

(1) Develop a strategy for managing one-time revenues received and appropriated by the state without raising taxes when those revenues are no longer available in fiscal year 2011;

(2) Determine whether to recommend establishing a statutory spending limit for one-time revenues at a level equal to a specific percentage of state spending.

(C) The commission shall appoint two of its members to serve as co-chairpersons for the commission. One co-chairperson shall be a member of the majority party of the House of Representatives, and one co-chairperson shall be a member of the majority party of

the Senate. Commission meetings shall take place at the call of 102726
the co-chairpersons of the commission. The commission shall 102727
conduct meetings during the period of July 1, 2009, through June 102728
30, 2010. 102729

(D) Not later than June 30, 2010, the commission shall submit 102730
a written report of its recommendations to the Speaker of the 102731
House of Representatives, the President of the Senate, and the 102732
Governor. The commission ceases to exist upon submission of its 102733
report. 102734

(E) The Legislative Service Commission shall provide 102735
technical, professional, and clerical support necessary for the 102736
Budget Planning and Management Commission to perform its duties. 102737

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 102738
INTEREST EARNED 102739

Notwithstanding any provision of law to the contrary, the 102740
Director of Budget and Management, through June 30, 2011, may 102741
transfer interest earned by any state fund to the General Revenue 102742
Fund. This section does not apply to funds whose source of revenue 102743
is restricted or protected by the Ohio Constitution, federal tax 102744
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 102745
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 102746

Section 512.30. GRF TRANSFER TO THE OAKS PROJECT 102747
IMPLEMENTATION FUND 102748

On July 1 of each fiscal year, or as soon as possible 102749
thereafter, the Director of Budget and Management shall transfer 102750
an amount not to exceed \$2,100,000 cash from the General Revenue 102751
Fund to the OAKS Project Implementation Fund (Fund 5N40). 102752

Section 512.40. TRANSFERS FROM THE BUDGET STABILIZATION FUND 102753

Notwithstanding any provision of law to the contrary, the 102754

Director of Budget and Management, in either year of the biennium, 102755
may transfer cash from the Budget Stabilization Fund to the 102756
General Revenue Fund in order to balance General Revenue Fund 102757
revenues with General Revenue Fund expenditures. Ten days before 102758
any such transfer, the Director shall notify the Governor, the 102759
Speaker of the House of Representatives, the President of the 102760
Senate, and the Minority Leaders of the House of Representatives 102761
and the Senate of the date and amount of the transfer and the cash 102762
balance remaining in the Budget Stabilization Fund. 102763

Section 512.50. TRANSFERS FROM EDUCATION FACILITIES TRUST AND 102764
PUBLIC SCHOOL BUILDING FUNDS TO GRF 102765

Notwithstanding any provision of law to the contrary, the 102766
Director of Budget and Management shall transfer a total of 102767
\$250,000,000 cash in either fiscal year 2010 or fiscal year 2011 102768
from the Education Facilities Trust Fund (Fund N087) and the 102769
Public School Building Fund (Fund 7021), which are used by the 102770
School Facilities Commission, to the General Revenue Fund. Not 102771
later than June 30, 2013, \$250,000,000 cash shall be deposited 102772
into a fund of the Commission, for the purpose of constructing or 102773
renovating school facilities pursuant to Chapter 3318. of the 102774
Revised Code. 102775

Section 512.60. CASH TRANSFERS TO THE GENERAL REVENUE FUND 102776
FROM NON-GRF FUNDS 102777

Notwithstanding any provision of law to the contrary, during 102778
fiscal years 2010 and 2011, the Director of Budget and Management 102779
may transfer cash from non-General Revenue Funds that are not 102780
constitutionally restricted to the General Revenue Fund in order 102781
to ensure that available General Revenue Fund receipts and 102782
balances are sufficient to support General Revenue Fund 102783
appropriations in each fiscal year. 102784

Before September 1 of each fiscal year, the Director of 102785
Budget and Management shall prepare quarterly estimates 102786
identifying funds in the state treasury from which cash transfers 102787
are to be made and the anticipated amount of these cash transfers. 102788
Beginning with the quarter ending September 30, 2009, and on a 102789
quarterly basis thereafter, the Director of Budget and Management 102790
shall prepare a summary comparing the estimated and actual amounts 102791
of these cash transfers by fund. This quarterly summary shall be 102792
included in the report required under section 126.05 of the 102793
Revised Code. 102794

Section 512.80. GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE 102795
INTRA-STATE FUND 102796

On July 1, 2009, or as soon as possible thereafter, the 102797
Director of Budget and Management shall transfer \$400,900 cash 102798
from the General Revenue Fund to the Public Audit Expense 102799
Intra-State Fund (Fund 1090). The amounts transferred are hereby 102800
appropriated to help pay for expenses incurred in the Auditor of 102801
State's role relating to fiscal caution, fiscal watch, and fiscal 102802
emergency activities as defined in Chapter 3316. of the Revised 102803
Code and for performance audits for school districts in fiscal 102804
distress. 102805

Section 515.10. On and after the effective date of section 102806
3354.24 of the Revised Code as enacted by Sub. H.B. 1 of the 128th 102807
General Assembly: 102808

(A) The board of trustees of the Eastern Gateway Community 102809
College District (the District) shall have the powers and duties 102810
formerly prescribed as powers and duties of the board of trustees 102811
of the Jefferson County Community College District and any 102812
additional powers and duties granted or imposed by law. 102813

(B) The board of trustees of the District assumes the 102814

obligations of, and is the successor to and continuation of, the 102815
board of trustees of the Jefferson County Community College 102816
District. 102817

(C) Any business commenced but not completed by the board of 102818
trustees of the Jefferson County Community College District shall 102819
be completed by the board of trustees of the District in the same 102820
manner, and with the same effect, as if completed by the board of 102821
trustees of the Jefferson County Community College District. No 102822
validation, cure, right, privilege, remedy, obligation, or 102823
liability is lost or impaired by reason of the enactment by this 102824
act of this section and section 3354.24 of the Revised Code. 102825

(D) Rules of the board of trustees of the Jefferson County 102826
Community College District shall continue as rules for the board 102827
of trustees of the District until amended or rescinded by the 102828
board of trustees of the District. 102829

(E) Any reference in statute, rule, contract, grant, or other 102830
document to the board of trustees of the Jefferson County 102831
Community College District shall be construed to refer to the 102832
board of trustees of the District. 102833

(F) No judicial, administrative, or other proceeding to which 102834
the board of trustees of the Jefferson County Community College 102835
District is a party and that is pending on the effective date of 102836
this section shall be affected by the enactment by this act of 102837
this section and section 3354.24 of the Revised Code. Upon 102838
application to the court or other tribunal, the board of trustees 102839
of the District shall be substituted for the board of trustees of 102840
the Jefferson County Community College District as a party to the 102841
action or proceeding, and the action shall be prosecuted or 102842
defended in the name of the board of trustees of the District. 102843

(G) All books, records, documents, files, transcripts, 102844
equipment, furniture, supplies, and other materials assigned to or 102845

possessed by the board of trustees of the Jefferson County
Community College District shall be transferred to the board of
trustees of the District.

(H) The employees of the board of trustees of the Jefferson
County Community College District shall be employees of the board
of trustees of the District.

Section 515.20. On the effective date of this section, the
duties, responsibilities, and functions of the Ohio Board of
Regents under sections 4741.41, 4741.44, 4741.45, and 4741.46 of
the Revised Code and its assets and liabilities under those
sections are transferred to the State Veterinary Medical Licensing
Board. The State Veterinary Medical Licensing Board assumes the
obligations and authority of the Ohio Board of Regents with regard
to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the Revised
Code. No right, privilege, or remedy, and no duty, liability, or
obligation, accrued by the Ohio Board of Regents under sections
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code is
impaired or lost by reason of the transfer and shall be
recognized, administered, performed, or enforced by the State
Veterinary Medical Licensing Board.

Business commenced but not completed by the Ohio Board of
Regents with regard to sections 4741.41, 4741.44, 4741.45, and
4741.46 of the Revised Code shall be completed by the State
Veterinary Medical Licensing Board in the same manner, and with
the same effect, as if completed by the Ohio Board of Regents.

All determinations of the Ohio Board of Regents that are made
pursuant to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the
Revised Code continue in effect as determinations of the State
Veterinary Medical Licensing Board until modified or rescinded by
the State Veterinary Medical Licensing Board.

Whenever the Ohio Board of Regents is referred to in statute,

contract, or other instrument for the purposes of sections 102877
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code, the 102878
reference is deemed to refer to the State Veterinary Medical 102879
Licensing Board. 102880

No pending action or proceeding being prosecuted or defended 102881
in court or before any agency by the Ohio Board of Regents for the 102882
purposes of sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 102883
Revised Code is affected by the transfer and shall be prosecuted 102884
or defended in the name of the State Veterinary Medical Licensing 102885
Board. Upon application to the court or agency, the State 102886
Veterinary Medical Licensing Board shall be substituted as a 102887
party. 102888

Section 515.30. On the effective date of this section, the 102889
Division of Soil and Water Conservation in the Department of 102890
Natural Resources is renamed the Division of Soil and Water 102891
Resources. The Division of Soil and Water Conservation's 102892
functions, and its assets and liabilities, are transferred to the 102893
Division of Soil and Water Resources. The Division of Soil and 102894
Water Resources is successor to, assumes the obligations and 102895
authority of, and otherwise continues the Division of Soil and 102896
Water Conservation. No right, privilege, or remedy, and no duty, 102897
liability, or obligation, accrued under the Division of Soil and 102898
Water Conservation is impaired or lost by reason of the renaming 102899
and shall be recognized, administered, performed, or enforced by 102900
the Division of Soil and Water Resources. 102901

Business commenced but not completed by the Division of Soil 102902
and Water Conservation or by the Chief of the Division of Soil and 102903
Water Conservation shall be completed by the Division of Soil and 102904
Water Resources or the Chief of the Division of Soil and Water 102905
Resources in the same manner, and with the same effect, as if 102906
completed by the Division of Soil and Water Conservation or the 102907

Chief of the Division of Soil and Water Conservation. 102908

All of the Division of Soil and Water Conservation's rules, 102909
orders, and determinations continue in effect as rules, orders, 102910
and determinations of the Division of Soil and Water Resources 102911
until modified or rescinded by the Division of Soil and Water 102912
Resources. 102913

Subject to the layoff provisions of sections 124.321 to 102914
124.382 of the Revised Code, all employees of the Division of Soil 102915
and Water Conservation continue with the Division of Soil and 102916
Water Resources and retain their positions and all benefits 102917
accruing thereto. 102918

The Director of Budget and Management shall determine the 102919
amount of unexpended balances in the appropriation accounts that 102920
pertain to the Division of Soil and Water Conservation and shall 102921
recommend to the Controlling Board their transfer to the 102922
appropriation accounts that pertain to the Division of Soil and 102923
Water Resources. The Chief of the Division of Soil and Water 102924
Conservation shall provide full and timely information to the 102925
Controlling Board to facilitate the transfer. 102926

Whenever the Division of Soil and Water Conservation or the 102927
Chief of the Division of Soil and Water Conservation is referred 102928
to in a statute, contract, or other instrument, the reference is 102929
deemed to refer to the Division of Soil and Water Resources or to 102930
the Chief of the Division of Soil and Water Resources, whichever 102931
is appropriate in context. 102932

No pending action or proceeding being prosecuted or defended 102933
in court or before an agency by the Division of Soil and Water 102934
Conservation or the Chief of the Division of Soil and Water 102935
Conservation is affected by the renaming and shall be prosecuted 102936
or defended in the name of the Division of Soil and Water 102937
Resources or the Chief of the Division of Soil and Water 102938

Resources, whichever is appropriate. Upon application to the court 102939
or agency, the Division of Soil and Water Resources or the Chief 102940
of the Division of Soil and Water Resources shall be substituted. 102941

Section 515.40. On the effective date of this section, the 102942
Division of Water in the Department of Natural Resources is 102943
abolished and its functions, and its assets and liabilities, are 102944
transferred to the Division of Soil and Water Resources and the 102945
Division of Parks and Recreation, as applicable, in the Department 102946
of Natural Resources. The Division of Soil and Water Resources and 102947
the Division of Parks and Recreation, as applicable, are 102948
successors to, assume the obligations and authority of, and 102949
otherwise continue the Division of Water. No right, privilege, or 102950
remedy, and no duty, liability, or obligation, accrued under the 102951
Division of Water is impaired or lost by reason of the abolishment 102952
and shall be recognized, administered, performed, or enforced by 102953
the Division of Soil and Water Resources or the Division of Parks 102954
and Recreation, whichever is applicable. 102955

Business commenced but not completed by the Division of Water 102956
or by the Chief of the Division of Water shall be completed by the 102957
Division of Soil and Water Resources or the Chief of the Division 102958
of Soil and Water Resources or by the Division of Parks and 102959
Recreation or the Chief of the Division of Parks and Recreation, 102960
whichever is applicable, in the same manner, and with the same 102961
effect, as if completed by the Division of Water or the Chief of 102962
the Division of Water. 102963

All of the Division of Water's rules, orders, and 102964
determinations continue in effect as rules, orders, and 102965
determinations of the Division of Soil and Water Resources or the 102966
Division of Parks and Recreation, whichever is applicable, until 102967
modified or rescinded by the Division of Soil and Water Resources 102968
or the Division of Parks and Recreation, as applicable. If 102969

necessary to ensure the integrity of the numbering of the 102970
Administrative Code, the Director of the Legislative Service 102971
Commission shall renumber the Division of Water's rules to reflect 102972
their transfer to the Division of Soil and Water Resources or to 102973
the Division of Parks and Recreation, as applicable. 102974

Subject to the layoff provisions of sections 124.321 to 102975
124.382 of the Revised Code, all employees of the Division of 102976
Water are transferred to the Division of Soil and Water Resources 102977
or to the Division of Parks and Recreation, as applicable, and 102978
retain their positions and all benefits accruing thereto. 102979

The Director of Budget and Management shall determine the 102980
amount of unexpended balances in the appropriation accounts that 102981
pertain to the Division of Water and shall recommend to the 102982
Controlling Board their transfer to the appropriation accounts 102983
that pertain to the Division of Soil and Water Resources or the 102984
Division of Parks and Recreation, as applicable. The Chief of the 102985
Division of Water shall provide full and timely information to the 102986
Controlling Board to facilitate the transfer. 102987

Whenever the Division of Water or the Chief of the Division 102988
of Water is referred to in a statute, contract, or other 102989
instrument, the reference is deemed to refer to the Division of 102990
Soil and Water Resources or to the Chief of the Division of Soil 102991
and Water Resources or to the Division of Parks and Recreation or 102992
to the Chief of the Division of Parks and Recreation, whichever is 102993
appropriate in context. 102994

No pending action or proceeding being prosecuted or defended 102995
in court or before an agency by the Division of Water or the Chief 102996
of the Division of Water is affected by the abolishment and shall 102997
be prosecuted or defended in the name of the Division of Soil and 102998
Water Resources or the Chief of the Division of Soil and Water 102999
Resources or of the Division of Parks and Recreation or the Chief 103000
of the Division of Parks and Recreation, whichever is appropriate. 103001

Upon application to the court or agency, the Division of Soil and 103002
Water Resources or the Chief of the Division of Soil and Water 103003
Resources or the Division of Parks and Recreation or the Chief of 103004
the Division of Parks and Recreation, whichever is applicable, 103005
shall be substituted. 103006

Section 515.50. On the effective date of this section, the 103007
Division of Real Estate and Land Management in the Department of 103008
Natural Resources is abolished and its functions, and its assets 103009
and liabilities, are transferred to the Director of Natural 103010
Resources, to the Division of Engineering, and to the Division of 103011
Parks and Recreation, as applicable, in the Department of Natural 103012
Resources. The Director of Natural Resources, the Division of 103013
Engineering, and the Division of Parks and Recreation are 103014
successors to, assume the obligations and authority of, and 103015
otherwise continue the Division of Real Estate and Land 103016
Management. No right, privilege, or remedy, and no duty, 103017
liability, or obligation, accrued under the Division of Real 103018
Estate and Land Management is impaired or lost by reason of the 103019
abolishment and shall be recognized, administered, performed, or 103020
enforced by the Director of Natural Resources, the Division of 103021
Engineering, and the Division of Parks and Recreation, whichever 103022
is applicable. 103023

Business commenced but not completed by the Division of Real 103024
Estate and Land Management or by the Chief of the Division of Real 103025
Estate and Land Management shall be completed by the Director of 103026
Natural Resources, by the Division of Engineering or the Chief 103027
Engineer, or by the Division of Parks and Recreation or the Chief 103028
of the Division of Parks and Recreation, whichever is applicable, 103029
in the same manner, and with the same effect, as if completed by 103030
the Division of Real Estate and Land Management or the Chief of 103031
the Division of Real Estate and Land Management. 103032

All of the Division of Real Estate and Land Management's 103033
rules, orders, and determinations continue in effect as rules, 103034
orders, and determinations of the Director of Natural Resources, 103035
the Division of Engineering, or the Division of Parks and 103036
Recreation, whichever is applicable, until modified or rescinded 103037
by the Director of Natural Resources, the Division of Engineering, 103038
or the Division of Parks and Recreation, as applicable. If 103039
necessary to ensure the integrity of the numbering of the 103040
Administrative Code, the Director of the Legislative Service 103041
Commission shall renumber the Division of Real Estate and Land 103042
Management's rules to reflect their transfer to the Director of 103043
Natural Resources, to the Division of Engineering, or to the 103044
Division of Parks and Recreation, as applicable. 103045

Subject to the layoff provisions of sections 124.321 to 103046
124.382 of the Revised Code, all employees of the Division of Real 103047
Estate and Land Management are transferred to the office of the 103048
Director of Natural Resources, the Division of Engineering, or the 103049
Division of Parks and Recreation, as applicable, and retain their 103050
positions and all benefits accruing thereto. 103051

The Director of Budget and Management shall determine the 103052
amount of unexpended balances in the appropriation accounts that 103053
pertain to the Division of Real Estate and Land Management and 103054
shall recommend to the Controlling Board their transfer to the 103055
appropriation accounts that pertain to the Director of Natural 103056
Resources, the Division of Engineering, or the Division of Parks 103057
and Recreation, as applicable. The Chief of the Division of Real 103058
Estate and Land Management shall provide full and timely 103059
information to the Controlling Board to facilitate the transfer. 103060

Whenever the Division of Real Estate and Land Management or 103061
the Chief of the Division of Real Estate and Land Management is 103062
referred to in a statute, contract, or other instrument, the 103063
reference is deemed to refer to the Director of Natural Resources, 103064

to the Division of Engineering or the Chief Engineer, or to the 103065
Division of Parks and Recreation or the Chief of the Division of 103066
Parks and Recreation, whichever is appropriate in context. 103067

No pending action or proceeding being prosecuted or defended 103068
in court or before an agency by the Division of Real Estate and 103069
Land Management or the Chief of the Division of Real Estate and 103070
Land Management is affected by the abolishment and shall be 103071
prosecuted or defended in the name of the Department of Natural 103072
Resources or the Director of Natural Resources, of the Division of 103073
Engineering or the Chief Engineer, or of the Division of Parks and 103074
Recreation or the Chief of the Division of Parks and Recreation, 103075
whichever is appropriate. Upon application to the court or agency, 103076
the Department of Natural Resources or the Director of Natural 103077
Resources, the Division of Engineering or the Chief Engineer, or 103078
the Division of Parks and Recreation or the Chief of the Division 103079
of Parks and Recreation, whichever is applicable, shall be 103080
substituted. 103081

Section 515.60. (A) On the effective date of this section, 103082
the functions, duties, and responsibilities of the Department of 103083
Agriculture under sections 3717.01 to 3717.33 and 3717.48 of the 103084
Revised Code, as those sections existed prior to their amendment 103085
by this act, are transferred to the Department of Health. The 103086
Department of Health assumes the obligations and authority of the 103087
Department of Agriculture under those sections as amended by this 103088
act. No right, privilege, or remedy and no duty, liability, or 103089
obligation accrued under those sections prior to their amendment 103090
by this act is impaired or lost by the transfer and shall be 103091
recognized, administered, performed, or enforced by the Department 103092
of Health. 103093

(B) Business that has been commenced but not completed prior 103094
to the effective date of this section by the Department of 103095

Agriculture or the Director of Agriculture pursuant to sections 103096
3717.01 to 3717.33 and 3717.48 of the Revised Code, as those 103097
sections existed prior to their amendment by this act, shall be 103098
completed by the Department of Health or the Director of Health in 103099
the same manner, and with the same effect, as if completed by the 103100
Department of Agriculture or the Director of Agriculture. 103101

(C) All of the rules adopted by the Director of Agriculture 103102
under sections 3717.05 and 3717.33 of the Revised Code and all of 103103
the orders and determinations of the Director issued or made under 103104
sections 3717.01 to 3717.33 and 3717.48 of the Revised Code, as 103105
all of those sections existed prior to their amendment by this 103106
act, continue in effect as rules, orders, and determinations of 103107
the Director of Health until modified or rescinded by the Director 103108
of Health. 103109

(D) All joint letters of opinion that have been issued by the 103110
Director of Agriculture and the Director of Health in accordance 103111
with section 3717.041 of the Revised Code, as that section existed 103112
prior to its amendment by this act, continue in effect as letters 103113
of opinion of the Director of Health until modified or rescinded 103114
by the Director of Health. 103115

(E) Subject to the layoff provisions of sections 124.321 to 103116
124.382 of the Revised Code, all employees of the Department of 103117
Agriculture that are employed prior to the effective date of this 103118
section to administer and enforce sections 3717.01 to 3717.33 and 103119
3717.48 of the Revised Code, as those sections existed prior to 103120
their amendment by this act, continue with the Department of 103121
Health and retain their positions and all benefits accruing 103122
thereto. 103123

(F) The Director of Budget and Management shall determine the 103124
amount of unexpended balances in the appropriation accounts that 103125
pertain to the Department of Agriculture pursuant to sections 103126
3717.01 to 3717.33 and 3717.48 of the Revised Code, as those 103127

sections existed prior to their amendment by this act, and shall 103128
recommend to the Controlling Board their transfer to the General 103129
Revenue Fund. The Director of Agriculture shall provide full and 103130
timely information to the Controlling Board to facilitate the 103131
transfer. 103132

(G) Whenever the Department of Agriculture or the Director of 103133
Agriculture is referred to in a contract or other instrument, the 103134
reference is deemed to refer to the Department of Health or to the 103135
Director of Health, whichever is appropriate in context. 103136

(H) No pending action or proceeding being prosecuted or 103137
defended in court or before an agency by the Department of 103138
Agriculture or the Director of Agriculture pursuant to sections 103139
3717.01 to 3717.33 and 3717.48 of the Revised Code, as those 103140
sections existed prior to their amendment by this act, is affected 103141
by the transfer of authority to administer and enforce those 103142
sections, as amended by this act, by the Department of Health or 103143
the Director of Health and shall be prosecuted or defended in the 103144
name of the Department of Health or the Director of Health, 103145
whichever is appropriate. Upon application to the court or agency, 103146
the Department of Health or the Director of Health shall be 103147
substituted. 103148

(I) Any appointed member of the Retail Food Safety Advisory 103149
Council created in section 3717.021 of the Revised Code who is 103150
serving on the Council on the effective date of this section shall 103151
remain in office for the remainder of the member's term unless the 103152
member resigns or is removed from office in accordance with that 103153
section. Subsequent appointments to the Council shall be made in 103154
accordance with section 3717.021 of the Revised Code as amended by 103155
this act. 103156

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 103157

Certain appropriations are in this act for the purpose of 103158

paying debt service and financing costs on general obligation 103159
bonds or notes of the state issued pursuant to the Ohio 103160
Constitution and acts of the General Assembly. If it is determined 103161
that additional appropriations are necessary for this purpose, 103162
such amounts are hereby appropriated. 103163

Section 518.20. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 103164
STATE 103165

Certain appropriations are in this act for the purpose of 103166
making lease rental payments pursuant to leases and agreements 103167
relating to bonds or notes issued by the Ohio Building Authority 103168
or the Treasurer of State or, previously, by the Ohio Public 103169
Facilities Commission, pursuant to the Ohio Constitution and acts 103170
of the General Assembly. If it is determined that additional 103171
appropriations are necessary for this purpose, such amounts are 103172
hereby appropriated. 103173

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 103174
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 103175

The Office of Budget and Management shall process payments 103176
from general obligation and lease rental payment appropriation 103177
items during the period from July 1, 2009, to June 30, 2011, 103178
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 103179
2n, 2o, 2p, 2q, and 15 of Article VIII, Ohio Constitution, and 103180
Chapters 151. and 154. of the Revised Code. Payments shall be made 103181
upon certification by the Treasurer of State, Office of the 103182
Sinking Fund, of the dates and the amounts due on those dates. 103183

Section 518.40. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 103184
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 103185

The Office of Budget and Management shall process payments 103186
from lease rental payment appropriation items during the period 103187

from July 1, 2009, to June 30, 2011, pursuant to the lease 103188
agreements entered into relating to bonds or notes issued under 103189
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of 103190
the Revised Code. Payments shall be made upon certification by the 103191
Ohio Building Authority of the dates and the amounts due on those 103192
dates. 103193

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 103194

There is hereby appropriated, from those funds designated by 103195
or pursuant to the applicable proceedings authorizing the issuance 103196
of state obligations, amounts computed at the time to represent 103197
the portion of investment income to be rebated or amounts in lieu 103198
of or in addition to any rebate amount to be paid to the federal 103199
government in order to maintain the exclusion from gross income 103200
for federal income tax purposes of interest on those state 103201
obligations under section 148(f) of the Internal Revenue Code. 103202

Rebate payments shall be approved and vouchered by the Office 103203
of Budget and Management. 103204

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 103205

Whenever the Director of Budget and Management determines 103206
that an appropriation made to a state agency from a fund of the 103207
state is insufficient to provide for the recovery of statewide 103208
indirect costs under section 126.12 of the Revised Code, the 103209
amount required for such purpose is hereby appropriated from the 103210
available receipts of such fund. 103211

Section 521.30. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 103212
INDIRECT COST ALLOCATION PLAN 103213

The total transfers made from the General Revenue Fund by the 103214
Director of Budget and Management under this section shall not 103215
exceed the amounts transferred into the General Revenue Fund under 103216

section 126.12 of the Revised Code. 103217

The director of an agency may certify to the Director of 103218
Budget and Management the amount of expenses not allowed to be 103219
included in the Statewide Indirect Cost Allocation Plan under 103220
federal regulations, from any fund included in the Statewide 103221
Indirect Cost Allocation Plan, prepared as required by section 103222
126.12 of the Revised Code. 103223

Upon determining that no alternative source of funding is 103224
available to pay for such expenses, the Director of Budget and 103225
Management may transfer from the General Revenue Fund into the 103226
fund for which the certification is made, up to the amount of the 103227
certification. The director of the agency receiving such funds 103228
shall include, as part of the next budget submission prepared 103229
under section 126.02 of the Revised Code, a request for funding 103230
for such activities from an alternative source such that further 103231
federal disallowances would not be required. 103232

Section 521.40. FISCAL YEAR 2009 GENERAL REVENUE FUND ENDING 103233
BALANCE 103234

Notwithstanding divisions (B) and (C) of section 131.44 of 103235
the Revised Code, all fiscal year 2009 surplus revenue in excess 103236
of the amount required under division (A)(3) of section 131.44 of 103237
the Revised Code shall remain in the General Revenue Fund. 103238

Section 521.45. GRF SPENDING REDUCTIONS 103239

To implement the Executive Order 2009-70S, the Director of 103240
Budget and Management shall reduce state agency General Revenue 103241
Fund account categories 510, 520, and 530 expenditures by a 103242
minimum of \$100,000,000 per fiscal year while preserving critical 103243
services of the state. 103244

Section 521.50. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 103245

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

Section 521.60. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

Section 521.70. FISCAL STABILIZATION AND RECOVERY

(A) To ensure the level of accountability and transparency required by federal law, the Director of Budget and Management may issue guidelines to any agency applying for federal money made available to this state for fiscal stabilization and recovery purposes, and may prescribe the process by which agencies are to comply with any reporting requirements established by the federal government.

(B) Notwithstanding any provision of law to the contrary, federal money received by or on behalf of this state for fiscal stabilization in support of elementary, secondary, and higher education, public safety, and any other government service shall be deposited into the state treasury to the credit of the General Revenue Fund. The federal money shall not be used as a match for the state's share of Medicaid.

(C) Federal money received by or on behalf of the state for

fiscal stabilization and recovery purposes in fiscal years 2010 103276
and 2011 shall not be used for purposes of the computation of debt 103277
service under division (D) of Section 17 of Article VIII, Ohio 103278
Constitution, and division (E) of section 126.16 of the Revised 103279
Code. 103280

Section 521.80. OVERSIGHT OF FEDERAL STIMULUS FUNDS 103281

The Office of Internal Audit within the Office of Budget and 103282
Management shall monitor and measure the effectiveness of funds 103283
allocated to the state as part of the federal American Recovery 103284
and Reinvestment Act of 2009. As part of its duties under this 103285
section, the Office of Internal Audit shall investigate how funds 103286
are allocated to each state agency and how the agency spends the 103287
funds. The Office of Internal Audit shall submit a report of its 103288
findings to the President of the Senate, Minority Leader of the 103289
Senate, Speaker of the House of Representatives, Minority Leader 103290
of the House of Representatives, and the Chairs of the committees 103291
in the Senate and House of Representatives handling finance and 103292
appropriations. The report shall be submitted every six months at 103293
the following intervals: 103294

(1) For the six-month period ending December 31, 2009, not 103295
later than February 1, 2010; 103296

(2) For the six-month period ending June 30, 2010, not later 103297
than August 1, 2010; 103298

(3) For the six-month period ending December 31, 2010, not 103299
later than February 1, 2011; 103300

(4) For the six-month period ending June 30, 2011, not later 103301
than August 1, 2011. 103302

Section 523.10. ADVANCED ENERGY RESEARCH AND DEVELOPMENT 103303

(A) All items set forth in this division are hereby 103304

appropriated, for fiscal years 2011 and 2012, the biennium ending 103305
on June 30, 2012, out of any moneys in the state treasury to the 103306
credit of the Advanced Energy Research and Development Taxable 103307
Fund (Fund 7004) derived from the proceeds of obligations 103308
heretofore authorized under section 166.11 of the Revised Code: 103309

AIR AIR QUALITY DEVELOPMENT AUTHORITY 103310

C89800 Advanced Energy Research and Development \$ 9,000,000 103311
Taxable

TOTAL Advanced Energy Research and Development \$ 9,000,000 103312
Taxable Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 9,000,000 103313

(B) All items set forth in this division are hereby 103314
appropriated, for fiscal years 2011 and 2012, the biennium ending 103315
on June 30, 2012, out of any moneys in the state treasury to the 103316
credit of the Advanced Energy Research and Development Fund (Fund 103317
7005) derived from the proceeds of obligations heretofore 103318
authorized under section 166.11 of the Revised Code: 103319

AIR AIR QUALITY DEVELOPMENT AUTHORITY 103320

C89801 Advanced Energy Research and Development \$ 19,000,000 103321
TOTAL Advanced Energy Research and Development \$ 19,000,000 103322

Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 19,000,000 103323

(C) The appropriation items C89800, Advanced Energy Research 103324
and Development Taxable, and C89801, Advanced Energy Research and 103325
Development, shall be used for advanced energy projects as 103326
provided in sections 3706.25 to 3706.30 of the Revised Code. 103327

(D) Expenditures from appropriations contained in this 103328
section may be accounted for as though made in the main capital 103329
appropriations act for the fiscal year 2011-2012 biennium enacted 103330
by the 128th General Assembly. The Air Quality Development 103331
Authority shall not expend any of the appropriations made in this 103332
section until after July 1, 2010. 103333

Section 601.10. That Sections 205.10, 309.10, 317.10, 321.10, 103334
325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th General 103335
Assembly be amended to read as follows: 103336

Sec. 205.10.		DPS DEPARTMENT OF PUBLIC SAFETY		103337
State Highway Safety Fund Group				103338
4W40	762321	Operating Expense - BMV	\$ 85,145,103 \$ 89,005,103	103339
4W40	762410	Registrations Supplement	\$ 31,753,145 \$ 32,480,610	103340
5V10	762682	License Plate Contributions	\$ 2,100,000 \$ 2,100,000	103341
7036	761321	Operating Expense - Information and Education	\$ 8,819,954 \$ 8,828,661	103342
7036	761401	Lease Rental Payments	\$ 13,337,000 \$ 11,836,200	103343
7036	764033	Minor Capital Projects	\$ 1,250,000 \$ 1,250,000	103344
7036	764321	Operating Expense - Highway Patrol	\$ 269,887,828 \$ 269,975,259	103345
7036	764605	Motor Carrier Enforcement Expenses	\$ 3,340,468 \$ 3,340,468	103346
8300	761603	Salvage and Exchange - Administration	\$ 20,800 \$ 21,632	103347
8310	761610	Information and Education - Federal	\$ 468,982 \$ 468,982	103348
8310	764610	Patrol - Federal	\$ 2,455,484 \$ 2,455,484	103349
8310	764659	Transportation Enforcement - Federal	\$ 6,132,592 \$ 6,132,592	103350
8310	765610	EMS - Federal	\$ 582,007 \$ 582,007	103351
8310	767610	Liquor Enforcement - Federal	\$ 514,184 \$ 514,184	103352

8310	769610	Food Stamp Trafficking Enforcement - Federal	\$	1,032,135	\$	1,032,135	103353
8310	769631	Homeland Security - Federal	\$	2,100,000	\$	2,184,000	103354
8320	761612	Traffic Safety - Federal	\$	16,577,565	\$	16,577,565	103355
8350	762616	Financial Responsibility Compliance	\$	6,063,600	\$	6,063,600	103356
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	103357
8380	764606	Patrol Reimbursement	\$	100,000	\$	100,000	103358
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	103359
83F0	764657	Law Enforcement Automated Data System	\$	10,984,978	\$	9,053,266	103360
83G0	764633	OMVI Enforcement/Education	\$	650,000	\$	650,000	103361
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	103362
83M0	765624	Operating Expense - Trauma and EMS	\$	2,915,113	\$	2,924,562	103363
83N0	761611	Elementary School Seat Belt Program	\$	390,000	\$	405,600	103364
83P0	765637	EMS Grants	\$	4,562,912	\$	4,562,912	103365
83R0	762639	Local Immobilization Reimbursement	\$	750,000	\$	750,000	103366
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	103367
8400	764607	State Fair Security	\$	1,396,283	\$	1,396,283	103368
8400	764617	Security and Investigations	\$	6,317,530	\$	6,432,686	103369
8400	764626	State Fairgrounds	\$	830,769	\$	849,883	103370

		Police Force					
8400	769632	Homeland Security -	\$	1,552,049	\$	1,614,131	103371
		Operating					
8410	764603	Salvage and Exchange	\$	1,339,399	\$	1,339,399	103372
		- Highway Patrol					
8440	761613	Seat Belt Education	\$	400,000	\$	400,000	103373
		Program					
8460	761625	Motorcycle Safety	\$	3,324,987	\$	3,538,903	103374
		Education					
8490	762627	Automated Title	\$	19,240,839	\$	19,240,839	103375
		Processing Board					
TOTAL HSF		State Highway Safety Fund	\$	520,633,559	\$	522,404,799	103376
Group							
General Services Fund Group							103377
4P60	768601	Justice Program	\$	1,070,962	\$	1,109,004	103378
		Services					
4S30	766661	Hilltop Utility	\$	520,000	\$	540,800	103379
		Reimbursement					
5ET0	768625	Drug Law Enforcement	\$	4,200,000	\$	4,200,000	103380
5Y10	764695	Highway Patrol	\$	280,820	\$	280,820	103381
		Continuing					
		Professional Training					
5Y10	767696	Investigative Unit	\$	15,000	\$	15,000	103382
		Continuing					
		Professional Training					
TOTAL GSF		General Services Fund	\$	6,086,782	\$	6,145,624	103383
Group							
Federal Special Revenue Fund Group							103384
3290	763645	Federal Mitigation	\$	10,801,636	\$	11,233,702	103385
		Program					
3370	763609	Federal Disaster	\$	27,707,636	\$	27,707,636	103386
		Relief					

3390	763647	Emergency Management Assistance and Training	\$	84,031,935	\$	84,072,023	103387
3AY0	768606	Federal Justice Grants	\$	1,020,000	\$	745,000	103388
3CB0	768691	Federal Justice Grants - FFY06	\$	920,000	\$	795,000	103389
3CC0	768609	Justice Assistance Grants - FFY07	\$	1,450,000	\$	1,215,000	103390
3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	36,146,492	\$	1,902,447	103391
<u>3DH0</u>	<u>768613</u>	<u>Federal Stimulus - Justice Programs</u>	\$	<u>4,404,597</u>	\$	<u>200,000</u>	103392
3L50	768604	Justice Program	\$	12,056,300	\$	12,056,300	103393
3N50	763644	U.S. Department of Energy Agreement	\$	31,358	\$	31,672	103394
TOTAL FED	Federal Special Revenue Fund Group		\$	174,165,357	\$	139,758,780	103395
				<u>178,569,954</u>		<u>139,958,780</u>	
	State Special Revenue Fund Group						103396
4V30	763662	EMA Service and Reimbursement	\$	4,474,751	\$	4,653,743	103397
5390	762614	Motor Vehicle Dealers Board	\$	200,000	\$	200,000	103398
5B90	766632	Private Investigator and Security Guard Provider	\$	1,341,478	\$	1,395,137	103399
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	103400
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	103401
5CM0	767691	Federal Investigative Seizure	\$	642,175	\$	642,175	103402

5DS0	769630	Homeland Security	\$	517,350	\$	538,044	103403
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	1,600,000	\$	2,750,000	103404
5FL0	769634	Investigations	\$	1,172,080	\$	1,195,522	103405
6220	767615	Investigative Contraband and Forfeiture	\$	375,000	\$	375,000	103406
6570	763652	Utility Radiological Safety	\$	1,413,889	\$	1,415,945	103407
6810	763653	SARA Title III HAZMAT Planning	\$	254,794	\$	262,438	103408
8500	767628	Investigative Unit Salvage	\$	100,000	\$	100,000	103409
TOTAL SSR		State Special Revenue Fund Group	\$	13,241,517	\$	14,678,004	103410
		Liquor Control Fund Group					103411
7043	767321	Liquor Enforcement - Operating	\$	12,007,894	\$	11,897,178	103412
TOTAL LCF		Liquor Control Fund Group	\$	12,007,894	\$	11,897,178	103413
		Agency Fund Group					103414
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	103415
TOTAL AGY		Agency Fund Group	\$	1,500,000	\$	1,500,000	103416
		Holding Account Redistribution Fund Group					103417
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	103418
R052	762623	Security Deposits	\$	350,000	\$	350,000	103419
TOTAL 090		Holding Account Redistribution Fund Group	\$	2,235,000	\$	2,235,000	103420
TOTAL ALL BUDGET FUND GROUPS			\$	729,870,109 <u>734,274,706</u>	\$	698,619,383 <u>698,819,383</u>	103421
		MOTOR VEHICLE REGISTRATION					103422

The Registrar of Motor Vehicles may deposit revenues to meet 103423
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 103424
4W40) established in section 4501.25 of the Revised Code, obtained 103425
under sections 4503.02 and 4504.02 of the Revised Code, less all 103426
other available cash. Revenue deposited pursuant to this paragraph 103427
shall support, in part, appropriations for operating expenses and 103428
defray the cost of manufacturing and distributing license plates 103429
and license plate stickers and enforcing the law relative to the 103430
operation and registration of motor vehicles. Notwithstanding 103431
section 4501.03 of the Revised Code, the revenues shall be paid 103432
into Fund 4W40 before any revenues obtained pursuant to sections 103433
4503.02 and 4504.02 of the Revised Code are paid into any other 103434
fund. The deposit of revenues to meet the aforementioned cash 103435
needs shall be in approximately equal amounts on a monthly basis 103436
or as otherwise determined by the Director of Budget and 103437
Management pursuant to a plan submitted by the Registrar of Motor 103438
Vehicles. 103439

CASH TRANSFERS FROM THE STATE BUREAU OF MOTOR VEHICLES FUND 103440

Notwithstanding any provision of law to the contrary, on July 103441
1, 2009, or as soon as possible thereafter, the Director of Budget 103442
and Management may transfer, from the Bureau of Motor Vehicles 103443
Fund (Fund 4W40), cash in the amounts of up to \$635,293 to the 103444
Justice Program Services Fund (Fund 4P60), up to \$3,284,464 to the 103445
EMA Service and Reimbursement Fund (Fund 4V30), and up to \$879,060 103446
to the Investigations Fund (Fund 5FL0). 103447

Notwithstanding any provision to the contrary, the Director 103448
of Budget and Management may make additional cash transfers in 103449
fiscal years 2010 and 2011 from the Bureau of Motor Vehicles Fund 103450
(Fund 4W40) to any of the following five funds if the Director of 103451
Public Safety determines that the cash balance is insufficient in 103452
those funds and requests the Director to make the transfer: the 103453
Justice Program Services Fund (Fund 4P60), the EMA Service and 103454

Reimbursement Fund (Fund 4V30), the Investigations Fund (Fund 103455
5FL0), the Homeland Security Fund (Fund 5DS0), and the Trauma and 103456
Emergency Medical Services Fund (Fund 83M0). 103457

CAPITAL PROJECTS 103458

The Registrar of Motor Vehicles may transfer cash from the 103459
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 103460
Highway Safety Fund (Fund 7036) to meet its obligations for 103461
capital projects CIR-047, Department of Public Safety Office 103462
Building and CIR-049, Warehouse Facility. 103463

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 103464

The foregoing appropriation item 761401, Lease Rental 103465
Payments, shall be used for payments to the Ohio Building 103466
Authority for the period July 1, 2009, to June 30, 2011, under the 103467
primary leases and agreements for public safety related buildings 103468
financed by obligations issued under Chapter 152. of the Revised 103469
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 103470
Building Authority may, with approval of the Director of Budget 103471
and Management, lease capital facilities to the Department of 103472
Public Safety. 103473

HILLTOP TRANSFER 103474

The Director of Public Safety shall determine, per an 103475
agreement with the Director of Transportation, the share of each 103476
debt service payment made out of appropriation item 761401, Lease 103477
Rental Payments, that relates to the Department of 103478
Transportation's portion of the Hilltop Building Project, and 103479
shall certify to the Director of Budget and Management the amounts 103480
of this share. The Director of Budget and Management shall 103481
transfer the amounts of such shares from the Highway Operating 103482
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036). 103483

CASH TRANSFERS OF SEAT BELT FINE REVENUES 103484

Notwithstanding any provision of law to the contrary, the Controlling Board, upon request of the Director of Public Safety, may approve the transfer of cash between the following four funds that receive fine revenues from enforcement of the mandatory seat belt law: the Trauma and Emergency Medical Services Fund (Fund 83M0), the Elementary School Program Fund (Fund 83N0), the Trauma and Emergency Medical Services Grants Fund (Fund 83P0), and the Seat Belt Education Fund (Fund 8440).

STATE DISASTER RELIEF

The State Disaster Relief Fund (Fund 5330) may accept transfers of cash and appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency disaster response costs and disaster program management costs, and may also be used for the following purposes:

(A) To accept transfers of cash and appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency public assistance and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for costs related to disasters;

(B) To accept and transfer cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments;

(C) To accept disaster related reimbursement from federal, state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board.

(D) To accept transfers of cash and appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that have been declared by the Governor, and the State Individual Assistance Program for

disasters that have been declared by the Governor and the federal 103516
Small Business Administration. The Ohio Emergency Management 103517
Agency shall publish and make available application packets 103518
outlining procedures for the State Disaster Relief Program and the 103519
State Individual Assistance Program. 103520

JUSTICE ASSISTANCE GRANT FUND 103521

The federal payments made to the state for the Byrne Justice 103522
Assistance Grants Program under Title II of Division A of the 103523
American Recovery and Reinvestment Act of 2009 shall be deposited 103524
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 103525
which is hereby created in the state treasury. All investment 103526
earnings of the fund shall be credited to the fund. 103527

JUSTICE ASSISTANCE GRANTS 103528

The foregoing appropriation ~~item~~ items 768612, Federal 103529
Stimulus - Justice Assistance Grants, and 768613, Federal Stimulus 103530
- Justice Programs, shall be used to support activities to prevent 103531
and control crime and to improve the criminal justice system. 103532

103533

FAMILY VIOLENCE PREVENTION FUND 103534

Notwithstanding any provision of law to the contrary, in each 103535
of fiscal years 2010 and 2011, the first \$750,000 received to the 103536
credit of the Family Violence Prevention Fund (Fund 5BK0) in each 103537
of those fiscal years shall be appropriated to appropriation item 103538
768689, Family Violence Shelter Programs, and the next \$400,000 103539
received to the credit of Fund 5BK0 in each of those fiscal years 103540
shall be appropriated to appropriation item 768687, Criminal 103541
Justice Services - Operating. Any moneys received to the credit of 103542
Fund 5BK0 in excess of the aforementioned appropriated amounts in 103543
each fiscal year shall, upon the approval of the Controlling 103544
Board, be used to provide grants to family violence shelters in 103545
Ohio. 103546

SARA TITLE III HAZMAT PLANNING	103547
The SARA Title III HAZMAT Planning Fund (Fund 6810) is	103548
entitled to receive grant funds from the Emergency Response	103549
Commission to implement the Emergency Management Agency's	103550
responsibilities under Chapter 3750. of the Revised Code.	103551
COLLECTIVE BARGAINING INCREASES	103552
Notwithstanding division (D) of section 127.14 and division	103553
(B) of section 131.35 of the Revised Code, except for the General	103554
Revenue Fund, the Controlling Board may, upon the request of	103555
either the Director of Budget and Management, or the Department of	103556
Public Safety with the approval of the Director of Budget and	103557
Management, increase appropriations for any fund, as necessary for	103558
the Department of Public Safety, to assist in paying the costs of	103559
increases in employee compensation that have occurred pursuant to	103560
collective bargaining agreements under Chapter 4117. of the	103561
Revised Code and, for exempt employees, under section 124.152 of	103562
the Revised Code.	103563
CASH BALANCE FUND REVIEW	103564
Not later than the first day of April in each fiscal year of	103565
the biennium, the Director of Budget and Management shall review	103566
the cash balances for each fund, except the State Highway Safety	103567
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund	103568
4W40), in the State Highway Safety Fund Group, and shall recommend	103569
to the Controlling Board an amount to be transferred to the credit	103570
of Fund 7036 or Fund 4W40, as appropriate.	103571
Sec. 309.10. The federal payments made to the state for the	103572
Weatherization Assistance Program and the State Energy Grant	103573
Program under Title IV of Division A of the American Recovery and	103574
Reinvestment Act of 2009, <u>and for the Homelessness Prevention Fund</u>	103575
<u>under Title XII of Division A of the American Recovery and</u>	103576

Reinvestment Act of 2009, shall be deposited to the credit of the 103577
Federal Special Revenue Fund (Fund 3080). 103578

The federal payments made to the state for the Energy Star 103579
Rebate Program under the American Recovery and Reinvestment Act of 103580
2009 shall be deposited to the credit of the Energy Star Rebate 103581
Program Fund (Fund 3DA0), which is hereby created in the state 103582
treasury. 103583

The federal payments made to the state for the Energy 103584
Efficiency and Conservation Block Grants Program under Title IV of 103585
Division A of the American Recovery and Reinvestment Act of 2009 103586
shall be deposited to the credit of the Energy Efficiency and 103587
Conservation Block Grants Fund (Fund 3DB0), which is hereby 103588
created in the state treasury. 103589

The federal payments made to the state for the Community 103590
Development Block Grant program under Title XII of Division A of 103591
the American Recovery and Reinvestment Act of 2009 shall be 103592
deposited to the credit of the Community Development Block Grant 103593
Fund (Fund 3K80). 103594

The federal payments made to the state for community services 103595
block grants under Title XII of Division A of the American 103596
Recovery and Reinvestment Act of 2009 shall be deposited to the 103597
credit of the Community Services Block Grant Fund (Fund 3L00). 103598
103599

The federal payments made to the state for the Home 103600
Investment Partnerships Program under Title XII of Division A of 103601
the American Recovery and Reinvestment Act of 2009 shall be 103602
deposited to the credit of the HOME Program Fund (Fund 3V10). 103603

The items in this division are appropriated as designated out 103604
of any moneys in the state treasury to the credit of their 103605
respective funds that are not otherwise appropriated. 103606

				Appropriations			
DEV DEPARTMENT OF DEVELOPMENT						103607	
Federal Special Revenue Fund Group						103608	
3080	195603	Housing and Urban Development	\$	0	\$ 26,205,724	103609	
3080	195605	Federal Projects	\$	0	\$ 266,781,409	103610	
3080	195618	Energy Federal Grants	\$	0	\$ 96,083,000	103611	
3DA0	195632	Federal Stimulus - Energy Star Rebate Program	\$	0	\$ 11,000,000	103612	
3DB0	195642	Federal Stimulus - Energy Efficiency and Conservation Block Grants	\$	0	\$ 21,000,000	103613	
3K80	195613	Community Development Block Grant	\$	0	\$ 12,957,527	103614	
3L00	195612	Community Services Block Grant	\$	0	\$ 38,979,000	103615	
3V10	195601	HOME Program	\$	0	\$ 83,484,547	103616	
TOTAL FED Federal Special Revenue Fund Group				\$	0	\$ 556,491,207	103617
TOTAL ALL BUDGET FUND GROUPS				\$	0	\$ 556,491,207	103618

The foregoing appropriation item 195605, Federal Projects, 103619
shall be used to carry out the Home Weatherization Assistance 103620
Program, subject to any requirements of the American Recovery and 103621
Reinvestment Act of 2009 that apply to the money appropriated. 103622

The foregoing appropriation items 195603, Housing and Urban 103623
Development, 195618, Energy Federal Grants, 195613, Community 103624
Development Block Grant, 195612, Community Services Block Grant, 103625
195601, HOME Program, 195632, Federal Stimulus - Energy Star 103626
Rebate Program, and 195642, Federal Stimulus - Energy Efficiency 103627
and Conservation Block Grants, shall be used in accordance with 103628

the requirements of the American Recovery and Reinvestment Act of 103629
2009 that apply to the money appropriated. 103630

~~Sec. 317.10. (A) The federal payments made to the state for 103631
the Immunization Program under Title VIII of Division A of the 103632
American Recovery and Reinvestment Act of 2009 shall be deposited 103633
to the credit of the Preventive Health Block Grant Fund (Fund 103634
3870).~~ 103635

~~(B)~~ The federal payments made to the state for the Special 103636
Supplemental Nutrition Program under Title VIII of Division A of 103637
the American Recovery and Reinvestment Act of 2009 shall be 103638
deposited to the credit of the Women, Infants, and Children Fund 103639
(Fund 3890). 103640

~~(C)~~(B) The federal payments made to the state for the IDEA - 103641
Infants and Children Program under Title VIII of Division A of the 103642
American Recovery and Reinvestment Act of 2009 shall be deposited 103643
to the credit of the General Operations Fund (Fund 3920). 103644

~~(D)~~(C) The items in this section are appropriated as 103645
designated out of any moneys in the state treasury to the credit 103646
of their respective funds that are not otherwise appropriated. 103647

Appropriations

DOH DEPARTMENT OF HEALTH 103648

Federal Special Revenue Fund Group 103649

3890 440604 Women, Infants, and \$ 0 \$ 2,000,000 103650
Children

3920 440618 Federal Public Health \$ 0 \$ 14,410,000 103651
Programs

TOTAL FED Federal Special Revenue \$ 0 \$ 16,410,000 103652
Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 16,410,000 103653

The foregoing appropriation items 440604, Women, Infants, and 103654

Children, and 440618, Federal Public Health Programs, shall be 103655
used in accordance with the requirements of the American Recovery 103656
and Reinvestment Act of 2009 that apply to the money appropriated. 103657

103658

Sec. 321.10. The federal payments made to the state for the 103659
Vocational Rehabilitation Program under Title VIII of Division A 103660
of the American Recovery and Reinvestment Act of 2009 shall be 103661
deposited to the credit of the Consolidated Federal Fund (Fund 103662
3790). 103663

The federal payments made to the state for the Independent 103664
Living Program under Title VIII of Division A of the American 103665
Recovery and Reinvestment Act of 2009 shall be deposited to the 103666
credit of the Independent Living/Vocational Rehabilitation Fund 103667
(Fund 3L40). 103668

The items in this section are appropriated as designated out 103669
of any moneys in the state treasury to the credit of their 103670
respective funds that are not otherwise appropriated. 103671

Appropriations

RSC REHABILITATION SERVICES COMMISSION 103672

Federal Special Revenue Fund Group 103673

3790 415616 Federal - Vocational \$ 0 \$ 21,590,000 103674
Rehabilitation

3L40 415612 Federal Independent \$ 0 \$ ~~509,000~~ 103675
Living Centers or 509,170
Services

3L40 415617 Independent \$ 0 \$ 1,392,958 103676
Living/Vocational
Rehabilitation
Programs

4680 415618 Third Party Funding \$ 0 \$ 245,816 103677

TOTAL FED Federal Special Revenue \$ 0 \$ ~~23,491,958~~ 103678

Fund Group				<u>23,737,944</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	23,491,958	103679
				<u>23,737,944</u>	

The foregoing appropriation items 415616, Federal - 103680
Vocational Rehabilitation, 415612, Federal Independent Living 103681
Centers or Services, and 415617, Independent Living/Vocational 103682
Rehabilitation Programs, shall be used in accordance with the 103683
requirements of the American Recovery and Reinvestment Act of 2009 103684
that apply to the money appropriated. 103685

Sec. 325.20. Expenditures from appropriations made in 103686
~~Sections 325.05 and Section~~ 325.10 shall be accounted for as 103687
though made in Am. Sub. H.B. 67 of the 127th General Assembly. 103688
However, law contained in the relevant operating appropriations 103689
act that is generally applicable to the appropriations made in 103690
that act also is generally applicable to the appropriations made 103691
in ~~Sections 325.05 and Section~~ 325.10 of ~~this act~~ Am. Sub. H.B. 2 103692
of the 128th General Assembly. 103693

Sec. 327.10. The unexpended, unencumbered portions of the 103694
appropriation items made in Sections 303.10, 305.10, 307.10, 103695
309.10, 311.10, 313.10, 317.10, 318.10, 319.10, 321.10, ~~325.05,~~ 103696
and 325.10 of Am. Sub. H.B. 2 of the 128th General Assembly at the 103697
end of fiscal year 2009 are hereby reappropriated for the same 103698
purposes for fiscal year 2010. 103699

Section 601.11. That existing Sections 205.10, 309.10, 103700
317.10, 321.10, 325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th 103701
General Assembly are hereby repealed. 103702

Section 610.10. That Sections 103.80.80, 103.80.90, 103703
301.20.50, and 301.30.30 of H.B. 496 of the 127th General Assembly 103704
be amended to read as follows: 103705

Reappropriations

Sec. 103.80.80. OSB SCHOOL FOR THE BLIND			103706
C22606	Glass Windows/East Wall of Natatorium	\$ 63,726	103707
C22607	Renovation of Science Laboratory Greenhouse	\$ 58,850	103708
C22608	Renovating Recreation Area	\$ 213,900	103709
C22609	New Classrooms for Secondary MH Program	\$ 996,164	103710
C22610	Renovation of Student Health Service Area	\$ 144,375	103711
C22611	Replacement of Cottage Windows	\$ 208,725	103712
C22612	Residential Renovations	\$ 7,043 <u>41,649</u>	103713
C22613	Food Preparation Area Air Conditioning	\$ 67,250	103714
C22614	New School Lighting	\$ 184,500	103715
C22616	Renovation and Repairs	\$ 890,000	103716
C22617	Elevator Replacement	\$ 110,000	103717
Total Ohio School for the Blind		\$ 2,944,533	103718
		<u>2,979,139</u>	

RESIDENTIAL RENOVATIONS

103719

<u>The amount reappropriated for the foregoing appropriation</u>	103720
<u>item C22612, Residential Renovations, is the unencumbered and</u>	103721
<u>unallotted balance as of June 30, 2008, in appropriation item</u>	103722
<u>C22612, Residential Renovations, plus \$34,606.</u>	103723

Reappropriations

Sec. 103.80.90. OSD SCHOOL FOR THE DEAF			103724
C22103	Dormitory Renovations	\$ 2,833	103725
C22104	Boilers, Blowers, and Controls for the School Complex	\$ 47,360	103726
C22105	Central Warehouse	\$ 676,624	103727
C22106	Storage Barn	\$ 330,850	103728
		<u>384,279</u>	

C22107	Renovation and Repairs	\$	1,000,000	103729
	Total Ohio School for the Deaf	\$	2,057,667	103730
			<u>2,111,096</u>	
	TOTAL Administrative Building Fund	\$	101,617,431	103731
			<u>101,705,466</u>	

STORAGE BARN 103732

The amount reappropriated for the foregoing appropriation 103733
item C22106, Storage Barn, is the unencumbered and unallotted 103734
balance as of June 30, 2008, in appropriation item C22106, Storage 103735
Barn, plus \$53,429. 103736

Reappropriations

	Sec. 301.20.50. CLS CLEVELAND STATE UNIVERSITY			103737
C26000	Basic Renovations	\$	5,169,538	103738
C26002	17th - 18th Street Block	\$	93,418	103739
C26003	Instructional and Data Processing Equipment	\$	1,324,280	103740
C26004	Asbestos Abatement	\$	410,414	103741
C26007	Land Acquisitions	\$	9,264	103742
C26008	Geographic Information Systems	\$	46,335	103743
C26009	Landscaping/Sidewalks/Stairs	\$	15,742	103744
C26011	College of Education Building	\$	26,612,728	103745
C26012	Electrical System Upgrades - Phase 2	\$	9,550	103746
C26013	Fire Alarm System Upgrade	\$	37,450	103747
C26014	Property Acquisition	\$	1,120,237	103748
C26016	Student Services	\$	10,017	103749
C26022	Campus Fire Alarm Upgrade	\$	355,145	103750
C26024	Rhodes Tower Data Center Relocation	\$	22,055	103751
C26025	University Annex-Vacate and Demolition	\$	49,390	103752
C26027	Cleveland Playhouse	\$	60,822	103753
C26031	Main Classroom Stair Tower & Entry	\$	18,582	103754
C26033	Physical Education Building Pool Painting	\$	2,901	103755

	and Light Fixture Replacement			
C26034	Neighborhood Centers Renovations	\$	500,000	103756
C26035	Cleveland Institute of Art	\$	2,000,000	103757
C26036	Bakers Building Renovations	\$	1,328,583	103758
C26038	Cleveland State University Windtower Generator Project	\$	400,000	103759
C26039	Kenston Wind Turbine Project in Geauga	\$	300,000	103760
C26041	Anthropology Department Renovation/Relocation	\$	400,000	103761
C26042	Chester Building Annex Demolition	\$	921,583	103762
C26043	Law Building Roof Replacement	\$	213,937	103763
C26044	Sensor Systems Engineering	\$	15,958,820	103764
<u>C26057</u>	<u>Western Reserve Historical Society</u>	<u>\$</u>	<u>3,500,000</u>	103765
Total Cleveland State University		\$	57,390,791	103766
			<u>60,890,791</u>	

NEIGHBORHOOD CENTERS RENOVATIONS 103767

Of the foregoing appropriation item C26034, Neighborhood 103768
Centers Renovations, \$250,000 shall be used for renovations to the 103769
Friendly Inn Settlement House and \$250,000 shall be used for 103770
renovations to the Merrick House. 103771

Reappropriations

Sec. 301.30.30. WSU WRIGHT STATE UNIVERSITY				103772
C27500	Basic Renovations	\$	4,543,368	103773
C27501	Basic Renovations - Lake	\$	86,157	103774
C27504	Library Access Consolidation System	\$	5,551,183	103775
C27505	Information Technology Center	\$	23,860	103776
C27506	Specialized Communication	\$	7,798	103777
C27508	Environmental Technology Consortium	\$	6,298	103778
C27511	Electrical Infrastructure - Phase 1	\$	80,151	103779
C27513	Science Lab Renovations - Planning	\$	9,484,384	103780
C27514	Lake Campus University Center	\$	2,007,909	103781

C27517	Video Analysis Content Extraction	\$	56,641	103782
C27523	Advanced Data Manager	\$	186,309	103783
C27526	Lake Campus Rehabilitation	\$	478,906	103784
C27527	Advanced Technology Intelligence Center	\$	2,500,000	103785
C27529	Consolidated Community Project—Greene	\$	750,000	103786
C27531	Glenn Helen Preserve Eco Art Classroom	\$	15,000	103787
<u>C27538</u>	<u>Camp Clifton Improvements</u>	<u>\$</u>	<u>90,000</u>	103788
<u>C27541</u>	<u>WSU STEM School</u>	<u>\$</u>	<u>750,000</u>	103789
Total Wright State University		\$	25,777,964	103790
			<u>25,867,964</u>	

Section 610.11. That existing Sections 103.80.80, 103.80.90, 103792
301.20.50, and 301.30.30 of H.B. 496 of the 127th General Assembly 103793
are hereby repealed. 103794

Section 610.12. That Section 301.60.50 of H.B. 496 of the 103795
127th General Assembly, as amended by Am. Sub. H.B. 420 of the 103796
127th General Assembly, be amended to read as follows: 103797

Reappropriations

Sec. 301.60.50. STC STARK TECHNICAL COLLEGE				103798
C38900	Basic Renovations	\$	374,496	103799
C38901	Instructional and Data Processing Equipment	\$	22,356	103800
C38903	Timken Regional Campus Technology Project	\$	219,659	103801
C38912	Health and Science Building	\$	4,814,648	103802
Total Stark Technical College		\$	5,431,159	103803
TOTAL Higher Education Improvement Fund		\$	828,556,976	103804
			<u>832,056,976</u>	

Section 610.13. That existing Section 301.60.50 of H.B. 496 103806
of the 127th General Assembly, as amended by Am. Sub. H.B. 420 of 103807
the 127th General Assembly is hereby repealed. 103808

Section 610.14. That Sections 201.30 and 301.20.20 of H.B. 103809
496 of the 127th General Assembly, as amended by Am. Sub. H.B. 562 103810
of the 127th General Assembly, be amended to read as follows: 103811

Sec. 201.30. All items set forth in this section are hereby 103812
appropriated out of any moneys in the state treasury to the credit 103813
of the Cultural and Sports Facilities Building Fund (Fund 7030) 103814
that are not otherwise appropriated: 103815

Reappropriations

AFC CULTURAL FACILITIES COMMISSION			103816
C37102	Center of Science and Industry - Toledo	\$ 12,268	103817
C37114	Woodward Opera House Renovation	\$ 1,150,000	103818
C37118	Statewide Site Repairs	\$ 100,100	103819
C37124	Waco Museum & Aviation Learning Center	\$ 500,000	103820
C37131	Bramley Historic House	\$ 75,000	103821
C37132	Beck Center for the Cultural Arts	\$ 100,000	103822
C37133	Delaware County Cultural Arts Center	\$ 40,000	103823
C37137	West Side Arts Consortium	\$ 138,000	103824
C37138	Ice Arena Development	\$ 5,500,000	103825
C37139	Stan Hywet Hall & Gardens	\$ 1,000,000	103826
C37141	Spring Hill Historic Home	\$ 125,000	103827
C37143	Lorain Palace Civic Theatre	\$ 200,000	103828
C37144	Great Lakes Historical Society	\$ 150,000	103829
C37153	Historic Sites and Museums	\$ 980,319	103830
C37155	Buffington Island State Memorial	\$ 33,475	103831
C37182	Lorain County Historical Society	\$ 300,000	103832
C37184	Marion Palace Theatre	\$ 1,575,000	103833
C37185	McConnellsville Opera House	\$ 75,000	103834
C37186	Secrest Auditorium	\$ 75,000	103835
C37187	Renaissance Theatre	\$ 700,000	103836
C37188	Trumpet in the Land	\$ 100,000	103837
C37189	Mid-Ohio Valley Players	\$ 80,000	103838

C37190	The Anchorage	\$	50,000	103839
C37193	Galion Historic Big Four Depot Restoration	\$	170,000	103840
C37195	Lake County Historical Society	\$	250,000	103841
C37196	Hancock Historical Society	\$	75,000	103842
C37197	Riversouth Development	\$	1,000,000	103843
C37198	Ft. Piqua Hotel	\$	200,000	103844
C37199	Marina District Amphitheatre and Related Development	\$	2,000,000	103845
C371A1	Lima Historic Athletic Field	\$	100,000	103846
C371A3	Voice Of America Museum	\$	275,000	103847
C371A5	Clark County Community Arts Expansion Project	\$	500,000	103848
C371A6	Westcott House Historic Site	\$	75,000	103849
C371A8	Miami Township Community Amphitheatre	\$	50,000	103850
C371A9	Western Reserve Historical Society	\$	2,500,000	103851
C371B0	Cleveland Steamship Mather Museum	\$	100,000	103852
C371B5	Arts Castle	\$	100,000	103853
C371B6	Cincinnati Art and Technical Academy	\$	325,000	103854
C371B7	Ohio Glass Museum	\$	250,000	103855
C371B9	Ariel Theatre	\$	100,000	103856
C371C2	Ensemble Theatre	\$	450,000	103857
C371C4	Art Academy of Cincinnati	\$	100,000	103858
C371C5	Riverbend Pavilion Improvements	\$	250,000	103859
C371C7	Music Hall: Over-The-Rhine	\$	750,000	103860
C371C8	John Bloomfield Home Restoration	\$	720	103861
C371C9	Malinta Historical Society Caboose Exhibit	\$	6,000	103862
C371D1	Art Deco Markay Theatre	\$	200,000	103863
C371D4	Broad Street Historical Renovation	\$	300,000	103864
C371D5	Amherst Historical Society	\$	35,000	103865
C371D6	COSI - Toledo	\$	980,000	103866
C371D7	Ohio Theatre - Toledo	\$	100,000	103867

C371E2	Aurora Outdoor Sports Complex	\$	50,000	103868
C371E3	Preble County Historical Society	\$	100,000	103869
C371E4	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	103870
C371F0	Richard Howe House	\$	100,000	103871
C371F2	Packard Music Hall Renovation Project	\$	575,000	103872
C371F3	Holland Theatre	\$	100,000	103873
C371F6	Marietta Colony Theatre	\$	335,000	103874
C371G7	Huntington Park	\$	7,000,000	103875
C371G9	Riverbend - Cincinnati Symphony	\$	3,000,000	103876
C371H0	Marina District Amphitheatre	\$	2,900,000	103877
C371H1	Cincinnati Museum Center	\$	2,000,000	103878
C371H2	National Underground Railroad Freedom Center	\$	2,000,000	103879
C371H4	Pro Football Hall of Fame	\$	1,650,000	103880
C371H5	Heritage Center - Dayton	\$	1,300,000	103881
C371H6	Western Reserve Historical Society	\$	1,000,000	103882
C371H7	COSI Columbus	\$	1,000,000	103883
C371H8	Columbus Museum of Art	\$	1,000,000	103884
C371I0	Stan Hywet Hall and Gardens	\$	1,175,000	103885
C371I1	Akron Art Museum	\$	1,000,000	103886
C371I2	Sauder Village	\$	830,000	103887
C371I3	Horvitz Center for the Arts	\$	750,000	103888
C371I4	Ensemble Theatre	\$	750,000	103889
C371I5	Voice of America Museum	\$	750,000	103890
C371I6	Cleveland Steamship Mather	\$	600,000	103891
C371I7	Cuyahoga County Soldier and Sailor Monument	\$	500,000	103892
C371I8	King-Lincoln Arts and Entertainment District	\$	500,000	103893
C371I9	Art Academy of Cincinnati	\$	500,000	103894
C371J0	Great Lakes Historical Society	\$	500,000	103895
C371J3	Davis Shai Historical Facility	\$	300,000	103896
C371J4	Massillon Museum	\$	275,000	103897

C371J5	The Mandel Center	\$	250,000	103898
C371J6	Peggy R McConnell Arts Center	\$	250,000	103899
C371J7	Columbus College of Art and Design	\$	250,000	103900
C371J9	Stambaugh Hall Improvements	\$	250,000	103901
C371K0	Youngstown Symphony Orchestra	\$	250,000	103902
C371K1	Wood County Historical Center/Museum	\$	220,000	103903
C371K3	Cincinnati Ballet	\$	200,000	103904
C371K4	City of Avon Stadium Complex	\$	200,000	103905
C371K5	Renaissance Performing Arts Center	\$	200,000	103906
C371K6	Oxford Arts Center	\$	174,000	103907
C371K7	Wayne County Historical Society	\$	170,000	103908
C371K8	Maumee Valley Historical Society	\$	150,000	103909
C371K9	Trumbull County Historical Society	\$	150,000	103910
C371L0	First Lunar Flight Project	\$	25,000	103911
C371L1	Holmes County Historical Society Improvements	\$	140,000	103912
C371L2	Westerville Parks & Recreation Firefighters Memorial/First Responder Park	\$	125,000	103913
C371L3	Ukranian Museum	\$	100,000	103914
C371L4	Gordon Square Arts District	\$	100,000	103915
C371L5	Moreland Theatre Renovation	\$	100,000	103916
C371L6	Karamu House	\$	100,000	103917
C371L7	Symmes Township Historical Society	\$	100,000	103918
C371L8	Springfield Veterans Park Amphitheatre	\$	100,000	103919
C371L9	Gallia County Historical Genealogical Society	\$	100,000	103920
C371M1	The Octagon House	\$	100,000	103921
C371M2	Vinton County Stage-Pavilion Project	\$	100,000	103922
C371M3	County Line Historical Society-Wayne/Holmes	\$	100,000	103923
C371M4	Paul Brown Museum	\$	75,000	103924
C371M5	The Works Ohio Center for History, Art	\$	75,000	103925

	and Technology			
C371M8	Hale Farm and Village	\$	50,000	103926
C371M9	Howe House Historic Site	\$	50,000	103927
C371N0	Beavercreek Community Theatre	\$	50,000	103928
C371N1	Jamestown Opera House	\$	50,000	103929
C371N2	Johnny Appleseed Museum	\$	50,000	103930
C371N3	Vinton County Historical Society Alice House Project	\$	50,000	103931
C371N4	Woodward Opera House Renovations	\$	50,000	103932
C371N5	Little Brown Jug Facility Improvements	\$	50,000	103933
C371N6	Applecreek Historical Society	\$	50,000	103934
C371N7	Wyandot Historic Courthouse	\$	50,000	103935
C371N8	Galion Historical Big 4 Depot	\$	30,000	103936
C371N9	Bucyrus Historic Depot Renovations	\$	30,000	103937
C371O1	Arts West Performing Arts Center	\$	25,000	103938
C371O2	Chester Academy Historical Site	\$	25,000	103939
C371O3	Portland Civil War Museum and Historical Displays	\$	25,000	103940
C371O4	Morgan County Opera House	\$	25,000	103941
C371O5	Crawford Antique Museum	\$	9,000	103942
C371O6	Monroe City Historical Society Building Repair	\$	5,000	103943
C371O7	Wright Dunbar Historical Facility	\$	250,000	103944
C371O8	Nationwide Children's Hospital Livingston Park Cultural Improvements	\$	1,000,000	103945
C371P1	WACO Aircraft Museum	\$	30,000	103946
C371P2	Bradford Railroad Museum	\$	30,000	103947
C371P3	Cincinnati Ballet Facility	\$	415,000	103948
C371P5	Fort Recovery Renovations	\$	100,000	103949
C371P6	Music Hall Garage	\$	1,000,000	103950
C371P7	Hip Klotz Memorial	\$	150,000	103951
C371P8	AB Graham Center	\$	40,000	103952
	Total Cultural Facilities Commission	\$	64,803,882	103953

			<u>61,303,882</u>	
TOTAL Cultural and Sports Facilities Building Fund	\$		64,803,882	103954
			<u>61,303,882</u>	

Reappropriations

Sec. 301.20.20.	BGU BOWLING GREEN STATE UNIVERSITY			103956
C24000	Basic Renovations	\$	10,751,883	103957
C24001	Basic Renovations - Firelands	\$	811,360	103958
C24002	Instructional and Data Processing Equipment	\$	1,200,186	103959
C24004	ADA Modifications	\$	19,544	103960
C24005	Child Care Facility	\$	49,406	103961
C24007	Materials Network	\$	90,981	103962
C24008	Video Link	\$	10,644	103963
C24013	Hannah Hall Rehabilitation	\$	2,005,522	103964
C24014	Biology Lab Renovation	\$	12,533,708	103965
C24015	Campus-Wide Paving/Sidewalk Upgrade	\$	4,899	103966
C24016	Student Learning	\$	13,149	103967
C24017	Video Teaching Network	\$	5,436	103968
C24019	Kinetic Spectrometry Consortium	\$	77,671	103969
C24020	Admissions Visitor Center	\$	3,000,000	103970
C24021	Theatre/Performing Arts Complex	\$	8,750,000	103971
C24022	University Hall Rehabilitation	\$	1,174,981	103972
C24025	Administration Building Fire Alarm System	\$	83,986	103973
C24026	Campus-Wide Carpet Upgrade	\$	329,700	103974
C24027	Reroof East, West, and North Buildings	\$	173,999	103975
C24028	Instructional Laboratory - Phase 1	\$	960,000	103976
C24031	Health Center Addition	\$	9,750,000	103977
C24032	Student Services Building Replacement	\$	8,100,000	103978
C24033	BGU Aviation Improvements	\$	500,000	103979
C24034	Tunnel Upgrade-Phase II	\$	98,820	103980
C24035	Library Depository Northwest	\$	56,000	103981

C24036	Wood County Environmental Health Project	\$	700,000	103982
C24041	<u>BGSU Ice Arena</u>	\$	<u>300,000</u>	103983
C24042	<u>Water Quality Lab Equipment</u>	\$	<u>200,000</u>	103984
C24043	<u>Center for Microscopy and Microanalysis</u>	\$	<u>200,000</u>	103985
Total Bowling Green State University		\$	61,251,875	103986

Section 610.15. That existing Sections 201.30 and 301.20.20 103988
of H.B. 496 of the 127th General Assembly, as amended by Am. Sub. 103989
H.B. 562 of the 127th General Assembly are hereby repealed. 103990

Section 610.16. That Section 301.20.80 of H.B. 496 of the 103991
127th General Assembly, as amended by Am. Sub. H.B. 562 of the 103992
127th General Assembly, be amended to read as follows: 103993

Reappropriations

Sec. 301.20.80.			OSU OHIO STATE UNIVERSITY	103994
C31500	Basic Renovations	\$	34,349,496	103995
C31501	Basic Renovations - Regional Campuses	\$	6,506,516	103996
C31502	Brown Hall Annex Replacement	\$	6,213	103997
C31505	Basic Renovations - ATI	\$	129,714	103998
C31506	Supplemental Renovations - OARDC	\$	3,319,202	103999
C31507	Supplemental Renovations - Regional	\$	191,955	104000
C31508	Dreese Lab Addition	\$	5,953	104001
C31510	Bioscience/Parks Hall Addition	\$	12,584	104002
C31512	Greenhouse Modernization	\$	40,982	104003
C31515	Life Sciences Research Building	\$	218,170	104004
C31520	Food Science & Technology Building	\$	92,786	104005
C31522	Heart & Lung Institute	\$	32,437	104006
C31523	Superconducting Radiation	\$	65,094	104007
C31524	Brain Tumor Research Center	\$	6,001	104008
C31525	Engineering Center Net Shape Manufacturing	\$	20,730	104009
C31526	Membrane Protein Typology	\$	8,835	104010

C31527	Instructional and Data Processing Equipment	\$	6,014,848	104011
C31528	Fine Particle Technologies	\$	116,770	104012
C31529	Advanced Plasma Engineering	\$	22,690	104013
C31530	Plasma Ramparts	\$	1,150	104014
C31531	IN-SITU AL-BE Composites	\$	1,733	104015
C31532	Jay Cooke Residence - Roof and Windows	\$	86,668	104016
C31535	Asbestos Abatement	\$	5,325	104017
C31536	Materials Network	\$	91,983	104018
C31537	Bio-Technology Consortium	\$	42,378	104019
C31538	Analytical Electron Microscope	\$	375,000	104020
C31539	High Temp Alloys & Alluminoids	\$	220,000	104021
C31541	Supplemental Renovations - ATI	\$	33,969	104022
C31542	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	104023
C31543	McPherson Lab Rehabilitation	\$	37,243	104024
C31544	Heart and Lung Institute	\$	101,808	104025
C31546	ADA Modifications - ATI	\$	41,936	104026
C31547	ADA Modifications - Lima	\$	358	104027
C31548	ADA Modifications - Mansfield	\$	15,253	104028
C31550	Titanium Alloys	\$	54,912	104029
C31552	Advanced Manufacturing	\$	38,579	104030
C31553	Manufacturing Processes/Materials	\$	62,574	104031
C31554	Terhertz Studies	\$	35,294	104032
C31556	Marion Park/Road/Sidewalk/Lights	\$	2,750	104033
C31557	Pomerene Lighting/Wiring	\$	249,584	104034
C31558	NMR Consortium	\$	75,116	104035
C31559	Versatile Film Facility	\$	62,872	104036
C31560	OCARNET	\$	5,916	104037
C31561	Bioprocessing Research	\$	1,905	104038
C31562	Localized Corrosion Research	\$	6,128	104039
C31563	ATM Testbed	\$	3,633	104040
C31564	Physical Sciences Building	\$	79,383	104041

C31565	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	923	104042
C31568	Sisson Hall Replacement	\$	5,537	104043
C31570	Machinery Acoustics	\$	3,804	104044
C31571	Sensors and Measurements	\$	15,115	104045
C31572	Polymer Magnets	\$	1,099	104046
C31574	Al Alloy Corrosion	\$	14,292	104047
C31578	Page Hall Planning	\$	7,210	104048
C31579	Botany & Zoology Building Planning	\$	209,467	104049
C31581	Robinson Laboratory Planning	\$	36,765	104050
C31582	Don Scott Field Replacement Barns	\$	1,495,619	104051
C31583	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	104052
C31584	Horticultural Operations Center - ATI	\$	1,475,400	104053
C31585	OARDC Feed Mill	\$	5,050,968	104054
C31587	Biological Sciences Cooling Tower	\$	6,930	104055
C31589	Mount Hall HVAC Modifications	\$	40,982	104056
C31591	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	104057
C31592	Plant and Microbe Functional Genomics Facilities	\$	16,259	104058
C31593	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	149,066	104059
C31594	Bone & Mineral Metabolism Research Lab	\$	5,845	104060
C31597	Animal & Plant Biology Level 3	\$	8,133,780	104061
C31598	Main Library Rehabilitation	\$	56,456,214	104062
C31599	Psychology Building	\$	57,722	104063
C315A0	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	598,043	104064
C315A2	Nanosecond Infrared Measurement	\$	2,588	104065
C315A4	Millimeter/Submillimeter Instrument	\$	5,919	104066
C315A5	X-Ray Powder Diffractometer	\$	558	104067
C315A6	Deconvolution Microscope	\$	1,101	104068

C315B2	Denney Hall Renovation - Phase I	\$	18,495	104069
C315B3	Ion Mass Spectrometry	\$	6,594	104070
C315B5	Role of Molecular Interfaces	\$	17,773	104071
C315B8	New Millimeter Spectrometer	\$	24,996	104072
C315C2	1224 Kinnear Road - Bale	\$	11,105	104073
C315C3	Non-Silicon Micromachining	\$	73,991	104074
C315C4	High Performance Computing	\$	2,910	104075
C315C5	Veterinary Hospital Auditorium Renovation	\$	7,736	104076
C315D0	OARDC Boiler Replacement	\$	656,442	104077
C315D2	Supercomputer Center Expansion	\$	1,600,414	104078
C315D5	Information Literacy	\$	24,824	104079
C315D6	Online Business Major	\$	6,618	104080
C315D8	Renovation of Graves Hall	\$	68,196	104081
C315E0	OARDC Wooster Phone System Replacement	\$	467,398	104082
C315E1	Utility - North Tunnel Steamline Upgrade	\$	114,298	104083
C315E2	Dual Beam Characterization	\$	150,000	104084
C315E6	Environmental Technology Consortium	\$	11,297	104085
C315E7	Campbell, University, and Evans Hall	\$	45,877	104086
C315E8	Laboratory Animal Facility	\$	83,481	104087
C315F1	Western Branch Headquarters & Machinery Building	\$	662,850	104088
C315F2	Muck Crops Branch/Shop Building Replacement	\$	782,173	104089
C315F3	Hazardous Waste Handling/Storage Building	\$	1,103,062	104090
C315F4	Agriculture/Engineering Building Renovation & Addition	\$	200,000	104091
C315F5	OSU Extension Office/Agriculture Business Enhancement Center	\$	300,000	104092
C315F6	Community Heritage Art Gallery - Lima	\$	100,000	104093
C315F8	Nanotechnology Molecular Assembly	\$	437,296	104094
C315F9	Networking and Communication	\$	478,761	104095

C315G0	Planetary Gear	\$	125,000	104096
C315G1	X-Ray Fluorensence <u>Fluorescence</u> Spectrometer	\$	2,283	104097
C315G2	Precision Navigation	\$	85,000	104098
C315G3	Welding & Metal Working	\$	200,000	104099
C315G5	Inductively Coupled Plasma Etching	\$	126,492	104100
C315G6	Accelerated Metals	\$	1,020,331	104101
C315G7	Mathematical Biosciences Institute	\$	9,819	104102
C315G9	Mershon Auditorium HVAC System Improvements	\$	3,379	104103
C315H0	Molecular Microdevices	\$	2,066	104104
C315H1	Research Center HVAC System Improvements	\$	38,052	104105
C315H2	Infrared Absorption Measurements	\$	3,423	104106
C315H3	Dark Fiber	\$	2,532,628	104107
C315H4	Shared Data Backup System	\$	96,876	104108
C315H6	Third Frontier Network Testbed	\$	202,763	104109
C315H7	Distributed Learning Workshop	\$	2,500	104110
C315H8	Accelerated Maturation of Materials	\$	42,279	104111
C315H9	Nanoscale Polymers Manufacturing	\$	358,802	104112
C315J0	Hydrogen Production and Storage	\$	217	104113
C315J1	Ohio Organic Semiconductor	\$	226,422	104114
C315J4	Comprehensive Cancer - Chiller Replacement	\$	19,187	104115
C315J5	Kottman Hall - 103 Central Classroom	\$	20,893	104116
C315J7	Low Cost Nanocomposite Foams	\$	101,705	104117
C315J8	West Campus Chilled Water & Scott Hall	\$	20,093	104118
C315J9	McCracken Power Plant Spill Control	\$	120,251	104119
C315K0	Glacial Assessment	\$	22,764	104120
C315K2	Center for Advanced Propulsion and Power	\$	1,313,076	104121
C315K3	Parks Hall Chiller Replacement	\$	134,678	104122
C315K4	Hybrid Electric Vehicle Modeling	\$	363,452	104123
C315K5	Computational Nanotechnology	\$	500,000	104124
C315K6	Townshend Hall - Roof Replacement	\$	328,772	104125

C315K8	Veterinary Hospital Roof Replacement Phase II	\$	174,815	104126
C315K9	Hopkins Hall Phase II Priorities I, II	\$	41,756	104127
C315L0	Bioscience 6th Floor Renovation - Priority	\$	140,937	104128
C315L1	Ohio Commons For Digital Education	\$	14,594	104129
C315L2	Postle Hall Fire Alarm Replacement	\$	116,441	104130
C315L3	NonCredit Job Education & Training	\$	14,201	104131
C315L4	Campus South Dorms Renovation/Improvements	\$	3,767	104132
C315L5	Bricker Hall Roof Replacement	\$	23,608	104133
C315L8	Cooperative Control Testbed	\$	3,000	104134
C315M0	Neuroscience Center Core	\$	576	104135
C315M2	Campus Grounds-Exterior Lighting - Phase VIII	\$	31,523	104136
C315M3	930 Kinnear Road Renovations	\$	181,402	104137
C315M4	Waterman Lab & Don Scott Field	\$	23,528	104138
C315M5	Lincoln Tower Renovations - Phase I	\$	254,767	104139
C315M6	Coe Corrosion Coop	\$	56,781	104140
C315M7	OSU Cancer Program Expansion	\$	2,000,000	104141
C315M8	Smith Laboratory Rehabilitation	\$	2,799,448	104142
C315M9	Warner Library and Student Center	\$	1,618,275	104143
C315N0	Hopewell Hall Science Suite	\$	508,408	104144
C315N1	Atomic Force Microscopy	\$	180,000	104145
C315N2	Interactive Applications	\$	344,865	104146
C315N3	Platform Lab	\$	76,685	104147
C315N4	Integrated Biomass to Electricity	\$	392,680	104148
C315N8	Center for Polymer Nanomaterials	\$	9,801,899	104149
C315N9	Ohio Bioproducts Innovation Center	\$	7,765,250	104150
C315P1	Specialized Planetary Gears	\$	40,920	104151
C315P2	OSU Agricultural Building	\$	295,409	104152
C315P3	Automated AFM System	\$	618	104153
C315P4	Integrated Wireless Communication	\$	3,454	104154

C315P5	Newton Hall-Roof Replacement	\$	140,646	104155
C315P6	Chirped-Pulse Amplifier	\$	258,732	104156
C315P7	Central Classroom Building Renovation	\$	55,686	104157
C315P9	Airport Hangers 1 2 & 3 Roof Replacement	\$	485,250	104158
C315Q0	Veterinary Hospital Holding Replacement	\$	1,902,970	104159
C315Q1	Aeronautical and Astronautical Research Lab-Roof Replacement	\$	676,482	104160
C315Q2	Superconductivity Technology Center	\$	324,136	104161
C315Q3	Periodic Materials Assemblies	\$	60,239	104162
C315Q4	Biological Sciences Building Supply Fan Replacement	\$	628,573	104163
C315Q5	Biological Sciences Building-Fume Hood Repairs	\$	968,531	104164
C315Q6	Kottman Hall Fume Hood Repairs	\$	1,476,940	104165
C315Q7	Photonic Force Microscope	\$	4,887	104166
C315Q9	Brown Hall Renovation/Replacement	\$	3,500,000	104167
C315R0	Hughes Hall Renovation	\$	1,500,000	104168
C315R1	COMPH Academic Center	\$	5,000,000	104169
C315R2	Murray Hall Renovation	\$	1,000,000	104170
C315R3	New Student Life Building	\$	1,000,000	104171
C315R4	Founders/Hopewell Hall Renovation	\$	1,960,080	104172
C315R5	Agricultural and Biological Engineering Building Renovation	\$	4,000,000	104173
C315R6	Selby Hall Phytotron Facility Renovation	\$	2,000,000	104174
C315R7	Stone Laboratory Resource Facility Improvements	\$	500,000	104175
C315R8	OSU Extension Safety Improvements in Madison County	\$	94,000	104176
C315R9	Camp Clifton Improvements	\$	90,000	104177
C315S0	Delaware Speech & Hearing with OSU Medical College	\$	75,000	104178
C315S1	Kottman Hall-Windows/Masonry Renovation	\$	1,065,280	104179
C315S2	Postle Hall Partial Window Replacement	\$	630,000	104180

C315S3	Celeste Lab Fume Hood Repairs	\$	1,000,300	104181
C315S4	Utility Upgrade/East Campus Area	\$	45,969	104182
Total Ohio State University		\$	199,648,786	104183
			<u>199,558,786</u>	

OSU EXTENSION OFFICE/AGRICULTURE BUSINESS ENHANCEMENT CENTER 104184

The foregoing appropriation item C315F5, OSU Extension 104185
Office/Agriculture Business Enhancement Center, shall be used for 104186
building renovations to the Center. 104187

Section 610.17. That existing Section 301.20.80 of H.B. 496 104188
of the 127th General Assembly, as amended by Am. Sub. H.B. 562 of 104189
the 127th General Assembly, is hereby repealed. 104190

Section 610.20. That Section 11 of Am. Sub. H.B. 554 of the 104191
127th General Assembly be amended to read as follows: 104192

Sec. 11. (A) All items set forth in this division are hereby 104193
appropriated out of any moneys in the state treasury, for the 104194
biennium ending on June 30, 2010, to the credit of the Advanced 104195
Energy Research and Development Taxable Fund (Fund 7004) that are 104196
not otherwise appropriated: 104197

AIR AIR QUALITY DEVELOPMENT AUTHORITY 104198

C89800	Advanced Energy R&D <u>Research and</u>	\$	9,000,000	104199
	<u>Development</u> Taxable		<u>18,000,000</u>	
Total Air Quality Development Authority		\$	9,000,000	104200
			<u>18,000,000</u>	
TOTAL Advanced Energy Research and Development		\$	9,000,000	104201
Taxable Fund			<u>18,000,000</u>	

104202

(B) All items set forth in this division are hereby 104203
appropriated out of any moneys in the state treasury, for the 104204
biennium ending on June 30, 2010, to the credit of the Advanced 104205
Energy Research and Development Fund (Fund 7005) that are not 104206

otherwise appropriated:			104207
	AIR AIR QUALITY DEVELOPMENT AUTHORITY		104208
C89801	Advanced Energy R&D <u>Research and Development</u>	\$ 19,000,000 <u>38,000,000</u>	104209
	Total Air Quality Development Authority	\$ 19,000,000 <u>38,000,000</u>	104210
	TOTAL Advanced Energy Research and Development Fund	\$ 19,000,000 <u>38,000,000</u>	104211

104212

(C) The foregoing appropriation items C89800, Advanced Energy R&D Research and Development Taxable, and C89801, Advanced Energy R&D Research and Development, shall be used for advanced energy projects in the manner provided in sections 3706.25 to 3706.30 of the Revised Code. The Executive Director of the Air Quality Development Authority may certify to the Director of Budget and Management that a need exists to appropriate investment earnings of funds 7004 and 7005 to be so used. If the Director of Budget and Management, pursuant to sections 3706.25 to 3706.30 of the Revised Code, determines that investment earnings are available to support additional appropriations, such amounts are hereby appropriated.

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(D) Upon the request of the Executive Director of the Air Quality Development Authority, the Director of Budget and Management may transfer cash between funds 7004 and 7005. Amounts transferred are hereby appropriated.

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(E) Expenditures from appropriations contained in this section may be accounted as though made in the main capital appropriations act of the FY 2009-FY 2010 biennium of the 127th General Assembly. The appropriations made in this section are subject to all provisions of the FY 2009-FY 2010 biennial capital appropriations act of the 127th General Assembly that are generally applicable to such appropriations.

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Section 610.21. That existing Section 11 of Am. Sub. H.B. 554 104236
of the 127th General Assembly is hereby repealed. 104237

Section 610.30. That Sections 233.30.20, 233.30.50, 104238
233.40.30, and 235.10 of Am. Sub. H.B. 562 of the 127th General 104239
Assembly be amended to read as follows: 104240

Appropriations

Sec. 233.30.20. BGSU BOWLING GREEN STATE UNIVERSITY 104241

C24000	Basic Renovations	\$	4,354,164	104242
C24001	Basic Renovations - Firelands	\$	298,536	104243
C24021	Fine Art and Theater Complex	\$	6,116,000	104244
C24037	Academic Buildings Rehabilitation	\$	6,857,801	104245
C24038	Health Sciences Building	\$	934,363	104246
C24039	Wood County Health District Facility	\$	1,200,000	104247
C24040	James H. McBride Arboretum at BGSU	\$	378,000	104248
	Firelands			
<u>C24041</u>	<u>BGSU Ice Arena</u>	<u>\$</u>	<u>1,200,000</u>	104249
Total Bowling Green University		\$	20,138,864	104250

Appropriations

Sec. 233.30.50. CLS CLEVELAND STATE UNIVERSITY 104252

C26000	Basic Renovations	\$	6,431,121	104253
<u>C26027</u>	<u>Cleveland Playhouse</u>	<u>\$</u>	<u>150,000</u>	104254
C26035	Cleveland Institute of Art	\$	500,000	104255
C26048	Rhodes Tower Renovation	\$	4,030,166	104256
C26049	Basic Science Building HVAC and Electrical Upgrade	\$	1,125,000	104257
C26050	Law Building Renovation	\$	3,500,000	104258
C26051	Cleveland Hearing and Speech Center	\$	125,000	104259
C26052	University Hospitals Ireland Cancer Center	\$	3,000,000	104260

C26053	Playhouse Square Center	\$	350,000	104261
<u>C26057</u>	<u>Western Reserve Historical Society</u>	\$	<u>300,000</u>	104262
Total Cleveland State University		\$	19,061,287	104263
			<u>19,511,287</u>	

Appropriations

Sec. 233.40.30.			CTI COLUMBUS STATE COMMUNITY COLLEGE	104265
C38400	Basic Renovations	\$	1,691,834	104266
C38411	Columbus Hall Renovation	\$	5,470,913	104267
C38412	Painters Apprenticeship Council	\$	500,000	104268
C38413	Jewish Community Center NE Initiative	\$	575,000	104269
C38414	Somali Community Center	\$	100,000	104270
<u>C38415</u>	<u>Building E</u>	\$	<u>1,200,000</u>	104271
Total Columbus State Community College		\$	8,337,747	104272
			<u>9,537,747</u>	

Sec. 235.10. The items set forth in this section are hereby 104274
appropriated out of any moneys in the state treasury to the credit 104275
of the Parks and Recreation Improvement Fund (Fund 7035) that are 104276
not otherwise appropriated. 104277

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES				104278
C725A0	State Parks, Campgrounds, Cabins, & Lodges	\$	5,150,000	104279
C725A9	Park Boating Facilities - Shawnee Marina	\$	1,000,000	104280
C725B8	Upgrade Underground Fuel Storage Tanks - Statewide	\$	250,000	104281
C725E2	Local Parks Projects	\$	26,227,333	104282
C725E6	Project Planning	\$	500,000	104283
C725L8	Statewide Trails Program - Hocking Hills Trails Rehabilitation Phase II	\$	1,000,000	104284
C725M5	Middle Bass Island State Park - Marina	\$	4,000,000	104285
C725N0	Handicapped Accessibility - Statewide	\$	100,000	104286

C725N4	Hazardous Waste/Asbestos Abatement - Statewide	\$	150,000	104287
C725N6	Statewide Wastewater/Water Systems Upgrade	\$	3,000,000	104288
C725R3	State Park Renovations/Upgrading - Statewide Beach Bath House Replacement	\$	1,000,000	104289
	Total Department of Natural Resources	\$	42,377,333	104290
	TOTAL Parks and Recreation Improvement Fund	\$	42,377,333	104291

FEDERAL REIMBURSEMENT 104292

All reimbursements received from the federal government for 104293
any expenditures made pursuant to this section shall be deposited 104294
in the state treasury to the credit of the Parks and Recreation 104295
Improvement Fund (Fund 7035). 104296

LOCAL PARKS PROJECTS 104297

Of the foregoing appropriation item C725E2, Local Parks 104298
Projects, an amount equal to two per cent of the projects listed 104299
may be used by the Department of Natural Resources for the 104300
administration of local projects, \$3,050,000 shall be used for the 104301
Scioto Mile Development, \$2,000,000 shall be used for the 104302
Riverfront Park, \$2,000,000 shall be used for the Goodyear Park, 104303
\$1,090,000 shall be used for the Sterling Park, \$1,000,000 shall 104304
be used for the Little Miami Trail extension - Hamilton County 104305
Park District, \$675,000 shall be used for the Anthony Wayne Youth 104306
Foundation Recreation area, \$100,000 shall be used for the Euclid 104307
Beach Pier, \$500,000 shall be used for the Euclid Marina 104308
Breakwater Project, \$500,000 shall be used for the Columbus Crew 104309
Facility - Hilliard, \$500,000 shall be used for the Franklin Park 104310
Conservatory, \$500,000 shall be used for the Colerain Township 104311
Park, \$500,000 shall be used for the Green Township Legacy Place 104312
Park, \$475,000 shall be used for the Dublin Emerald Fields Special 104313
Needs Playground, \$450,000 shall be used for the Sippo Lake Park 104314
improvements, \$400,000 shall be used for the Mentor Beach Park or 104315

Mentor Lagoons Marina, \$400,000 shall be used for the Harrison 104316
Park - Wick District - Smoky, \$400,000 shall be used for the Wayne 104317
County Rails to Trails Project, \$350,000 shall be used by Franklin 104318
County Metro Parks for the Whittier Peninsula Park, \$350,000 shall 104319
be used for the Perry Township Park, \$733,333 shall be used for 104320
the East Bank of the Flats, \$175,000 shall be used for the New 104321
Richmond Park, \$300,000 shall be used for the Beaver Creek Wildlife 104322
Education Center, \$300,000 shall be used for the Versailles Park 104323
Project, \$300,000 shall be used for the Madison Township Park, 104324
\$284,000 shall be used for the Bike and Pedestrian Path - 104325
SugarTree Corridor, \$275,000 shall be used for the Montville 104326
Township Park Project, \$250,000 shall be used for the Grand Lake 104327
St. Mary's Shoreline Rip Rap Project, \$250,000 shall be used for 104328
the West Chester Beckett Park Improvements, \$250,000 shall be used 104329
for the City of Strongsville Family Aquatic Center, \$250,000 shall 104330
be used for the Reis Park improvements, \$250,000 shall be used for 104331
the McIntyre Park Hiking and Biking Trails, \$250,000 shall be used 104332
for the Circleville Community Park Project, \$250,000 shall be used 104333
for the Fremont Area Foundation Park athletic facilities, \$250,000 104334
shall be used for the Alliance Park, \$250,000 shall be used for 104335
the Audubon Ohio Nature Center, \$200,000 shall be used for the 104336
Maple Heights Pool/Park improvements, \$200,000 shall be used for 104337
the Lancaster Community Parks revitalization, \$200,000 shall be 104338
used for the Grandview Yard Public Park, \$200,000 shall be used 104339
for the Wyoming City Regional Park, \$200,000 shall be used for the 104340
Chagrin River Lakefront Park, \$200,000 shall be used for the 104341
Aullwood Audubon Center, \$400,000 shall be used for the Austin 104342
Pike Project - land acquisition, \$200,000 shall be used for the 104343
Mary Virginia Crites Hammum Community Park, \$500,000 shall be used 104344
for the Canton Water Facilities Park Project, \$150,000 shall be 104345
used for the Lima Historic Athletic Field, \$150,000 shall be used 104346
for the Myers Memorial Bandshell, \$150,000 shall be used for the 104347
City of Logan Park/Pool improvements, \$150,000 shall be used for 104348

the Houston Fisher Memorial Park improvements, \$150,000 shall be 104349
used for the Indian Lake State Park Campground Electrical 104350
Improvements, \$150,000 shall be used for the Avon Lake Veterans 104351
Park improvements, \$125,000 shall be used for the York Township 104352
Park land acquisition, \$124,500 shall be used for the Salt Fork 104353
Concession Stand, \$100,000 shall be used for the Monroe Veterans' 104354
Memorial Park, \$100,000 shall be used for the Rivers Edge Bikeway, 104355
\$100,000 shall be used for the Mayfield Heights Park Facility 104356
improvement, \$100,000 shall be used for the Auburn Township 104357
Community Park, \$100,000 shall be used for the Kidron Community 104358
Park Improvements, \$100,000 shall be used for the Lucas County 104359
Marina, \$100,000 shall be used for the Youngstown City Park, 104360
\$100,000 shall be used for the Salisbury Township Park 104361
improvements/land acquisition, \$100,000 shall be used for the 104362
Community Built Playground, \$100,000 shall be used for the Burkes 104363
Point Park, \$100,000 shall be used for the Barberton Newton Park, 104364
\$100,000 shall be used for the Crown Point Conservation Easement, 104365
\$100,000 shall be used for the Mudbrook Trail and Greenway 104366
Project, \$100,000 shall be used for the Waddell Park in the City 104367
of Niles, \$100,000 shall be used for the Moonville Rail Trail 104368
Project, \$100,000 shall be used for the Springboro Park 104369
improvements, \$75,000 shall be used for the Ault Park 104370
improvements, \$75,000 shall be used for the Willard Soccer and 104371
Football Park Project, \$75,000 shall be used for the Austintown 104372
Nature Rooms, \$75,000 shall be used for the Meigs Local Enrichment 104373
Project Multi-Purpose Complex, \$75,000 shall be used for the 104374
Miracle League facility - Muskingum County, \$70,000 shall be used 104375
for the City of Nelsonville ~~Park/land acquisition to acquire land,~~ 104376
make park improvements, or purchase park-related equipment, 104377
\$65,000 shall be used for the Village of Jacksonville Park 104378
improvements, \$58,500 shall be used by the Greene County Parks and 104379
Recreation Department to provide recreational opportunities, 104380
\$50,000 shall be used for the Ohio Wildlife Center, \$50,000 shall 104381

be used for the Kelley's Island Park Restroom PHASE II, \$50,000 104382
shall be used for the Little League Challenger Field - Cambridge, 104383
\$50,000 shall be used for the Avon Isle Park improvements, \$50,000 104384
shall be used for the Monroe Township, Clermont County Fair Oak 104385
Park, \$46,000 shall be used for the Huntington Township Park 104386
Projects, \$35,000 shall be used for the Village of Buchtel Park 104387
improvements, \$35,000 shall be used for the Village of Syracuse 104388
Park improvements, \$30,000 shall be used for the Village of Albany 104389
Park improvements, \$30,000 shall be used for the Village of 104390
Aberdeen Boat Dock, \$30,000 shall be used for the Village of 104391
Hamler Parks improvement, \$25,000 shall be used for the Coshocton 104392
Children's Park, \$25,000 shall be used for the Alt Park 104393
improvements, \$25,000 shall be used for the Cambridge Handicapped 104394
Playground, \$25,000 shall be used for the Murray City Community 104395
Parks improvement, \$25,000 shall be used for the Marblehead 104396
Lighthouse State Park - Replica Life Boat Station, \$25,000 shall 104397
be used for the Village of Attica Park Maintenance, \$20,000 shall 104398
be used for the Village of Stockport Park improvements, \$15,000 104399
shall be used for the Village of Salineville Baseball Field, 104400
\$15,000 shall be used for the City of Parma Heights Greenbriar 104401
Commons Park Walking Trail, \$10,000 shall be used for the Village 104402
of Albany Bike Paths, \$10,000 shall be used for the Salem Park 104403
Board, \$10,000 shall be used for the Village of Pomeroy Mini Park 104404
improvements, \$10,000 shall be used for the Skyvue Outdoor 104405
Classroom, and \$6,000 shall be used for the Wadsworth Skate Park. 104406
104407
104408
104409

Section 610.31. That existing Sections 233.30.20, 233.30.50, 104410
233.40.30, and 235.10 of Am. Sub. H.B. 562 of the 127th General 104411
Assembly are hereby repealed. 104412

Section 610.40. That Section 231.20.30 of Am. Sub. H.B. 562 104413
of the 127th General Assembly, as amended by Am. Sub. H.B. 420 of 104414
the 127th General Assembly, be amended to read as follows: 104415

Appropriations

Sec. 231.20.30. DMR DEPARTMENT OF MENTAL RETARDATION AND 104416
DEVELOPMENTAL DISABILITIES 104417

STATEWIDE AND CENTRAL OFFICE PROJECTS 104418

C59004	Community Assistance Projects	\$	13,551,537	104419
C59022	Razing of Buildings	\$	200,000	104420
C59024	Telecommunications	\$	400,000	104421
C59029	Generator Replacement	\$	1,000,000	104422
C59034	Statewide Developmental Centers	\$	4,294,237	104423
C59050	Emergency Improvements	\$	500,000	104424
C59051	Energy Conservation	\$	500,000	104425
C59052	Guernsey County MRDD Boiler Replacement	\$	275,000	104426
C59054	Recreation Unlimited Life Center <u>Ashley</u>	\$	150,000	104427
	<u>Campus Support Company</u> - Delaware			
C59055	Camp McKinley Improvements	\$	30,000	104428
C59056	The Hope Learning Center	\$	250,000	104429
	Total Statewide and Central Office Projects	\$	21,150,774	104430
	TOTAL Department of Mental Retardation and	\$	21,150,774	104431
	Developmental Disabilities			
	TOTAL Mental Health Facilities Improvement Fund	\$	127,630,774	104432

COMMUNITY ASSISTANCE PROJECTS 104433

The foregoing appropriation item C59004, Community Assistance 104434
Projects, may be used to provide community assistance funds for 104435
the development, purchase, construction, or renovation of 104436
facilities for day programs or residential programs that provide 104437
services to persons eligible for services from the Department of 104438
Mental Retardation and Developmental Disabilities or county boards 104439
of mental retardation and developmental disabilities. Any funds 104440

provided to nonprofit agencies for the construction or renovation 104441
of facilities for persons eligible for services from the 104442
Department of Mental Retardation and Developmental Disabilities 104443
and county boards of mental retardation and developmental 104444
disabilities shall be governed by the prevailing wage provisions 104445
in section 176.05 of the Revised Code. 104446

Of the foregoing appropriation item C59004, Community 104447
Assistance Projects, \$250,000 shall be used for North Olmsted 104448
Welcome House. Notwithstanding any provision of law to the 104449
contrary, North Olmsted Welcome House is not subject to the 104450
requirements of Chapter 153. of the Revised Code. 104451

Section 610.41. That existing Section 231.20.30 of Am. Sub. 104452
H.B. 562 of the 127th General Assembly, as amended by Am. Sub. 104453
H.B. 420 of the 127th General Assembly, is hereby repealed. 104454

Section 610.50. That Sections 227.10 and 233.50.80 of Am. 104455
Sub. H.B. 562 of the 127th General Assembly, as amended by Am. 104456
Sub. H.B. 420 of the 127th General Assembly, be amended to read as 104457
follows: 104458

Sec. 227.10. The items set forth in this section are hereby 104459
appropriated out of any moneys in the state treasury to the credit 104460
of the Cultural and Sports Facilities Building Fund (Fund 7030) 104461
that are not otherwise appropriated. 104462

Appropriations

AFC CULTURAL FACILITIES COMMISSION			104463
C37118	Statewide Site Repairs	\$ 650,000	104464
C37120	Cincinnati Museum Center	\$ 2,500,000	104465
C37122	Akron Art Museum	\$ 700,000	104466
C37123	Youngstown Symphony Orchestra	\$ 675,000	104467
C37127	Cedar Bog	\$ 50,000	104468
C37139	Stan Hywet Hall & Gardens	\$ 1,050,000	104469

C37140	McKinley Museum Improvements	\$	200,000	104470
C37142	Midland Theatre Improvements	\$	300,000	104471
C37148	Hayes Presidential Center	\$	150,000	104472
C37152	Zoar Village Building Restoration	\$	90,000	104473
C37153	Basic Renovations and Emergency Repairs	\$	850,000	104474
C37158	Rankin House Restoration and Development	\$	242,000	104475
C37163	Harding Home and Tomb	\$	340,000	104476
C37165	Ohio Historical Center Rehabilitation	\$	514,000	104477
C37187	Renaissance Theatre	\$	900,000	104478
C37188	Trumpet in the Land Facility	\$	150,000	104479
C371A3	Voice of America Museum Facility	\$	500,000	104480
C371A9	Western Reserve Historical Society	\$	300,000	104481
C371C7	Music Hall Facility	\$	1,100,000	104482
C371E5	Pro Football Hall of Fame	\$	500,000	104483
C371F6	Colony Theater	\$	250,000	104484
C371G4	Collections Storage Facility and Learning Center	\$	1,240,000	104485
C371G6	Lockington Locks Stabilization	\$	462,000	104486
C371H2	National Underground Railroad Freedom Center	\$	850,000	104487
C371H5	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,000,000	104488
C371H7	COSI - Columbus	\$	500,000	104489
C371H8	Columbus Museum of Art	\$	1,500,000	104490
C371J3	Davis-Shai Historical Facility	\$	725,000	104491
C371J4	Massillon Museum Improvements	\$	150,000	104492
C371J6	Peggy McConnell Arts Center - Worthington	\$	475,000	104493
C371J9	Stambaugh Auditorium	\$	675,000	104494
C371K3	Cincinnati Ballet	\$	250,000	104495
C371L3	Ukrainian Museum	\$	50,000	104496
C371L4	Gordon Square Arts District	\$	1,800,000	104497
C371M8	Hale Farm and Village	\$	200,000	104498

C371O9	Historic Site-Signage - Phase II	\$	50,000	104499
C371P4	Cleveland Playhouse	\$	150,000	104500
C371P9	Civil War Site Improvements	\$	475,000	104501
C371Q0	On-Line Portal to Ohio's Heritage	\$	427,000	104502
C371Q1	Lucas County Multi-purpose Sports Arena	\$	2,200,000	104503
C371Q2	Ballpark Village project	\$	2,000,000	104504
C371Q5	Cincinnati Zoo	\$	1,500,000	104505
C371Q6	Cincinnati Art Museum	\$	1,500,000	104506
C371R0	King Arts Complex	\$	861,000	104507
C371R3	Loudonville Opera House	\$	600,000	104508
C371R4	Eagles Palace Theater	\$	410,000	104509
C371R6	Historic McCook House	\$	500,000	104510
C371R7	Jeffrey Mansion in Bexley	\$	475,000	104511
C371R8	Columbus Zoo and Aquarium	\$	500,000	104512
C371S0	Towpath Trail	\$	500,000	104513
C371S1	Museum of Contemporary Art Cleveland	\$	450,000	104514
C371S2	Arts in Stark Cultural Center	\$	150,000	104515
C371S3	Ohio Genealogical Society	\$	350,000	104516
C371S5	The Fine Arts Association	\$	300,000	104517
C371S7	Maltz Museum of Jewish Heritage	\$	300,000	104518
C371S8	Allen County Historical Society Museum Renovation	\$	280,000	104519
C371S9	Portsmouth Mural	\$	250,000	104520 104521
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000	104522
C371T3	Boonshoft Museum of Discovery	\$	250,000	104523
C371T5	Clifton Cultural Arts Center	\$	250,000	104524
C371T6	Baltimore Theatre	\$	50,000	104525
C371T7	Rock Mill Park Improvements	\$	150,000	104526
C371T9	Cozad-Bates House Historic Project	\$	100,000	104527
C371U3	Lake Erie Nature & Science Center	\$	200,000	104528
C371U4	Great Lakes Science Center	\$	300,000	104529

C371U5	Cleveland Zoological Society	\$	150,000	104530
C371U8	Kidron Historical Society - Sonnenberg Village project	\$	200,000	104531
C371V0	Chesterhill Union Hall Theatre	\$	25,000	104532
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	104533
C371V2	Hallsville Historical Society	\$	100,000	104534
C371V3	Fayette County Historical Society	\$	150,000	104535
C371V4	Covedale Theatre	\$	100,000	104536
C371V5	Mariemont City - Women's Cultural Arts Center	\$	220,000	104537
C371V6	Madeira Historical Society/Miller House	\$	60,000	104538
C371V7	Sylvania Historic Village restoration	\$	200,000	104539
C371V9	Henry County Historical Society museum	\$	59,000	104540
C371W0	Antwerp Railroad Depot historic building	\$	106,000	104541
C371W1	Village of Edinburg Veterans Memorial	\$	35,000	104542
C371W2	Lorain County Historical Society Horace Starr House	\$	200,000	104543
C371W3	North Ridgeville Historic Community Theater	\$	175,000	104544
C371W4	Redbrick Center for the Arts	\$	200,000	104545
C371W5	Irene Lawrence Fuller Historic House	\$	250,000	104546
C371W6	Preble County Historical Society Amphitheater	\$	250,000	104547
C371W7	BalletTech	\$	200,000	104548
C371W8	Cincinnati Museum Center - Eulett Center	\$	150,000	104549
C371W9	Rickenbacker Boyhood Home	\$	139,000	104550
C371X0	Rivers Edge Amphitheater project	\$	100,000	104551
C371X1	Variety Theater	\$	85,000	104552
C371X2	Morgan Township Historical Society	\$	80,000	104553
C371X3	Salem Community Theater	\$	53,000	104554
C371X4	Our House State Memorial	\$	50,000	104555
C371X5	Belle's Opera House Improvements	\$	50,000	104556

C371X6	Warren Veterans memorial	\$	50,000	104557
C371X7	Huntington Playhouse	\$	40,000	104558
C371X8	Cambridge Performing Arts Center	\$	37,500	104559
C371X9	Old Harvey Historic School Restoration	\$	25,000	104560
C371Y0	Dalton Community Historical Society	\$	10,000	104561
C371Y1	Mohawk Veterans' Memorial	\$	15,000	104562
C371Y2	Cleveland Museum of Natural History	\$	150,000	104563
C371Y3	Fire Museum	\$	83,334	104564
C371Y4	New Town Indian Artifact Museum	\$	300,000	104565
C371Y5	City of Perrysburg Fort Meigs	\$	200,000	104566
C371Y6	Historic League Park Restoration	\$	150,000	104567
C371Y8	Madisonville Arts Center of Hamilton County	\$	36,000	104568
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000	104569
C371Z1	Great Lakes Historical Museum	\$	200,000	104570
C371Z3	Port of Lorain Foundation - Lorain Lighthouse Restoration	\$	190,000	104571
Total Cultural Facilities Commission		\$	42,759,834 <u>42,309,834</u>	104572
TOTAL Cultural and Sports Facilities Building Fund		\$	42,759,834 <u>42,309,834</u>	104573

Of the foregoing appropriation item C371Q5, Cincinnati Zoo, 104574
\$750,000 shall be used for the Cat Canyon/Small Cat Reproduction 104575
Center project. 104576

Appropriations

Sec. 233.50.80. STC STARK TECHNICAL COLLEGE				104577
C38900	Basic Renovations	\$	786,333	104578
C38913	Business Technologies Building	\$	2,034,537	104579
C38914	Corporate and Community Services Facility	\$	500,000	104580
Total Stark Technical College		\$	3,320,870	104581
Total Board of Regents and				104582

Institutions of Higher Education	\$	598,559,802	104583
		<u>600,209,802</u>	
TOTAL Higher Education Improvement Fund	\$	609,109,802	104584
		<u>610,759,802</u>	

Section 610.51. That existing Sections 227.10 and 233.50.80 104586
of Am. Sub. H.B. 562 of the 127th General Assembly, as amended by 104587
Am. Sub. H.B. 420 of the 127th General Assembly are hereby 104588
repealed. 104589

Section 620.10. That Section 831.06 of Am. Sub. H.B. 530 of 104590
the 126th General Assembly be amended to read as follows: 104591

Sec. 831.06. The amendments by this act of the first 104592
paragraph of division (F) of section 5751.01, of division 104593
(F)(2)(w) of section 5751.01, of the first paragraph of section 104594
~~5751.032~~ 5751.53, and of divisions (A)(7) and (A)(8)(c) of section 104595
5751.032 of the Revised Code are nonsubstantive corrections of 104596
errors in Chapter 5751. of the Revised Code. 104597

Section 620.11. That existing Section 831.06 of Am. Sub. H.B. 104598
530 of the 126th General Assembly is hereby repealed. 104599

Section 630.10. That Section 4 of Am. Sub. H.B. 516 of the 104600
125th General Assembly, as most recently amended by Am. Sub. H.B. 104601
100 of the 127th General Assembly, be amended to read as follows: 104602

Sec. 4. The following agencies shall be retained pursuant to 104603
division (D) of section 101.83 of the Revised Code and shall 104604
expire on December 31, 2010: 104605

REVISED CODE 104606

OR

UNCODIFIED 104607

AGENCY NAME	SECTION	
		104608
Administrator, Interstate Compact on Mental Health	5119.50	104609
Administrator, Interstate Compact on Placement of Children	5103.20	104610
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	104612
Advisory Boards to the EPA for Air Pollution	121.13	104613
Advisory Boards to the EPA for Water Pollution	121.13	104614
Advisory Committee of the State Veterinary Medical Licensing Board	4741.03(D)(3)	104615
Advisory Committee on Livestock Exhibitions	901.71	104616
Advisory Council on Amusement Ride Safety	1711.51	104617
Advisory Board of Directors for Prison Labor	5145.162	104618
Advisory Council for Each Wild, Scenic, or Recreational River Area	1517.18	104619
Advisory Councils or Boards for State Departments	107.18 or 121.13	104620
Advisory Group to the Ohio Water Resources Council	1521.19(C)	104621
Alzheimer's Disease Task Force	173.04(F)	104622
AMBER Alert Advisory Committee	5502.521	104623
Apprenticeship Council	4139.02	104624
Armory Board of Control	5911.09	104625
Automated Title Processing Board	4505.09(C)(1)	104626
Banking Commission	1123.01	104627
Board of Directors of the Ohio Health Reinsurance Program	3924.08	104628
Board of Voting Machine Examiners	3506.05(B)	104629
Brain Injury Advisory Committee	3304.231	104630
Capitol Square Review and Advisory Board	105.41	104631
Child Support Guideline Advisory Council	3119.024	104632
Children's Trust Fund Board	3109.15	104633
Citizens Advisory Committee (BMV)	4501.025	104634
Citizen's Advisory Councils (Dept. of Mental	5123.092	104635

Retardation and Developmental Disabilities)		
Clean Ohio Trail Advisory Board	1519.06	104636
Coastal Resources Advisory Council	1506.12	104637
Commission on African-American Males	4112.12	104638
Commission on Hispanic-Latino Affairs	121.31	104639
Commission on Minority Health	3701.78	104640
Committee on Prescriptive Governance	4723.49	104641
Commodity Advisory Commission	926.32	104642
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	104643
Community Oversight Council	3311.77	104644
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	104645
Continuing Education Committee (for Sheriffs)	109.80	104646
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	104647
Council on Alcohol and Drug Addiction Services	3793.09	104648
Council on Unreclaimed Strip Mined Lands	1513.29	104649
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	3705.34	104650
County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	104651
Credit Union Council	1733.329	104652
Criminal Sentencing Advisory Committee	181.22	104653
Day-Care Advisory Council	5104.08	104654
Dentist Loan Repayment Advisory Board	3702.92	104655
Development Financing Advisory Council	122.40	104656
Education Commission of the States (Interstate Compact for Education)	3301.48	104657
Electrical Safety Inspector Advisory Committee	3783.08	104658
Emergency Response Commission	3750.02	104659

Engineering Experiment Station Advisory Committee	3335.27	104660
Environmental Education Council	3745.21	104661
EPA Advisory Boards or Councils	121.13	104662
Farmland Preservation Advisory Board	901.23	104663
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	104664
Financial Planning & Supervision Commission for School District	3316.05	104665
Forestry Advisory Council	1503.40	104666
Governance Authority for a State University or College	3345.75	104667
Governor's Advisory Council on Physical Fitness, Wellness, & Sports	3701.77	104668
Governor's Council on People with Disabilities	3303.41	104669
Governor's Residence Advisory Commission	107.40	104670
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	104671
Gubernatorial Transition Committee	107.29	104672
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	104673
Hemophilia Advisory Subcommittee	3701.0210	104674
Housing Trust Fund Advisory Committee	175.25 <u>174.06</u>	104675
Industrial Commission Nominating Council	4121.04	104676
Industrial Technology and Enterprise Advisory Council	122.29	104677
Infant Hearing Screening Subcommittee	3701.507	104678
Insurance Agent Education Advisory Council	3905.483	104679
Interagency Council on Hispanic/Latino Affairs	121.32(J)	104680
Interstate Mining Commission (Interstate Mining Compact)	1514.30	104681
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	104682

Joint Council on MR/DD	101.37	104683
Joint Select Committee on Volume Cap	133.021	104684
Labor-Management Government Advisory Council	4121.70	104685
Legal Rights Service Commission	5123.60	104686
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	104687
Maternal and Child Health Council	3701.025	104688
Medically Handicapped Children's Medical Advisory Council	3701.025	104689
Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	104690
Military Activation Task Force	5902.15	104691
Milk Sanitation Board	917.03	104692
Mine Subsidence Insurance Governing Board	3929.51	104693
Minority Development Financing Board	122.72	104694
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	104695
Multidisciplinary Council	3746.03	104696
Muskingum River Advisory Council	1501.25	104697
National Museum of Afro-American History and Culture Planning Committee	149.303	104698
Ohio Advisory Council for the Aging	173.03	104699
Ohio Aerospace & Defense Advisory Council	122.98	104700
Ohio Arts Council	3379.02	104701
Ohio Business Gateway Steering Committee	5703.57	104702
Ohio Cemetery Dispute Resolution Commission	4767.05	104703
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	104704
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	104705
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	104706
Ohio Commission on Dispute Resolution and Conflict	179.02	104707

Management

Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	104708
Ohio Community Service Council	121.40	104709
Ohio Council for Interstate Adult Offender Supervision	5149.22	104710
Ohio Cultural Facilities Commission	3383.02	104711
Ohio Developmental Disabilities Council	5123.35	104712
Ohio Expositions Commission	991.02	104713
Ohio Family and Children First Cabinet Council	121.37	104714
Ohio Geology Advisory Council	1505.11	104715
Ohio Grape Industries Committee	924.51	104716
Ohio Hepatitis C Advisory Commission	3701.92	104717
Ohio Historic Site Preservation Advisory Board	149.301	104718
Ohio Historical Society Board of Trustees	149.30	104719
Ohio Judicial Conference	105.91	104720
Ohio Lake Erie Commission	1506.21	104721
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th GA	104722
Ohio Medical Quality Foundation	3701.89	104723
Ohio Parks and Recreation Council	1541.40	104724
Ohio Peace Officer Training Commission	109.71	104725
Ohio Public Defender Commission	120.01	104726
Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	104727

Ohio Quarter Horse Development Commission	3769.086	104728
Ohio Small Government Capital Improvements Commission	164.02	104729
Ohio Soil and Water Conservation Commission	1515.02	104730
Ohio Standardbred Development Commission	3769.085	104731
Ohio Steel Industry Advisory Council	122.97	104732
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	104733
Ohio Thoroughbred Racing Advisory Committee	3769.084	104734
Ohio Tuition Trust Authority	3334.03	104735
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	104736
Ohio Vendors Representative Committee	3304.34	104737
Ohio War Orphans Scholarship Board	5910.02	104738
Ohio Water Advisory Council	1521.031	104739
Ohio Water Resources Council	1521.19	104740
Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	104741
Oil and Gas Commission	1509.35	104742
Operating Committee, Agricultural Commodity Marketing Programs	924.07	104743
Organized Crime Investigations Commission	177.01	104744
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	5111.81 <u>5111.084</u>	104745
Physician Loan Repayment Advisory Board	3702.81	104746
Power Siting Board	4906.02	104747
Prequalification Review Board	5525.07	104748
Private Water Systems Advisory Council	3701.346	104749
Public Employment Risk Reduction Advisory Commission	4167.02	104750
Public Health Council	3701.33	104751
Public Utilities Commission Nominating Council	4901.021	104752
Public Utility Property Tax Study Committee	5727.85	104753

Radiation Advisory Council	3748.20	104754
Reclamation Commission	1513.05	104755
Recreation and Resources Commission	1501.04	104756
Recycling and Litter Prevention Advisory Council	1502.04	104757
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	104758
Savings & Loans Associations & Savings Banks Board	1181.16	104759
Schools and Ministerial Lands Divestiture Committee	501.041	104760
Second Chance Trust Fund Advisory Committee	2108.17	104761
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	104762
Solid Waste Management Advisory Council	3734.51	104763
State Agency Coordinating Group	1521.19	104764
State Board of Emergency Medical Services Subcommittees	4765.04	104765
State Council of Uniform State Laws	105.21	104766
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	104767
State Criminal Sentencing Commission	181.21	104768
State Fire Commission	3737.81	104769
State Racing Commission	3769.02	104770
State Victims Assistance Advisory Committee	109.91	104771
Student Tuition Recovery Authority	3332.081	104772
Tax Credit Authority	122.17	104773
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	104774
Technical Advisory Council on Oil and Gas	1509.38	104775
Transportation Review Advisory Council	5512.07	104776
Unemployment Compensation Review Commission	4141.06	104777
Unemployment Compensation Advisory Council	4141.08	104778
Utility Radiological Safety Board	4937.02	104779

Vehicle Management Commission	125.833	104780
Veterans Advisory Committee	5902.02(K)	104781
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	104782
Water and Sewer Commission	1525.11(C)	104783
Waterways Safety Council	1547.73	104784
Wildlife Council	1531.03	104785
Workers' Compensation Board of Directors	4121.123	104786
Nominating Committee		

Section 630.11. That existing Section 4 of Am. Sub. H.B. 516 104787
of the 125th General Assembly, as most recently amended by Am. 104788
Sub. H.B. 100 of the 127th General Assembly, is hereby repealed. 104789

Section 640.10. That Section 153 of Am. Sub. H.B. 117 of the 104790
121st General Assembly, as most recently amended by Am. Sub. H.B. 104791
119 of the 127th General Assembly, be amended to read as follows: 104792

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 104793
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 104794
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 104795
repealed, effective October 16, ~~2009~~ 2011. 104796

(B) Any money remaining in the Legislative Budget Services 104797
Fund on October 16, ~~2009~~ 2011, the date that section 5112.19 of 104798
the Revised Code is repealed by division (A) of this section, 104799
shall be used solely for the purposes stated in then former 104800
section 5112.19 of the Revised Code. When all money in the 104801
Legislative Budget Services Fund has been spent after then former 104802
section 5112.19 of the Revised Code is repealed under division (A) 104803
of this section, the fund shall cease to exist. 104804

Section 640.11. That existing Section 153 of Am. Sub. H.B. 104805
117 of the 121st General Assembly, as most recently amended by Am. 104806

Sub. H.B. 119 of the 127th General Assembly, is hereby repealed. 104807
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Section 640.20. That Sections 120.01, 120.02, and 120.05 of 104809
Am. Sub. H.B. 119 of the 127th General Assembly be amended to read 104810
as follows: 104811

Sec. 120.01. During the period beginning July 1, 2007, and 104812
expiring July 1, ~~2009~~ 2011, the operation of sections 3718.02, 104813
3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 3718.10, 3718.99, and 104814
6111.441 of the Revised Code is suspended. On July 1, ~~2009~~ 2011, 104815
sections 3718.02, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 104816
3718.10, 3718.99, and 6111.441 of the Revised Code, in either 104817
their present form or as they are later amended, again become 104818
operational. 104819

Sec. 120.02. (A)(1) Effective July 2, 2007, the rules adopted 104820
by the Public Health Council under section 3718.02 of the Revised 104821
Code that took effect on January 1, 2007, are not valid. Not later 104822
than July 2, 2007, the Director of Health shall adopt rules that 104823
are identical to the rules adopted by the Public Health Council 104824
that were in effect prior to January 1, 2007, and were codified in 104825
Chapter 3701-29 of the Administrative Code, except the rules in 104826
that chapter that established requirements for separation 104827
distances from a water table and soil absorption requirements. 104828

At the same time that the Public Health Council adopts the 104829
rules required under division (A)(2) of this section, the Director 104830
shall rescind the rules adopted under this division. 104831

The adoption and rescission of rules under this division are 104832
not subject to section 119.03 of the Revised Code. However, the 104833
Director shall file the adoption and rescission of the rules in 104834
accordance with section 119.04 of the Revised Code. Upon that 104835

filing, the adoption and rescission of the rules take immediate effect. 104836
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(2) Not later than thirty days after the effective date of this section as enacted by Am. Sub. H.B. 119 of the 127th General Assembly and notwithstanding any provision of law to the contrary, the Public Health Council shall rescind rules adopted by the Council under section 3718.02 of the Revised Code, that took effect on January 1, 2007. At the same time as those rules are rescinded, the Council shall adopt rules that are identical to the rules adopted by the Council that were in effect prior to January 1, 2007, and were codified in Chapter 3701-29 of the Administrative Code, except the rules in that Chapter that established requirements for separation distances from a water table and soil absorption requirements. Instead, a board of health or the authority having the duties of a board of health shall adopt standards establishing requirements for separation distances from a water table and soil absorption requirements based on the water table and soils in the applicable health district for purposes of the installation and operation of household sewage treatment systems and small flow on-site sewage treatment systems in the applicable health district. 104838
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The rescission and adoption of rules under this division are not subject to section 119.03 of the Revised Code. However, the Public Health Council shall file the rules in accordance with section 119.04 of the Revised Code. Upon that filing, the rules take immediate effect. 104857
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(B) A local board of health or the authority having the duties of a board of health may adopt standards for use in the health district that are more stringent than the rules adopted under division (A)(1) or (2) of this section, provided that the board of health or authority having the duties of a board of health in adopting such standards considers the economic impact of 104862
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those standards on property owners, the state of available 104868
technology, and the nature and economics of the available 104869
alternatives. If a board of health or authority having the duties 104870
of a board of health adopts standards that are more stringent than 104871
the rules adopted under division (A)(1) or (2) of this section, 104872
the board or authority shall send a copy of the standards to the 104873
Department of Health. 104874

(C)(1) A board of health or the authority having the duties 104875
of a board of health shall approve or deny the use of household 104876
sewage treatment systems and small flow on-site sewage treatment 104877
systems in the applicable health district. In approving or denying 104878
a household sewage treatment system or a small flow on-site sewage 104879
treatment system for use in the health district, the board or 104880
authority shall consider the economic impact of the system on 104881
property owners, the state of available technology, and the nature 104882
and economics of the available alternatives, ensure that a system 104883
will not create a public health nuisance, and require a system to 104884
comply with the requirements established in divisions (C)(2) and 104885
(3) of this section. 104886

(2) Notwithstanding any rule adopted by the Director of 104887
Health or the Public Health Council or standard adopted by a board 104888
of health or the authority having the duties of a board of health 104889
governing the installation and operation of sewage treatment 104890
systems, a board of health or the authority having the duties of a 104891
board of health shall ensure that the design and installation of a 104892
soil absorption system prevents public health nuisances. To the 104893
extent determined necessary by a board of health or the authority 104894
having the duties of a board of health, a sewage treatment system 104895
that is installed after the effective date of this section as 104896
enacted by Am. Sub. H.B. 119 of the 127th General Assembly shall 104897
not discharge to a ditch, stream, pond, lake, natural or 104898
artificial waterway, drain tile, other surface water, or the 104899

surface of the ground unless authorized by a national pollutant
discharge elimination system (NPDES) permit issued under Chapter
6111. of the Revised Code and rules adopted under it. In addition,
a sewage treatment system shall not discharge to an abandoned
well, a drainage well, a dry well or cesspool, a sinkhole, or
another connection to ground water. As a condition to the issuance
of a permit to operate a system, a board of health or the
authority having the duties of a board of health shall require a
service contract for any sewage treatment system that is subject
to an NPDES permit to the extent required by the Environmental
Protection Agency. If classified as a class V injection well, a
household sewage treatment system serving a two- or three-family
dwelling or a small flow on-site sewage treatment system shall
comply with 40 C.F.R. 144, as published in the July 1, 2005, Code
of Federal Regulations and with the registration requirements
established in rule 3745-34-13 of the Administrative Code.

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(3) Notwithstanding any rule adopted by the Director of
Health or the Public Health Council or standard adopted by a board
of health or the authority having the duties of a board of health
governing the installation and operation of household sewage
treatment systems, all septic tanks, other disposal component
tanks, dosing tanks, pump vaults, household sewage disposal system
holding tanks and privy vaults, or other applicable sewage
disposal system components manufactured after the effective date
of this section as enacted by Am. Sub. H.B. 119 of the 127th
General Assembly and used in this state shall be watertight and
structurally sound.

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(4) For purposes of division (C) of this section, "economic
impact" means all of the following with respect to the approval or
denial of a household sewage treatment system or small flow
on-site sewage treatment system, as applicable:

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(a) The cost of a proposed system;	104932
(b) The cost of an alternative system that will not create a public health nuisance;	104933 104934
(c) A comparison of the costs of repairing a system as opposed to replacing the system with a new system;	104935 104936
(d) The value of the dwelling or facility, as applicable, that the system services as indicated in the most recent tax duplicate.	104937 104938 104939
(D)(1) Notwithstanding any rule adopted by the Director of Health or the Public Health Council governing the installation and operation of household sewage treatment systems, a board of health or the authority having the duties of a board of health may establish and collect fees for the purposes of this section.	104940 104941 104942 104943 104944
(2) In addition to the fees that are authorized to be established under division (D)(1) of this section, there is hereby levied an application fee of twenty-five dollars for a sewage treatment system installation permit. A board of health or the authority having the duties of a board of health shall collect the fee on behalf of the Department of Health and forward the fee to the Department to be deposited in the state treasury to the credit of the Sewage Treatment System Innovation Fund, which is hereby created. Not more than seventy-five per cent of the money in the Fund shall be used by the Department to administer the sewage treatment system program, and not less than twenty-five per cent of the money in the Fund shall be used to establish a grant program in cooperation with boards of health to fund the installation and evaluation of new technology pilot projects. In the selection of the pilot projects, the Director of Health shall consult with the Sewage Treatment System Technical Advisory Committee created in section 3718.03 of the Revised Code.	104945 104946 104947 104948 104949 104950 104951 104952 104953 104954 104955 104956 104957 104958 104959 104960 104961
(E) Not later than one year after the installation of a	104962

household sewage treatment system, a board of health or the 104963
authority having the duties of a board of health shall inspect the 104964
system to ensure that it is not a public health nuisance. 104965

(F) The Department of Health may file an injunctive action 104966
against a board of health or the authority having the duties of a 104967
board of health that allows a household sewage treatment system or 104968
small flow on-site sewage treatment system to cause a public 104969
health nuisance, provided that the Department provides reasonable 104970
notice to the board or authority and allows for the opportunity to 104971
abate the nuisance prior to the action. 104972

(G) The Environmental Protection Agency shall not require a 104973
board of health or the authority having the duties of a board of 104974
health to enter into a memorandum of understanding or any other 104975
agreement with the Agency regarding the issuance of NPDES permits 104976
for off-lot sewage treatment systems. Instead, a representative of 104977
a board of health or the authority having the duties of a board of 104978
health may meet with a person who intends to install such a system 104979
to determine the feasibility of the system and refer the person to 104980
the Agency to secure an NPDES permit for the system if needed. The 104981
Environmental Protection Agency, within ninety days or as quickly 104982
as possible after the effective date of this section as enacted by 104983
Am. Sub. H.B. 119 of the 127th General Assembly, shall seek a 104984
revision to the general NPDES permit, issued pursuant to the 104985
federal Water Pollution Control Act as defined in section 6111.01 104986
of the Revised Code, in order not to require a memorandum of 104987
understanding with a board of health or the authority having the 104988
duties of a board of health and that allows a property owner to 104989
seek coverage under the general NPDES permit for purposes of this 104990
division. A board of health or the authority having the duties of 104991
a board of health voluntarily may enter into a memorandum of 104992
understanding with the Environmental Protection Agency to 104993
implement the general NPDES permit. In the interim, the Agency 104994

shall work with boards of health or authorities having the duties 104995
of boards of health and with property owners in order to 104996
facilitate the owners' securing an NPDES permit in counties 104997
without a memorandum of understanding. 104998

(H) Notwithstanding any rule adopted by the Director of 104999
Health or the Public Health Council governing the installation and 105000
operation of household sewage treatment systems, a board of health 105001
or the authority having the duties of a board of health that, 105002
prior to the effective date of this section, has obtained 105003
authority from the Department of Health and the Environmental 105004
Protection Agency to regulate small flow on-site sewage treatment 105005
systems may continue to regulate such systems on and after the 105006
effective date of this section as enacted by Am. Sub. H.B. 119 of 105007
the 127th General Assembly. A board of health or the authority 105008
having the duties of a board of health that has not obtained such 105009
authority may request the authority from the Department of Health 105010
and the Environmental Protection Agency in the manner provided by 105011
law. 105012

(I) Because the rules adopted by the Public Health Council 105013
under section 3718.02 of the Revised Code that were effective on 105014
January 1, 2007, have been rescinded by operation of this section, 105015
the references to those rules in section 3718.021 of the Revised 105016
Code are not operable. Instead, notwithstanding any other 105017
provisions of this section, the Director of Health or the Public 105018
Health Council, as applicable, shall provide for the 105019
implementation of section 3718.021 of the Revised Code in the 105020
rules that are required to be adopted under division (A) of this 105021
section. 105022

(J) The Department of Health in cooperation with a board of 105023
health or the authority having the duties of a board of health 105024
shall assess the familiarity of the board's or authority's staff 105025
with the best practices in the use of sewage treatment systems and 105026

conduct appropriate training to educate the board's or authority's staff in those best practices and in the use of any new sewage treatment system technology that is recommended for use by the Sewage Treatment System Technical Advisory Committee created in section 3718.03 of the Revised Code.

(K)(1) As used in this section, "household sewage treatment system," "small flow on-site sewage treatment system," and "sewage treatment system" have the same meanings as in section 3718.01 of the Revised Code.

(2) For the purposes of this section, "household sewage treatment system" is deemed to mean "household sewage disposal system" as necessary for the operation of this section.

(3) For purposes of this section, a public health nuisance shall be deemed to exist when an inspection conducted by a board of health documents odor, color, or other visual manifestations of raw or poorly treated sewage and either of the following applies:

(a) Water samples exceed five thousand fecal coliform counts per one hundred milliliters (either MPN or MF) in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken.

(b) Water samples exceed five hundred seventy-six E. Coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken.

(L) Neither the Director of Health or the Public Health Council shall adopt rules prior to July 1, ~~2009~~ 2011, that modify or change the requirements established by this section.

(M) This section expires on the effective date of the rules that are to be adopted under section 3718.02 of the Revised Code when that section becomes operational on July 1, ~~2009~~ 2011,

pursuant to Section 120.01 of ~~this act~~ Am. Sub. H.B. 119 of the 105058
127th General Assembly. 105059

Sec. 120.05. Sections 120.03 and 120.04 of Am. Sub. H.B. 119 105060
of the 127th General Assembly take effect on July 1, ~~2009~~ 2011. 105061

Section 640.21. That existing Sections 120.01, 120.02, and 105062
120.05 of Am. Sub. H.B. 119 of the 127th General Assembly are 105063
hereby repealed. 105064

Section 690.10. That Section 3 of Am. Sub. H.B. 203 of the 105065
126th General Assembly and Section 325.05 of Am. Sub. H.B. 2 of 105066
the 128th General Assembly are hereby repealed. 105067

Section 690.20. That Sections 309.30.74 and 309.30.75 of this 105068
act are repealed effective July 1, 2011. 105069

Section 690.21. The repeal by this act of Section 309.30.74 105070
of this act on July 1, 2011, does not eliminate the requirement 105071
for a hospital to make an installment payment of the hospital's 105072
assessment under that section that is due after June 30, 2011. 105073

The repeal by this act of Section 309.30.75 of this act on 105074
July 1, 2011, does not eliminate the requirement for the 105075
Department of Job and Family Services to make an installment 105076
payment under the Hospital Inpatient and Outpatient Supplemental 105077
Upper Payment Limit Program to a hospital that is due after June 105078
30, 2011. 105079

Section 701.10. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES 105080

(A) As used in this section, "appointing authority" has the 105081
same meaning as in section 124.01 of the Revised Code, and "exempt 105082
employee" has the same meaning as in section 124.152 of the 105083
Revised Code. 105084

(B) Notwithstanding section 124.181 of the Revised Code, both 105085
of the following apply: 105086

(1) In cases where no vacancy exists, an appointing authority 105087
may, with the written consent of an exempt employee, assign duties 105088
of a higher classification to that exempt employee for a period of 105089
time not to exceed two years, and that exempt employee shall 105090
receive compensation at a rate commensurate with the duties of the 105091
higher classification. 105092

(2) If necessary, exempt employees who are assigned to duties 105093
within their agency to maintain operations during the Ohio 105094
Administrative Knowledge System (OAKS) implementation may agree to 105095
a temporary assignment that exceeds the two-year limit. 105096

Section 701.20. FINANCIAL PLANNING AND SUPERVISION 105097
COMMISSIONS 105098

For any Financial Planning and Supervision Commission 105099
established prior to the effective date of the amendment of 105100
section 118.05 of the Revised Code by the Main Operating 105101
Appropriations Act of the 128th General Assembly, four members 105102
constitute a quorum and the affirmative vote of a majority of the 105103
members is necessary for any action taken by vote of the 105104
commission. 105105

Section 701.30. SCIENCE AND TECHNOLOGY COLLABORATION 105106

The Department of Development, the Board of Regents, the Air 105107
Quality Development Authority, the Department of Agriculture, and 105108
the Third Frontier Commission shall collaborate in relation to 105109
appropriation items and programs referred to as Technology-based 105110
Economic Development Programs in this section, and other 105111
technology-related appropriations and programs in the Department 105112
of Development, Air Quality Development Authority, Department of 105113
Agriculture, and the Board of Regents as these agencies may 105114

designate, to ensure implementation of a coherent state science 105115
and technology strategy. 105116

To the extent permitted by law, the Air Quality Development 105117
Authority shall assure that coal research and development 105118
programs, proposals, and projects consider or incorporate 105119
collaborations with Third Frontier Project programs and grantees 105120
and with Technology-based Economic Development Programs and 105121
grantees. 105122

"Technology-based Economic Development Programs" means 105123
appropriation items 195401, Thomas Edison Program; 898402, Coal 105124
Development Office; 898604, Coal Research and Development Fund; 105125
235508, Air Force Institute of Technology; 235510, Ohio 105126
Supercomputer Center; 235535, Ohio Agricultural Research and 105127
Development Center; 235556, Ohio Academic Resources Network; 105128
195435, Biomedical Research and Technology Transfer; 195687, Third 105129
Frontier Research & Development Projects; C23506, Third Frontier 105130
Project; 195692, Research & Development Taxable Bond Projects; 105131
195694, Jobs Fund Bioproducts; 195695, Jobs Fund Biomedical; 105132
Technology Action grants provided in 195615, Facilities 105133
Establishment; and tax credits supporting the Ohio Venture Capital 105134
Authority and Technology Investment Tax Credit programs. 105135
105136

Technology-based Economic Development Programs shall be 105137
managed and administered in accordance with the following 105138
objectives: (1) to build on existing competitive research 105139
strengths; (2) to encourage new and emerging discoveries and 105140
commercialization of products and ideas that will benefit the Ohio 105141
economy; and (3) to assure improved collaboration among programs 105142
administered by the Third Frontier Commission and with other state 105143
programs that are intended to improve economic growth and job 105144
creation. As directed by the Third Frontier Commission, 105145
Technology-based Economic Development Program managers shall 105146

report to the Commission or the Third Frontier Advisory Board 105147
regarding the contributions of their programs to achieving these 105148
objectives. 105149

Each Technology-based Economic Development Program shall be 105150
reviewed annually by the Third Frontier Commission with respect to 105151
its development of complementary relationships within a combined 105152
state science and technology investment portfolio, and with 105153
respect to its overall contribution to the state's science and 105154
technology strategy, including the adoption of appropriately 105155
consistent criteria for: (1) the scientific and technical merit 105156
and relationship to Ohio's research strengths of activities 105157
supported by the program; (2) the relevance of the program's 105158
activities to commercial opportunities in the private sector; (3) 105159
the private sector's involvement in a process that continually 105160
evaluates commercial opportunities to use the work supported by 105161
the program; and (4) the ability of the program and recipients of 105162
grant funding from the program to engage in activities that are 105163
collaborative, complementary, and efficient in the expenditure of 105164
state funds. Each Technology-based Economic Development Program 105165
shall provide an annual report to the Third Frontier Commission 105166
that discusses existing, planned, or possible collaborations 105167
between programs and between recipients of grant funding related 105168
to technology, development, commercialization, and the support of 105169
Ohio's economic development. The annual review conducted by the 105170
Third Frontier Commission shall be a comprehensive review of the 105171
entire state science and technology program portfolio rather than 105172
a review of individual programs. 105173

Applicants for Third Frontier and Technology-based Economic 105174
Development Programs funding shall identify their requirements for 105175
high-performance computing facilities and services, including both 105176
hardware and software, in all proposals. If an applicant's 105177
requirements exceed approximately \$100,000 for a proposal, the 105178

Ohio Supercomputer Center shall convene a panel of experts. The 105179
panel shall review the proposal to determine whether the 105180
proposal's requirements can be met through Ohio Supercomputer 105181
Center facilities or through other means and report such 105182
information to the Third Frontier Commission. 105183

To ensure that the state receives the maximum benefit from 105184
its investment in the Third Frontier Project and the NextGen 105185
Network, organizations receiving Third Frontier awards and 105186
Technology-based Economic Development Programs awards shall, as 105187
appropriate, be expected to have a connection to the NextGen 105188
Network that enables them and their collaborators to achieve award 105189
objectives through the NextGen Network. 105190

Section 701.40. The General Assembly intends that all funds 105191
appropriated or otherwise made available by the state for fiscal 105192
stabilization or recovery purposes, or by the American Recovery 105193
and Reinvestment Act of 2009, shall be used, to the extent 105194
possible, in accordance with the preferences established in 105195
section 125.09 of the Revised Code to purchase products made and 105196
services performed in the United States and in this state. The 105197
General Assembly further recognizes that a preference for buying 105198
goods and materials that are produced, and services that are 105199
performed, in the United States for projects is important for 105200
maximizing the creation of American jobs and restoring economic 105201
growth and opportunity. 105202

If any person requests or obtains a waiver of the preferences 105203
referred to in the first paragraph of this section, the Director 105204
of Administrative Services shall publish information identifying 105205
the person and the product or service with regard to which the 105206
waiver was requested or obtained. The purpose of publishing this 105207
identifying information is to enhance opportunities for producers, 105208
service providers, and workers to identify and provide products 105209

made and services performed in the United States and this state, 105210
and thereby to maximize the success of the fiscal stabilization 105211
and economic recovery program. The director shall publish the 105212
identifying information on an internet web site maintained by the 105213
Department of Administrative Services. 105214

Section 701.70. The Department of Administrative Services 105215
shall conduct a pilot project involving propane-powered state 105216
vehicles. During the period commencing October 1, 2009, and ending 105217
September 30, 2010, the Department of Administrative Services 105218
shall convert or cause to be converted to a propane fuel system 105219
five per cent of the gasoline-powered passenger cars, sport 105220
utility vehicles, and light-duty pickup trucks owned by the state. 105221
During the period commencing October 1, 2010, and ending December 105222
31, 2010, the Department shall convert or cause to be converted to 105223
a propane fuel system an additional five per cent of the 105224
gasoline-powered motor vehicles described in this section. Only 105225
propane fuel systems that have been approved by the United States 105226
Environmental Protection Agency shall be installed in state 105227
vehicles pursuant to this section. 105228

During the period commencing October 1, 2009, and ending 105229
September 30, 2011, the Department shall keep detailed records of 105230
the propane-powered vehicles, including fuel mileage and 105231
maintenance costs. After September 30, 2011, the Department shall 105232
conduct a study of the pilot project to assess all aspects of the 105233
use by the state of propane-powered vehicles during the pilot 105234
project. The study shall include all relevant findings and 105235
recommendations, if any, regarding future use of propane gas in 105236
state vehicles, and shall be compiled into a final report. 105237

Not later than December 31, 2011, the Department shall submit 105238
copies of the final report to the Governor, the President of the 105239
Senate, the Minority Leader of the Senate, the Speaker of the 105240

House of Representatives, and the Minority Leader of the House of
Representatives. 105241
105242

Section 701.80. The Director of Budget and Management shall 105243
prepare, beginning on October 1, 2009, and on the first day of 105244
each calendar quarter thereafter, a list of all employees paid by 105245
warrant of the Director who work primarily for one state agency 105246
while being paid from appropriations made to another state agency. 105247
The Director shall provide a copy of the list to the President of 105248
the Senate, the Speaker of the House of Representatives, and the 105249
Minority Leaders of the Senate and House of Representatives. 105250

Section 701.90. (A) In adopting the rules required under 105251
division (K) of section 122.85 of the Revised Code, as enacted by 105252
this act, the Director of Development shall file the notice and 105253
text of the proposed rules as required by division (B) of section 105254
119.03 of the Revised Code not later than two hundred five days 105255
after the effective date of this section. 105256

(B) Not later than eighty days after the effective date of 105257
this section, the Director of Development shall adopt initial 105258
rules to effect the same purposes of the rules required under 105259
division (K) of section 122.85 of the Revised Code, as enacted by 105260
this act. The initial rules shall be adopted pursuant to section 105261
111.15 of the Revised Code, but division (D) of that section does 105262
not apply to the adoption of the initial rules. The initial rules 105263
shall be effective until the final rules adopted pursuant to 105264
division (A) of this section and Chapter 119. of the Revised Code 105265
take effect. 105266

Section 701.95. The several appointing authorities shall make 105267
initial appointments to the Small Business Regulatory Review Board 105268
under section 121.257 of the Revised Code, as enacted by this act, 105269
for terms commencing on January 1, 2010. 105270

Section 701.97. The head officer of a state agency shall 105271
track the agency's compliance with minority business enterprise 105272
and EDGE business enterprise program requirements using the 105273
scorecard system that has been developed by the Deputy Director of 105274
the Equal Opportunity Division. Within five business days after 105275
the last day of each quarter in fiscal years 2010 and 2011, the 105276
head of the state agency shall transmit the compliance tracking 105277
data the state agency has obtained using the scorecard system 105278
during the quarter of the fiscal year just ended to the Deputy 105279
Director. 105280

The Deputy Director of the Equal Opportunity Division of the 105281
Department of Administrative Services shall develop and implement 105282
a scorecard system that will enable state agencies to track their 105283
compliance with minority business enterprise and EDGE business 105284
enterprise program requirements. The Deputy Director shall make 105285
the scorecard system available to each state agency. A "state 105286
agency," for purposes of the scorecard system, is a discrete unit 105287
that is organized as a part of, and that carries out one or more 105288
functions of, state government. The scorecard system shall be 105289
designed to enable state agencies to transmit compliance tracking 105290
data obtained using the scorecard system to the Deputy Director. 105291

Quarterly, by the first day of the second month following the 105292
last month of each quarter in fiscal years 2010 and 2011, the 105293
Deputy Director shall compile and study the compliance tracking 105294
data that has been transmitted by state agencies and prepare a 105295
report of state agency compliance with minority business 105296
enterprise and EDGE business enterprise program requirements. The 105297
Deputy Director shall submit copies of the report to the Governor, 105298
the President of the Senate, the Speaker of the House of 105299
Representatives, the Minority Leaders of the Senate and House of 105300
Representatives, and the chairpersons of the standing committees 105301
of the Senate and House of Representatives having jurisdiction 105302

over state finance. 105303

Section 709.10. (A) There is hereby created in the Department 105304
of Agriculture the Ohio Beekeepers Task Force consisting of the 105305
following members: 105306

(1) Two members of the standing committee of the House of 105307
Representatives that is primarily responsible for considering 105308
agricultural matters appointed by the Governor, each from a 105309
different political party; 105310

(2) Two members of the standing committee of the Senate that 105311
is primarily responsible for considering agricultural matters 105312
appointed by the Governor, each from a different political party; 105313

(3) The Chief of the Division of Plant Industry in the 105314
Department of Agriculture or the Chief's designee; 105315

(4) The Director of Natural Resources or the Director's 105316
designee; 105317

(5) Two representatives of the Ohio State Beekeepers 105318
Association appointed by the Association; 105319

(6) The Director of The Ohio State University Extension or 105320
the Director's designee; 105321

(7) An apiculture specialist of The Ohio State University 105322
Extension appointed by the Director of The Ohio State University 105323
Extension; 105324

(8) The Chair of The Ohio State University Department of 105325
Entomology or the Chair's designee; 105326

(9) A representative of the Ohio Produce Growers and 105327
Marketing Association appointed by the Association; 105328

(10) A representative of the Ohio Farm Bureau Federation Bee 105329
and Honey Committee appointed by the Federation; 105330

(11) A representative of the Ohio Farmers Union appointed by 105331

the Union; 105332

(12) A representative of the County Commissioners Association 105333
of Ohio appointed by the Association. 105334

(B) The members shall be appointed not later than sixty days 105335
after the effective date of this section. The Task Force shall 105336
hold its first meeting not later than ninety days after the 105337
effective date of this section. 105338

(C) The Governor shall select a chairperson and 105339
vice-chairperson from among the members of the Task Force. The 105340
chairperson may appoint a secretary. 105341

(D) The members of the Task Force shall receive no 105342
compensation for their services. 105343

(E) Not later than ten months after the effective date of 105344
this section, the Ohio Beekeepers Task Force shall submit a report 105345
to the Governor, the President of the Senate, the Speaker of the 105346
House of Representatives, and the Ohio State Beekeepers 105347
Association. The report shall do all of the following: 105348

(1) Provide an overview of the characteristics of the 105349
honeybee crisis in Ohio; 105350

(2) Examine and provide an overview of and conclusions 105351
regarding whether pollinator shortages are affecting crop 105352
pollination in Ohio; 105353

(3) Review and provide an overview of the Ohio Honeybee 105354
Emergency Action Plan; 105355

(4) Review and provide a summary of the federal initiatives 105356
regarding Ohio's bee population and of all of the Department of 105357
Agriculture's and the Ohio State Beekeepers Association's programs 105358
concerning Ohio's bee population; 105359

(5) Provide an overview of the five-year goals of the 105360
Department of Agriculture concerning honeybees, including 105361

recommendations for the restoration of Ohio's bee population; 105362

(6) Examine and describe the funding that is available for 105363
honeybee programs and issues affecting honeybees; 105364

(7) Any other issues that the Task Force considers 105365
appropriate. 105366

(F) Not later than ninety days following the submission of 105367
the report, the Task Force shall meet and respond to any question 105368
from a person who received the report. The Task Force shall cease 105369
to exist upon submitting its response to all questions from 105370
persons who received the report. 105371

Section 709.20. There is hereby created the State Clean 105372
Diesel Funding Task Force consisting of ten members as follows: 105373
the Director of the Ohio Air Quality Development Authority or the 105374
director's designee, the Director of Development or the director's 105375
designee, a representative from the Environmental Protection 105376
Agency, appointed by the Director of Environmental Protection, a 105377
representative from the Ohio Department of Transportation, 105378
appointed by the Director of Transportation, and six members 105379
appointed by the Governor, including one representative from a 105380
diesel engine manufacturer, one representative from a statewide 105381
environmental advocacy organization, one representative of a 105382
construction equipment dealer as defined in section 1353.01 of the 105383
Revised Code, one representative from a statewide organization 105384
representing contractors, one representative from a statewide 105385
organization representing the trucking industry, and one 105386
representative from a metropolitan planning organization. The 105387
Governor shall appoint the appropriate members of the Task Force 105388
not later than thirty days after the effective date of this 105389
section. 105390

The task force shall study methods of funding state clean 105391
diesel incentive programs and shall issue a report of its 105392

findings, including a recommendation for a dedicated and stable 105393
long term funding source for the Diesel Emissions Reduction Grant 105394
Program, to the General Assembly and the Governor by January 1, 105395
2010. Upon issuing the report, the task force shall cease to 105396
exist. 105397

Section 715.10. (A) There is hereby created the Energy 105398
Planning Task Force consisting of the following members: 105399

(1) The Director of Natural Resources or the Director's 105400
designee; 105401

(2) The Director of Environmental Protection or the 105402
Director's designee; 105403

(3) The Director of Development or the Director's designee; 105404

(4) Two members of the Senate appointed by the President of 105405
the Senate, one of whom shall be from the majority party and one 105406
of whom shall be from the minority party; 105407

(5) Two members of the House of Representatives appointed by 105408
the Speaker of the House of Representatives, one of whom shall be 105409
from the majority party and one of whom shall be from the minority 105410
party; 105411

(6) The following members appointed jointly by the President 105412
of the Senate and the Speaker of the House of Representatives: 105413

(a) A representative of Ohio's business community who 105414
represents businesses with fewer than fifty employees; 105415

(b) A representative of Ohio's business community who 105416
represents businesses with fifty or more employees; 105417

(c) A representative of large commercial energy users; 105418

(d) A representative of a statewide environmental advocacy 105419
organization; 105420

(e) A person with knowledge and expertise in the area of 105421

alternative energy; 105422

(f) A person with knowledge and expertise in the area of coal 105423
gasification. 105424

(B) All appointments shall be made to the Task Force not 105425
later than thirty days after the effective date of this section. 105426
At the first meeting of the Task Force, the members shall select a 105427
chairperson and a vice-chairperson. Thereafter, the Task Force 105428
shall meet on a regular basis as determined by the chairperson. 105429
Vacancies on the Task Force shall be filled in the manner provided 105430
for original appointments. Members of the Task Force shall receive 105431
no compensation for serving on the Task Force. The Department of 105432
Natural Resources shall provide technical support to the Task 105433
Force. 105434

(C) The Task Force shall develop a state energy plan with the 105435
goal of maximizing access to and utilization of Ohio's energy 105436
resources for the purpose of facilitating Ohio's energy 105437
independence. 105438

(D) The Task Force shall present its state energy plan to the 105439
Governor and the General Assembly not later than eighteen months 105440
after the effective date of this section. Upon submission of the 105441
plan, the Task Force shall cease to exist. 105442

Section 733.10. A member of the Ohio Tuition Trust Authority 105443
created in section 3334.03 of the Revised Code as it existed prior 105444
to the amendment of that section by this act continues to serve as 105445
a member of the Ohio Tuition Trust Authority Board created in that 105446
section as amended by this act until the member's term expires as 105447
provided in that section. 105448

Section 739.10. The Department of Insurance shall not 105449
designate any entities, which have not been designated prior to 105450
the effective date of this section, to provide investment options 105451

under alternative retirement plans established by public 105452
institutions of higher education in accordance with Chapter 3305. 105453
of the Revised Code pursuant to section 3305.03 of the Revised 105454
Code until July 1, 2010. 105455

Section 741.10. PAYROLL REDUCTION STRATEGIES 105456

Notwithstanding any other provision of law to the contrary, 105457
the Office of Collective Bargaining of the Department of 105458
Administrative Services is authorized to negotiate with the 105459
respective state collective bargaining units various payroll 105460
reduction strategies through the collective bargaining process 105461
prior to July 1, 2009, including, but not limited to, reductions 105462
in pay for fiscal years 2010 and 2011 and an increase in each 105463
state employee's share of dental, vision, and life insurance 105464
benefits for those fiscal years. If the Office successfully 105465
negotiates or reaches alternative payroll reduction strategies 105466
through the collective bargaining process, those payroll reduction 105467
strategies shall be implemented. The total amount of state 105468
employee payroll reduction strategy savings to be negotiated or 105469
implemented for each of those fiscal years shall be between 105470
\$170,000,000 and \$200,000,000, unless otherwise agreed to by the 105471
Office of Collective Bargaining and the Director of Budget and 105472
Management. The Director of Budget and Management is authorized to 105473
transfer cash from non-General Revenue Fund funds to the General 105474
Revenue Fund to carry out this section. 105475

Section 745.10. For the time period beginning on the 105476
effective date of this section and ending June 30, 2010: 105477

(A) For purposes of Chapter 4505. of the Revised Code, 105478
"manufactured housing broker" includes a manufactured home broker. 105479

(B) Notwithstanding division (N) of section 4517.01 of the 105480
Revised Code, "salesperson" shall include any person employed by a 105481

manufactured home broker to sell, display, and offer for sale, or 105482
deal in manufactured homes or mobile homes for a commission, 105483
compensation, or other valuable consideration, but does not 105484
include any public officer performing official duties. 105485

(C)(1) For purposes of section 4517.03 of the Revised Code, 105486
if a licensed new or used motor vehicle dealer also is a licensed 105487
manufactured home park operator, all of the following apply: 105488

(a) An established place of business that is located in the 105489
operator's manufactured home park and that is used for selling, 105490
leasing, and renting manufactured homes and mobile homes in that 105491
manufactured home park shall be considered as used exclusively for 105492
that purpose even though rent and other activities related to the 105493
operation of the manufactured home park take place at the same 105494
location or office. 105495

(b) The dealer's established place of business in the 105496
manufactured home park shall be staffed by someone licensed and 105497
regulated under Chapter 4517. of the Revised Code who could 105498
reasonably assist any retail customer with or without an 105499
appointment, but such established place of business shall not be 105500
required to satisfy office size, display lot size, and physical 105501
barrier requirements applicable to other used motor vehicle 105502
dealers. 105503

(c) The manufactured and mobile homes being offered for sale, 105504
lease, or rental by the dealer may be located on individual rental 105505
lots inside the operator's manufactured home park. 105506

(2) For purposes of section 4517.03 of the Revised Code, a 105507
place of business used for the brokering or sale of manufactured 105508
homes or mobile homes shall be considered as used exclusively for 105509
brokering, selling, displaying, offering for sale, or dealing in 105510
motor vehicles even though industrialized units, as defined by 105511
section 3781.06 of the Revised Code, are brokered, sold, 105512

displayed, offered for sale, or dealt at the same place of 105513
business. 105514

(D) Notwithstanding division (B) of section 4517.22 of the 105515
Revised Code, contracts may be signed, deposits taken, and sales 105516
consummated at a motor vehicle show at which the motor vehicles 105517
being displayed are new manufactured homes, as defined in division 105518
(C)(4) of section 3781.06 of the Revised Code. 105519

Section 745.20. Notwithstanding section 4781.16 of the 105520
Revised Code, any person licensed as a new motor vehicle dealer, 105521
used motor vehicle dealer, manufactured homes broker, or 105522
salesperson under Chapter 4517. of the Revised Code on June 30, 105523
2010, may continue to engage in the business of displaying, 105524
selling at retail, or brokering manufactured homes or mobile homes 105525
under the authority of such license until the license expires or 105526
until the manufactured homes commission issues or denies the 105527
person a manufactured housing dealer's license, manufactured 105528
housing broker's license, or manufactured housing salesperson's 105529
license under Chapter 4781. of the Revised Code, whichever occurs 105530
earlier. 105531

Section 745.30. Effective July 1, 2010, the manufactured 105532
homes commission may suspend or revoke any existing new motor 105533
vehicle dealer, used motor vehicle dealer, manufactured homes 105534
broker, or salesperson license issued to a person engaged in the 105535
business of displaying, selling at retail, or brokering 105536
manufactured homes or mobile homes, and such action may be 105537
appealed under section 4781.25 of the Revised Code. 105538

Section 745.40. Effective July 1, 2010, nothing in sections 105539
4517.01 to 4517.99 of the Revised Code shall be construed to apply 105540
to any of the following: 105541

(A) Manufactured homes as defined in division (C)(4) of 105542

section 3781.06 of the Revised Code; 105543

(B) Mobile homes as defined in division (O) of section 105544
4501.01 of the Revised Code; or 105545

(C) Dealers, brokers or salespersons of manufactured homes or 105546
mobile homes. 105547

Section 745.50. The amendment of sections 4582.07, 4582.08, 105548
4582.32, and 4582.33 of the Revised Code is intended to eliminate 105549
certain unintended effects that resulted from the enactment of 105550
those sections, in that, as enacted, those sections 105551
unintentionally burdened the process by which Ohio port 105552
authorities promote their authorized purposes, including 105553
activities that enhance, foster, aid, provide, or promote 105554
transportation, economic development, housing, recreation, 105555
education, governmental operation, culture, or research, and the 105556
creation and preservation of jobs and employment opportunities, 105557
within this state, and therefore the amendments apply to work 105558
commenced or to be commenced, as well as proceedings occurring, 105559
after the effective date of the amendments, and insofar as the 105560
provisions of the amendments are applicable to, support, or 105561
facilitate any financing proceedings that are pending, in 105562
progress, or completed on such effective date, also apply to those 105563
financing proceedings and to any securities authorized or issued 105564
pursuant to those financing proceedings, and any such financing 105565
proceedings pending, in progress, or completed and any securities 105566
authorized, sold, issued, delivered, or validated pursuant to 105567
those financing proceedings, shall be deemed to have been taken, 105568
and authorized, sold, issued, delivered, and validated in 105569
conformity herewith and with sections 4582.07, 4582.08, 4582.32, 105570
and 4582.33 of the Revised Code, if and as applicable. 105571

Section 747.10. (A) The terms of the members of the 105572

Residential Construction Advisory Committee serving on the 105573
effective date of section 4740.14 of the Revised Code as amended 105574
by this act shall expire one hundred eighty days after the 105575
effective date of section 4740.14 of the Revised Code as amended 105576
by this act. 105577

(B) Upon the expiration of the terms of the members of the 105578
Residential Construction Advisory Committee serving on the 105579
effective date of section 4740.14 of the Revised Code as amended 105580
by this act, the members of the Residential Construction Advisory 105581
Committee shall be appointed as described in section 4740.14 of 105582
the Revised Code as amended by this act and such members' terms 105583
shall expire as follows: 105584

(1) The terms of the members described in divisions (A)(3), 105585
(A)(6), and one of the members described in division (A)(1) of 105586
section 4740.14 of the Revised Code as amended by this act shall 105587
expire on January 1, 2012. 105588

(2) The terms of the member described in division (A)(4), one 105589
of the members described in division (A)(1), and one of the 105590
members described in division (A)(2) of section 4740.14 of the 105591
Revised Code as amended by this act shall expire on January 1, 105592
2013. 105593

(3) The terms of the member described in division (A)(5), one 105594
of the members described in division (A)(1), and one of the 105595
members described in division (A)(2) of section 4740.14 of the 105596
Revised Code as amended by this act shall expire on January 1, 105597
2014. 105598

(C) The Board of Building Standards shall determine which of 105599
the members appointed pursuant to division (A)(1) of section 105600
4740.14 of the Revised Code as amended by this act will serve the 105601
term described in division (B)(1), which member will serve the 105602
term described in division (B)(2), and which member will serve the 105603

term described in division (B)(3) of this section, and shall 105604
determine which of the members appointed pursuant to division 105605
(A)(2) of section 4740.14 of the Revised Code as amended by this 105606
act will serve the term described in division (B)(2) and which 105607
member will serve the term described in division (B)(3) of this 105608
section. 105609

(D) Upon the expiration of the appointments to the 105610
Residential Construction Advisory Committee made by division (B) 105611
of this section, all successive terms shall last for the period 105612
described in division (C) of section 4740.14 of the Revised Code 105613
as amended by this act. 105614

Section 751.10. MEDICAID COMMUNITY BEHAVIORAL HEALTH AND 105615
ADMINISTRATION ADVISORY GROUP 105616

(A) As used in this section: 105617

(1) "ADAMHS board" means all of the following: 105618

(a) Boards of alcohol, drug addiction, and mental health 105619
services; 105620

(b) Alcohol and drug addiction services boards; 105621

(c) Community mental health boards. 105622

(2) "Community behavioral health services" means both of the 105623
following: 105624

(a) Community mental health services certified by the 105625
Director of Mental Health under section 5119.611 of the Revised 105626
Code; 105627

(b) Services provided by an alcohol and drug addiction 105628
program certified by the Department of Alcohol and Drug Addiction 105629
Services under section 3793.06 of the Revised Code. 105630

(B) There is hereby created the Medicaid Community Behavioral 105631
Health Administration Advisory Group. The Group shall consist of 105632

all of the following:	105633
(1) The Director of Mental Health or the Director's designee;	105634
(2) The Director of Alcohol and Drug Addiction Services or the Director's designee;	105635 105636
(3) The Director of Job and Family Services or the Director's designee;	105637 105638
(4) Subject to division (C) of this section, representatives of ADAMHS boards appointed by the co-chairpersons of the Group;	105639 105640
(5) Subject to division (C) of this section, representatives of providers of community behavioral health services appointed by the co-chairpersons of the Group;	105641 105642 105643
(6) Subject to division (C) of this section, consumers of community behavioral health services and advocates of such consumers appointed by the co-chairpersons of the Group;	105644 105645 105646
(7) The following state policy makers:	105647
(a) At the option of the Speaker of the House of Representatives, up to two members of the House of Representatives from different political parties appointed by the Speaker of the House of Representatives;	105648 105649 105650 105651
(b) At the option of the President of the Senate, up to two members of the Senate from different political parties appointed by the President of the Senate;	105652 105653 105654
(c) Other state policy makers deemed necessary and appointed by the co-chairpersons of the Group.	105655 105656
(C) The Directors of Mental Health and Alcohol and Drug Addiction Services, or their designees, shall serve as co-chairpersons of the Advisory Group. The co-chairpersons shall determine the number of persons to be appointed under divisions (B)(4), (5), (6), and (7)(c) of this section. The co-chairpersons shall appoint the same number of persons under divisions (B)(4),	105657 105658 105659 105660 105661 105662

(5), and (6) of this section so as to ensure balanced representation by the ADAMHS boards, providers, and consumers and consumer advocates. In making appointments under divisions (B)(4), (5), and (6) of this section, the co-chairpersons shall accept nominations from all of the following:

(1) The Ohio Association of County Behavioral Health Authorities;

(2) The National Alliance on Mental Illness Ohio;

(3) The Ohio Council of Behavioral Health and Family Services Providers;

(4) The Ohio Association of Child Caring Agencies;

(5) The Ohio Citizens Advocates for Chemical Dependency Prevention and Treatment;

(6) The Ohio Alliance for Recovery Providers;

(7) The Ohio Federation for Children's Mental Health;

(8) Other organizations that represent the interests of ADAMHS boards, providers, and consumers and consumer advocates.

(D) Members of the Advisory Group shall serve without compensation, except to the extent that serving on the Group is considered part of their regular employment duties. The Departments of Mental Health and Alcohol and Drug Addiction Services jointly may reimburse members of the Group for their reasonable travel expenses.

(E) The Advisory Group shall study the administration and management of Medicaid-covered community behavioral health services. Not later than June 30, 2010, the Group shall submit a report regarding its study to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. The report shall include all of the following:

(1) A plan for the administration and management of Medicaid-covered community behavioral health services in accordance with federal requirements, including the applicable federal requirements of 42 C.F.R. Parts 431 and 433;

(2) A fiscal analysis of the impact that changing the entity that is responsible for paying providers of Medicaid-covered community behavioral health services and changing related management functions would have on the Departments of Mental Health and Alcohol and Drug Addiction Services and ADAMHS boards. The fiscal analysis shall include an examination of funding options for any such changes and focus on creating the most efficient and effective payment system possible.

(3) Recommendations for increasing efficiencies related to all of the following:

(a) Submission of Medicaid claims for community behavioral health services;

(b) The processing and payment of Medicaid claims for community behavioral health services;

(c) Exchange of information regarding Medicaid-covered community behavioral health services and non-Medicaid-covered community behavioral health services.

(4) Recommendations for system changes needed for the effective administration and management of the Medicaid-covered community behavioral health services. Such recommendations shall focus on increasing efficiencies, transparency, and accountability in order to improve the delivery of community behavioral health services.

(F) The Advisory Group shall cease to exist on submission of its report.

(G)(1) Subject to division (G)(2) of this section, the

Departments of Mental Health and Alcohol and Drug Addiction 105723
Services may implement, in whole or in part, the recommendations 105724
included in the Advisory Group's report. If the Departments 105725
implement any of the recommendations, the Departments shall 105726
implement the recommendations under the supervision of the 105727
Department of Job and Family Services. 105728

(2) The Departments' implementation of recommendations under 105729
division (G)(1) of this section is subject to changes in state 105730
law, including state law regarding funding, that otherwise would 105731
conflict with the Departments' implementation of the 105732
recommendations. The Departments may take actions as part of the 105733
implementation of the recommendations as are consistent with state 105734
law. 105735

Section 751.13. STUDY REGARDING AMOUNT, DURATION, AND SCOPE 105736
OF COMMUNITY BEHAVIORAL HEALTH SERVICES 105737

(A) The Directors of Alcohol and Drug Addiction Services, 105738
Mental Health, and Job and Family Services shall convene a group 105739
consisting of representatives of all of the following: 105740

(1) Their departments; 105741

(2) Boards of alcohol, drug addiction, and mental health 105742
services; community mental health boards; and alcohol and drug 105743
addiction services boards; 105744

(3) Providers of community behavioral health services; 105745

(4) Consumers of community behavioral health services and 105746
advocates of such consumers. 105747

(B) Members of the group convened under this section shall 105748
serve without compensation, except to the extent that serving on 105749
the group is considered part of their regular employment duties. 105750

The group shall develop recommendations regarding the amount, 105751
duration, and scope of publicly funded community behavioral health 105752

services that should be available through Ohio's community 105753
behavioral health system, including recommendations regarding the 105754
conditions under which the services should be available. The group 105755
shall prepare a report with its recommendations. The group shall 105756
submit the report to the Governor and, in accordance with section 105757
101.68 of the Revised Code, the General Assembly not later than 105758
June 30, 2011. The group shall cease to exist on submission of the 105759
report. 105760

Section 751.20. SERVICE COORDINATION WORKGROUP 105761

(A) There is hereby created the Service Coordination 105762
Workgroup. The Workgroup shall consist of a representative of each 105763
of the following: 105764

(1) The Office of the Governor, appointed by the Governor; 105765

(2) The Department of Alcohol and Drug Addiction Services, 105766
appointed by the Director of Alcohol and Drug Addiction Services; 105767

(3) The Department of Education, appointed by the 105768
Superintendent of Public Instruction; 105769

(4) The Department of Health, appointed by the Director of 105770
Health; 105771

(5) The Department of Job and Family Services, appointed by 105772
the Director of Job and Family Services; 105773

(6) The Department of Mental Health, appointed by the 105774
Director of Mental Health; 105775

(7) The Department of Mental Retardation and Developmental 105776
Disabilities, appointed by the Director of Mental Retardation and 105777
Developmental Disabilities; 105778

(8) The Department of Youth Services, appointed by the 105779
Director of Youth Services; 105780

(9) The Office of Budget and Management, appointed by the 105781

Director of Budget and Management; 105782

(10) The Family and Children First Cabinet Council, appointed 105783
by the chairperson of the Council. 105784

(B) The representative of the Office of the Governor shall 105785
serve as chairperson of the Workgroup. 105786

(C) Members of the Workgroup shall serve without 105787
compensation, except to the extent that serving on the Workgroup 105788
is considered part of their regular employment duties. 105789

(D) The Workgroup shall develop procedures for coordinating 105790
services that the entities represented on the Workgroup provide to 105791
individuals under age twenty-one and the families of those 105792
individuals. In developing the procedures, the Workgroup shall 105793
focus on maximizing resources, reducing unnecessary costs, 105794
removing barriers to effective and efficient service coordination, 105795
eliminating duplicate services, prioritizing high risk 105796
populations, and any other matters the Workgroup considers 105797
relevant to service coordination. Not later than July 31, 2009, 105798
the Workgroup shall submit a report to the Governor with 105799
recommendations for implementing the procedures. 105800

(E) The Workgroup shall cease to exist June 30, 2011. 105801

Section 751.40. The Director of Natural Resources shall enter 105802
into a memorandum of understanding with Farmers and Hunters 105803
Feeding the Hungry. The memorandum shall prescribe a method by 105804
which, during the period from July 1, 2009, through June 30, 2011, 105805
Farmers and Hunters Feeding the Hungry may donate venison to 105806
Ohio's food banks. The memorandum also shall prescribe methods 105807
that encourage private persons to make matching donations in money 105808
or food to Ohio's food banks that are equal or greater in value to 105809
the venison that is donated by the Farmers and Hunters Feeding the 105810
Hungry. 105811

Section 753.10. (A) The Director of Natural Resources shall 105812
enter into a memorandum of understanding with the Southeastern 105813
Ohio Port Authority to develop the future use of the property that 105814
formerly comprised the Marietta State Nursery. The memorandum 105815
shall provide for all of the following: 105816

- (1) Sale of the property for highest and best use; 105817
- (2) Sale and usage of the property that is compatible with 105818
neighboring properties; 105819
- (3) Maximum financial return for the Department of Natural 105820
Resources; 105821
- (4) Expeditious sale of parcels of the property. 105822

(B) The memorandum shall require contracted professional 105823
engineering services to provide both of the following: 105824

- (1) A phase 1 environmental site assessment; 105825
- (2) A master plan for property development, including all of 105826
the following: 105827
 - (a) An inventory of site features and assets; 105828
 - (b) Collection of public input through a meeting and comment 105829
period; 105830
 - (c) Identification of site usage areas such as commercial, 105831
light industrial, residential, recreational use, or green space 105832
use; 105833
 - (d) Lot lines and parcel sizes in concept; 105834
 - (e) Means of ingress and egress from State Route 7 and 105835
interior site access that are delineated in concept, including 105836
possible eastern access to the site with a rough calculation of 105837
cut and fill required for the construction of roads; 105838
 - (f) Identification of utility services, locations, and 105839

capacities;	105840
(g) Plans for compliance with subdivision regulations;	105841
(h) Recommendations for possible deed restrictions;	105842
(i) An evaluation of permits that must be obtained and other regulatory requirements that must be satisfied for purposes of the development of the property;	105843 105844 105845
(j) Any necessary maps.	105846
(C) The memorandum shall require the Southeastern Ohio Port Authority to do all of the following:	105847 105848
(1) Manage the formulation of the master plan;	105849
(2) Create a master plan brochure and sales brochures;	105850
(3) Market the property by mail, signage, and the web sites <i>www.pioneerspirit.us</i> and <i>www.Ohiosites.com</i> ;	105851 105852
(4) Respond to sales leads;	105853
(5) Screen inquiries regarding the property;	105854
(6) Negotiate sales based on pricing guidelines established by the Department of Natural Resources;	105855 105856
(7) Present qualified purchase offers to the Department.	105857
(D) The memorandum shall specify that the Department of Natural Resources owns the property, that it may sell the property in lots to the Port Authority, and that the Port Authority then may sell the lots to individual private buyers.	105858 105859 105860 105861
(E) The memorandum shall specify that the Department of Natural Resources is responsible for paying for the environmental, engineering, graphic design, signage, and printing costs as invoices for those costs are received. The Department and the Port Authority shall agree to a cap for each of those invoices. In addition, the memorandum shall specify that as parcels of the property are transferred to private buyers, the Port Authority	105862 105863 105864 105865 105866 105867 105868

retains five per cent of the sale price of each parcel as a fee 105869
for services provided by the Port Authority. 105870

Section 753.30. Not later than October 1, 2009, the Director 105871
of Administrative Services shall prepare and submit a report to 105872
the Controlling Board that lists all state-owned real property and 105873
building leases throughout the state. The report shall provide at 105874
least the following details for each parcel of real property and 105875
each building lease: the location; the lease holder, if relevant; 105876
the square footage; and the value. 105877

Section 753.40. (A) The Governor is hereby authorized to 105878
execute a deed in the name of the state conveying to Fairfield 105879
Village Realty, LLC, ("grantee"), an Ohio limited liability 105880
company, and its successors and assigns, all of the state's right, 105881
title, and interest in the following described real estate: 105882

Situated in Section 20, Township 2, Range 2, City of 105883
Fairfield, County of Butler, State of Ohio, being part of 105884
Fairfield City Lot No. 483, and being all of that real estate 105885
conveyed to The Butler County Board of Mental Retardation and 105886
Developmental Disabilities by deeds recorded in Deed Book 1553, 105887
Page 549 and Deed Book 1602, Page 538, and part of that real 105888
estate recorded in Deed Book 1451, Page 248 (all references to 105889
deeds, microfiche, plats, surveys, etc. refer to the records of 105890
the Butler County Recorder's Office, unless noted otherwise) and 105891
being more particularly bounded and described as follows: 105892

Commencing at the southwest corner of said Section 20; 105893

Thence North 4°00'00" East, along the west line of said 105894
Section 20 for a distance of 1138.50 feet to the south line of a 105895
tract of land conveyed to Cincinnati Financial Corporation by deed 105896
recorded in Official Record Volume 6544, Page 199; 105897

Thence North 80°01'34" East, leaving the west line of said 105898

Section 20 along the south line of said Cincinnati Financial Corporation for a distance of 1476.72 feet to the northwest corner of a tract of land conveyed to The Butler County Board of Mental Retardation and Developmental Disabilities by deed recorded in Deed Book 1451, Page 248, also being the TRUE PLACE OF BEGINNING for the land herein described;

Thence North 80°01'34" East, continuing along the south line of said Cincinnati Financial Corporation tract for a distance of 1215.00 feet to the west line of a tract of land conveyed to Cincinnati Financial Corporation by deed recorded in Official Record Volume 7039, Page 97;

Thence South 3°59'06" West, leaving the south line of said Cincinnati Financial Corporation tract along the west line of said Cincinnati Financial Corporation tract for a distance of 1140.76 feet to the northerly line of a tract of land conveyed to Cincinnati Mills, LLC by deeds recorded in Official Record Volume 9048, Page 5078, Official Record Volume 9494, Page 5461, and Official Record Volume 9494, page 5496 (Hamilton County, Ohio Recorder's Office), also being in the south line of said Section 20 and the corporation line between the City of Fairfield (Butler County) and the City of Forest Park (Hamilton County);

Thence South 80°04'24" West, leaving the west line of said Cincinnati Financial Corporation tract along the south line of said Section 20 for a distance of 521.77 feet to the easterly line of said Cincinnati Mills, LLC tract;

Thence leaving the south line of said Section 20 along the easterly line of said Cincinnati Mills, LLC tract the following three (3) courses:

1) Along the arc of a curve to the right having a radius of 225.00 feet for an arc distance of 260.16 feet, the chord of said arc being subtended by a central angle of 66°15'00" and a long

chord bearing North 66°48'06" West for a distance of 245.91 feet; 105930

2) North 33°40'36" West for a distance of 519.55 feet; 105931

3) Along the arc of a curve to the left having a radius of 105932
250.00 feet for an arc distance of 65.00 feet, the chord of said 105933
arc being subtended by a central angle of 14°53'52" and a long 105934
chord bearing North 41 °07'32" West for a distance of 64.82 feet 105935
to the existing south right-of-way of Kolb Drive; 105936

Thence leaving the easterly line of said Cincinnati Mills, 105937
LLC tract along the existing south right-of-way of Kolb Drive the 105938
following two (2) courses: 105939

1) Along the arc of a curve to the left having a radius of 105940
50.00 feet for an arc distance of 34.31 feet, the chord of said 105941
arc being subtended by a central angle of 39°19'01" and a long 105942
chord bearing North 45°31'41" East for a distance of 33.64 feet; 105943

2) North 79°00'00" East for a distance of 10.00 feet to the 105944
east terminus of Kolb Drive also being in the west line of said 105945
Butler County Board of Mental Retardation and Developmental 105946
Disabilities (Deed Book 1451, Page 248). 105947

Thence North 11 °00'00" West, leaving the existing south 105948
right-of-way of Kolb Drive along the west of said Butler County 105949
Board of Mental Retardation and Developmental Disabilities (Deed 105950
Book 1451, Page 248) for a distance of 421.73 feet to the place of 105951
beginning and containing 25.349 acres, subject however to all 105952
covenants, conditions, reservations or easements of record 105953
contained in any instrument of record to the above described tract 105954
of land. 105955

Being all of that real estate conveyed to The Butler County 105956
Board of Mental Retardation and Developmental Disabilities by 105957
deeds recorded in Deed Book 1553, Page 549 and Deed Book 1602, 105958
Page 538, and part of that real estate recorded in Deed Book 1451, 105959
Page 248 of the Butler County, Ohio Recorder's Office. 105960

This description was prepared from deeds and plats of record 105961
with bearings based upon deed recorded in Deed Book 1451, Page 248 105962
of the Butler County, Ohio Recorder's Office. 105963

WOOLPERT, INC., Paul W. Feie, Ohio Registered Surveyor No. 105964
6723 105965

This legal description may be modified to a final form if 105966
modifications are needed to meet recordation standards in Butler 105967
County, Ohio. 105968

(B)(1) Consideration for conveyance of the real estate 105969
described in division (A) of this section is \$450,000. The 105970
consideration shall be paid by the grantee to the state at the 105971
closing according to an executed offer to purchase real estate 105972
agreement reached between the state, through the Department of 105973
Administrative Services, and the grantee. 105974

(2) As additional consideration for conveyance of the real 105975
estate described in division (A) of this section, grantee and 105976
Empowering People, Inc., ("EPI"), an Ohio corporation and the 105977
licensed operator of the facility on the real estate, have 105978
executed and delivered to the Department of Mental Retardation and 105979
Developmental Disabilities, a "Cognovit Promissory Purchase Note," 105980
dated June 30, 2008, for \$5,000,000. The grantee and EPI shall be 105981
entitled to credits against the "Cognovit Promissory Purchase 105982
Note" for certain completed improvements and development 105983
obligations defined as the "Improvement Plan" in the "Definitive 105984
Agreement" dated June 30, 2008, and signed by the grantee and EPI. 105985
The balance of the "Cognovit Promissory Purchase Note" shall be 105986
forgiven if the grantee and EPI complete all development 105987
obligations set forth in the "Definitive Agreement," the 105988
"Improvement Plan," and the "Cognovit Promissory Purchase Note." 105989

(C) The real estate described in division (A) of this section 105990
shall be sold as an entire tract and not in parcels through a 105991

Governor's Deed. Any personal property or chattels located on the 105992
real estate shall be transferred to the grantee through a bill of 105993
sale. 105994

(D) The Governor's Deed shall contain deed restrictions that 105995
prohibit, within five years from the date of closing, the grantee 105996
from transferring the real estate described in division (A) of 105997
this section to a third party or assigning its interest in the 105998
real estate to a third party without the prior written approval of 105999
the Department of Mental Retardation and Developmental 106000
Disabilities. Prior written approval shall not be required if the 106001
transfer or assignment is due to the death or disability of the 106002
grantee's owner. If a transfer or assignment of the real estate 106003
involves the termination or reduction in the level of services 106004
provided to individuals with mental retardation and developmental 106005
disabilities, the Department shall not approve the transfer or 106006
assignment unless the termination or reduction is otherwise 106007
required by law, including a judicial proceeding that is not 106008
caused by any act or omission of the grantee. 106009

(E) Before the execution of the Governor's Deed as described 106010
in division (F) of this section, possession of the real estate 106011
described in division (A) of this section shall be governed by an 106012
existing interim lease between the Department of Administrative 106013
Services and the grantee, an operating license between the 106014
Department of Mental Retardation and Developmental Disabilities 106015
and EPI, and the "Definitive Agreement" between the grantee, EPI, 106016
and the Department of Mental Retardation and Developmental 106017
Disabilities. 106018

(F) The Auditor of State, with the assistance of the Attorney 106019
General, shall prepare a Governor's Deed to the real estate 106020
described in division (A) of this section. The Governor's Deed 106021
shall state the consideration and the deed restrictions contained 106022
in division (D) of this section. The deed shall be executed by the 106023

Governor in the name of the State, countersigned by the Secretary 106024
of State, sealed with the Great Seal of the State, presented in 106025
the Office of the Auditor of State for recording, and delivered to 106026
the grantee. The grantee shall present the Governor's Deed for 106027
recording in the Office of the Butler County Recorder. 106028

(G) The grantee shall pay the costs of the conveyance of the 106029
real estate described in division (A) of this section, including 106030
recordation costs of the Governor's Deed. 106031

(H) This section expires two years after its effective date. 106032

Section 753.50. (A) The Governor is hereby authorized to 106033
execute a deed in the name of the state conveying to the Jackson 106034
City Schools Board of Education ("grantee"), its successors and 106035
assigns, all of the state's right, title, and interest in the 106036
following described real estate: 106037

Parcel 1 106038

The following described tract is located in part of the Scioto 106039
Salt Reserve (SSR) Lots 4 and 5, Township 6 North, Range 18 West, 106040
Franklin Township, Jackson County Ohio. Being part of the State of 106041
Ohio, Ohio Agricultural Research and Development Center's tract 106042
two and tract three, as recorded in Volume 209, at Page 648, of 106043
the Deed Records, Recorder's Office, Jackson County, Ohio and 106044
being more accurately described as follows: 106045

Beginning at the intersection of the centerline of the Portsmouth 106046
Branch of the B&O SW Railroad (Jackson Short Line) and the 106047
township line between Franklin and Lick Townships, thence South 106048
82°18'53" East, along the township line, a distance of 1398.90 106049
feet to an iron pin set, said pin being the **TRUE POINT OF** 106050
BEGINNING for the herein described tract; 106051

Thence South 82°18'53" East, continuing along the township line, 106052
passing an iron pin previously set at the southeast corner of Lick 106053

Township, SSR Lot 116 at a distance of 41.07 feet, a total 106054
distance of 215.54 feet to an iron pin set on the west 106055
right-of-way line of County Home Road (Township Road 707, 40' 106056
right-of-way), also being a tract of the Board of County 106057
Commissioners of Jackson County, as recorded in Deed Volume 76, at 106058
Page 267; 106059

Thence South 07°11'24" West, along the west right-of-way line of 106060
County Home road and said Commissioner's tract, a distance of 106061
637.87 feet to an iron pin set; 106062

Thence South 25°23'58" West, through the tract of which this 106063
description is a part, a distance of 677.82 feet to an iron pin 106064
set on the north right-of-way line of State Route 93 (right-of-way 106065
varies) and being the south line of the tract of which this 106066
description is a part; 106067

Thence North 64°30'00" West, along the north right-of-way line of 106068
State Route 93, a distance of 223.70 feet to an iron pin set on 106069
the east line of the Ohio Department of Transportation's tract as 106070
recorded in Deed Volume 270, at Page 49; 106071

Thence along said Ohio Department of Transportation's tract and 106072
the right-of-way line for state Route 93, the following two (2) 106073
courses; 106074

 North 25°30'00" East, a distance of 20.00 feet to an iron pin 106075
set; 106076

 North 61°03'58" West, a distance of 136.45 feet to an iron 106077
pin set; 106078

Thence North 23°14'34" East, through the tract of which this 106079
description is a part, a distance of 1190.21 feet to the point of 106080
beginning. Containing a total of 9.665 acres, 9.648 acres are 106081
within Scioto Salt Reserve Lot 4, and 0.017 acres within Scioto 106082
Salt Reserve Lot 5. All being part of Auditor's Parcel # 106083
0050010004500; 106084

Being subject to all legal right-of-ways and easements. 106085

All iron pins set for this survey are 5/8" rebar (30" long) with 106086
i.d. cap stamped "Dana Exline 7060." 106087

A plat of survey is attached hereto and made a part hereof. This 106088
description is valid only if the plat is attached and recorded 106089
with it. 106090

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 106091
recorded in Jackson County Record of Centerline Plats Book 1, Page 106092
83. 106093

The above description was prepared from an actual field survey 106094
completed on March 08, 2001, by Dana A. Exline, Ohio Professional 106095
Surveyor #7060. 106096

Easement 106097

The following described easement is located in part of the Scioto 106098
Salt Reserve (SSR) Lots 4 and 5, Township 6 North, Range 18 West, 106099
Franklin Township, Jackson County Ohio, and being part of the 106100
State of Ohio, Ohio Agricultural Research and Development Center's 106101
tract two and three, as recorded in Volume 209, at Page 648, of 106102
the Deed Records, Recorder's Office, Jackson County, Ohio. Being a 106103
sixty (60) foot wide easement, with thirty (30) feet on each side 106104
of the following described centerline: 106105

Beginning at the intersection of the Portsmouth Branch of the B&O 106106
SW Railroad (Jackson Short Line) and the township line between 106107
Franklin and Lick Townships, thence South 82°18'53" East, along 106108
the township line, a distance of 1398.90 feet to an iron pin set 106109
for the northwest corner of the 9.665 acre tract this easement 106110
will serve; thence South 23°14'34" West, along the west line of 106111
said 9.665 acre tract, a distance of 1048.27 feet to a point, said 106112
point being the **TRUE POINT OF BEGINNING** for this easement 106113
description; 106114

Thence North 64°30'00" West, through the tract of which this 106115
description is a part, a distance of 739.98 feet to a point on the 106116
easterly right-of-way line of the Jackson Short Line Railroad, 106117
formerly known as the Portsmouth Branch of the B&O SW Railroad, 106118
said point being the terminus of this easement description. 106119

All iron pins set for this survey are 5/8" rebar (30" long) with 106120
i.d. cap stamped "Dana Exline 7060." 106121

A plat of survey is attached hereto and made a part hereof. This 106122
description is valid only if the plat is attached and recorded 106123
with it. 106124

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 106125
recorded in Jackson County Record of Centerline Plats Book 1, Page 106126
83. 106127

The above description was prepared from an actual field survey 106128
completed on March 08, 2001, by Dana A. Exline, Ohio Professional 106129
Surveyor #7060. 106130

Parcel 2 106131

The following described tract is located in part of the Scioto 106132
Salt Reserve (SSR) Lot 4, Township 6 North, Range 18 West, 106133
Franklin Township, Jackson County Ohio. Being part of the State of 106134
Ohio, Ohio Agricultural Research and Development Center's tract 106135
two as recorded in Volume 209, at Page 648, of the Deed Records, 106136
Recorder's Office, Jackson County, Ohio and being more accurately 106137
described as follows: 106138

Beginning at the intersection of the centerline of the Portsmouth 106139
Branch of the B&O SW Railroad (Jackson Short Line) and the 106140
township line between Franklin and Lick townships, thence South 106141
82°18'53" East, along the township line, a distance of 1654.44 106142
feet to an iron pin set on the east right-of-way line of County 106143
Home Road (Township Road 707, 40' right-of-way) also being a tract 106144
of the Board of County Commissioners of Jackson County, as 106145

recorded in Deed Volume 76, at page 267, said pin being the **TRUE** 106146
POINT OF BEGINNING for the herein described tract; 106147

Thence South 82°18'53" East, continuing along the township line, a 106148
distance of 353.70 feet to an iron pin set; 106149

Thence South 38°54'57" West, through the tract of which this 106150
description is a part, a distance of 672.60 feet to an iron pin 106151
set on the east right-of-way line of County Home Road and said 106152
Commissioner's tract; 106153

Thence North 07°11'24" East, along the east right-of-way line of 106154
County Home Road, a distance of 575.15 feet to the point of 106155
beginning. Containing a total of 2.335 acres. Being part of 106156
Auditor's Parcel # 0050010004500; 106157

Being subject to all legal right-of-ways and easements. 106158

All iron pins set for this survey are 5/8" rebar (30" long) with 106159
i.d. cap stamped "Dana Exline 7060." 106160

A plat of survey is attached hereto and made a part hereof. This 106161
description is valid only if the plat is attached and recorded 106162
with it. 106163

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 106164
recorded in Jackson County Record of Centerline Plats Book 1, Page 106165
83. 106166

The above description was prepared from an actual field survey 106167
completed on March 08, 2001, by Dana A. Exline, Ohio Professional 106168
Surveyor #7060. 106169

(B) Consideration for conveyance of the real estate is the 106170
conveyance from the grantee to the state, its successors and 106171
assigns, of the following described real estate: 106172

The following described tract is located in part of the Scioto 106173
Salt Reserve (SSR) Lots 117 and 118, Township 7 North, Range 18 106174
West, Lick Township, Jackson County Ohio, and being part of the 106175

Jackson City Schools, Board of Education's 24.118 acre tract, as 106176
recorded in Volume 330, at Page 333, of the Deed Records, 106177
Recorder's Office, Jackson County, Ohio and being more accurately 106178
described as follows: 106179

Beginning at the intersection of the centerline of the Portsmouth 106180
Branch of the B&O SW Railroad (Jackson Short Line) and the 106181
township line between Lick and Franklin Townships, thence South 106182
82°18'53" East, along the township line, passing an iron pin set 106183
at the southwest corner of SSR Lot 117 at 1439.97 feet, a total 106184
distance of 2112.86 feet to an iron pin set and being the **TRUE** 106185
POINT OF BEGINNING for the herein described tract; 106186

Thence North 05°33'28" East, through the tract of which this 106187
description is a part, a distance of 735.22 feet to an iron pin 106188
set on the north line of the 24.118 acre tract; 106189

Thence South 82°15'00" East, along the north line of the tract of 106190
which this description is a part, a distance of 659.26 feet to an 106191
iron pin previously set on the west line of a twenty foot wide 106192
ingress-egress easement for the Jackson County Home Cemetery; 106193

Thence South 07°08'47" West, along an easterly line of the tract 106194
of which this description is a part, a distance of 308.00 feet to 106195
an iron pin previously set; 106196

Thence South 82°18'53" East, along a boundary line of the tract of 106197
which this description is a part passing into SSR Lot 118 at 20.00 106198
ft, a total distance of 108.20 feet to an iron pin previously set; 106199

Thence South 07°08'47" West, along an easterly line of the tract 106200
of which this description is a part, a distance of 426.00 feet to 106201
an iron pin previously set on the township line between Lick and 106202
Franklin Townships; 106203

Thence North 82°18'53" West, along the township line passing an 106204
iron pin previously set for the southeast corner of SSR Lot 117 at 106205
88.20 feet, a total distance of 747.07 feet to the point of 106206

beginning. Containing a total of 12.000 acres. 11.137 acres are 106207
within Scioto Salt Reserve Lot 117, and 0.863 acres are within 106208
Scioto Salt Reserve Lot 118. All being part of Auditor's Parcel # 106209
H120060025401; 106210

Being subject to all legal right-of-ways and easements. 106211

All iron pins set for this survey are 5/8" rebar (30" long) with 106212
i.d. cap stamped "Dana Exline 7060." 106213

A plat of survey is attached hereto and made a part hereof. This 106214
description is valid only if the plat is attached and recorded 106215
with it. 106216

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 106217
recorded in Jackson County Record of Centerline Plats Book 1, Page 106218
83. 106219

The above description was prepared from an actual field survey 106220
completed on March 08, 2001 by Dana A. Exline, Ohio Professional 106221
Surveyor #7060. 106222

(C) The grantee shall pay the costs of the conveyance. 106223

(D) Upon the conveyance to the state of the real estate 106224
described in division (B) of this Section, the Auditor of State, 106225
with the assistance of the Attorney General, shall prepare a deed 106226
to the real estate described in division (A) of this Section. The 106227
deed shall state the consideration. The deed shall be executed by 106228
the Governor in the name of the state, countersigned by the 106229
Secretary of State, sealed with the Great Seal of the State, 106230
presented in the Office of the Auditor of State for recording, and 106231
delivered to the grantee. The grantee shall present the deed for 106232
recording in the Office of the Jackson County Recorder. 106233

(E) This Section expires one year after its effective date. 106234

Section 755.10. AMISH TRANSPORTATION STUDY 106235

The Director of Transportation shall conduct an Amish Transportation Study in Burton Township, Geauga County. 106236
106237

The study shall: 106238

(1) Identify the major problems involving the integration of Amish transportation into the existing motor vehicle transportation system; 106239
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106241

(2) Evaluate the existing transportation network, including horse and buggy and foot traffic routes within Burton Township, and quantify the effectiveness of those routes for transporting persons and commodities; 106242
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(3) Include a study of the indigenous Amish population within Burton Township; 106246
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(4) Identify potential bypass routes for alternate types of traffic to reduce alternate traffic reliance on existing public transportation routes; and 106248
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106250

(5) List recommendations for future public roadway improvement projects to improve the safety for alternate types of traffic, such as horse and buggy and persons walking on foot, as well as for motor vehicle traffic. 106251
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Section 755.20. (A) There is hereby created the Ohio Task Force on Transportation Funding and Fuel Taxes. The Task Force shall consist of the following members: two members of the Senate appointed by the President of the Senate, one member of the Senate appointed by the President based on the recommendation of the Minority Leader of the Senate, two members of the House of Representatives appointed by the Speaker of the House of Representatives, one member of the House of Representatives appointed by the Speaker based on the recommendation of the Minority Leader of the House of Representatives, the Director of Transportation or the Director's designee, the Director of 106255
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Development or the Director's designee, the Director of the Ohio 106266
Turnpike Commission or the Director's designee, a representative 106267
of the Governor's office with responsibility for energy policy 106268
appointed by the Governor, a member representing labor 106269
organizations appointed by the Governor, a member representing the 106270
Ohio Contractors Association appointed by the Association, a 106271
member representing the Ohio Aggregates Association appointed by 106272
the Association, a member representing the Ohio Concrete 106273
Association appointed by the Association, a member representing 106274
the Ohio Petroleum Council appointed by the Council, a member 106275
representing the Ohio Petroleum Marketers and Convenience Store 106276
Association appointed by the Association, a member representing 106277
the Ohio Convenience Store Association appointed by the 106278
Association, a member representing the Ohio Council of Retail 106279
Merchants appointed by the Council, a member representing the Ohio 106280
Environmental Council appointed by the Council, and a member 106281
representing the Ohio Trucking Association appointed by the 106282
Association. The appointed members shall be appointed not later 106283
than forty-five days after the effective date of this section. 106284

The President and Speaker shall each designate as co-chairs 106285
of the Task Force one of the members they appoint. Members of the 106286
Task Force shall receive no compensation or reimbursement for 106287
serving on the Task Force. The General Assembly shall furnish such 106288
staff support to the Task Force as the Task Force may require. 106289

(B) The Task Force shall review the existing transportation 106290
revenues, shall examine areas of expected shortfalls in revenue 106291
based on declining gas tax revenue, escalating construction costs, 106292
and increasing need, and shall explore traditional and innovative 106293
options to improve transportation funding. The Task Force shall 106294
formulate such recommendations for transportation funding as it 106295
considers advisable and shall compile a written report that 106296
contains its findings and recommendations. 106297

(C) Not later than June 30, 2010, the Task Force shall submit its report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. At that point, the Task Force shall cease to exist.

Section 757.10. (A) This section is intended as remedial legislation authorizing the exemption of airport property for which a port authority applied for tax exemption, but was denied because the applicant was a lessee and not the owner of the property, as required under section 5715.27 of the Revised Code as that section existed before its amendment by Sub. H.B. 160 of the 127th General Assembly.

(B) As used in this section:

(1) "Eligible year" means any year for which taxes, penalties, and interest could have been remitted or abated, and the property placed on the exempt tax list, under a previous application for exemption if the application had not been dismissed as provided under division (A) of this section.

(2) "Qualified property" means real property owned by a subdivision of this state, leased to a port authority created under Chapter 4582. of the Revised Code, and used as an airport, and that currently qualifies for exemption from taxation under any section of the Revised Code, but for which the application for exemption for an eligible year was dismissed by the Tax Commissioner as provided in division (A) of this section.

(3) "Subdivision," "taxing authority," and "taxing unit" have the same meanings as in section 5705.01 of the Revised Code.

(C) Notwithstanding section 5713.081 of the Revised Code, if an application for exemption from and abatement or remission of

property taxes for qualified property was dismissed because of 106328
failure to comply with Chapter 5713., or section 5715.27 of the 106329
Revised Code as that section existed before its amendment by Sub. 106330
H.B. 160 of the 127th General Assembly, the current owner of 106331
qualified property, on or before January 1, 2010, may file with 106332
the Tax Commissioner an application requesting that the property 106333
be placed on the exempt tax list and that all paid or unpaid 106334
taxes, penalties, and interest on the property be abated or 106335
remitted, as appropriate, for each eligible year. The application 106336
shall be filed on the form prescribed by the Commissioner under 106337
section 5715.27 of the Revised Code. The owner shall include with 106338
the application a copy of the Commissioner's final determination 106339
dismissing the previous application and the certificate issued by 106340
the county treasurer under division (F) of this section. Failure 106341
to include the Commissioner's final determination that dismissed 106342
the previous application for exemption or the treasurer's 106343
certificate shall result in dismissal of the application filed 106344
under this section. 106345

(D) Upon receiving an application under this section, the Tax 106346
Commissioner shall determine if the applicant and the applicant's 106347
property satisfy the requirements for exemption, abatement, and 106348
remission under this section. If the requirements are satisfied, 106349
the Commissioner shall issue an order directing the auditor to 106350
place the property on the exempt tax list of the county and 106351
ordering that all paid or unpaid taxes, penalties, and interest be 106352
abated or remitted for every eligible year the property was 106353
qualified property. If the Commissioner determines that the 106354
property does not satisfy the requirements for exemption for one 106355
or more years, the Commissioner shall deny the application for 106356
those years and certify the finding to the county treasurer of the 106357
county in which the property is located for collection of all 106358
taxes, penalties, and interest and distribution thereof to the 106359
appropriate subdivisions. Tax payments for eligible years shall 106360

not be considered unpaid taxes for purposes of establishing 106361
jurisdiction to consider an application under this section. 106362

(E) The county auditor shall notify the county treasurer that 106363
any tax payments for eligible years that have not been distributed 106364
shall be held in a special fund pending a decision by the Tax 106365
Commissioner on an application filed under this section. No 106366
subdivision or other taxing unit is entitled to advance payment of 106367
such amounts under section 321.34 of the Revised Code. After the 106368
Commissioner issues a decision, the county auditor shall either 106369
remit the taxes, penalties, and interest to the applicant if the 106370
application is approved or distribute the taxes, penalties, and 106371
interest to the proper taxing authorities if the application for 106372
exemption is denied. 106373

(F) Upon request by the applicant, the county treasurer shall 106374
determine whether all taxes, penalties, and interest that were 106375
levied for all tax years that are not eligible years and whether 106376
all special assessments charged against the property have been 106377
paid in full. If so, the treasurer shall issue a certificate to 106378
the applicant stating that all such amounts have been paid, or, if 106379
not, the certificate shall list the tax years for which such 106380
taxes, penalties, interest, and special assessments remain unpaid. 106381

Section 757.20. Division (F)(2)(ff) of section 5751.01 of the 106382
Revised Code applies to tax periods beginning on or after July 1, 106383
2005. Notwithstanding section 5751.08 of the Revised Code, 106384
applications for refunds accruing from the application of division 106385
(F)(2)(ff) of section 5751.01 of the Revised Code may be filed 106386
with the Tax Commissioner within the later of ninety days after 106387
the effective date of this section or the end of the four-year 106388
period prescribed by section 5751.08 of the Revised Code. 106389

Section 757.30. This section does not apply to owners of land 106390

converted on or after July 1, 2009. 106391

Section 5713.34 of the Revised Code does not apply to, and no 106392
civil or criminal penalties shall be imposed on, an owner of land, 106393
the value of which for tax year 2009 and any preceding tax year 106394
was determined in accordance with rules adopted by the Tax 106395
Commissioner for the valuation of land devoted exclusively to 106396
agricultural use if either of the following occurs on or after 106397
July 1, 2009, but before July 1, 2010: 106398

(A) The owner informs the county auditor or the Tax 106399
Commissioner that the land is not or was not used exclusively for 106400
agricultural use for one or more tax years for which the land was 106401
so valued; 106402

(B) The county auditor or the Tax Commissioner determines 106403
that the land is not or was not used exclusively for agricultural 106404
use for one or more tax years for which the land was so valued. 106405

Section 759.10. Notwithstanding division (B)(1) of section 106406
5919.34 of the Revised Code, the number of participants in the 106407
Ohio National Guard Scholarship Program for the summer term 106408
occurring in the year 2009 shall be limited to the equivalent of 106409
one thousand two hundred full-time participants. 106410

Section 801.10. As used in the uncodified law of this act, 106411
"American Recovery and Reinvestment Act of 2009" means the 106412
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 106413
111-5, 123 Stat. 115. 106414

Section 803.20. Section 718.04 of the Revised Code, as 106415
amended by this act, first applies to taxable years beginning on 106416
or after January 1, 2010. 106417

The amendment by this act of section 5725.151 of the Revised 106418

Code applies to any credit claimed under that section on or after 106419
the effective date of this amendment. 106420

Section 5747.113 of the Revised Code, as amended by this act, 106421
first applies to taxable years beginning on or after January 1, 106422
2009. 106423

The amendment by this act of section 5747.76 of the Revised 106424
Code applies to taxable years ending on or after the effective 106425
date of this amendment. 106426

Section 803.30. In anticipation of the amendments to section 106427
124.134 of the Revised Code taking effect on August 30, 2009, the 106428
Director of Administrative Services shall determine an additional, 106429
prorated amount of vacation leave for employees who are in their 106430
fourth, ninth, fourteenth, nineteenth, or twenty-fourth year of 106431
service to receive as a result of the transition occurring on that 106432
date. The additional, prorated amount shall be such that the 106433
affected employees are not harmed as a result of the transition, 106434
and shall be added to the vacation leave balances of the affected 106435
employees on August 30, 2009. 106436

Section 803.40. Notwithstanding division (B) of section 106437
4763.06 of the Revised Code, a certificate holder, registrant, or 106438
licensee whose certificate, registration, or license expired on or 106439
after October 1, 2008, may, up and until the effective date of 106440
section 4763.06 of the Revised Code as amended by this act, renew 106441
the certificate, registration, or license without having to comply 106442
also with section 4763.05 of the Revised Code by payment of all 106443
fees for renewal and payment of the late filing fee set forth in 106444
section 4763.09 of the Revised Code. Such a certificate holder, 106445
registrant, or licensee may not engage in any activities permitted 106446
by the certification, registration, or license being renewed 106447
during the period following the certificate's, registration's, or 106448

license's normal expiration date until all renewal fees and the 106449
late filing fee have been paid. 106450

Section 803.50. The amendment by this act of section 5727.811 106451
of the Revised Code applies to the measurement period that 106452
includes the effective date of that section and ensuing 106453
measurement periods. 106454

Section 803.60. The amendment of section 105.41 of the 106455
Revised Code by this act does not abrogate any collective 106456
bargaining agreement, for the duration of the agreement, that 106457
applies to employees of the Capitol Square Review and Advisory 106458
Board and that was entered into under Chapter 4117. of the Revised 106459
Code before the effective date of that amendment. 106460

Section 806.10. The items of law contained in this act, and 106461
their applications, are severable. If any item of law contained in 106462
this act, or if any application of any item of law contained in 106463
this act, is held invalid, the invalidity does not affect other 106464
items of law contained in this act and their applications that can 106465
be given effect without the invalid item of law or application. 106466
106467

Section 809.10. An item of law, other than an amending, 106468
enacting, or repealing clause, that composes the whole or part of 106469
an uncodified section contained in this act has no effect after 106470
June 30, 2011, unless its context clearly indicates otherwise. 106471

Section 812.10. Except as otherwise provided in this act, the 106472
amendment, enactment, or repeal by this act of a section is 106473
subject to the referendum under Ohio Constitution, Article II, 106474
Section 1c and therefore takes effect on the ninety-first day 106475
after this act is filed with the Secretary of State or, if a later 106476

effective date is specified below, on that date. 106477

The amendments by this act to section 3901.381 of the Revised Code take effect twelve months after the effective date specified in the first paragraph of this section. 106478
106479
106480

The amendments by this act to sections 173.99, 2921.13, 3733.02, and 4781.06 of the Revised Code take effect January 1, 2010. 106481
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106483

The amendments by this act to sections 1349.20, 1349.22, and 3953.231 of the Revised Code take effect January 1, 2010. 106484
106485

The amendment, enactment, or repeal by this act of sections 4505.20, 4517.01, 4517.02, 4517.03, 4517.052, 4517.27, 4517.30, 4517.33, 4517.43, 4781.02, 4781.04, 4781.05, 4781.16, 4781.17, 4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.24, 4781.25, and 4781.99 of the Revised Code takes effect July 1, 2010. 106486
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The amendment of sections 5743.15 and 5743.61 of the Revised Code takes effect January 1, 2010. 106492
106493

The enactment of section 3903.77 of the Revised Code takes effect one year after the effective date specified in the first paragraph of this section. 106494
106495
106496

The repeal of sections 173.71, 173.72, 173.721, 173.722, 173.723, 173.724, 173.73, 173.731, 173.732, 173.74, 173.741, 173.742, 173.75, 173.751, 173.752, 173.753, 173.76, 173.77, 173.771, 173.772, 173.773, 173.78, 173.79, 173.791, 173.80, 173.801, 173.802, 173.803, 173.81, 173.811, 173.812, 173.813, 173.814, 173.815, 173.82, 173.83, 173.831, 173.832, 173.833, 173.84, 173.85, 173.86, 173.861, 173.87, 173.871, 173.872, 173.873, 173.874, 173.875, 173.876, 173.88, 173.89, 173.891, 173.892, 173.90, and 173.91 of the Revised Code takes effect January 1, 2010. 106497
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Sections 803.10 and 803.20 of this act take effect January 1, 106507
2010. 106508

The repeal by this act of sections 119.031 and 121.24 of the 106509
Revised Code takes effect January 1, 2010. 106510

Section 812.20. The amendment, enactment, or repeal by this 106511
act of the sections listed below is exempt from the referendum 106512
because it is or relates to an appropriation for current expenses 106513
within the meaning of Ohio Constitution, Article II, Section 1d 106514
and section 1.471 of the Revised Code, or defines a tax levy 106515
within the meaning of Ohio Constitution, Article II, Section 1d, 106516
and therefore takes effect immediately when this act becomes law 106517
or, if a later effective date is specified below, on that date. 106518

Sections 103.24, 121.40, 121.401, 121.402, 124.03, 124.15, 106519
124.152, 124.18, 124.183, 124.34, 124.381, 124.382, 124.385, 106520
124.386, 124.392, 124.393, 124.821, 124.822, 124.86, 126.05, 106521
131.33, 145.298, 303.213, 307.79, 319.301, 319.302, 319.54, 106522
321.24, 323.156, 504.21, 901.20, 903.082, 903.11, 903.25, 905.32, 106523
905.33, 905.331, 905.36, 905.38, 905.381, 905.50, 905.51, 905.52, 106524
905.56, 905.66, 907.13, 907.14, 907.16, 907.30, 907.31, 921.02, 106525
921.06, 921.09, 921.11, 921.13, 921.16, 921.22, 921.27, 921.29, 106526
923.44, 923.46, 927.51, 927.52, 927.53, 927.54, 927.56, 927.69, 106527
927.70, 927.701, 927.71, 927.74, 1501.01, 1501.05, 1501.07, 106528
1501.30, 1504.01, 1504.02, 1504.03, 1504.04, 1506.01, 1507.01, 106529
1511.01, 1511.02, 1511.021, 1511.022, 1511.03, 1511.04, 1511.05, 106530
1511.06, 1511.07, 1511.071, 1511.08, 1514.08, 1514.13, 1515.08, 106531
1515.14, 1515.183, 1519.03, 1520.02, 1520.03, 1521.02, 1521.03, 106532
1521.031, 1521.04, 1521.061, 1521.062, 1521.064, 1521.07, 1521.10, 106533
1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 1521.18, 106534
1521.19, 1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 106535
1523.07, 1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 106536
1523.14, 1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 106537

1541.03, 3301.07, 3301.122, 3301.163, 3301.164, 3301.95, 3311.059, 106538
3311.0510, 3313.64, 3313.642, 3313.843, 3314.028, 3314.08, 106539
3314.085, 3314.35, 3317.013, 3317.02, 3317.021, 3317.022, 3317.03, 106540
3317.063, 3318.011, 3333.04, 3333.122, 3333.27, 3333.28, 3333.38, 106541
3333.61, 3333.62, 3333.66, 3333.91, 3345.32, 3704.14, 3704.143, 106542
3712.03, 3714.073, 3718.03, 3901.3812, 3923.90, 3923.91, 4117.02, 106543
4117.12, 4117.24, 4501.29, 4503.068, 4503.10, 4505.06, 5101.073, 106544
5111.21, 5111.65, 5111.651, 5111.68, 5111.681, 5111.685, 5111.686, 106545
5111.688, 5111.689, 5111.874, 5111.875, 5123.0412, 5123.19, 106546
5123.193, 5703.80, 5725.18, 5727.84, 5729.03, 5739.01, 5739.011, 106547
5739.03, 5739.033, 5739.051, and 6111.044 of the Revised Code. 106548

106549

The amendment by this act to section 124.134 of the Revised 106550
Code takes effect on August 30, 2009. 106551

The amendment or enactment of sections 3721.02, 3721.50, 106552
3721.51, 3721.511, 3721.512, 3721.513, 3721.53, 3721.55, 3721.56, 106553
4301.43, 4503.182, 4507.23, 5111.222, 5111.231, 5111.24, 5111.25, 106554
5112.30, 5112.31, 5112.37, 5112.371, and 5112.372 of the Revised 106555
Code takes effect July 1, 2009. 106556

Sections of this act prefixed with section numbers in the 106557
200's, 300's, 400's, 500's, 700's, and 800's, except for Sections 106558
265.60.60, 265.70.20, 265.80.10, 309.40.20, 309.50.30, 313.20, 106559
371.60.20, 399.20, 512.40, 523.10, 701.20, and 751.10 of this act. 106560

106561

The amendment of Sections 120.01, 120.02, and 120.05 of Am. 106562
Sub. H.B. 119 of the 127th General Assembly takes effect July 1, 106563
2009. 106564

The amendment of Section 153 of Am. Sub. H.B. 117 of the 106565
121st General Assembly. 106566

Sections 309.30.20, 309.30.30, 309.30.40, 309.30.50, 106567
309.30.60, and 309.30.70 of this act take effect July 1, 2009. 106568

Section 812.30. The sections that are listed in the left-hand column of the following table combine amendments by this act that are and that are not exempt from the referendum under Ohio Constitution, Article II, Sections 1c and 1d and section 1.471 of the Revised Code.

The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date.

The right-hand column identifies the amendments to the listed sections that are exempt from the referendum because they are or relate to an appropriation for current expenses within the meaning of Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, or define a tax levy within the meaning of Ohio Constitution, Article II, Section 1d, and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date.

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
121.04	All amendments except those described in the right-hand column	The amendment striking "Water;" the amendment replacing "conservation" with " <u>resources</u> "; and the amendment striking "Real estate and land management;"	106588
1521.05	All amendments except those described in the right-hand column	The amendments to division (B)	106589
1521.06	All amendments except	The amendments to	106590

	those described in the right-hand column	division (A)	
1521.063	All amendments except those described in the right-hand column	The amendments to divisions (A) and (A)(1) replacing "division of water" with "division of soil and water resources"	106591
3315.37	All amendments except the amendment described in the right-hand column	The amendment to the fourth paragraph that strikes through "3333.27,"	106592
3734.57	The amendment to division (A) authorizing electronic payment of solid waste disposal fees	All other amendments to division (A)	106593
4117.01	All amendments except those described in the right-hand column	The amendment to division (C)(5), the amendment striking the language from division (C)(15), and the amendments adjusting the division numbering in divisions (C)(16) and (17)	106594
5751.20	All amendments except those described in the right-hand column	The amendments to division (B), effective July 1, 2009	106595
	Section 812.40. The amendment by this act to section 127.16 of the Revised Code is subject to the referendum. The amendment to division (D)(34) takes effect on the ninety-first day after this act is filed with the Secretary of State, and the amendment		106596 106597 106598 106599

striking through division (D)(35) and renumbering division (D)(36) 106600
as division (D)(35) takes effect on January 1, 2010. 106601

Section 815.10. The General Assembly, applying the principle 106602
stated in division (B) of section 1.52 of the Revised Code that 106603
amendments are to be harmonized if reasonably capable of 106604
simultaneous operation, finds that the following sections, 106605
presented in this act as composites of the sections as amended by 106606
the acts indicated, are the resulting versions of the sections in 106607
effect prior to the effective date of the sections as presented in 106608
this act: 106609

Section 9.314 of the Revised Code as amended by Am. Sub. H.B. 106610
106 and Sub. H.B. 204, both of the 125th General Assembly. 106611

Section 109.57 of the Revised Code as amended by both Sub. 106612
H.B. 428 and Sub. S.B. 163 of the 127th General Assembly. 106613

Section 109.572 of the Revised Code as amended by Sub. H.B. 106614
195, Sub. H.B. 545, and Sub. S.B. 247, all of the 127th General 106615
Assembly. 106616

Section 109.77 of the Revised Code as amended by Am. Sub. 106617
H.B. 490, Sub. H.B. 545, and H.B. 675, all of the 124th General 106618
Assembly. 106619

Section 121.37 of the Revised Code as amended by both Sub. 106620
H.B. 289 and Am. Sub. H.B. 530 of the 126th General Assembly. 106621

Section 122.075 of the Revised Code as amended by Sub. H.B. 106622
245 and Sub. H.B. 251, both of the 126th General Assembly. 106623

Section 149.43 of the Revised Code as amended by Am. Sub. 106624
H.B. 214 and Am. Sub. S.B. 248, both of the 127th General 106625
Assembly. 106626

Section 1511.01 of the Revised Code as amended by Am. Sub. 106627
S.B. 73 and Am. Sub. S.B. 182, both of the 120th General Assembly. 106628

Section 1520.02 of the Revised Code as amended by Sub. H.B. 443 and Am. Sub. H.B. 699, both of the 126th General Assembly.	106629 106630
Section 2913.46 of the Revised Code as amended by Am. Sub. S.B. 107, Am. Sub. S.B. 269, and Am. Sub. S.B. 293, all of the 121st General Assembly.	106631 106632 106633
Section 2921.51 of the Revised Code as amended by Sub. H.B. 259 and Sub. S.B. 281, both of the 126th General Assembly.	106634 106635
Section 3313.64 of the Revised Code as amended by Am. Sub. H.B. 119 and Am. Sub. H.B. 214, both of the 127th General Assembly.	106636 106637 106638
Section 3319.291 of the Revised Code as amended by Sub. H.B. 428 and Am. Sub. H.B. 562, both of the 127th General Assembly.	106639 106640
Section 3733.02 of the Revised Code as amended by Am. Sub. H.B. 368 and Sub. S.B. 102, both of the 125th General Assembly.	106641 106642
Section 4115.04 of the Revised Code as amended by Sub. H.B. 443 and Am. Sub. H.B. 699, both of the 126th General Assembly.	106643 106644
Section 4303.182 of the Revised Code as amended by Am. Sub. H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly.	106645 106646
Section 4507.03 of the Revised Code as amended by Sub. S.B. 96 of the 120th General Assembly and Sub. H.B. 9 of the 127th General Assembly.	106647 106648 106649
Section 4763.05 of the Revised Code as amended by Am. Sub. H.B. 699 and Am. Sub. S.B. 223, both of the 126th General Assembly.	106650 106651 106652
Section 4767.08 of the Revised Code as amended by Am. Sub. H.B. 138 and Sub. H.B. 531, both of the 123rd General Assembly.	106653 106654