

As Introduced

**130th General Assembly
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H. B. No. 150

Representative Gonzales

**Cosponsors: Representatives Smith, Adams, R., Phillips, Mallory, Sprague,
Buchy, Sears**

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A B I L L

To amend sections 121.35, 121.37, 123.01, 124.11, 1
125.602, 125.603, 127.16, 191.02, 2151.83, 2
3303.41, 3304.11, 3304.12, 3304.13, 3304.14, 3
3304.15, 3304.16, 3304.17, 3304.18, 3304.181, 4
3304.182, 3304.19, 3304.20, 3304.21, 3304.22, 5
3304.23, 3304.231, 3304.24, 3304.25, 3304.27, 6
3304.28, 3304.41, 3501.01, 3798.01, 4112.31, 7
4121.69, 4123.57, 4503.44, 4511.191, 5107.64, 8
5111.709, 5120.07, 5123.022, and 5126.051; to 9
amend, for the purpose of adopting new section 10
numbers as indicated in parentheses, sections 11
3304.14 (3304.15), 3304.15 (3304.16), and 3304.16 12
(3304.14); and to repeal sections 3304.26 and 13
3304.38 of the Revised Code to replace the 14
Rehabilitation Services Commission with the 15
Opportunities for Ohioans with Disabilities 16
Agency, to require the Governor to appoint the 17
Opportunities for Ohioans with Disabilities 18
Commission within the Agency, to revise 19
definitions in the law governing the Agency, and 20
to make related organizational changes. 21

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

Section 1. That sections 121.35, 121.37, 123.01, 124.11, 22
125.602, 125.603, 127.16, 191.02, 2151.83, 3303.41, 3304.11, 23
3304.12, 3304.13, 3304.14, 3304.15, 3304.16, 3304.17, 3304.18, 24
3304.181, 3304.182, 3304.19, 3304.20, 3304.21, 3304.22, 3304.23, 25
3304.231, 3304.24, 3304.25, 3304.27, 3304.28, 3304.41, 3501.01, 26
3798.01, 4112.31, 4121.69, 4123.57, 4503.44, 4511.191, 5107.64, 27
5111.709, 5120.07, 5123.022, and 5126.051 be amended and sections 28
3304.14 (3304.15), 3304.15 (3304.16), and 3304.16 (3304.14) of the 29
Revised Code be amended for the purpose of adopting new section 30
numbers as indicated in parentheses to read as follows: 31

Sec. 121.35. (A) Subject to division (B) of this section, the 32
following state agencies shall collaborate to revise and make more 33
uniform the eligibility standards and eligibility determination 34
procedures of programs the state agencies administer: 35

- (1) The department of aging; 37
- (2) The department of alcohol and drug addiction services; 38
- (3) The department of development; 39
- (4) The department of developmental disabilities; 40
- (5) The department of education; 41
- (6) The department of health; 42
- (7) The department of job and family services; 43
- (8) The department of mental health; 44
- (9) The ~~rehabilitation services commission~~ opportunities for 45
Ohioans with disabilities agency. 46

(B) In revising eligibility standards and eligibility 47

determination procedures, a state agency shall not make any 48
program's eligibility standards or eligibility determination 49
procedures inconsistent with state or federal law. To the extent 50
authorized by state and federal law, the revisions may provide for 51
the state agencies to share administrative operations. 52

Sec. 121.37. (A)(1) There is hereby created the Ohio family 53
and children first cabinet council. The council shall be composed 54
of the superintendent of public instruction, the ~~administrator~~ 55
executive director of the ~~rehabilitation services commission~~ 56
opportunities for Ohioans with disabilities agency, and the 57
directors of youth services, job and family services, mental 58
health, health, alcohol and drug addiction services, developmental 59
disabilities, aging, rehabilitation and correction, and budget and 60
management. The chairperson of the council shall be the governor 61
or the governor's designee and shall establish procedures for the 62
council's internal control and management. 63

The purpose of the cabinet council is to help families 64
seeking government services. This section shall not be interpreted 65
or applied to usurp the role of parents, but solely to streamline 66
and coordinate existing government services for families seeking 67
assistance for their children. 68

(2) In seeking to fulfill its purpose, the council may do any 69
of the following: 70

(a) Advise and make recommendations to the governor and 71
general assembly regarding the provision of services to children; 72

(b) Advise and assess local governments on the coordination 73
of service delivery to children; 74

(c) Hold meetings at such times and places as may be 75
prescribed by the council's procedures and maintain records of the 76
meetings, except that records identifying individual children are 77

confidential and shall be disclosed only as provided by law;	78
(d) Develop programs and projects, including pilot projects,	79
to encourage coordinated efforts at the state and local level to	80
improve the state's social service delivery system;	81
(e) Enter into contracts with and administer grants to county	82
family and children first councils, as well as other county or	83
multicounty organizations to plan and coordinate service delivery	84
between state agencies and local service providers for families	85
and children;	86
(f) Enter into contracts with and apply for grants from	87
federal agencies or private organizations;	88
(g) Enter into interagency agreements to encourage	89
coordinated efforts at the state and local level to improve the	90
state's social service delivery system. The agreements may include	91
provisions regarding the receipt, transfer, and expenditure of	92
funds;	93
(h) Identify public and private funding sources for services	94
provided to alleged or adjudicated unruly children and children	95
who are at risk of being alleged or adjudicated unruly children,	96
including regulations governing access to and use of the services;	97
(i) Collect information provided by local communities	98
regarding successful programs for prevention, intervention, and	99
treatment of unruly behavior, including evaluations of the	100
programs;	101
(j) Identify and disseminate publications regarding alleged	102
or adjudicated unruly children and children who are at risk of	103
being alleged or adjudicated unruly children and regarding	104
programs serving those types of children;	105
(k) Maintain an inventory of strategic planning facilitators	106
for use by government or nonprofit entities that serve alleged or	107

adjudicated unruly children or children who are at risk of being 108
alleged or adjudicated unruly children. 109

(3) The cabinet council shall provide for the following: 110

(a) Reviews of service and treatment plans for children for 111
which such reviews are requested; 112

(b) Assistance as the council determines to be necessary to 113
meet the needs of children referred by county family and children 114
first councils; 115

(c) Monitoring and supervision of a statewide, comprehensive, 116
coordinated, multi-disciplinary, interagency system for infants 117
and toddlers with developmental disabilities or delays and their 118
families, as established pursuant to federal grants received and 119
administered by the department of health for early intervention 120
services under the "Individuals with Disabilities Education Act of 121
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 122

(4) The cabinet council shall develop and implement the 123
following: 124

(a) An interagency process to select the indicators that will 125
be used to measure progress toward increasing child well-being in 126
the state and to update the indicators on an annual basis. The 127
indicators shall focus on expectant parents and newborns thriving; 128
infants and toddlers thriving; children being ready for school; 129
children and youth succeeding in school; youth choosing healthy 130
behaviors; and youth successfully transitioning into adulthood. 131

(b) An interagency system to offer guidance and monitor 132
progress toward increasing child well-being in the state and in 133
each county; 134

(c) An annual plan that identifies state-level agency efforts 135
taken to ensure progress towards increasing child well-being in 136
the state. 137

On an annual basis, the cabinet council shall submit to the 138
governor and the general assembly a report on the status of 139
efforts to increase child well-being in the state. This report 140
shall be made available to any other person on request. 141

(B)(1) Each board of county commissioners shall establish a 142
county family and children first council. The board may invite any 143
local public or private agency or group that funds, advocates, or 144
provides services to children and families to have a 145
representative become a permanent or temporary member of its 146
county council. Each county council must include the following 147
individuals: 148

(a) At least three individuals who are not employed by an 149
agency represented on the council and whose families are or have 150
received services from an agency represented on the council or 151
another county's council. Where possible, the number of members 152
representing families shall be equal to twenty per cent of the 153
council's membership. 154

(b) The director of the board of alcohol, drug addiction, and 155
mental health services that serves the county, or, in the case of 156
a county that has a board of alcohol and drug addiction services 157
and a community mental health board, the directors of both boards. 158
If a board of alcohol, drug addiction, and mental health services 159
covers more than one county, the director may designate a person 160
to participate on the county's council. 161

(c) The health commissioner, or the commissioner's designee, 162
of the board of health of each city and general health district in 163
the county. If the county has two or more health districts, the 164
health commissioner membership may be limited to the commissioners 165
of the two districts with the largest populations. 166

(d) The director of the county department of job and family 167
services; 168

(e) The executive director of the public children services agency;	169 170
(f) The superintendent of the county board of developmental disabilities;	171 172
(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;	173 174 175 176 177
(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;	178 179 180
(i) A representative of the municipal corporation with the largest population in the county;	181 182
(j) The president of the board of county commissioners or an individual designated by the board;	183 184
(k) A representative of the regional office of the department of youth services;	185 186
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	187 188
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	189 190 191 192
(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	193 194
Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those	195 196 197 198

outlined in the county's service coordination mechanism 199
implemented pursuant to division (C) of this section. 200

The cabinet council shall establish a state appeals process 201
to resolve disputes among the members of a county council 202
concerning whether reasonable responsibilities as members are 203
being shared. The appeals process may be accessed only by a 204
majority vote of the council members who are required to serve on 205
the council. Upon appeal, the cabinet council may order that state 206
funds for services to children and families be redirected to a 207
county's board of county commissioners. 208

The county's juvenile court judge senior in service or 209
another judge of the juvenile court designated by the 210
administrative judge or, where there is no administrative judge, 211
by the judge senior in service shall serve as the judicial advisor 212
to the county family and children first council. The judge may 213
advise the county council on the court's utilization of resources, 214
services, or programs provided by the entities represented by the 215
members of the county council and how those resources, services, 216
or programs assist the court in its administration of justice. 217
Service of a judge as a judicial advisor pursuant to this section 218
is a judicial function. 219

(2) The purpose of the county council is to streamline and 220
coordinate existing government services for families seeking 221
services for their children. In seeking to fulfill its purpose, a 222
county council shall provide for the following: 223

(a) Referrals to the cabinet council of those children for 224
whom the county council cannot provide adequate services; 225

(b) Development and implementation of a process that annually 226
evaluates and prioritizes services, fills service gaps where 227
possible, and invents new approaches to achieve better results for 228
families and children; 229

(c) Participation in the development of a countywide, 230
comprehensive, coordinated, multi-disciplinary, interagency system 231
for infants and toddlers with developmental disabilities or delays 232
and their families, as established pursuant to federal grants 233
received and administered by the department of health for early 234
intervention services under the "Individuals with Disabilities 235
Education Act of 2004"; 236

(d) Maintenance of an accountability system to monitor the 237
county council's progress in achieving results for families and 238
children; 239

(e) Establishment of a mechanism to ensure ongoing input from 240
a broad representation of families who are receiving services 241
within the county system. 242

(3) A county council shall develop and implement the 243
following: 244

(a) An interagency process to establish local indicators and 245
monitor the county's progress toward increasing child well-being 246
in the county; 247

(b) An interagency process to identify local priorities to 248
increase child well-being. The local priorities shall focus on 249
expectant parents and newborns thriving; infants and toddlers 250
thriving; children being ready for school; children and youth 251
succeeding in school; youth choosing healthy behaviors; and youth 252
successfully transitioning into adulthood and take into account 253
the indicators established by the cabinet council under division 254
(A)(4)(a) of this section. 255

(c) An annual plan that identifies the county's interagency 256
efforts to increase child well-being in the county. 257

On an annual basis, the county council shall submit a report 258
on the status of efforts by the county to increase child 259
well-being in the county to the county's board of county 260

commissioners and the cabinet council. This report shall be made 261
available to any other person on request. 262

(4)(a) Except as provided in division (B)(4)(b) of this 263
section, a county council shall comply with the policies, 264
procedures, and activities prescribed by the rules or interagency 265
agreements of a state department participating on the cabinet 266
council whenever the county council performs a function subject to 267
those rules or agreements. 268

(b) On application of a county council, the cabinet council 269
may grant an exemption from any rules or interagency agreements of 270
a state department participating on the council if an exemption is 271
necessary for the council to implement an alternative program or 272
approach for service delivery to families and children. The 273
application shall describe the proposed program or approach and 274
specify the rules or interagency agreements from which an 275
exemption is necessary. The cabinet council shall approve or 276
disapprove the application in accordance with standards and 277
procedures it shall adopt. If an application is approved, the 278
exemption is effective only while the program or approach is being 279
implemented, including a reasonable period during which the 280
program or approach is being evaluated for effectiveness. 281

(5)(a) Each county council shall designate an administrative 282
agent for the council from among the following public entities: 283
the board of alcohol, drug addiction, and mental health services, 284
including a board of alcohol and drug addiction or a community 285
mental health board if the county is served by separate boards; 286
the board of county commissioners; any board of health of the 287
county's city and general health districts; the county department 288
of job and family services; the county agency responsible for the 289
administration of children services pursuant to section 5153.15 of 290
the Revised Code; the county board of developmental disabilities; 291
any of the county's boards of education or governing boards of 292

educational service centers; or the county's juvenile court. Any 293
of the foregoing public entities, other than the board of county 294
commissioners, may decline to serve as the council's 295
administrative agent. 296

A county council's administrative agent shall serve as the 297
council's appointing authority for any employees of the council. 298
The council shall file an annual budget with its administrative 299
agent, with copies filed with the county auditor and with the 300
board of county commissioners, unless the board is serving as the 301
council's administrative agent. The council's administrative agent 302
shall ensure that all expenditures are handled in accordance with 303
policies, procedures, and activities prescribed by state 304
departments in rules or interagency agreements that are applicable 305
to the council's functions. 306

The administrative agent of a county council shall send 307
notice of a member's absence if a member listed in division (B)(1) 308
of this section has been absent from either three consecutive 309
meetings of the county council or a county council subcommittee, 310
or from one-quarter of such meetings in a calendar year, whichever 311
is less. The notice shall be sent to the board of county 312
commissioners that establishes the county council and, for the 313
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 314
section, to the governing board overseeing the respective entity; 315
for the member listed in division (B)(1)(f) of this section, to 316
the county board of developmental disabilities that employs the 317
superintendent; for a member listed in division (B)(1)(g) or (h) 318
of this section, to the school board that employs the 319
superintendent; for the member listed in division (B)(1)(i) of 320
this section, to the mayor of the municipal corporation; for the 321
member listed in division (B)(1)(k) of this section, to the 322
director of youth services; and for the member listed in division 323
(B)(1)(n) of this section, to that member's board of trustees. 324

The administrative agent for a county council may do any of 325
the following on behalf of the council: 326

(i) Enter into agreements or administer contracts with public 327
or private entities to fulfill specific council business. Such 328
agreements and contracts are exempt from the competitive bidding 329
requirements of section 307.86 of the Revised Code if they have 330
been approved by the county council and they are for the purchase 331
of family and child welfare or child protection services or other 332
social or job and family services for families and children. The 333
approval of the county council is not required to exempt 334
agreements or contracts entered into under section 5139.34, 335
5139.41, or 5139.43 of the Revised Code from the competitive 336
bidding requirements of section 307.86 of the Revised Code. 337

(ii) As determined by the council, provide financial 338
stipends, reimbursements, or both, to family representatives for 339
expenses related to council activity; 340

(iii) Receive by gift, grant, devise, or bequest any moneys, 341
lands, or other property for the purposes for which the council is 342
established. The agent shall hold, apply, and dispose of the 343
moneys, lands, or other property according to the terms of the 344
gift, grant, devise, or bequest. Any interest or earnings shall be 345
treated in the same manner and are subject to the same terms as 346
the gift, grant, devise, or bequest from which it accrues. 347

(b)(i) If the county council designates the board of county 348
commissioners as its administrative agent, the board may, by 349
resolution, delegate any of its powers and duties as 350
administrative agent to an executive committee the board 351
establishes from the membership of the county council. The board 352
shall name to the executive committee at least the individuals 353
described in divisions (B)(1)(b) to (h) of this section and may 354
appoint the president of the board or another individual as the 355
chair of the executive committee. The executive committee must 356

include at least one family county council representative who does 357
not have a family member employed by an agency represented on the 358
council. 359

(ii) The executive committee may, with the approval of the 360
board, hire an executive director to assist the county council in 361
administering its powers and duties. The executive director shall 362
serve in the unclassified civil service at the pleasure of the 363
executive committee. The executive director may, with the approval 364
of the executive committee, hire other employees as necessary to 365
properly conduct the county council's business. 366

(iii) The board may require the executive committee to submit 367
an annual budget to the board for approval and may amend or repeal 368
the resolution that delegated to the executive committee its 369
authority as the county council's administrative agent. 370

(6) Two or more county councils may enter into an agreement 371
to administer their county councils jointly by creating a regional 372
family and children first council. A regional council possesses 373
the same duties and authority possessed by a county council, 374
except that the duties and authority apply regionally rather than 375
to individual counties. Prior to entering into an agreement to 376
create a regional council, the members of each county council to 377
be part of the regional council shall meet to determine whether 378
all or part of the members of each county council will serve as 379
members of the regional council. 380

(7) A board of county commissioners may approve a resolution 381
by a majority vote of the board's members that requires the county 382
council to submit a statement to the board each time the council 383
proposes to enter into an agreement, adopt a plan, or make a 384
decision, other than a decision pursuant to section 121.38 of the 385
Revised Code, that requires the expenditure of funds for two or 386
more families. The statement shall describe the proposed 387
agreement, plan, or decision. 388

Not later than fifteen days after the board receives the 389
statement, it shall, by resolution approved by a majority of its 390
members, approve or disapprove the agreement, plan, or decision. 391
Failure of the board to pass a resolution during that time period 392
shall be considered approval of the agreement, plan, or decision. 393

An agreement, plan, or decision for which a statement is 394
required to be submitted to the board shall be implemented only if 395
it is approved by the board. 396

(C) Each county shall develop a county service coordination 397
mechanism. The county service coordination mechanism shall serve 398
as the guiding document for coordination of services in the 399
county. For children who also receive services under the help me 400
grow program, the service coordination mechanism shall be 401
consistent with rules adopted by the department of health under 402
section 3701.61 of the Revised Code. All family service 403
coordination plans shall be developed in accordance with the 404
county service coordination mechanism. The mechanism shall be 405
developed and approved with the participation of the county 406
entities representing child welfare; mental retardation and 407
developmental disabilities; alcohol, drug addiction, and mental 408
health services; health; juvenile judges; education; the county 409
family and children first council; and the county early 410
intervention collaborative established pursuant to the federal 411
early intervention program operated under the "Individuals with 412
Disabilities Education Act of 2004." The county shall establish an 413
implementation schedule for the mechanism. The cabinet council may 414
monitor the implementation and administration of each county's 415
service coordination mechanism. 416

Each mechanism shall include all of the following: 417

(1) A procedure for an agency, including a juvenile court, or 418
a family voluntarily seeking service coordination, to refer the 419
child and family to the county council for service coordination in 420

accordance with the mechanism; 421

(2) A procedure ensuring that a family and all appropriate 422
staff from involved agencies, including a representative from the 423
appropriate school district, are notified of and invited to 424
participate in all family service coordination plan meetings; 425

(3) A procedure that permits a family to initiate a meeting 426
to develop or review the family's service coordination plan and 427
allows the family to invite a family advocate, mentor, or support 428
person of the family's choice to participate in any such meeting; 429

(4) A procedure for ensuring that a family service 430
coordination plan meeting is conducted for each child who receives 431
service coordination under the mechanism and for whom an emergency 432
out-of-home placement has been made or for whom a nonemergency 433
out-of-home placement is being considered. The meeting shall be 434
conducted within ten days of an emergency out-of-home placement. 435
The meeting shall be conducted before a nonemergency out-of-home 436
placement. The family service coordination plan shall outline how 437
the county council members will jointly pay for services, where 438
applicable, and provide services in the least restrictive 439
environment. 440

(5) A procedure for monitoring the progress and tracking the 441
outcomes of each service coordination plan requested in the county 442
including monitoring and tracking children in out-of-home 443
placements to assure continued progress, appropriateness of 444
placement, and continuity of care after discharge from placement 445
with appropriate arrangements for housing, treatment, and 446
education.; 447

(6) A procedure for protecting the confidentiality of all 448
personal family information disclosed during service coordination 449
meetings or contained in the comprehensive family service 450
coordination plan.; 451

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

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

(9) A local dispute resolution process to serve as the process that must be used first to resolve disputes among the agencies represented on the county council concerning the provision of services to children, including children who are abused, neglected, dependent, unruly, alleged unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services. The local dispute resolution process shall comply with sections 121.38, 121.381, and 121.382 of the Revised Code. The local dispute resolution process shall be used to resolve disputes between a child's parents or custodians and the county council regarding service coordination. The county council shall inform the parents or custodians of their right to use the dispute resolution process. Parents or custodians shall use existing local agency grievance procedures to address disputes not involving service coordination. The dispute resolution process is in addition to and does not replace other rights or procedures that parents or custodians may have under other sections of the Revised Code.

The cabinet council shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an administrative review process to address problems that arise concerning the operation of a local dispute resolution process.

Nothing in division (C)(4) of this section shall be interpreted as overriding or affecting decisions of a juvenile

court regarding an out-of-home placement, long-term placement, or 484
emergency out-of-home placement. 485

(D) Each county shall develop a family service coordination 486
plan that does all of the following: 487

(1) Designates service responsibilities among the various 488
state and local agencies that provide services to children and 489
their families, including children who are abused, neglected, 490
dependent, unruly, or delinquent children and under the 491
jurisdiction of the juvenile court and children whose parents or 492
custodians are voluntarily seeking services; 493

(2) Designates an individual, approved by the family, to 494
track the progress of the family service coordination plan, 495
schedule reviews as necessary, and facilitate the family service 496
coordination plan meeting process; 497

(3) Ensures that assistance and services to be provided are 498
responsive to the strengths and needs of the family, as well as 499
the family's culture, race, and ethnic group, by allowing the 500
family to offer information and suggestions and participate in 501
decisions. Identified assistance and services shall be provided in 502
the least restrictive environment possible. 503

(4) Includes a process for dealing with a child who is 504
alleged to be an unruly child. The process shall include methods 505
to divert the child from the juvenile court system; 506

(5) Includes timelines for completion of goals specified in 507
the plan with regular reviews scheduled to monitor progress toward 508
those goals; 509

(6) Includes a plan for dealing with short-term crisis 510
situations and safety concerns. 511

(E)(1) The process provided for under division (D)(4) of this 512
section may include, but is not limited to, the following: 513

(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;	514 515 516 517
(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;	518 519 520
(c) Involvement of local law enforcement agencies and officials.	521 522
(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following:	523 524 525
(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;	526 527 528 529 530 531
(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;	532 533 534 535
(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;	536 537 538 539
(d) A program to provide a mentor to the child or the parents, guardian, or custodian;	540 541
(e) A program to provide parenting education to the parents, guardian, or custodian;	542 543

(f) An alternative school program for children who are truant 544
from school, repeatedly disruptive in school, or suspended or 545
expelled from school; 546

(g) Other appropriate measures, including, but not limited 547
to, any alternative methods to divert a child from the juvenile 548
court system that are identified by the Ohio family and children 549
first cabinet council. 550

(F) Each county may review and revise the service 551
coordination process described in division (D) of this section 552
based on the availability of funds under Title IV-A of the "Social 553
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 554
or to the extent resources are available from any other federal, 555
state, or local funds. 556

Sec. 123.01. (A) The department of administrative services, 557
in addition to those powers enumerated in Chapters 124. and 125. 558
of the Revised Code and provided elsewhere by law, shall exercise 559
the following powers: 560

(1) To prepare and suggest comprehensive plans for the 561
development of grounds and buildings under the control of a state 562
agency; 563

(2) To acquire, by purchase, gift, devise, lease, or grant, 564
all real estate required by a state agency, in the exercise of 565
which power the department may exercise the power of eminent 566
domain, in the manner provided by sections 163.01 to 163.22 of the 567
Revised Code; 568

(3) To erect, supervise, and maintain all public monuments 569
and memorials erected by the state, except where the supervision 570
and maintenance is otherwise provided by law; 571

(4) To procure, by lease, storage accommodations for a state 572
agency; 573

(5) To lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency. Such leases, easements, or licenses may be granted to any person or entity, shall be for a period not to exceed fifteen years, and shall be executed for the state by the director of administrative services, provided that the director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective university's board of trustees pursuant to section 123.17 of the Revised Code.

(6) To lease space for the use of a state agency;

(7) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;

(8) To exercise general custodial care of all real property of the state;

(9) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;

(10) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof under a lease-purchase plan, buildings, structures, and other improvements for any public purpose, and, in conjunction therewith, to grant leases, easements, or licenses for lands under the control of a state agency for a period not to exceed forty years. The lease-purchase plan shall provide that at the end of the lease period, the buildings, structures, and related improvements, together with the land on which they are situated,

shall become the property of the state without cost. 605

(a) Whenever any building, structure, or other improvement is 606
to be so leased by a state agency, the department shall retain 607
either basic plans, specifications, bills of materials, and 608
estimates of cost with sufficient detail to afford bidders all 609
needed information or, alternatively, all of the following plans, 610
details, bills of materials, and specifications: 611

(i) Full and accurate plans suitable for the use of mechanics 612
and other builders in the improvement; 613

(ii) Details to scale and full sized, so drawn and 614
represented as to be easily understood; 615

(iii) Accurate bills showing the exact quantity of different 616
kinds of material necessary to the construction; 617

(iv) Definite and complete specifications of the work to be 618
performed, together with such directions as will enable a 619
competent mechanic or other builder to carry them out and afford 620
bidders all needed information; 621

(v) A full and accurate estimate of each item of expense and 622
of the aggregate cost thereof. 623

(b) The department shall give public notice, in such 624
newspaper, in such form, and with such phraseology as the director 625
of administrative services prescribes, published once each week 626
for four consecutive weeks, of the time when and place where bids 627
will be received for entering into an agreement to lease to a 628
state agency a building, structure, or other improvement. The last 629
publication shall be at least eight days preceding the day for 630
opening the bids. The bids shall contain the terms upon which the 631
builder would propose to lease the building, structure, or other 632
improvement to the state agency. The form of the bid approved by 633
the department shall be used, and a bid is invalid and shall not 634
be considered unless that form is used without change, alteration, 635

or addition. Before submitting bids pursuant to this section, any 636
builder shall comply with Chapter 153. of the Revised Code. 637

(c) On the day and at the place named for receiving bids for 638
entering into lease agreements with a state agency, the director 639
of administrative services shall open the bids and shall publicly 640
proceed immediately to tabulate the bids upon duplicate sheets. No 641
lease agreement shall be entered into until the bureau of workers' 642
compensation has certified that the person to be awarded the lease 643
agreement has complied with Chapter 4123. of the Revised Code, 644
until, if the builder submitting the lowest and best bid is a 645
foreign corporation, the secretary of state has certified that the 646
corporation is authorized to do business in this state, until, if 647
the builder submitting the lowest and best bid is a person 648
nonresident of this state, the person has filed with the secretary 649
of state a power of attorney designating the secretary of state as 650
its agent for the purpose of accepting service of summons in any 651
action brought under Chapter 4123. of the Revised Code, and until 652
the agreement is submitted to the attorney general and the 653
attorney general's approval is certified thereon. Within thirty 654
days after the day on which the bids are received, the department 655
shall investigate the bids received and shall determine that the 656
bureau and the secretary of state have made the certifications 657
required by this section of the builder who has submitted the 658
lowest and best bid. Within ten days of the completion of the 659
investigation of the bids, the department shall award the lease 660
agreement to the builder who has submitted the lowest and best bid 661
and who has been certified by the bureau and secretary of state as 662
required by this section. If bidding for the lease agreement has 663
been conducted upon the basis of basic plans, specifications, 664
bills of materials, and estimates of costs, upon the award to the 665
builder the department, or the builder with the approval of the 666
department, shall appoint an architect or engineer licensed in 667
this state to prepare such further detailed plans, specifications, 668

and bills of materials as are required to construct the building, 669
structure, or improvement. The department shall adopt such rules 670
as are necessary to give effect to this section. The department 671
may reject any bid. Where there is reason to believe there is 672
collusion or combination among bidders, the bids of those 673
concerned therein shall be rejected. 674

(11) To acquire by purchase, gift, devise, or grant and to 675
transfer, lease, or otherwise dispose of all real property 676
required to assist in the development of a conversion facility as 677
defined in section 5709.30 of the Revised Code as that section 678
existed before its repeal by Amended Substitute House Bill 95 of 679
the 125th general assembly; 680

(12) To lease for a period not to exceed forty years, 681
notwithstanding any other division of this section, the 682
state-owned property located at 408-450 East Town Street, 683
Columbus, Ohio, formerly the state school for the deaf, to a 684
developer in accordance with this section. "Developer," as used in 685
this section, has the same meaning as in section 123.77 of the 686
Revised Code. 687

Such a lease shall be for the purpose of development of the 688
land for use by senior citizens by constructing, altering, 689
renovating, repairing, expanding, and improving the site as it 690
existed on June 25, 1982. A developer desiring to lease the land 691
shall prepare for submission to the department a plan for 692
development. Plans shall include provisions for roads, sewers, 693
water lines, waste disposal, water supply, and similar matters to 694
meet the requirements of state and local laws. The plans shall 695
also include provision for protection of the property by insurance 696
or otherwise, and plans for financing the development, and shall 697
set forth details of the developer's financial responsibility. 698

The department may employ, as employees or consultants, 699
persons needed to assist in reviewing the development plans. Those 700

persons may include attorneys, financial experts, engineers, and 701
other necessary experts. The department shall review the 702
development plans and may enter into a lease if it finds all of 703
the following: 704

(a) The best interests of the state will be promoted by 705
entering into a lease with the developer; 706

(b) The development plans are satisfactory; 707

(c) The developer has established the developer's financial 708
responsibility and satisfactory plans for financing the 709
development. 710

The lease shall contain a provision that construction or 711
renovation of the buildings, roads, structures, and other 712
necessary facilities shall begin within one year after the date of 713
the lease and shall proceed according to a schedule agreed to 714
between the department and the developer or the lease will be 715
terminated. The lease shall contain such conditions and 716
stipulations as the director considers necessary to preserve the 717
best interest of the state. Moneys received by the state pursuant 718
to this lease shall be paid into the general revenue fund. The 719
lease shall provide that at the end of the lease period the 720
buildings, structures, and related improvements shall become the 721
property of the state without cost. 722

(13) To manage the use of space owned and controlled by the 723
department, including space in property under the jurisdiction of 724
the Ohio building authority, by doing all of the following: 725

(a) Biennially implementing, by state agency location, a 726
census of agency employees assigned space; 727

(b) Periodically in the discretion of the director of 728
administrative services: 729

(i) Requiring each state agency to categorize the use of 730

space allotted to the agency between office space, common areas, 731
storage space, and other uses, and to report its findings to the 732
department; 733

(ii) Creating and updating a master space utilization plan 734
for all space allotted to state agencies. The plan shall 735
incorporate space utilization metrics. 736

(iii) Conducting a cost-benefit analysis to determine the 737
effectiveness of state-owned buildings; 738

(iv) Assessing the alternatives associated with consolidating 739
the commercial leases for buildings located in Columbus. 740

(c) Commissioning a comprehensive space utilization and 741
capacity study in order to determine the feasibility of 742
consolidating existing commercially leased space used by state 743
agencies into a new state-owned facility. 744

(14) To adopt rules to ensure that energy efficiency and 745
conservation is considered in the purchase of products and 746
equipment, except motor vehicles, by any state agency, department, 747
division, bureau, office, unit, board, commission, authority, 748
quasi-governmental entity, or institution. The department may 749
require minimum energy efficiency standards for purchased products 750
and equipment based on federal testing and labeling if available 751
or on standards developed by the department. When possible, the 752
rules shall apply to the competitive selection of energy consuming 753
systems, components, and equipment under Chapter 125. of the 754
Revised Code. 755

(15) To ensure energy efficient and energy conserving 756
purchasing practices by doing all of the following: 757

(a) Identifying available energy efficiency and conservation 758
opportunities; 759

(b) Providing for interchange of information among purchasing 760

agencies; 761

(c) Identifying laws, policies, rules, and procedures that 762
should be modified; 763

(d) Monitoring experience with and the cost-effectiveness of 764
this state's purchase and use of motor vehicles and of major 765
energy-consuming systems, components, equipment, and products 766
having a significant impact on energy consumption by the 767
government; 768

(e) Providing technical assistance and training to state 769
employees involved in the purchasing process; 770

(f) Working with the department of development to make 771
recommendations regarding planning and implementation of 772
purchasing policies and procedures that are supportive of energy 773
efficiency and conservation. 774

(16) To require all state agencies, departments, divisions, 775
bureaus, offices, units, commissions, boards, authorities, 776
quasi-governmental entities, institutions, and state institutions 777
of higher education to implement procedures to ensure that all of 778
the passenger automobiles they acquire in each fiscal year, except 779
for those passenger automobiles acquired for use in law 780
enforcement or emergency rescue work, achieve a fleet average fuel 781
economy of not less than the fleet average fuel economy for that 782
fiscal year as the department shall prescribe by rule. The 783
department shall adopt the rule prior to the beginning of the 784
fiscal year, in accordance with the average fuel economy standards 785
established by federal law for passenger automobiles manufactured 786
during the model year that begins during the fiscal year. 787

Each state agency, department, division, bureau, office, 788
unit, commission, board, authority, quasi-governmental entity, 789
institution, and state institution of higher education shall 790
determine its fleet average fuel economy by dividing the total 791

number of passenger vehicles acquired during the fiscal year, 792
except for those passenger vehicles acquired for use in law 793
enforcement or emergency rescue work, by a sum of terms, each of 794
which is a fraction created by dividing the number of passenger 795
vehicles of a given make, model, and year, except for passenger 796
vehicles acquired for use in law enforcement or emergency rescue 797
work, acquired during the fiscal year by the fuel economy measured 798
by the administrator of the United States environmental protection 799
agency, for the given make, model, and year of vehicle, that 800
constitutes an average fuel economy for combined city and highway 801
driving. 802

As used in division (A)(16) of this section, "acquired" means 803
leased for a period of sixty continuous days or more, or 804
purchased. 805

(B) This section and section 125.02 of the Revised Code shall 806
not interfere with any of the following: 807

(1) The power of the adjutant general to purchase military 808
supplies, or with the custody of the adjutant general of property 809
leased, purchased, or constructed by the state and used for 810
military purposes, or with the functions of the adjutant general 811
as director of state armories; 812

(2) The power of the director of transportation in acquiring 813
rights-of-way for the state highway system, or the leasing of 814
lands for division or resident district offices, or the leasing of 815
lands or buildings required in the maintenance operations of the 816
department of transportation, or the purchase of real property for 817
garage sites or division or resident district offices, or in 818
preparing plans and specifications for and constructing such 819
buildings as the director may require in the administration of the 820
department; 821

(3) The power of the director of public safety and the 822

registrar of motor vehicles to purchase or lease real property and 823
buildings to be used solely as locations to which a deputy 824
registrar is assigned pursuant to division (B) of section 4507.011 825
of the Revised Code and from which the deputy registrar is to 826
conduct the deputy registrar's business, the power of the director 827
of public safety to purchase or lease real property and buildings 828
to be used as locations for division or district offices as 829
required in the maintenance of operations of the department of 830
public safety, and the power of the superintendent of the state 831
highway patrol in the purchase or leasing of real property and 832
buildings needed by the patrol, to negotiate the sale of real 833
property owned by the patrol, to rent or lease real property owned 834
or leased by the patrol, and to make or cause to be made repairs 835
to all property owned or under the control of the patrol; 836

(4) The power of the division of liquor control in the 837
leasing or purchasing of retail outlets and warehouse facilities 838
for the use of the division; 839

(5) The power of the director of development to enter into 840
leases of real property, buildings, and office space to be used 841
solely as locations for the state's foreign offices to carry out 842
the purposes of section 122.05 of the Revised Code; 843

(6) The power of the director of environmental protection to 844
enter into environmental covenants, to grant and accept easements, 845
or to sell property pursuant to division (G) of section 3745.01 of 846
the Revised Code. 847

(C) Purchases for, and the custody and repair of, buildings 848
under the management and control of the capitol square review and 849
advisory board, the ~~rehabilitation services commission~~ 850
opportunities for Ohioans with disabilities agency, the bureau of 851
workers' compensation, or the departments of public safety, job 852
and family services, mental health, developmental disabilities, 853
and rehabilitation and correction; buildings of educational and 854

benevolent institutions under the management and control of boards 855
of trustees; and purchases or leases for, and the custody and 856
repair of, office space used for the purposes of the joint 857
legislative ethics committee are not subject to the control and 858
jurisdiction of the department of administrative services. 859

If the joint legislative ethics committee so requests, the 860
committee and the director of administrative services may enter 861
into a contract under which the department of administrative 862
services agrees to perform any services requested by the committee 863
that the department is authorized under this section to perform. 864

(D) Any instrument by which real property is acquired 865
pursuant to this section shall identify the agency of the state 866
that has the use and benefit of the real property as specified in 867
section 5301.012 of the Revised Code. 868

Sec. 124.11. The civil service of the state and the several 869
counties, cities, civil service townships, city health districts, 870
general health districts, and city school districts of the state 871
shall be divided into the unclassified service and the classified 872
service. 873

(A) The unclassified service shall comprise the following 874
positions, which shall not be included in the classified service, 875
and which shall be exempt from all examinations required by this 876
chapter: 877

(1) All officers elected by popular vote or persons appointed 878
to fill vacancies in those offices; 879

(2) All election officers as defined in section 3501.01 of 880
the Revised Code; 881

(3)(a) The members of all boards and commissions, and heads 882
of principal departments, boards, and commissions appointed by the 883
governor or by and with the governor's consent; 884

(b) The heads of all departments appointed by a board of county commissioners;	885 886
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	887 888 889 890
Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	891 892 893 894
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	895 896 897
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	898 899 900
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	901 902 903
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;	904 905 906 907 908 909 910
(b) The library staff of any library in the state supported wholly or in part at public expense.	911 912
(8) Four clerical and administrative support employees for each of the elective state officers, four clerical and	913 914

administrative support employees for each board of county 915
commissioners and one such employee for each county commissioner, 916
and four clerical and administrative support employees for other 917
elective officers and each of the principal appointive executive 918
officers, boards, or commissions, except for civil service 919
commissions, that are authorized to appoint such clerical and 920
administrative support employees; 921

(9) The deputies and assistants of state agencies authorized 922
to act for and on behalf of the agency, or holding a fiduciary or 923
administrative relation to that agency and those persons employed 924
by and directly responsible to elected county officials or a 925
county administrator and holding a fiduciary or administrative 926
relationship to such elected county officials or county 927
administrator, and the employees of such county officials whose 928
fitness would be impracticable to determine by competitive 929
examination, provided that division (A)(9) of this section shall 930
not affect those persons in county employment in the classified 931
service as of September 19, 1961. Nothing in division (A)(9) of 932
this section applies to any position in a county department of job 933
and family services created pursuant to Chapter 329. of the 934
Revised Code. 935

(10) Bailiffs, constables, official stenographers, and 936
commissioners of courts of record, deputies of clerks of the 937
courts of common pleas who supervise or who handle public moneys 938
or secured documents, and such officers and employees of courts of 939
record and such deputies of clerks of the courts of common pleas 940
as the appointing authority finds it impracticable to determine 941
their fitness by competitive examination; 942

(11) Assistants to the attorney general, special counsel 943
appointed or employed by the attorney general, assistants to 944
county prosecuting attorneys, and assistants to city directors of 945
law; 946

(12) Such teachers and employees in the agricultural 947
experiment stations; such students in normal schools, colleges, 948
and universities of the state who are employed by the state or a 949
political subdivision of the state in student or intern 950
classifications; and such unskilled labor positions as the 951
director of administrative services, with respect to positions in 952
the service of the state, or any municipal civil service 953
commission may find it impracticable to include in the competitive 954
classified service; provided such exemptions shall be by order of 955
the commission or the director, duly entered on the record of the 956
commission or the director with the reasons for each such 957
exemption; 958

(13) Any physician or dentist who is a full-time employee of 959
the department of mental health, the department of developmental 960
disabilities, or an institution under the jurisdiction of either 961
department; and physicians who are in residency programs at the 962
institutions; 963

(14) Up to twenty positions at each institution under the 964
jurisdiction of the department of mental health or the department 965
of developmental disabilities that the department director 966
determines to be primarily administrative or managerial; and up to 967
fifteen positions in any division of either department, excluding 968
administrative assistants to the director and division chiefs, 969
which are within the immediate staff of a division chief and which 970
the director determines to be primarily and distinctively 971
administrative and managerial; 972

(15) Noncitizens of the United States employed by the state, 973
or its counties or cities, as physicians or nurses who are duly 974
licensed to practice their respective professions under the laws 975
of this state, or medical assistants, in mental or chronic disease 976
hospitals, or institutions; 977

(16) Employees of the governor's office; 978

(17) Fire chiefs and chiefs of police in civil service	979
townships appointed by boards of township trustees under section	980
505.38 or 505.49 of the Revised Code;	981
(18) Executive directors, deputy directors, and program	982
directors employed by boards of alcohol, drug addiction, and	983
mental health services under Chapter 340. of the Revised Code, and	984
secretaries of the executive directors, deputy directors, and	985
program directors;	986
(19) Superintendents, and management employees as defined in	987
section 5126.20 of the Revised Code, of county boards of	988
developmental disabilities;	989
(20) Physicians, nurses, and other employees of a county	990
hospital who are appointed pursuant to sections 339.03 and 339.06	991
of the Revised Code;	992
(21) The executive director of the state medical board, who	993
is appointed pursuant to division (B) of section 4731.05 of the	994
Revised Code;	995
(22) County directors of job and family services as provided	996
in section 329.02 of the Revised Code and administrators appointed	997
under section 329.021 of the Revised Code;	998
(23) A director of economic development who is hired pursuant	999
to division (A) of section 307.07 of the Revised Code;	1000
(24) Chiefs of construction and compliance, of operations and	1001
maintenance, of worker protection, and of licensing and	1002
certification in the division of industrial compliance in the	1003
department of commerce;	1004
(25) The executive director of a county transit system	1005
appointed under division (A) of section 306.04 of the Revised	1006
Code;	1007
(26) Up to five positions at each of the administrative	1008

departments listed in section 121.02 of the Revised Code and at 1009
the department of taxation, department of the adjutant general, 1010
department of education, Ohio board of regents, bureau of workers' 1011
compensation, industrial commission, state lottery commission, 1012
opportunities for Ohioans with disabilities agency, and public 1013
utilities commission of Ohio that the head of that administrative 1014
department or of that other state agency determines to be involved 1015
in policy development and implementation. The head of the 1016
administrative department or other state agency shall set the 1017
compensation for employees in these positions at a rate that is 1018
not less than the minimum compensation specified in pay range 41 1019
but not more than the maximum compensation specified in pay range 1020
44 of salary schedule E-2 in section 124.152 of the Revised Code. 1021
The authority to establish positions in the unclassified service 1022
under division (A)(26) of this section is in addition to and does 1023
not limit any other authority that an administrative department or 1024
state agency has under the Revised Code to establish positions, 1025
appoint employees, or set compensation. 1026

(27) Employees of the department of agriculture employed 1027
under section 901.09 of the Revised Code; 1028

(28) For cities, counties, civil service townships, city 1029
health districts, general health districts, and city school 1030
districts, the deputies and assistants of elective or principal 1031
executive officers authorized to act for and in the place of their 1032
principals or holding a fiduciary relation to their principals; 1033

(29) Employees who receive intermittent or temporary 1034
appointments under division (B) of section 124.30 of the Revised 1035
Code; 1036

(30) Employees appointed to administrative staff positions 1037
for which an appointing authority is given specific statutory 1038
authority to set compensation; 1039

(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications; 1040
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(32) Employees placed in the unclassified service by another section of the Revised Code. 1042
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(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. 1044
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Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class. 1048
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(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts of the state, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, all positions in a civil service township police or fire department having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer, or reduction, as provided in this chapter, and the rules of the director of administrative services, by appointment from those certified to the appointing officer in accordance with this chapter. 1056
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(2) The unskilled labor class shall include ordinary 1071

unskilled laborers. Vacancies in the labor class for positions in 1072
service of the state shall be filled by appointment from lists of 1073
applicants registered by the director or the director's designee. 1074
Vacancies in the labor class for all other positions shall be 1075
filled by appointment from lists of applicants registered by a 1076
commission. The director or the commission, as applicable, by 1077
rule, shall require an applicant for registration in the labor 1078
class to furnish evidence or take tests as the director or 1079
commission considers proper with respect to age, residence, 1080
physical condition, ability to labor, honesty, sobriety, industry, 1081
capacity, and experience in the work or employment for which 1082
application is made. Laborers who fulfill the requirements shall 1083
be placed on the eligible list for the kind of labor or employment 1084
sought, and preference shall be given in employment in accordance 1085
with the rating received from that evidence or in those tests. 1086
Upon the request of an appointing officer, stating the kind of 1087
labor needed, the pay and probable length of employment, and the 1088
number to be employed, the director or commission, as applicable, 1089
shall certify from the highest on the list double the number to be 1090
employed; from this number, the appointing officer shall appoint 1091
the number actually needed for the particular work. If more than 1092
one applicant receives the same rating, priority in time of 1093
application shall determine the order in which their names shall 1094
be certified for appointment. 1095

(C) A municipal or civil service township civil service 1096
commission may place volunteer firefighters who are paid on a 1097
fee-for-service basis in either the classified or the unclassified 1098
civil service. 1099

(D)(1) This division does not apply to persons in the 1100
unclassified service who have the right to resume positions in the 1101
classified service under sections 4121.121, 5119.071, 5120.38, 1102
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised 1103

Code or to cities, counties, or political subdivisions of the 1104
state. 1105

(2) A person who holds a position in the classified service 1106
of the state and who is appointed to a position in the 1107
unclassified service shall retain the right to resume the position 1108
and status held by the person in the classified service 1109
immediately prior to the person's appointment to the position in 1110
the unclassified service, regardless of the number of positions 1111
the person held in the unclassified service. An employee's right 1112
to resume a position in the classified service may only be 1113
exercised when an appointing authority demotes the employee to a 1114
pay range lower than the employee's current pay range or revokes 1115
the employee's appointment to the unclassified service and: 1116

(a) That person held a certified position prior to July 1, 1117
2007, in the classified service within the appointing authority's 1118
agency; or 1119

(b) That person held a permanent position on or after July 1, 1120
2007, in the classified service within the appointing authority's 1121
agency. 1122

(3) An employee forfeits the right to resume a position in 1123
the classified service when: 1124

(a) The employee is removed from the position in the 1125
unclassified service due to incompetence, inefficiency, 1126
dishonesty, drunkenness, immoral conduct, insubordination, 1127
discourteous treatment of the public, neglect of duty, violation 1128
of this chapter or the rules of the director of administrative 1129
services, any other failure of good behavior, any other acts of 1130
misfeasance, malfeasance, or nonfeasance in office, or conviction 1131
of a felony; or 1132

(b) Upon transfer to a different agency. 1133

(4) Reinstatement to a position in the classified service 1134

shall be to a position substantially equal to that position in the 1135
classified service held previously, as certified by the director 1136
of administrative services. If the position the person previously 1137
held in the classified service has been placed in the unclassified 1138
service or is otherwise unavailable, the person shall be appointed 1139
to a position in the classified service within the appointing 1140
authority's agency that the director of administrative services 1141
certifies is comparable in compensation to the position the person 1142
previously held in the classified service. Service in the position 1143
in the unclassified service shall be counted as service in the 1144
position in the classified service held by the person immediately 1145
prior to the person's appointment to the position in the 1146
unclassified service. When a person is reinstated to a position in 1147
the classified service as provided in this division, the person is 1148
entitled to all rights, status, and benefits accruing to the 1149
position in the classified service during the person's time of 1150
service in the position in the unclassified service. 1151

Sec. 125.602. (A) The department of developmental 1152
disabilities, the department of mental health, the department of 1153
job and family services, the ~~rehabilitation services commission~~ 1154
opportunities for Ohioans with disabilities agency, and any other 1155
state or governmental agency or community rehabilitation program 1156
responsible for the provision of rehabilitation and vocational 1157
educational services to persons with work-limiting disabilities 1158
may, through written agreement, cooperate in providing resources 1159
to the department of administrative services for the operation of 1160
the office of procurement from community rehabilitation programs. 1161
These resources may include, but are not limited to, leadership 1162
and assistance in dealing with the societal aspects of meeting the 1163
needs of persons with work-limiting disabilities. 1164

(B) The office and all governmental entities that administer 1165
socioeconomic programs may enter into contractual agreements, 1166

cooperative working relationships, or other arrangements that are 1167
necessary for effective coordination and realization of the 1168
objectives of these entities. 1169

Sec. 125.603. (A) The office of procurement from community 1170
rehabilitation programs shall do the following in addition to 1171
other duties specified in sections 125.60 to 125.6012 of the 1172
Revised Code: 1173

(1) Establish, maintain, and periodically update a 1174
procurement list of approved supplies and services available from 1175
qualified nonprofit agencies; 1176

(2) Monitor the procurement practices of government ordering 1177
offices to ensure compliance with sections 125.60 to 125.6012 of 1178
the Revised Code; 1179

(3) In cooperation with qualified nonprofit agencies, 1180
government ordering offices, the department of developmental 1181
disabilities, the department of mental health, the department of 1182
job and family services, and the ~~rehabilitation services~~ 1183
~~commission~~ opportunities for Ohioans with disabilities agency, 1184
develop and recommend to the director of administrative services 1185
rules the director shall adopt in accordance with Chapter 119. of 1186
the Revised Code for the effective and efficient administration of 1187
sections 125.60 to 125.6012 of the Revised Code; 1188

(4) Prepare a report of its activities by the last day of 1189
December of each year. The report shall be posted electronically 1190
on the office's web site. 1191

(B) The office of procurement from community rehabilitation 1192
programs may enter into contractual agreements and establish pilot 1193
programs to further the objectives of sections 125.60 to 125.6012 1194
of the Revised Code. 1195

Sec. 127.16. (A) Upon the request of either a state agency or 1196

the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase without competitive selection as provided in division (B) of this section.

(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:

(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;

(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.

(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.

(D) Nothing in division (B) of this section shall be construed as:

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and

5525.14 of the Revised Code;	1228
(2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code;	1229 1230
(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;	1231 1232 1233
(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;	1234 1235 1236 1237 1238 1239 1240 1241 1242
(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;	1243 1244 1245 1246
(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.	1247 1248 1249 1250 1251 1252 1253 1254
(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;	1255 1256 1257
(8) Applying to purchases made by the rehabilitation services	1258

commission <u>opportunities for Ohioans with disabilities agency</u> of	1259
services, or supplies, that are provided to persons with	1260
disabilities, or to purchases made by the commission <u>agency</u> in	1261
connection with the eligibility determinations it makes for	1262
applicants of programs administered by the social security	1263
administration;	1264
(9) Applying to payments by the department of job and family	1265
services under section 5111.13 of the Revised Code for group	1266
health plan premiums, deductibles, coinsurance, and other	1267
cost-sharing expenses;	1268
(10) Applying to any agency of the legislative branch of the	1269
state government;	1270
(11) Applying to agreements or contracts entered into under	1271
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	1272
Revised Code;	1273
(12) Applying to purchases of services by the adult parole	1274
authority under section 2967.14 of the Revised Code or by the	1275
department of youth services under section 5139.08 of the Revised	1276
Code;	1277
(13) Applying to dues or fees paid for membership in an	1278
organization or association;	1279
(14) Applying to purchases of utility services pursuant to	1280
section 9.30 of the Revised Code;	1281
(15) Applying to purchases made in accordance with rules	1282
adopted by the department of administrative services of motor	1283
vehicle, aviation, or watercraft fuel, or emergency repairs of	1284
such vehicles;	1285
(16) Applying to purchases of tickets for passenger air	1286
transportation;	1287
(17) Applying to purchases necessary to provide public	1288

notifications required by law or to provide notifications of job openings;	1289 1290
(18) Applying to the judicial branch of state government;	1291
(19) Applying to purchases of liquor for resale by the division of liquor control;	1292 1293
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	1294 1295 1296
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	1297 1298 1299 1300
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	1301 1302 1303
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	1304 1305
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	1306 1307 1308 1309
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	1310 1311 1312
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	1313 1314 1315 1316 1317
(27) Applying to contracts entered into by the department of	1318

developmental disabilities under section 5123.18 of the Revised Code;	1319 1320
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	1321 1322 1323
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	1324 1325 1326 1327 1328 1329
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	1330 1331 1332 1333 1334
(31) Applying to the department of job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code, the children's health insurance program part II provided for under section 5101.51 of the Revised Code, or the children's health insurance program part III provided for under section 5101.52 of the Revised Code;	1335 1336 1337 1338 1339 1340 1341
(32) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;	1342 1343 1344 1345
(33) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;	1346 1347 1348
(34) Applying to purchases of goods and services by the	1349

department of veterans services in accordance with the terms of 1350
contracts entered into by the United States department of veterans 1351
affairs; 1352

(35) Applying to payments by the superintendent of the bureau 1353
of criminal identification and investigation to the federal bureau 1354
of investigation for criminal records checks pursuant to section 1355
109.572 of the Revised Code; 1356

(36) Applying to contracts entered into by the department of 1357
job and family services under section 5111.054 of the Revised 1358
Code. 1359

(E) When determining whether a state agency has reached the 1360
cumulative purchase thresholds established in divisions (B)(1) and 1361
(2) of this section, all of the following purchases by such agency 1362
shall not be considered: 1363

(1) Purchases made through competitive selection or with 1364
controlling board approval; 1365

(2) Purchases listed in division (D) of this section; 1366

(3) For the purposes of the threshold of division (B)(1) of 1367
this section only, leases of real estate. 1368

(F) As used in this section, "competitive selection," 1369
"purchase," "supplies," and "services" have the same meanings as 1370
in section 125.01 of the Revised Code. 1371

Sec. 191.02. The executive director of the office of health 1372
transformation, in consultation with all of the following 1373
individuals, shall identify each government program administered 1374
by a state agency that is to be considered a government program 1375
providing public benefits for purposes of section 191.04 of the 1376
Revised Code: 1377

(A) The director of aging; 1378

(B) The director of alcohol and drug addiction services;	1379
(C) The director of development;	1380
(D) The director of developmental disabilities;	1381
(E) The director of health;	1382
(F) The director <u>of</u> job and family services;	1383
(G) The director of mental health;	1384
(H) The director of rehabilitation and correction;	1385
(I) The director of veterans services;	1386
(J) The director of youth services;	1387
(K) The administrator <u>executive director</u> of the	1388
rehabilitation services commission <u>opportunities for Ohioans with</u>	1389
<u>disabilities agency</u> ;	1390
(L) The administrator of workers' compensation;	1391
(M) The superintendent of insurance;	1392
(N) The superintendent of public instruction;	1393
(O) The tax commissioner.	1394
Sec. 2151.83. (A) A public children services agency or	1395
private child placing agency, on the request of a young adult,	1396
shall enter into a jointly prepared written agreement with the	1397
young adult that obligates the agency to ensure that independent	1398
living services are provided to the young adult and sets forth the	1399
responsibilities of the young adult regarding the services. The	1400
agreement shall be developed based on the young adult's strengths,	1401
needs, and circumstances. The agreement shall be designed to	1402
promote the young adult's successful transition to independent	1403
adult living and emotional and economic self-sufficiency.	1404
(B) If the young adult appears to be eligible for services	1405
from one or more of the following entities, the agency must	1406

contact the appropriate entity to determine eligibility: 1407

(1) An entity, other than the agency, that is represented on 1408
a county family and children first council established pursuant to 1409
section 121.37 of the Revised Code. If the entity is a board of 1410
alcohol, drug addiction, and mental health services, an alcohol 1411
and drug addiction services board, or a community mental health 1412
board, the agency shall contact the provider of alcohol, drug 1413
addiction, or mental health services that has been designated by 1414
the board to determine the young adult's eligibility for services. 1415

(2) The ~~rehabilitation services commission~~ opportunities for 1416
Ohioans with disabilities agency; 1417

(3) A metropolitan housing authority established pursuant to 1418
section 3735.27 of the Revised Code. 1419

If an entity described in this division determines that the 1420
young adult qualifies for services from the entity, that entity, 1421
the young adult, and the agency to which the young adult made the 1422
request for independent living services shall enter into a written 1423
addendum to the jointly prepared agreement entered into under 1424
division (A) of this section. The addendum shall indicate how 1425
services under the agreement and addendum are to be coordinated 1426
and allocate the service responsibilities among the entities and 1427
agency that signed the addendum. 1428

Sec. 3303.41. There is hereby created the governor's council 1429
on people with disabilities. The council shall consist of 1430
twenty-one members of which the majority shall be people with 1431
disabilities as defined in this section, appointed by the governor 1432
for a term of three years except that for initial appointments, 1433
seven members shall be appointed for a term of one year, seven 1434
members shall be appointed for a term of two years, and seven 1435
members shall be appointed for a term of three years. Members may 1436
succeed themselves not more than one time. The governor shall 1437

annually appoint a ~~chairman~~ chairperson who may succeed himself or 1438
herself not more than one time. Members of the council shall serve 1439
without compensation, but shall be paid the actual and necessary 1440
expenses they incur in the performance of their duties. 1441

The council shall meet at least six times annually at such 1442
times and places as may be designated by the ~~chairman~~ chairperson. 1443

The governor's council on people with disabilities shall be 1444
assigned to the ~~rehabilitation services commission~~ opportunities 1445
for Ohioans with disabilities agency for administrative purposes. 1446
The ~~administrator~~ executive director of the ~~rehabilitation~~ 1447
~~services commission~~ opportunities for Ohioans with disabilities 1448
agency shall assign one professional staff person to the council 1449
to serve as executive secretary and other personnel as determined 1450
advisable. 1451

The council shall have the following powers: 1452

(A) To cooperate with the president's committee on employment 1453
of the handicapped; 1454

(B) To cooperate with all employers both public and private 1455
in locating or developing employment opportunities for people with 1456
disabilities; 1457

(C) To encourage and assist in the creation of committees at 1458
the community level; 1459

(D) To assist local, state, and federal agencies to 1460
coordinate their activities for the purpose of securing maximum 1461
utilization of funds and efforts that benefit people with 1462
disabilities; 1463

(E) To encourage cooperation among public and private 1464
employers, unions, and rehabilitation agencies, bureaus, and 1465
organizations both public and private with a specific goal to 1466
facilitate employment of people with disabilities; 1467

(F) To serve in an advisory capacity to the governor's office 1468
directly and as needed to the general assembly on issues relating 1469
to the needs, problems, and other concerns of people with 1470
disabilities; 1471

(G) To conduct educational programs to acquaint the public 1472
with the abilities and accomplishments of people with 1473
disabilities; 1474

(H) To promote the elimination of architectural barriers to 1475
make buildings used by the public accessible and useable by 1476
persons with physical limitations; 1477

(I) To make such rules as it determines advisable for the 1478
conduct of its own business. 1479

The council shall annually report to the governor on council 1480
activities and on the state of ~~Ohio's~~ the people of this state 1481
with disabilities. This report may include any recommendations 1482
believed necessary or desirable to carry out the purposes of this 1483
section. 1484

As used in this section, "person with a disability" means any 1485
individual who has a disability or condition ~~which~~ that, 1486
regardless of its physical or mental origin, imposes a functional 1487
limitation. ~~It~~ 1488

It shall be lawful for any public employee or officer to 1489
serve as a member of the council. 1490

Sec. 3304.11. As used in sections 3304.11 to 3304.27~~7~~ 1491
~~inclusive,~~ of the Revised Code: 1492

(A) ~~"Handicapped person" or "disabled person"~~ "Person with a 1493
disability" means any person with a physical or mental ~~disability~~ 1494
~~which impairment that~~ is a substantial handicap impediment to 1495
employment ~~and which is of a nature that~~ who can benefit in terms 1496
of an employment outcome from the provision of vocational 1497

rehabilitation services ~~may reasonably be expected to render him~~ 1498
~~fit to engage in a gainful occupation consistent with his~~ 1499
~~capacities and abilities, and any person with a physical or mental~~ 1500
~~disability that constitutes a substantial handicap to employment~~ 1501
~~for whom vocational rehabilitation services are necessary to~~ 1502
~~determine his rehabilitation potential.~~ 1503

(B) "Physical or mental ~~disability~~ impairment" means a 1504
physical or mental condition that materially limits, contributes 1505
to limiting or, if not corrected, will probably result in limiting 1506
a person's activities or functioning. 1507

(C) "Substantial ~~handicap~~ impediment to employment" means a 1508
physical or mental disability that impedes a person's occupational 1509
performance, by preventing ~~his~~ the person's obtaining, retaining, 1510
or preparing for a gainful occupation consistent with ~~his~~ the 1511
person's capacities and abilities. 1512

(D) "Vocational rehabilitation" and "vocational 1513
rehabilitation services" means any activity or service calculated 1514
to enable a ~~handicapped~~ person with a disability or groups of 1515
~~handicapped~~ persons with disabilities to engage in gainful 1516
occupation and includes, but is not limited to, medical and 1517
vocational evaluation, including diagnostic and related services, 1518
vocational counseling, guidance and placement, including follow-up 1519
services, rehabilitation training, including books and other 1520
training materials, physical restoration, recruitment and training 1521
services designed to provide ~~handicapped~~ persons with disabilities 1522
new employment opportunities, maintenance, occupational tools, 1523
equipment, supplies, transportation, services to families of 1524
~~handicapped~~ persons ~~which~~ with disabilities that contribute 1525
substantially to the rehabilitation of these persons, and any 1526
other goods or service necessary to render a ~~handicapped~~ person 1527
with a disability employable. 1528

(E) "Establishment of a rehabilitation facility" means the 1529

expansion, remodeling, or alteration of an existing building, 1530
~~which that~~ is necessary to adapt or to increase the effectiveness 1531
of that building for rehabilitation facility purposes, the 1532
acquisition of equipment for these purposes, and the initial 1533
staffing. 1534

(F) "Construction" means the construction of new buildings, 1535
acquisition of land or existing buildings and their expansion, 1536
remodeling, alteration and renovation, and the initial staffing 1537
and equipment of any new, newly acquired, expanded, remodeled, 1538
altered, or renovated buildings. 1539

(G) "Physical restoration services" means those services 1540
~~which that~~ are necessary to correct or substantially modify within 1541
a reasonable period of time a physical or mental condition ~~which~~ 1542
that is stable or slowly progressive. 1543

(H) "Occupational license" means any license, permit, or 1544
other written authority required by any governmental unit in order 1545
to engage in any occupation or business. 1546

(I) "Maintenance" means money payments to ~~disabled~~ persons 1547
with disabilities who need financial assistance for their 1548
subsistence during their vocational rehabilitation. 1549

Sec. 3304.12. (A) The governor, with the advice and consent 1550
of the senate, shall appoint ~~a rehabilitation services~~ the 1551
opportunities for Ohioans with disabilities commission within the 1552
opportunities for Ohioans with disabilities agency consisting of 1553
seven members, no more than four of whom shall be members of the 1554
same political party and who shall include at least three from 1555
rehabilitation professions, including at least one member from the 1556
field of services to the blind, and at least four ~~handicapped~~ 1557
individuals with disabilities, no less than two nor more than 1558
three of whom have received vocational rehabilitation services 1559
offered by a state vocational rehabilitation agency or the 1560

veterans' administration. ~~Such handicapped~~ The members with 1561
disabilities shall be representative of several major categories 1562
of ~~handicapped~~ persons with disabilities served by the ~~commission~~ 1563
opportunities for Ohioans with disabilities agency. 1564

(B) ~~Of the members first appointed to the commission, one~~ 1565
~~shall be appointed for a term of seven years, one for a term of~~ 1566
~~six years, one for a term of five years, one for a term of four~~ 1567
~~years, one for a term of three years, one for a term of two years,~~ 1568
~~and one for a term of one year. Thereafter, terms~~ Terms of office 1569
shall be for seven years, commencing on the ninth day of September 1570
and ending on the eighth day of September, with no person eligible 1571
to serve more than two seven-year terms. Each member shall hold 1572
office from the date of ~~his~~ the member appointment until the end of the term 1573
for which ~~he~~ the member was appointed. Any member appointed to 1574
fill a vacancy occurring prior to the expiration of the term for 1575
which ~~his~~ the member's predecessor was appointed shall hold office 1576
for the remainder of ~~such~~ that term. Any member shall continue in 1577
office subsequent to the expiration date of ~~his~~ the member's term 1578
until ~~his~~ a successor takes office, or until a period of sixty 1579
days has elapsed, whichever occurs first. ~~Members appointed to the~~ 1580
~~commission after September 1, 1977, shall be handicapped~~ 1581
~~individuals representing those who have received vocational~~ 1582
~~rehabilitation services offered by a state vocational~~ 1583
~~rehabilitaion agency or the veterans' administration until the~~ 1584
~~commission membership includes at least four such individuals.~~ 1585
Members who fail to perform their duties or who are guilty of 1586
misconduct may be removed on written charges preferred by the 1587
governor or by a majority of the commission. 1588

(C) Members of the commission shall be reimbursed for travel 1589
and necessary expenses incurred in the conduct of their duties, 1590
and shall receive an amount fixed pursuant to division (J) of 1591
section 124.15 of the Revised Code while actually engaged in 1592

attendance at meetings or in the performance of their duties. 1593

Sec. 3304.13. The ~~rehabilitation services commission~~ 1594
opportunities for Ohioans with disabilities commission shall hold 1595
its first meeting at the call of the governor, and at that 1596
meeting, shall elect one of its members as ~~chairman~~ chairperson 1597
and adopt rules governing the time and place of regular meetings, 1598
which shall be held not less than once every four months. Special 1599
meetings shall be held at the call of the ~~chairman~~ chairperson or 1600
any three members of the commission. The ~~chairman~~ chairperson 1601
shall serve for four years, unless removed earlier by a majority 1602
vote of the commission, and shall be ineligible to serve as 1603
~~chairman~~ chairperson during the succeeding four years. Each member 1604
of the commission, before entering upon the duties of office, 1605
shall take and subscribe an oath to uphold the constitution and 1606
laws of the United States and this state and to perform the duties 1607
of office honestly, faithfully, and impartially. Each member shall 1608
give a bond of five thousand dollars, with a sufficient surety 1609
approved by the treasurer of state. After approval, the bond shall 1610
be filed with the secretary of state. If the bond is executed by a 1611
surety company, the premiums on it shall be paid from the funds 1612
appropriated for the expenses of the ~~rehabilitation services~~ 1613
~~commission~~ opportunities for Ohioans with disabilities agency. 1614

Sec. 3304.16 ~~3304.14.~~ ~~In carrying out~~ For the purposes of 1615
sections 3304.11 to 3304.27 of the Revised Code, the 1616
~~rehabilitation services commission~~ opportunities for Ohioans with 1617
disabilities commission, to the extent feasible, shall conduct a 1618
review and analysis of the effectiveness of and consumer 1619
satisfaction with all of the following: 1620

(A) ~~Shall develop all necessary rules~~ The functions performed 1621
by the opportunities for Ohioans with disabilities agency; 1622

~~(B) Shall prepare and submit to the governor annual reports of activities and expenditures and, prior to each first regular session of the general assembly, an estimate of sums required to carry out the commission's responsibilities~~ The vocational rehabilitation services provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to persons with disabilities under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended;

~~(C) Shall certify any disbursement of funds available to the commission for vocational rehabilitation activities;~~

~~(D) Shall serve as the sole state agency designated to administer the plan under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended;~~

~~(E) Shall take appropriate action to guarantee rights of and services to handicapped persons;~~

~~(F) Shall consult with and advise other state agencies to assist them in meeting the needs of handicapped persons more effectively and to achieve maximum coordination among programs for the handicapped;~~

~~(G) Shall establish an administrative division of consumer affairs and advocacy within the commission to promote and help guarantee the rights of handicapped persons;~~

~~(H) Shall maintain an inventory of state services that are available to handicapped persons;~~

~~(I) Shall utilize, support, assist, and cooperate with the governor's committee on employment of the handicapped;~~

~~(J) May delegate to any officer or employee of the commission any necessary powers and duties, except that the commission shall delegate to the administrator of the commission, as provided in~~

~~section 3304.14 of the Revised Code, the power and duty to administer the daily operation and provision of vocational rehabilitation services;~~

~~(K) May take any other necessary or appropriate action for cooperation with public and private agencies and organizations which may include;~~

~~(1) Reciprocal agreements with other states to provide for the vocational rehabilitation of individuals within the states concerned;~~

~~(2) Contracts or other arrangements with public and other nonprofit agencies and organizations for the construction or establishment and operation of vocational rehabilitation programs and facilities;~~

~~(3) Cooperative arrangements with the federal government for carrying out sections 3304.11 to 3304.27 of the Revised Code, the "Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C. 31, as amended, or other federal statutes pertaining to vocational rehabilitation, and to this end, may adopt plans and methods of administration found necessary by the federal government for the efficient operation of any joint arrangements or the efficient application of any federal statutes;~~

~~(4) Upon the designation of the governor, performing functions and services for the federal government relating to individuals under a physical or mental disability.~~

~~(L) May take any appropriate action necessary to obtain federal funds in the maximum amount and most advantageous proportion possible;~~

~~(M) May conduct research and demonstration projects, including inquiries concerning the causes of blindness and its prevention, provide training and instruction, including the establishment and maintenance of research fellowships and~~

~~traineeships along with all necessary stipends and allowances, 1684
disseminate information, and provide technical assistance relating 1685
to vocational rehabilitation; 1686~~

~~(N) May plan, establish, and operate programs, facilities, 1687
and services relating to vocational rehabilitation; 1688~~

~~(O) May accept and hold, invest, reinvest, or otherwise use 1689
gifts made for the purpose of furthering vocational 1690
rehabilitation; 1691~~

~~(P) May ameliorate the condition of the aged blind or other 1692
severely disabled individuals by establishing a program of home 1693
visitation by commission employees for the purpose of instruction; 1694~~

~~(Q) May establish and manage small business enterprises that 1695
are operated by persons with a substantial handicap to employment, 1696
including blind persons; 1697~~

~~(R) May purchase from insurance companies licensed to do 1698
business in this state any insurance deemed necessary by the 1699
commission for the efficient operation of a suitable vending 1700
facility as defined in division (A) of section 3304.28 of the 1701
Revised Code; 1702~~

~~(S) May accept directly from any state agency, and any state 1703
agency may transfer directly to the commission, surplus computers 1704
and computer equipment to be used for any purposes the commission 1705
considers appropriate, notwithstanding sections 125.12 to 125.14 1706
of the Revised Code The employment outcomes achieved by eligible 1707
individuals receiving services under sections 3304.11 to 3304.27 1708
of the Revised Code, including the availability of health and 1709
other employment benefits in connection with those employment 1710
outcomes. 1711~~

~~**Sec. 3304.14 3304.15.** (A) There is hereby created the 1712
opportunities for Ohioans with disabilities agency. The agency is 1713~~

the designated state unit authorized under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended, to provide vocational rehabilitation to eligible persons with disabilities. 1714
1715
1716

(B) The governor shall appoint an ~~administrator~~ executive director of the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency to serve at the pleasure of the governor and shall fix the ~~administrator's~~ executive director's compensation. The ~~administrator~~ executive director shall devote the ~~administrator's~~ executive director's entire time to the duties of the ~~administrator's~~ executive director's office, shall hold no other office or position of trust and profit, and shall engage in no other business during the ~~administrator's~~ executive director's term of office. The governor may grant the ~~administrator~~ executive director the authority to appoint, remove, and discipline without regard to sex, race, creed, color, age, or national origin, such other professional, administrative, and clerical staff members as are necessary to carry out the functions and duties of the ~~commission~~ agency. 1717
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(B)(1) The executive director of the opportunities for Ohioans with disabilities agency is the executive and administrative officer of the agency. Whenever the Revised Code imposes a duty on or requires an action of the agency, the executive director shall perform the duty or action on behalf of the agency. The executive director may establish procedures for all of the following: 1732
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(1) The governance of the agency; 1739

(2) The conduct of agency employees and officers; 1740

(3) The performance of agency business; 1741

(4) The custody, use, and preservation of agency records, papers, books, documents, and property. 1742
1743

(C) The ~~administrator~~ executive director shall have exclusive 1744

authority to administer the daily operation and provision of 1745
vocational rehabilitation services under this chapter. In 1746
exercising that authority, the executive director may do all of 1747
the following: 1748

(1) Adopt rules in accordance with Chapter 119. of the 1749
Revised Code; 1750

(2) Prepare and submit an annual report to the governor; 1751

(3) Certify any disbursement of funds available to the agency 1752
for vocational rehabilitation activities; 1753

(4) Take appropriate action to guarantee rights of services 1754
to people with disabilities; 1755

(5) Consult with and advise other state agencies and 1756
coordinate programs for persons with disabilities; 1757

(6) Comply with the requirements for match as part of budget 1758
submission; 1759

(7) Establish research and demonstration projects; 1760

(8) Accept, hold, invest, reinvest, or otherwise use gifts to 1761
further vocational rehabilitation; 1762

(9) For the purposes of the business enterprise program 1763
administered under sections 3304.28 to 3304.35 of the Revised 1764
Code: 1765

(a) Establish and manage small business entities owned or 1766
operated by visually impaired persons; 1767

(b) Purchase insurance; 1768

(c) Accept computers. 1769

(10) Enter into contracts and other agreements for the 1770
provision of services. 1771

~~(2)~~(D) The administrator executive director shall establish a 1772
fee schedule for vocational rehabilitation services in accordance 1773

with 34 C.F.R. 361.50. 1774

Sec. ~~3304.15~~ 3304.16. The ~~rehabilitation services commission~~ 1775
executive director of the opportunities for Ohioans with 1776
disabilities agency shall establish administrative subdivisions 1777
~~under its control as it determines~~ necessary or appropriate to 1778
carry out ~~its~~ the agency's functions and duties, but there shall 1779
be a bureau of services for the visually impaired and a bureau of 1780
vocational rehabilitation, each of which has as its head a deputy 1781
director appointed by the ~~administrator, subject to commission~~ 1782
~~approval~~ executive director. The ~~commission~~ executive director 1783
shall prescribe the budgets for the government of each division, 1784
and rules for the conduct of its employees, the performance of its 1785
business, and the custody, use, and preservation of the records, 1786
papers, books, documents, and property pertaining thereto. 1787

Sec. 3304.17. The ~~rehabilitation services commission~~ 1788
opportunities for Ohioans with disabilities agency shall provide 1789
vocational rehabilitation services to all eligible ~~handicapped~~ 1790
persons with disabilities, including any ~~handicapped~~ person with a 1791
disability who is eligible under the terms of an agreement or 1792
arrangement with another state or with the federal government. 1793

Sec. 3304.18. The treasurer of state shall be the custodian 1794
of all moneys received from the federal government for vocational 1795
rehabilitation programs and shall disburse the money upon the 1796
certification of the ~~rehabilitation services commission~~ executive 1797
director of the opportunities for Ohioans with disabilities 1798
agency. If federal funds are not available to the state for 1799
vocational rehabilitation purposes, the governor shall include as 1800
part of ~~his~~ the governor's biennial budget request to the general 1801
assembly a request for funds sufficient to support the activities 1802
of the ~~commission~~ agency. 1803

Sec. 3304.181. If the total of all funds available from 1804
nonfederal sources to support the activities of the ~~rehabilitation~~ 1805
~~services commission~~ opportunities for Ohioans with disabilities 1806
agency does not comply with the expenditure requirements of 34 1807
C.F.R. 361.60 and 361.62 for those activities or would cause the 1808
state to lose an allotment or fail to receive a reallotment under 1809
34 C.F.R. 361.65, the ~~commission~~ agency may solicit additional 1810
funds from, and enter into agreements for the use of those funds 1811
with, private or public entities, including local government 1812
entities of this state. The ~~commission~~ agency may continue to 1813
solicit additional funds and enter into agreements until the total 1814
funding available is sufficient for the ~~commission~~ agency to 1815
receive federal funds at the maximum amount and in the most 1816
advantageous proportion possible. 1817

Any agreement entered into between the ~~commission~~ agency and 1818
a private or public entity to provide funds under this section 1819
shall be in accordance with 34 C.F.R. 361.28 and section 3304.182 1820
of the Revised Code. 1821

Sec. 3304.182. Any agreement between the ~~rehabilitation~~ 1822
~~services commission~~ opportunities for Ohioans with disabilities 1823
agency and a private or public entity providing funds under 1824
section 3304.181 of the Revised Code may permit the ~~commission~~ 1825
agency to receive a specified percentage of the funds, but the 1826
percentage shall be not more than twenty-five per cent of the 1827
total funds available under the agreement. The ~~commission~~ agency 1828
may terminate an agreement at any time for just cause. It may 1829
terminate an agreement for any other reason by giving at least 1830
thirty days' notice to the public or private entity. 1831

Any services provided under an agreement entered into under 1832
section 3304.181 of the Revised Code shall be provided by a person 1833
or government entity that meets the accreditation standards 1834

established in rules adopted by the ~~commission~~ agency under 1835
section ~~3304.16~~ 3304.15 of the Revised Code. 1836

Sec. 3304.19. The right of a ~~handicapped~~ person with a 1837
disability to living maintenance under sections 3304.11 to 1838
3304.27, ~~inclusive~~, of the Revised Code, is not transferable or 1839
assignable at law or in equity, and none of the money paid or 1840
payable or rights existing under this ~~act~~ chapter are subject to 1841
execution, levy, attachment, garnishment, or other legal process, 1842
or to the operation of any bankruptcy or insolvency law. 1843

Sec. 3304.20. Any person applying for or receiving vocational 1844
rehabilitation services who is dissatisfied with regard to the 1845
furnishing or denial of services, may file a request for an 1846
administrative review and redetermination of that action in 1847
accordance with rules of the ~~rehabilitation services commission~~ 1848
opportunities for Ohioans with disabilities agency. When the 1849
person is dissatisfied with the finding of this administrative 1850
review, ~~he~~ the person is entitled, in accordance with ~~commission~~ 1851
agency rules and in accordance with Chapter 119. of the Revised 1852
Code, to a fair hearing before the ~~administrator~~ executive 1853
director of the ~~rehabilitation services commission~~ agency. 1854

Sec. 3304.21. No person shall, except for the purposes of 1855
sections 3304.11 to 3304.27, ~~inclusive~~, of the Revised Code, and 1856
in accordance with the rules established by the ~~rehabilitation~~ 1857
~~services commission~~ opportunities for Ohioans with disabilities 1858
agency, solicit, disclose, receive, make use of, authorize, 1859
knowingly permit, participate in, or acquiesce in the use of any 1860
list of names or information concerning persons applying for or 1861
receiving any services from the ~~commission~~ agency, which 1862
information is directly or indirectly derived from the records of 1863
the agency or is acquired in the performance of the person's 1864

official duties. 1865

Sec. 3304.22. No officer or employee of the ~~rehabilitation~~ 1866
~~services opportunities for Ohioans with disabilities~~ commission, 1867
~~the opportunities for Ohioans with disabilities agency,~~ or any 1868
person engaged in the administration of a vocational 1869
rehabilitation program sponsored by or affiliated with the state 1870
shall use or permit the use of any vocational rehabilitation 1871
program for the purpose of interfering with an election for any 1872
partisan political purpose; solicit or receive money for a 1873
partisan political purpose; or require any other person to 1874
contribute any service or money for a partisan political purpose. 1875
Whoever violates this section shall be removed from ~~his~~ the 1876
officer's or employee's office or employment. 1877

Sec. 3304.23. (A) There is hereby created in the 1878
~~rehabilitation services commission~~ opportunities for Ohioans with 1879
disabilities agency a brain injury program consisting of a program 1880
director and at least one support staff person. 1881

(B) To the extent that funds are available, the brain injury 1882
program may do the following: 1883

(1) Identify existing services in this state to assist 1884
survivors and families of survivors of brain injury; 1885

(2) Promote the coordination of services for survivors and 1886
families of survivors of brain injury; 1887

(3) Explore options for delivery of services to survivors and 1888
families of survivors of brain injury; 1889

(4) Explore the establishment of a traumatic brain injury 1890
incidence reporting system to collect information on the incidence 1891
and character of traumatic brain injury in this state; 1892

(5) Promote practices that will reduce the incidence of brain 1893

injury;	1894
(6) Develop training programs on dealing with brain injury	1895
and the special needs of survivors of brain injury;	1896
(7) Identify sources of available funds for services for	1897
survivors and families of survivors of brain injury;	1898
(8) Explore options for the delivery of case management	1899
services to residents of this state who are survivors of brain	1900
injury;	1901
(9) Provide assistance to assure that services for survivors	1902
and families of survivors of brain injury are all of the	1903
following:	1904
(a) Designed to enhance the survivor's ability to lead an	1905
independent and productive life;	1906
(b) Available within close proximity of the survivor's home;	1907
(c) Provided in the least restrictive environment;	1908
(d) Appropriate to the unique needs of the survivor.	1909
(C) The staff of the brain injury program shall prepare a	1910
biennial report on the incidence of brain injury in this state	1911
that shall be submitted to the administrator <u>executive director</u> of	1912
the rehabilitation services commission <u>opportunities for Ohioans</u>	1913
<u>with disabilities agency</u> on or before December 15, 1992, and every	1914
two years thereafter. A copy of the report shall be submitted to	1915
the brain injury advisory committee created under section 3304.231	1916
of the Revised Code.	1917
Sec. 3304.231. There is hereby created a brain injury	1918
advisory committee, which shall advise the administrator <u>executive</u>	1919
<u>director</u> of the rehabilitation services commission <u>opportunities</u>	1920
<u>for Ohioans with disabilities agency</u> and the brain injury program	1921
with regard to unmet needs of survivors of brain injury,	1922

development of programs for survivors and their families, 1923
establishment of training programs for health care professionals, 1924
and any other matter within the province of the brain injury 1925
program. The committee shall consist of not fewer than twenty and 1926
not more than twenty-two members as follows: 1927

(A) Not fewer than ten and not more than twelve members 1928
appointed by the ~~administrator~~ executive director of the 1929
~~rehabilitation services commission~~ opportunities for Ohioans with 1930
disabilities agency, including all of the following: a survivor of 1931
brain injury, a relative of a survivor of brain injury, a licensed 1932
physician recommended by the Ohio chapter of the American college 1933
of emergency physicians, a licensed physician recommended by the 1934
Ohio state medical association, one other health care 1935
professional, a rehabilitation professional, an individual who 1936
represents the brain injury association of Ohio, and not fewer 1937
than three nor more than five individuals who shall represent the 1938
public; 1939

(B) The directors of the departments of health, alcohol and 1940
drug addiction services, developmental disabilities, mental 1941
health, job and family services, aging, and public safety; the 1942
administrator of workers' compensation; the superintendent of 1943
public instruction; and the ~~administrator~~ executive director of 1944
the ~~rehabilitation services commission~~ opportunities for Ohioans 1945
with disabilities agency. Any of the officials specified in this 1946
division may designate an individual to serve in the official's 1947
place as a member of the committee. 1948

Terms of office of the appointed members shall be two years. 1949
Members may be reappointed. Vacancies shall be filled in the 1950
manner provided for original appointments. Any member appointed to 1951
fill a vacancy occurring prior to the expiration date of the term 1952
for which the member's predecessor was appointed shall hold office 1953
as a member for the remainder of that term. 1954

Members of the committee shall serve without compensation, 1955
but shall be reimbursed for actual and necessary expenses incurred 1956
in the performance of their duties. 1957

Sec. 3304.24. The ~~rehabilitation services opportunities for~~ 1958
~~Ohioans with disabilities~~ commission shall appoint a consumer 1959
advisory committee. ~~The commission may appoint additional advisory~~ 1960
~~committees it finds necessary.~~ 1961

Sec. 3304.25. The members of the ~~bureau~~ consumer advisory 1962
~~committees~~ committee appointed under section 3304.24 of the 1963
Revised Code shall receive no compensation for their services 1964
except their actual and necessary traveling and other expenses 1965
incurred in the performance of their official duties, which shall 1966
first be approved by the ~~administrator~~ executive director of the 1967
~~rehabilitation services commission opportunities for Ohioans with~~ 1968
disabilities agency. 1969

Sec. 3304.27. All vocational rehabilitation services made 1970
available under sections 3304.11 to 3304.27, ~~inclusive,~~ of the 1971
Revised Code, are made available subject to amendment or repeal of 1972
~~those~~ sections 3304.11 to 3304.27, ~~inclusive,~~ of the Revised Code, 1973
and no ~~disabled~~ person with a disability shall have any claim by 1974
reason of ~~his~~ the person's vocational rehabilitation being 1975
affected in any way by such an amendment or repeal. 1976

Sec. 3304.28. As used in sections 3304.28 to 3304.34 of the 1977
Revised Code: 1978

(A) "Suitable vending facility" means automatic vending 1979
machines, cafeterias, snack bars, cart service shelters, counters, 1980
and other appropriate auxiliary food service equipment determined 1981
to be necessary by the bureau of services for the visually 1982
impaired for the automatic or manual dispensing of foods, 1983

beverages, and other such commodities for sale by persons, no 1984
fewer than one-half of whom are blind, under the supervision of a 1985
licensed blind vendor or an employee of the ~~commission~~ 1986
opportunities for Ohioans with disabilities agency. 1987

(B) "Blind" means either of the following: 1988

(1) Vision twenty/two hundred or less in the better eye with 1989
proper correction; 1990

(2) Field defect in the better eye with proper correction 1991
~~which that~~ contracts the peripheral field so that the diameter of 1992
the visual field subtends an angle no greater than twenty degrees. 1993

(C) "Governmental property" means any real property, 1994
building, or facility owned, leased, or rented by the state or any 1995
board, commission, department, division, or other unit or agency 1996
thereof, but does not include any institution under the management 1997
of the department of rehabilitation and correction pursuant to 1998
section 5120.05 of the Revised Code, or under the management of 1999
the department of youth services created pursuant to section 2000
5139.01 of the Revised Code. 2001

Sec. 3304.41. The ~~rehabilitation services commission~~ 2002
opportunities for Ohioans with disabilities agency shall establish 2003
and administer a program for the use of funds appropriated for 2004
that purpose to provide personal care assistance to enable 2005
eligible severely physically disabled persons to live 2006
independently or work, shall adopt rules in accordance with 2007
Chapter 119. of the Revised Code as necessary to carry out the 2008
purposes of this section, and shall apply to the controlling board 2009
for the release of the funds. 2010

Sec. 3501.01. As used in the sections of the Revised Code 2011
relating to elections and political communications: 2012

(A) "General election" means the election held on the first 2013

Tuesday after the first Monday in each November. 2014

(B) "Regular municipal election" means the election held on 2015
the first Tuesday after the first Monday in November in each 2016
odd-numbered year. 2017

(C) "Regular state election" means the election held on the 2018
first Tuesday after the first Monday in November in each 2019
even-numbered year. 2020

(D) "Special election" means any election other than those 2021
elections defined in other divisions of this section. A special 2022
election may be held only on the first Tuesday after the first 2023
Monday in February, May, August, or November, or on the day 2024
authorized by a particular municipal or county charter for the 2025
holding of a primary election, except that in any year in which a 2026
presidential primary election is held, no special election shall 2027
be held in February or May, except as authorized by a municipal or 2028
county charter, but may be held on the first Tuesday after the 2029
first Monday in March. 2030

(E)(1) "Primary" or "primary election" means an election held 2031
for the purpose of nominating persons as candidates of political 2032
parties for election to offices, and for the purpose of electing 2033
persons as members of the controlling committees of political 2034
parties and as delegates and alternates to the conventions of 2035
political parties. Primary elections shall be held on the first 2036
Tuesday after the first Monday in May of each year except in years 2037
in which a presidential primary election is held. 2038

(2) "Presidential primary election" means a primary election 2039
as defined by division (E)(1) of this section at which an election 2040
is held for the purpose of choosing delegates and alternates to 2041
the national conventions of the major political parties pursuant 2042
to section 3513.12 of the Revised Code. Unless otherwise 2043
specified, presidential primary elections are included in 2044

references to primary elections. In years in which a presidential 2045
primary election is held, all primary elections shall be held on 2046
the first Tuesday after the first Monday in March except as 2047
otherwise authorized by a municipal or county charter. 2048

(F) "Political party" means any group of voters meeting the 2049
requirements set forth in section 3517.01 of the Revised Code for 2050
the formation and existence of a political party. 2051

(1) "Major political party" means any political party 2052
organized under the laws of this state whose candidate for 2053
governor or nominees for presidential electors received no less 2054
than twenty per cent of the total vote cast for such office at the 2055
most recent regular state election. 2056

(2) "Intermediate political party" means any political party 2057
organized under the laws of this state whose candidate for 2058
governor or nominees for presidential electors received less than 2059
twenty per cent but not less than ten per cent of the total vote 2060
cast for such office at the most recent regular state election. 2061

(3) "Minor political party" means any political party 2062
organized under the laws of this state whose candidate for 2063
governor or nominees for presidential electors received less than 2064
ten per cent but not less than five per cent of the total vote 2065
cast for such office at the most recent regular state election or 2066
which has filed with the secretary of state, subsequent to any 2067
election in which it received less than five per cent of such 2068
vote, a petition signed by qualified electors equal in number to 2069
at least one per cent of the total vote cast for such office in 2070
the last preceding regular state election, except that a newly 2071
formed political party shall be known as a minor political party 2072
until the time of the first election for governor or president 2073
which occurs not less than twelve months subsequent to the 2074
formation of such party, after which election the status of such 2075
party shall be determined by the vote for the office of governor 2076

or president. 2077

(G) "Dominant party in a precinct" or "dominant political 2078
party in a precinct" means that political party whose candidate 2079
for election to the office of governor at the most recent regular 2080
state election at which a governor was elected received more votes 2081
than any other person received for election to that office in such 2082
precinct at such election. 2083

(H) "Candidate" means any qualified person certified in 2084
accordance with the provisions of the Revised Code for placement 2085
on the official ballot of a primary, general, or special election 2086
to be held in this state, or any qualified person who claims to be 2087
a write-in candidate, or who knowingly assents to being 2088
represented as a write-in candidate by another at either a 2089
primary, general, or special election to be held in this state. 2090

(I) "Independent candidate" means any candidate who claims 2091
not to be affiliated with a political party, and whose name has 2092
been certified on the office-type ballot at a general or special 2093
election through the filing of a statement of candidacy and 2094
nominating petition, as prescribed in section 3513.257 of the 2095
Revised Code. 2096

(J) "Nonpartisan candidate" means any candidate whose name is 2097
required, pursuant to section 3505.04 of the Revised Code, to be 2098
listed on the nonpartisan ballot, including all candidates for 2099
judicial office, for member of any board of education, for 2100
municipal or township offices in which primary elections are not 2101
held for nominating candidates by political parties, and for 2102
offices of municipal corporations having charters that provide for 2103
separate ballots for elections for these offices. 2104

(K) "Party candidate" means any candidate who claims to be a 2105
member of a political party, whose name has been certified on the 2106
office-type ballot at a general or special election through the 2107

filing of a declaration of candidacy and petition of candidate, 2108
and who has won the primary election of the candidate's party for 2109
the public office the candidate seeks or is selected by party 2110
committee in accordance with section 3513.31 of the Revised Code. 2111

(L) "Officer of a political party" includes, but is not 2112
limited to, any member, elected or appointed, of a controlling 2113
committee, whether representing the territory of the state, a 2114
district therein, a county, township, a city, a ward, a precinct, 2115
or other territory, of a major, intermediate, or minor political 2116
party. 2117

(M) "Question or issue" means any question or issue certified 2118
in accordance with the Revised Code for placement on an official 2119
ballot at a general or special election to be held in this state. 2120

(N) "Elector" or "qualified elector" means a person having 2121
the qualifications provided by law to be entitled to vote. 2122

(O) "Voter" means an elector who votes at an election. 2123

(P) "Voting residence" means that place of residence of an 2124
elector which shall determine the precinct in which the elector 2125
may vote. 2126

(Q) "Precinct" means a district within a county established 2127
by the board of elections of such county within which all 2128
qualified electors having a voting residence therein may vote at 2129
the same polling place. 2130

(R) "Polling place" means that place provided for each 2131
precinct at which the electors having a voting residence in such 2132
precinct may vote. 2133

(S) "Board" or "board of elections" means the board of 2134
elections appointed in a county pursuant to section 3501.06 of the 2135
Revised Code. 2136

(T) "Political subdivision" means a county, township, city, 2137

village, or school district.	2138
(U) "Election officer" or "election official" means any of	2139
the following:	2140
(1) Secretary of state;	2141
(2) Employees of the secretary of state serving the division	2142
of elections in the capacity of attorney, administrative officer,	2143
administrative assistant, elections administrator, office manager,	2144
or clerical supervisor;	2145
(3) Director of a board of elections;	2146
(4) Deputy director of a board of elections;	2147
(5) Member of a board of elections;	2148
(6) Employees of a board of elections;	2149
(7) Precinct polling place judges;	2150
(8) Employees appointed by the boards of elections on a	2151
temporary or part-time basis.	2152
(V) "Acknowledgment notice" means a notice sent by a board of	2153
elections, on a form prescribed by the secretary of state,	2154
informing a voter registration applicant or an applicant who	2155
wishes to change the applicant's residence or name of the status	2156
of the application; the information necessary to complete or	2157
update the application, if any; and if the application is	2158
complete, the precinct in which the applicant is to vote.	2159
(W) "Confirmation notice" means a notice sent by a board of	2160
elections, on a form prescribed by the secretary of state, to a	2161
registered elector to confirm the registered elector's current	2162
address.	2163
(X) "Designated agency" means an office or agency in the	2164
state that provides public assistance or that provides	2165
state-funded programs primarily engaged in providing services to	2166

persons with disabilities and that is required by the National 2167
Voter Registration Act of 1993 to implement a program designed and 2168
administered by the secretary of state for registering voters, or 2169
any other public or government office or agency that implements a 2170
program designed and administered by the secretary of state for 2171
registering voters, including the department of job and family 2172
services, the program administered under section 3701.132 of the 2173
Revised Code by the department of health, the department of mental 2174
health, the department of developmental disabilities, the 2175
~~rehabilitation services commission~~ opportunities for Ohioans with 2176
disabilities agency, and any other agency the secretary of state 2177
designates. "Designated agency" does not include public high 2178
schools and vocational schools, public libraries, or the office of 2179
a county treasurer. 2180

(Y) "National Voter Registration Act of 1993" means the 2181
"National Voter Registration Act of 1993," 107 Stat. 77, 42 2182
U.S.C.A. 1973gg. 2183

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 2184
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 2185

(AA) "Photo identification" means a document that meets each 2186
of the following requirements: 2187

(1) It shows the name of the individual to whom it was 2188
issued, which shall conform to the name in the poll list or 2189
signature pollbook. 2190

(2) It shows the current address of the individual to whom it 2191
was issued, which shall conform to the address in the poll list or 2192
signature pollbook, except for a driver's license or a state 2193
identification card issued under section 4507.50 of the Revised 2194
Code, which may show either the current or former address of the 2195
individual to whom it was issued, regardless of whether that 2196
address conforms to the address in the poll list or signature 2197

pollbook.	2198
(3) It shows a photograph of the individual to whom it was issued.	2199 2200
(4) It includes an expiration date that has not passed.	2201
(5) It was issued by the government of the United States or this state.	2202 2203
Sec. 3798.01. As used in this chapter:	2204
(A) "Administrative safeguards," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304.	2205 2206 2207
(B) "Approved health information exchange" means a health information exchange that has been approved or reapproved by the director of job and family services pursuant to the approval or reapproval process, as applicable, the director establishes in rules adopted under division (A) of section 3798.15 of the Revised Code or that has been certified by the office of the national coordinator for health information technology in the United States department of health and human services.	2208 2209 2210 2211 2212 2213 2214 2215
(C) "Covered entity," "disclosure," "health care provider," "health information," "individually identifiable health information," "protected health information," and "use" have the same meanings as in 45 C.F.R. 160.103.	2216 2217 2218 2219
(D) "Designated record set" has the same meaning as in 45 C.F.R. 164.501.	2220 2221
(E) "Direct exchange" means the activity of electronic transmission of health information through a direct connection between the electronic record systems of health care providers without the use of a health information exchange.	2222 2223 2224 2225
(F) "Health care component" and "hybrid entity" have the same	2226

meanings as in 45 C.F.R. 164.103. 2227

(G) "Health information exchange" means any person or 2228
governmental entity that provides in this state a technical 2229
infrastructure to connect computer systems or other electronic 2230
devices used by covered entities to facilitate the secure 2231
transmission of health information. "Health information exchange" 2232
excludes health care providers engaged in direct exchange, 2233
including direct exchange through the use of a health information 2234
service provider. 2235

(H) "HIPAA privacy rule" means the standards for privacy of 2236
individually identifiable health information in 45 C.F.R. part 160 2237
and in 45 C.F.R. part 164, subparts A and E. 2238

(I) "Interoperability" means the capacity of two or more 2239
information systems to exchange information in an accurate, 2240
effective, secure, and consistent manner. 2241

(J) "Minor" means an unemancipated person under eighteen 2242
years of age or a mentally or physically disabled person under 2243
twenty-one years of age who meets criteria specified in rules 2244
adopted by the director of job and family services under section 2245
3798.13 of the Revised Code. 2246

(K) "More stringent" has the same meaning as in 45 C.F.R. 2247
160.202. 2248

(L) "Office of health transformation" means the office of 2249
health transformation created by executive order 2011-02K or a 2250
successor governmental entity responsible for health system 2251
oversight in this state. 2252

(M) "Personal representative" means a person who has 2253
authority under applicable law to make decisions related to health 2254
care on behalf of an adult or emancipated minor, or the parent, 2255
legal guardian, or other person acting in loco parentis who is 2256
authorized under law to make health care decisions on behalf of an 2257

unemancipated minor. "Personal representative" does not include 2258
the parent or legal guardian of, or another person acting in loco 2259
parentis to, a minor who consents to the minor's own receipt of 2260
health care or a minor who makes medical decisions on the minor's 2261
own behalf pursuant to law, court approval, or because the minor's 2262
parent, legal guardian, or other person acting in loco parentis 2263
has assented to an agreement of confidentiality between the 2264
provider and the minor. 2265

(N) "Political subdivision" means a municipal corporation, 2266
township, county, school district, or other body corporate and 2267
politic responsible for governmental activities in a geographic 2268
area smaller than that of the state. 2269

(O) "State agency" means any one or more of the following: 2270

(1) The department of aging; 2271

(2) The department of alcohol and drug addiction services; 2272

(3) The department of developmental disabilities; 2273

(4) The department of education; 2274

(5) The department of health; 2275

(6) The department of insurance; 2276

(7) The department of job and family services; 2277

(8) The department of mental health; 2278

(9) The department of rehabilitation and correction; 2279

(10) The department of youth services; 2280

(11) The bureau of workers' compensation; 2281

(12) The ~~rehabilitation services commission~~ opportunities for 2282
Ohioans with disabilities agency; 2283

(13) The office of the attorney general; 2284

(14) A health care licensing board created under Title XLVII 2285

of the Revised Code that possesses individually identifiable 2286
health information. 2287

Sec. 4112.31. The new African immigrants commission shall do 2288
all of the following: 2289

(A) Gather and disseminate information and conduct hearings, 2290
conferences, investigations, and special studies on problems and 2291
programs concerning sub-Saharan African people; 2292

(B) Secure appropriate recognition of the accomplishments and 2293
contributions of sub-Saharan African people to this state; 2294

(C) Stimulate public awareness of the problems of sub-Saharan 2295
African people by conducting a program of public education; 2296

(D) Develop, coordinate, and assist other public and private 2297
organizations that serve sub-Saharan African people, including the 2298
conducting of training programs for community leadership and 2299
service project staff; 2300

(E) Advise the governor, general assembly, and state 2301
departments and agencies of the nature, magnitude, and priorities 2302
of the problems of sub-Saharan African people; 2303

(F) Advise the governor, general assembly, and state 2304
departments and agencies on, and assist in the development and 2305
implementation of, comprehensive and coordinated policies, 2306
programs, and procedures focusing on the special problems and 2307
needs of sub-Saharan African people, especially in the fields of 2308
education, employment, energy, health, housing, welfare, and 2309
recreation; 2310

(G) Propose new programs concerning sub-Saharan African 2311
people to public and private agencies and evaluate for such 2312
agencies existing programs or prospective legislation concerning 2313
sub-Saharan African people; 2314

(H) Review and approve grants to be made from federal, state, 2315

or private funds that are administered or subcontracted by the	2316
commission;	2317
(I) Prepare, review, and approve an annual report;	2318
(J) Serve as a clearinghouse to review and comment on all	2319
proposals to meet the needs of sub-Saharan African people that are	2320
submitted to it by public and private agencies;	2321
(K) Apply for and accept grants and gifts from governmental	2322
and private sources to be administered by the commission or	2323
subcontracted to local agencies;	2324
(L) Monitor and evaluate all programs subcontracted to local	2325
agencies by the commission;	2326
(M) Endeavor to assure that sub-Saharan African people have	2327
access to decision-making bodies in all state and local	2328
governmental departments and agencies;	2329
(N) Establish advisory committees on special subjects as	2330
needed to facilitate and maximize community participation in the	2331
operation of the commission;	2332
(O) Establish with state and local governments and private	2333
business and industry relationships that promote and assure equal	2334
opportunity for sub-Saharan African people in government,	2335
education, and employment.	2336
(P) Create an interagency council consisting of the following	2337
persons or their authorized representatives: one member of the	2338
senate appointed by the president of the senate; one member of the	2339
house of representatives appointed by the speaker of the house of	2340
representatives; the directors of administrative services,	2341
agriculture, education, development <u>services</u> , health, highway	2342
safety, job and family services, liquor control, mental health,	2343
mental retardation and developmental disabilities, natural	2344
resources, rehabilitation and correction, youth services,	2345

transportation, environmental protection, and budget and 2346
management; the chairperson of the Ohio civil rights commission, 2347
the ~~administrators~~ administrator of the bureau of workers' 2348
compensation ~~and, the rehabilitation services commission executive~~ 2349
director of the opportunities for Ohioans with disabilities 2350
agency, and an additional member of the governor's cabinet 2351
appointed by the governor. The new African immigrants commission, 2352
by rule, may designate other state officers or their 2353
representatives to be members of the council. The director of the 2354
commission shall be the chairperson of the council. 2355

The interagency council shall provide and coordinate the 2356
exchange of information relative to the needs of sub-Saharan 2357
African people and promote the delivery of state services to such 2358
people. The council shall meet at the call of the chairperson. 2359

Advisory committees shall be composed of persons representing 2360
community organizations and charitable institutions, public 2361
officials, and such other persons as the commission determines. 2362

Sec. 4121.69. (A) The administrator of workers' compensation 2363
may establish compensation plans, including schedules of hourly 2364
rates, for the compensation of professional, administrative, and 2365
managerial employees who are employed to fulfill the duties placed 2366
upon the bureau of workers' compensation pursuant to sections 2367
4121.61 to 4121.69 of the Revised Code. The administrator may 2368
establish rules or policies for the administration of the 2369
respective compensation plans. 2370

This division does not apply to employees for whom the state 2371
employment relations board establishes appropriate bargaining 2372
units pursuant to section 4117.06 of the Revised Code. 2373

(B) The administrator may employ the services and resources 2374
of any public entity or private person, business, or association 2375
in fulfilling the duties placed upon the bureau of workers' 2376

compensation by sections 4121.61 to 4121.69 of the Revised Code. 2377
The ~~rehabilitation services commission~~ opportunities for Ohioans 2378
with disabilities agency, the director of job and family services, 2379
and any other public officer, employee, or agency shall give to 2380
the bureau of workers' compensation full cooperation and, at the 2381
request of the administrator, enter into a written agreement 2382
stating the procedures and criteria for referring, accepting, and 2383
providing services to claimants in the job placement and 2384
rehabilitation efforts of the bureau of workers' compensation on 2385
behalf of a claimant when referred by the bureau of workers' 2386
compensation. 2387

(C) In appropriate cases, the bureau may refer a candidate to 2388
the ~~rehabilitation services commission~~ opportunities for Ohioans 2389
with disabilities agency for participation in a program of the 2390
~~commission~~ agency. For that purpose, the bureau of workers' 2391
compensation shall compensate the ~~commission~~ agency for the 2392
nonfederal portion of its services. 2393

Sec. 4123.57. Partial disability compensation shall be paid 2394
as follows. 2395

Except as provided in this section, not earlier than 2396
twenty-six weeks after the date of termination of the latest 2397
period of payments under section 4123.56 of the Revised Code, or 2398
not earlier than twenty-six weeks after the date of the injury or 2399
contraction of an occupational disease in the absence of payments 2400
under section 4123.56 of the Revised Code, the employee may file 2401
an application with the bureau of workers' compensation for the 2402
determination of the percentage of the employee's permanent 2403
partial disability resulting from an injury or occupational 2404
disease. 2405

Whenever the application is filed, the bureau shall send a 2406
copy of the application to the employee's employer or the 2407

employer's representative and shall schedule the employee for a 2408
medical examination by the bureau medical section. The bureau 2409
shall send a copy of the report of the medical examination to the 2410
employee, the employer, and their representatives. Thereafter, the 2411
administrator of workers' compensation shall review the employee's 2412
claim file and make a tentative order as the evidence before the 2413
administrator at the time of the making of the order warrants. If 2414
the administrator determines that there is a conflict of evidence, 2415
the administrator shall send the application, along with the 2416
claimant's file, to the district hearing officer who shall set the 2417
application for a hearing. 2418

The administrator shall notify the employee, the employer, 2419
and their representatives, in writing, of the tentative order and 2420
of the parties' right to request a hearing. Unless the employee, 2421
the employer, or their representative notifies the administrator, 2422
in writing, of an objection to the tentative order within twenty 2423
days after receipt of the notice thereof, the tentative order 2424
shall go into effect and the employee shall receive the 2425
compensation provided in the order. In no event shall there be a 2426
reconsideration of a tentative order issued under this division. 2427

If the employee, the employer, or their representatives 2428
timely notify the administrator of an objection to the tentative 2429
order, the matter shall be referred to a district hearing officer 2430
who shall set the application for hearing with written notices to 2431
all interested persons. Upon referral to a district hearing 2432
officer, the employer may obtain a medical examination of the 2433
employee, pursuant to rules of the industrial commission. 2434

(A) The district hearing officer, upon the application, shall 2435
determine the percentage of the employee's permanent disability, 2436
except as is subject to division (B) of this section, based upon 2437
that condition of the employee resulting from the injury or 2438
occupational disease and causing permanent impairment evidenced by 2439

medical or clinical findings reasonably demonstrable. The employee 2440
shall receive sixty-six and two-thirds per cent of the employee's 2441
average weekly wage, but not more than a maximum of thirty-three 2442
and one-third per cent of the statewide average weekly wage as 2443
defined in division (C) of section 4123.62 of the Revised Code, 2444
per week regardless of the average weekly wage, for the number of 2445
weeks which equals the percentage of two hundred weeks. Except on 2446
application for reconsideration, review, or modification, which is 2447
filed within ten days after the date of receipt of the decision of 2448
the district hearing officer, in no instance shall the former 2449
award be modified unless it is found from medical or clinical 2450
findings that the condition of the claimant resulting from the 2451
injury has so progressed as to have increased the percentage of 2452
permanent partial disability. A staff hearing officer shall hear 2453
an application for reconsideration filed and the staff hearing 2454
officer's decision is final. An employee may file an application 2455
for a subsequent determination of the percentage of the employee's 2456
permanent disability. If such an application is filed, the bureau 2457
shall send a copy of the application to the employer or the 2458
employer's representative. No sooner than sixty days from the date 2459
of the mailing of the application to the employer or the 2460
employer's representative, the administrator shall review the 2461
application. The administrator may require a medical examination 2462
or medical review of the employee. The administrator shall issue a 2463
tentative order based upon the evidence before the administrator, 2464
provided that if the administrator requires a medical examination 2465
or medical review, the administrator shall not issue the tentative 2466
order until the completion of the examination or review. 2467

The employer may obtain a medical examination of the employee 2468
and may submit medical evidence at any stage of the process up to 2469
a hearing before the district hearing officer, pursuant to rules 2470
of the commission. The administrator shall notify the employee, 2471
the employer, and their representatives, in writing, of the nature 2472

and amount of any tentative order issued on an application 2473
requesting a subsequent determination of the percentage of an 2474
employee's permanent disability. An employee, employer, or their 2475
representatives may object to the tentative order within twenty 2476
days after the receipt of the notice thereof. If no timely 2477
objection is made, the tentative order shall go into effect. In no 2478
event shall there be a reconsideration of a tentative order issued 2479
under this division. If an objection is timely made, the 2480
application for a subsequent determination shall be referred to a 2481
district hearing officer who shall set the application for a 2482
hearing with written notice to all interested persons. No 2483
application for subsequent percentage determinations on the same 2484
claim for injury or occupational disease shall be accepted for 2485
review by the district hearing officer unless supported by 2486
substantial evidence of new and changed circumstances developing 2487
since the time of the hearing on the original or last 2488
determination. 2489

No award shall be made under this division based upon a 2490
percentage of disability which, when taken with all other 2491
percentages of permanent disability, exceeds one hundred per cent. 2492
If the percentage of the permanent disability of the employee 2493
equals or exceeds ninety per cent, compensation for permanent 2494
partial disability shall be paid for two hundred weeks. 2495

Compensation payable under this division accrues and is 2496
payable to the employee from the date of last payment of 2497
compensation, or, in cases where no previous compensation has been 2498
paid, from the date of the injury or the date of the diagnosis of 2499
the occupational disease. 2500

When an award under this division has been made prior to the 2501
death of an employee, all unpaid installments accrued or to accrue 2502
under the provisions of the award are payable to the surviving 2503
spouse, or if there is no surviving spouse, to the dependent 2504

children of the employee, and if there are no children surviving, 2505
then to other dependents as the administrator determines. 2506

(B) For purposes of this division, "payable per week" means 2507
the seven_consecutive_day period in which compensation is paid in 2508
installments according to the schedule associated with the 2509
applicable injury as set forth in this division. 2510

Compensation paid in weekly installments according to the 2511
schedule described in this division may only be commuted to one or 2512
more ~~lump sum~~ lump sum payments pursuant to the procedure set 2513
forth in section 4123.64 of the Revised Code. 2514

In cases included in the following schedule the compensation 2515
payable per week to the employee is the statewide average weekly 2516
wage as defined in division (C) of section 4123.62 of the Revised 2517
Code per week and shall be paid in installments according to the 2518
following schedule: 2519

For the loss of a first finger, commonly known as a thumb, 2520
sixty weeks. 2521

For the loss of a second finger, commonly called index 2522
finger, thirty-five weeks. 2523

For the loss of a third finger, thirty weeks. 2524

For the loss of a fourth finger, twenty weeks. 2525

For the loss of a fifth finger, commonly known as the little 2526
finger, fifteen weeks. 2527

The loss of a second, or distal, phalange of the thumb is 2528
considered equal to the loss of one half of such thumb; the loss 2529
of more than one half of such thumb is considered equal to the 2530
loss of the whole thumb. 2531

The loss of the third, or distal, phalange of any finger is 2532
considered equal to the loss of one-third of the finger. 2533

The loss of the middle, or second, phalange of any finger is 2534

considered equal to the loss of two-thirds of the finger. 2535

The loss of more than the middle and distal phalanges of any 2536
finger is considered equal to the loss of the whole finger. In no 2537
case shall the amount received for more than one finger exceed the 2538
amount provided in this schedule for the loss of a hand. 2539

For the loss of the metacarpal bone (bones of the palm) for 2540
the corresponding thumb, or fingers, add ten weeks to the number 2541
of weeks under this division. 2542

For ankylosis (total stiffness of) or contractures (due to 2543
scars or injuries) which makes any of the fingers, thumbs, or 2544
parts of either useless, the same number of weeks apply to the 2545
members or parts thereof as given for the loss thereof. 2546

If the claimant has suffered the loss of two or more fingers 2547
by amputation or ankylosis and the nature of the claimant's 2548
employment in the course of which the claimant was working at the 2549
time of the injury or occupational disease is such that the 2550
handicap or disability resulting from the loss of fingers, or loss 2551
of use of fingers, exceeds the normal handicap or disability 2552
resulting from the loss of fingers, or loss of use of fingers, the 2553
administrator may take that fact into consideration and increase 2554
the award of compensation accordingly, but the award made shall 2555
not exceed the amount of compensation for loss of a hand. 2556

For the loss of a hand, one hundred seventy-five weeks. 2557

For the loss of an arm, two hundred twenty-five weeks. 2558

For the loss of a great toe, thirty weeks. 2559

For the loss of one of the toes other than the great toe, ten 2560
weeks. 2561

The loss of more than two-thirds of any toe is considered 2562
equal to the loss of the whole toe. 2563

The loss of less than two-thirds of any toe is considered no 2564

loss, except as to the great toe; the loss of the great toe up to 2565
the interphalangeal joint is co-equal to the loss of one-half of 2566
the great toe; the loss of the great toe beyond the 2567
interphalangeal joint is considered equal to the loss of the whole 2568
great toe. 2569

For the loss of a foot, one hundred fifty weeks. 2570

For the loss of a leg, two hundred weeks. 2571

For the loss of the sight of an eye, one hundred twenty-five 2572
weeks. 2573

For the permanent partial loss of sight of an eye, the 2574
portion of one hundred twenty-five weeks as the administrator in 2575
each case determines, based upon the percentage of vision actually 2576
lost as a result of the injury or occupational disease, but, in no 2577
case shall an award of compensation be made for less than 2578
twenty-five per cent loss of uncorrected vision. "Loss of 2579
uncorrected vision" means the percentage of vision actually lost 2580
as the result of the injury or occupational disease. 2581

For the permanent and total loss of hearing of one ear, 2582
twenty-five weeks; but in no case shall an award of compensation 2583
be made for less than permanent and total loss of hearing of one 2584
ear. 2585

For the permanent and total loss of hearing, one hundred 2586
twenty-five weeks; but, except pursuant to the next preceding 2587
paragraph, in no case shall an award of compensation be made for 2588
less than permanent and total loss of hearing. 2589

In case an injury or occupational disease results in serious 2590
facial or head disfigurement which either impairs or may in the 2591
future impair the opportunities to secure or retain employment, 2592
the administrator shall make an award of compensation as it deems 2593
proper and equitable, in view of the nature of the disfigurement, 2594
and not to exceed the sum of ten thousand dollars. For the purpose 2595

of making the award, it is not material whether the employee is 2596
gainfully employed in any occupation or trade at the time of the 2597
administrator's determination. 2598

When an award under this division has been made prior to the 2599
death of an employee all unpaid installments accrued or to accrue 2600
under the provisions of the award shall be payable to the 2601
surviving spouse, or if there is no surviving spouse, to the 2602
dependent children of the employee and if there are no such 2603
children, then to such dependents as the administrator determines. 2604

When an employee has sustained the loss of a member by 2605
severance, but no award has been made on account thereof prior to 2606
the employee's death, the administrator shall make an award in 2607
accordance with this division for the loss which shall be payable 2608
to the surviving spouse, or if there is no surviving spouse, to 2609
the dependent children of the employee and if there are no such 2610
children, then to such dependents as the administrator determines. 2611

(C) Compensation for partial impairment under divisions (A) 2612
and (B) of this section is in addition to the compensation paid 2613
the employee pursuant to section 4123.56 of the Revised Code. A 2614
claimant may receive compensation under divisions (A) and (B) of 2615
this section. 2616

In all cases arising under division (B) of this section, if 2617
it is determined by any one of the following: (1) the amputee 2618
clinic at University hospital, Ohio state university; (2) the 2619
~~rehabilitation services commission~~ opportunities for Ohioans with 2620
disabilities agency; (3) an amputee clinic or prescribing 2621
physician approved by the administrator or the administrator's 2622
designee, that an injured or disabled employee is in need of an 2623
artificial appliance, or in need of a repair thereof, regardless 2624
of whether the appliance or its repair will be serviceable in the 2625
vocational rehabilitation of the injured employee, and regardless 2626
of whether the employee has returned to or can ever again return 2627

to any gainful employment, the bureau shall pay the cost of the 2628
artificial appliance or its repair out of the surplus created by 2629
division (B) of section 4123.34 of the Revised Code. 2630

In those cases where ~~a rehabilitation services commission~~ an 2631
opportunities for Ohioans with disabilities agency recommendation 2632
that an injured or disabled employee is in need of an artificial 2633
appliance would conflict with their state plan, adopted pursuant 2634
to the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 2635
701, the administrator or the administrator's designee or the 2636
bureau may obtain a recommendation from an amputee clinic or 2637
prescribing physician that they determine appropriate. 2638

(D) If an employee of a state fund employer makes application 2639
for a finding and the administrator finds that the employee has 2640
contracted silicosis as defined in division (X), or coal miners' 2641
pneumoconiosis as defined in division (Y), or asbestosis as 2642
defined in division (AA) of section 4123.68 of the Revised Code, 2643
and that a change of such employee's occupation is medically 2644
advisable in order to decrease substantially further exposure to 2645
silica dust, asbestos, or coal dust and if the employee, after the 2646
finding, has changed or shall change the employee's occupation to 2647
an occupation in which the exposure to silica dust, asbestos, or 2648
coal dust is substantially decreased, the administrator shall 2649
allow to the employee an amount equal to fifty per cent of the 2650
statewide average weekly wage per week for a period of thirty 2651
weeks, commencing as of the date of the discontinuance or change, 2652
and for a period of one hundred weeks immediately following the 2653
expiration of the period of thirty weeks, the employee shall 2654
receive sixty-six and two-thirds per cent of the loss of wages 2655
resulting directly and solely from the change of occupation but 2656
not to exceed a maximum of an amount equal to fifty per cent of 2657
the statewide average weekly wage per week. No such employee is 2658
entitled to receive more than one allowance on account of 2659

discontinuance of employment or change of occupation and benefits 2660
shall cease for any period during which the employee is employed 2661
in an occupation in which the exposure to silica dust, asbestos, 2662
or coal dust is not substantially less than the exposure in the 2663
occupation in which the employee was formerly employed or for any 2664
period during which the employee may be entitled to receive 2665
compensation or benefits under section 4123.68 of the Revised Code 2666
on account of disability from silicosis, asbestosis, or coal 2667
miners' pneumoconiosis. An award for change of occupation for a 2668
coal miner who has contracted coal miners' pneumoconiosis may be 2669
granted under this division even though the coal miner continues 2670
employment with the same employer, so long as the coal miner's 2671
employment subsequent to the change is such that the coal miner's 2672
exposure to coal dust is substantially decreased and a change of 2673
occupation is certified by the claimant as permanent. The 2674
administrator may accord to the employee medical and other 2675
benefits in accordance with section 4123.66 of the Revised Code. 2676

(E) If a firefighter or police officer makes application for 2677
a finding and the administrator finds that the firefighter or 2678
police officer has contracted a cardiovascular and pulmonary 2679
disease as defined in division (W) of section 4123.68 of the 2680
Revised Code, and that a change of the firefighter's or police 2681
officer's occupation is medically advisable in order to decrease 2682
substantially further exposure to smoke, toxic gases, chemical 2683
fumes, and other toxic vapors, and if the firefighter, or police 2684
officer, after the finding, has changed or changes occupation to 2685
an occupation in which the exposure to smoke, toxic gases, 2686
chemical fumes, and other toxic vapors is substantially decreased, 2687
the administrator shall allow to the firefighter or police officer 2688
an amount equal to fifty per cent of the statewide average weekly 2689
wage per week for a period of thirty weeks, commencing as of the 2690
date of the discontinuance or change, and for a period of 2691
seventy-five weeks immediately following the expiration of the 2692

period of thirty weeks the administrator shall allow the 2693
firefighter or police officer sixty-six and two-thirds per cent of 2694
the loss of wages resulting directly and solely from the change of 2695
occupation but not to exceed a maximum of an amount equal to fifty 2696
per cent of the statewide average weekly wage per week. No such 2697
firefighter or police officer is entitled to receive more than one 2698
allowance on account of discontinuance of employment or change of 2699
occupation and benefits shall cease for any period during which 2700
the firefighter or police officer is employed in an occupation in 2701
which the exposure to smoke, toxic gases, chemical fumes, and 2702
other toxic vapors is not substantially less than the exposure in 2703
the occupation in which the firefighter or police officer was 2704
formerly employed or for any period during which the firefighter 2705
or police officer may be entitled to receive compensation or 2706
benefits under section 4123.68 of the Revised Code on account of 2707
disability from a cardiovascular and pulmonary disease. The 2708
administrator may accord to the firefighter or police officer 2709
medical and other benefits in accordance with section 4123.66 of 2710
the Revised Code. 2711

(F) An order issued under this section is appealable pursuant 2712
to section 4123.511 of the Revised Code but is not appealable to 2713
court under section 4123.512 of the Revised Code. 2714

Sec. 4503.44. (A) As used in this section and in section 2715
4511.69 of the Revised Code: 2716

(1) "Person with a disability that limits or impairs the 2717
ability to walk" means any person who, as determined by a health 2718
care provider, meets any of the following criteria: 2719

(a) Cannot walk two hundred feet without stopping to rest; 2720

(b) Cannot walk without the use of, or assistance from, a 2721
brace, cane, crutch, another person, prosthetic device, 2722
wheelchair, or other assistive device; 2723

(c) Is restricted by a lung disease to such an extent that	2724
the person's forced (respiratory) expiratory volume for one	2725
second, when measured by spirometry, is less than one liter, or	2726
the arterial oxygen tension is less than sixty millimeters of	2727
mercury on room air at rest;	2728
(d) Uses portable oxygen;	2729
(e) Has a cardiac condition to the extent that the person's	2730
functional limitations are classified in severity as class III or	2731
class IV according to standards set by the American heart	2732
association;	2733
(f) Is severely limited in the ability to walk due to an	2734
arthritic, neurological, or orthopedic condition;	2735
(g) Is blind.	2736
(2) "Organization" means any private organization or	2737
corporation, or any governmental board, agency, department,	2738
division, or office, that, as part of its business or program,	2739
transports persons with disabilities that limit or impair the	2740
ability to walk on a regular basis in a motor vehicle that has not	2741
been altered for the purpose of providing it with special	2742
equipment for use by handicapped persons <u>with disabilities</u> . This	2743
definition does not apply to division (J) of this section.	2744
(3) "Health care provider" means a physician, physician	2745
assistant, advanced practice registered nurse, or chiropractor as	2746
defined in this section.	2747
(4) "Physician" means a person licensed to practice medicine	2748
or surgery or osteopathic medicine and surgery under Chapter 4731.	2749
of the Revised Code.	2750
(5) "Chiropractor" means a person licensed to practice	2751
chiropractic under Chapter 4734. of the Revised Code.	2752
(6) "Advanced practice registered nurse" means a certified	2753

nurse practitioner, clinical nurse specialist, certified 2754
registered nurse anesthetist, or certified nurse-midwife who holds 2755
a certificate of authority issued by the board of nursing under 2756
Chapter 4723. of the Revised Code. 2757

(7) "Physician assistant" means a person who holds a 2758
certificate to practice as a physician assistant issued under 2759
Chapter 4730. of the Revised Code. 2760

(B) Any organization or person with a disability that limits 2761
or impairs the ability to walk may apply to the registrar of motor 2762
vehicles for a removable windshield placard or, if the person owns 2763
or leases a motor vehicle, the person may apply for the 2764
registration of any motor vehicle the person owns or leases. In 2765
addition to one or more sets of license plates or one placard, a 2766
person with a disability that limits or impairs the ability to 2767
walk is entitled to one additional placard, but only if the person 2768
applies separately for the additional placard, states the reasons 2769
why the additional placard is needed, and the registrar, in the 2770
registrar's discretion, determines that good and justifiable cause 2771
exists to approve the request for the additional placard. When a 2772
motor vehicle has been altered for the purpose of providing it 2773
with special equipment for a person with a disability that limits 2774
or impairs the ability to walk, but is owned or leased by someone 2775
other than such a person, the owner or lessee may apply to the 2776
registrar or a deputy registrar for registration under this 2777
section. The application for registration of a motor vehicle owned 2778
or leased by a person with a disability that limits or impairs the 2779
ability to walk shall be accompanied by a signed statement from 2780
the applicant's health care provider certifying that the applicant 2781
meets at least one of the criteria contained in division (A)(1) of 2782
this section and that the disability is expected to continue for 2783
more than six consecutive months. The application for a removable 2784
windshield placard made by a person with a disability that limits 2785

or impairs the ability to walk shall be accompanied by a 2786
prescription from the applicant's health care provider prescribing 2787
such a placard for the applicant, provided that the applicant 2788
meets at least one of the criteria contained in division (A)(1) of 2789
this section. The health care provider shall state on the 2790
prescription the length of time the health care provider expects 2791
the applicant to have the disability that limits or impairs the 2792
applicant's ability to walk. The application for a removable 2793
windshield placard made by an organization shall be accompanied by 2794
such documentary evidence of regular transport of persons with 2795
disabilities that limit or impair the ability to walk by the 2796
organization as the registrar may require by rule and shall be 2797
completed in accordance with procedures that the registrar may 2798
require by rule. The application for registration of a motor 2799
vehicle that has been altered for the purpose of providing it with 2800
special equipment for a person with a disability that limits or 2801
impairs the ability to walk but is owned by someone other than 2802
such a person shall be accompanied by such documentary evidence of 2803
vehicle alterations as the registrar may require by rule. 2804

(C) When an organization, a person with a disability that 2805
limits or impairs the ability to walk, or a person who does not 2806
have a disability that limits or impairs the ability to walk but 2807
owns a motor vehicle that has been altered for the purpose of 2808
providing it with special equipment for a person with a disability 2809
that limits or impairs the ability to walk first submits an 2810
application for registration of a motor vehicle under this section 2811
and every fifth year thereafter, the organization or person shall 2812
submit a signed statement from the applicant's health care 2813
provider, a completed application, and any required documentary 2814
evidence of vehicle alterations as provided in division (B) of 2815
this section, and also a power of attorney from the owner of the 2816
motor vehicle if the applicant leases the vehicle. Upon submission 2817
of these items, the registrar or deputy registrar shall issue to 2818

the applicant appropriate vehicle registration and a set of 2819
license plates and validation stickers, or validation stickers 2820
alone when required by section 4503.191 of the Revised Code. In 2821
addition to the letters and numbers ordinarily inscribed thereon, 2822
the license plates shall be imprinted with the international 2823
symbol of access. The license plates and validation stickers shall 2824
be issued upon payment of the regular license fee as prescribed 2825
under section 4503.04 of the Revised Code and any motor vehicle 2826
tax levied under Chapter 4504. of the Revised Code, and the 2827
payment of a service fee equal to the amount specified in division 2828
(D) or (G) of section 4503.10 of the Revised Code. 2829

(D)(1) Upon receipt of a completed and signed application for 2830
a removable windshield placard, a prescription as described in 2831
division (B) of this section, documentary evidence of regular 2832
transport of persons with disabilities that limit or impair the 2833
ability to walk, if required, and payment of a service fee equal 2834
to the amount specified in division (D) or (G) of section 4503.10 2835
of the Revised Code, the registrar or deputy registrar shall issue 2836
to the applicant a removable windshield placard, which shall bear 2837
the date of expiration on both sides of the placard and shall be 2838
valid until expired, revoked, or surrendered. Every removable 2839
windshield placard expires as described in division (D)(2) of this 2840
section, but in no case shall a removable windshield placard be 2841
valid for a period of less than sixty days. Removable windshield 2842
placards shall be renewable upon application as provided in 2843
division (B) of this section, and a service fee equal to the 2844
amount specified in division (D) or (G) of section 4503.10 of the 2845
Revised Code shall be charged for the renewal of a removable 2846
windshield placard. The registrar shall provide the application 2847
form and shall determine the information to be included thereon. 2848
The registrar also shall determine the form and size of the 2849
removable windshield placard, the material of which it is to be 2850
made, and any other information to be included thereon, and shall 2851

adopt rules relating to the issuance, expiration, revocation, 2852
surrender, and proper display of such placards. Any placard issued 2853
after October 14, 1999, shall be manufactured in a manner that 2854
allows the expiration date of the placard to be indicated on it 2855
through the punching, drilling, boring, or creation by any other 2856
means of holes in the placard. 2857

(2) At the time a removable windshield placard is issued to a 2858
person with a disability that limits or impairs the ability to 2859
walk, the registrar or deputy registrar shall enter into the 2860
records of the bureau of motor vehicles the last date on which the 2861
person will have that disability, as indicated on the accompanying 2862
prescription. Not less than thirty days prior to that date and all 2863
removable windshield placard renewal dates, the bureau shall send 2864
a renewal notice to that person at the person's last known address 2865
as shown in the records of the bureau, informing the person that 2866
the person's removable windshield placard will expire on the 2867
indicated date not to exceed five years from the date of issuance, 2868
and that the person is required to renew the placard by submitting 2869
to the registrar or a deputy registrar another prescription, as 2870
described in division (B) of this section, and by complying with 2871
the renewal provisions prescribed in division (D)(1) of this 2872
section. If such a prescription is not received by the registrar 2873
or a deputy registrar by that date, the placard issued to that 2874
person expires and no longer is valid, and this fact shall be 2875
recorded in the records of the bureau. 2876

(3) At least once every year, on a date determined by the 2877
registrar, the bureau shall examine the records of the office of 2878
vital statistics, located within the department of health, that 2879
pertain to deceased persons, and also the bureau's records of all 2880
persons who have been issued removable windshield placards and 2881
temporary removable windshield placards. If the records of the 2882
office of vital statistics indicate that a person to whom a 2883

removable windshield placard or temporary removable windshield placard has been issued is deceased, the bureau shall cancel that placard, and note the cancellation in its records.

The office of vital statistics shall make available to the bureau all information necessary to enable the bureau to comply with division (D)(3) of this section.

(4) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(E)(1)(a) Any person with a disability that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for six consecutive months or less. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the applicant's ability to walk, which cannot exceed six months from the date of the prescription. Upon receipt of an application for a temporary removable windshield placard, presentation of the prescription from the applicant's health care provider, and payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a temporary removable windshield placard.

(b) Any active-duty member of the armed forces of the United

States, including the reserve components of the armed forces and 2916
the national guard, who has an illness or injury that limits or 2917
impairs the ability to walk may apply to the registrar or a deputy 2918
registrar for a temporary removable windshield placard. With the 2919
application, the person shall present evidence of the person's 2920
active-duty status and the illness or injury. Evidence of the 2921
illness or injury may include a current department of defense 2922
convalescent leave statement, any department of defense document 2923
indicating that the person currently has an ill or injured 2924
casualty status or has limited duties, or a prescription from any 2925
health care provider prescribing the placard for the applicant. 2926
Upon receipt of the application and the necessary evidence, the 2927
registrar or deputy registrar shall issue the applicant the 2928
temporary removable windshield placard without the payment of any 2929
service fee. 2930

(2) The temporary removable windshield placard shall be of 2931
the same size and form as the removable windshield placard, shall 2932
be printed in white on a red-colored background, and shall bear 2933
the word "temporary" in letters of such size as the registrar 2934
shall prescribe. A temporary removable windshield placard also 2935
shall bear the date of expiration on the front and back of the 2936
placard, and shall be valid until expired, surrendered, or 2937
revoked, but in no case shall such a placard be valid for a period 2938
of less than sixty days. The registrar shall provide the 2939
application form and shall determine the information to be 2940
included on it, provided that the registrar shall not require a 2941
health care provider's prescription or certification for a person 2942
applying under division (E)(1)(b) of this section. The registrar 2943
also shall determine the material of which the temporary removable 2944
windshield placard is to be made and any other information to be 2945
included on the placard and shall adopt rules relating to the 2946
issuance, expiration, surrender, revocation, and proper display of 2947
those placards. Any temporary removable windshield placard issued 2948

after October 14, 1999, shall be manufactured in a manner that 2949
allows for the expiration date of the placard to be indicated on 2950
it through the punching, drilling, boring, or creation by any 2951
other means of holes in the placard. 2952

(F) If an applicant for a removable windshield placard is a 2953
veteran of the armed forces of the United States whose disability, 2954
as defined in division (A)(1) of this section, is 2955
service-connected, the registrar or deputy registrar, upon receipt 2956
of the application, presentation of a signed statement from the 2957
applicant's health care provider certifying the applicant's 2958
disability, and presentation of such documentary evidence from the 2959
department of veterans affairs that the disability of the 2960
applicant meets at least one of the criteria identified in 2961
division (A)(1) of this section and is service-connected as the 2962
registrar may require by rule, but without the payment of any 2963
service fee, shall issue the applicant a removable windshield 2964
placard that is valid until expired, surrendered, or revoked. 2965

(G) Upon a conviction of a violation of division (I), (J), or 2966
(K) of this section, the court shall report the conviction, and 2967
send the placard or parking card, if available, to the registrar, 2968
who thereupon shall revoke the privilege of using the placard or 2969
parking card and send notice in writing to the placardholder or 2970
cardholder at that holder's last known address as shown in the 2971
records of the bureau, and the placardholder or cardholder shall 2972
return the placard or card if not previously surrendered to the 2973
court, to the registrar within ten days following mailing of the 2974
notice. 2975

Whenever a person to whom a removable windshield placard or 2976
parking card has been issued moves to another state, the person 2977
shall surrender the placard or card to the registrar; and whenever 2978
an organization to which a placard or card has been issued changes 2979
its place of operation to another state, the organization shall 2980

surrender the placard or card to the registrar. 2981

(H) Subject to division (F) of section 4511.69 of the Revised 2982
Code, the operator of a motor vehicle displaying a removable 2983
windshield placard, temporary removable windshield placard, 2984
parking card, or the special license plates authorized by this 2985
section is entitled to park the motor vehicle in any special 2986
parking location reserved for persons with disabilities that limit 2987
or impair the ability to walk, also known as handicapped parking 2988
spaces or disability parking spaces. 2989

(I) No person or organization that is not eligible under 2990
division (B) or (E) of this section shall willfully and falsely 2991
represent that the person or organization is so eligible. 2992

No person or organization shall display license plates issued 2993
under this section unless the license plates have been issued for 2994
the vehicle on which they are displayed and are valid. 2995

(J) No person or organization to which a removable windshield 2996
placard or temporary removable windshield placard is issued shall 2997
do either of the following: 2998

(1) Display or permit the display of the placard on any motor 2999
vehicle when having reasonable cause to believe the motor vehicle 3000
is being used in connection with an activity that does not include 3001
providing transportation for persons with disabilities that limit 3002
or impair the ability to walk; 3003

(2) Refuse to return or surrender the placard, when required. 3004

(K)(1) No person or organization to which a parking card is 3005
issued shall do either of the following: 3006

(a) Display or permit the display of the parking card on any 3007
motor vehicle when having reasonable cause to believe the motor 3008
vehicle is being used in connection with an activity that does not 3009
include providing transportation for a handicapped person with a 3010

<u>disability;</u>	3011
(b) Refuse to return or surrender the parking card, when required.	3012 3013
(2) As used in division (K) of this section:	3014
(a) " Handicapped person <u>Person with a disability</u> " means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped <u>disabled</u> as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping <u>disabling</u> condition.	3015 3016 3017 3018 3019 3020 3021
(b) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports handicapped persons <u>with disabilities</u> on a regular basis in a motor vehicle that has not been altered for the purposes of providing it with special equipment for use by handicapped persons <u>with disabilities</u> .	3022 3023 3024 3025 3026 3027 3028
(L) If a removable windshield placard, temporary removable windshield placard, or parking card is lost, destroyed, or mutilated, the placardholder or cardholder may obtain a duplicate by doing both of the following:	3029 3030 3031 3032
(1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar;	3033 3034
(2) Paying a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code.	3035 3036
Any placardholder or cardholder who loses a placard or card and, after obtaining a duplicate, finds the original, immediately shall surrender the original placard or card to the registrar.	3037 3038 3039
(M) The registrar shall pay all fees received under this	3040

section for the issuance of removable windshield placards or 3041
temporary removable windshield placards or duplicate removable 3042
windshield placards or cards into the state treasury to the credit 3043
of the state bureau of motor vehicles fund created in section 3044
4501.25 of the Revised Code. 3045

(N) In addition to the fees collected under this section, the 3046
registrar or deputy registrar shall ask each person applying for a 3047
removable windshield placard or temporary removable windshield 3048
placard or duplicate removable windshield placard or license plate 3049
issued under this section, whether the person wishes to make a 3050
two-dollar voluntary contribution to support rehabilitation 3051
employment services. The registrar shall transmit the 3052
contributions received under this division to the treasurer of 3053
state for deposit into the rehabilitation employment fund, which 3054
is hereby created in the state treasury. A deputy registrar shall 3055
transmit the contributions received under this division to the 3056
registrar in the time and manner prescribed by the registrar. The 3057
contributions in the fund shall be used by the ~~rehabilitation~~ 3058
~~services commission~~ opportunities for Ohioans with disabilities 3059
agency to purchase services related to vocational evaluation, work 3060
adjustment, personal adjustment, job placement, job coaching, and 3061
community-based assessment from accredited community 3062
rehabilitation program facilities. 3063

(O) For purposes of enforcing this section, every peace 3064
officer is deemed to be an agent of the registrar. Any peace 3065
officer or any authorized employee of the bureau of motor vehicles 3066
who, in the performance of duties authorized by law, becomes aware 3067
of a person whose placard or parking card has been revoked 3068
pursuant to this section, may confiscate that placard or parking 3069
card and return it to the registrar. The registrar shall prescribe 3070
any forms used by law enforcement agencies in administering this 3071
section. 3072

No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency employing a peace officer, and no employee of the bureau is liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section. As used in this division, "peace officer" has the same meaning as in division (B) of section 2935.01 of the Revised Code.

(P) All applications for registration of motor vehicles, removable windshield placards, and temporary removable windshield placards issued under this section, all renewal notices for such items, and all other publications issued by the bureau that relate to this section shall set forth the criminal penalties that may be imposed upon a person who violates any provision relating to special license plates issued under this section, the parking of vehicles displaying such license plates, and the issuance, procurement, use, and display of removable windshield placards and temporary removable windshield placards issued under this section.

(Q) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4511.191. (A)(1) As used in this section:

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code.

(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance.

(3) The chemical test or tests under division (A)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle, streetcar, or trackless trolley in violation of a division, section, or ordinance identified in division (A)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised

Code, the law enforcement officer shall request the person to 3136
submit, and the person shall submit, to a chemical test or tests 3137
of the person's whole blood, blood serum or plasma, breath, or 3138
urine for the purpose of determining the alcohol, drug of abuse, 3139
controlled substance, metabolite of a controlled substance, or 3140
combination content of the person's whole blood, blood serum or 3141
plasma, breath, or urine. A law enforcement officer who makes a 3142
request pursuant to this division that a person submit to a 3143
chemical test or tests is not required to advise the person of the 3144
consequences of submitting to, or refusing to submit to, the test 3145
or tests and is not required to give the person the form described 3146
in division (B) of section 4511.192 of the Revised Code, but the 3147
officer shall advise the person at the time of the arrest that if 3148
the person refuses to take a chemical test the officer may employ 3149
whatever reasonable means are necessary to ensure that the person 3150
submits to a chemical test of the person's whole blood or blood 3151
serum or plasma. The officer shall also advise the person at the 3152
time of the arrest that the person may have an independent 3153
chemical test taken at the person's own expense. Divisions (A)(3) 3154
and (4) of this section apply to the administration of a chemical 3155
test or tests pursuant to this division. 3156

(b) If a person refuses to submit to a chemical test upon a 3157
request made pursuant to division (A)(5)(a) of this section, the 3158
law enforcement officer who made the request may employ whatever 3159
reasonable means are necessary to ensure that the person submits 3160
to a chemical test of the person's whole blood or blood serum or 3161
plasma. A law enforcement officer who acts pursuant to this 3162
division to ensure that a person submits to a chemical test of the 3163
person's whole blood or blood serum or plasma is immune from 3164
criminal and civil liability based upon a claim for assault and 3165
battery or any other claim for the acts, unless the officer so 3166
acted with malicious purpose, in bad faith, or in a wanton or 3167
reckless manner. 3168

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(c) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical

test, had been convicted of or pleaded guilty to two violations of 3201
division (A) or (B) of section 4511.19 of the Revised Code or 3202
other equivalent offenses, or had refused one previous request to 3203
consent to a chemical test and also had been convicted of or 3204
pleaded guilty to one violation of division (A) or (B) of section 3205
4511.19 of the Revised Code or other equivalent offenses, which 3206
violation or offense arose from an incident other than the 3207
incident that led to the refusal, the suspension shall be a class 3208
A suspension imposed for the period of time specified in division 3209
(B)(1) of section 4510.02 of the Revised Code. 3210

(d) If the arrested person, within six years of the date on 3211
which the person refused the request to consent to the chemical 3212
test, had refused three or more previous requests to consent to a 3213
chemical test, had been convicted of or pleaded guilty to three or 3214
more violations of division (A) or (B) of section 4511.19 of the 3215
Revised Code or other equivalent offenses, or had refused a number 3216
of previous requests to consent to a chemical test and also had 3217
been convicted of or pleaded guilty to a number of violations of 3218
division (A) or (B) of section 4511.19 of the Revised Code or 3219
other equivalent offenses that cumulatively total three or more 3220
such refusals, convictions, and guilty pleas, the suspension shall 3221
be for five years. 3222

(2) The registrar shall terminate a suspension of the 3223
driver's or commercial driver's license or permit of a resident or 3224
of the operating privilege of a nonresident, or a denial of a 3225
driver's or commercial driver's license or permit, imposed 3226
pursuant to division (B)(1) of this section upon receipt of notice 3227
that the person has entered a plea of guilty to, or that the 3228
person has been convicted after entering a plea of no contest to, 3229
operating a vehicle in violation of section 4511.19 of the Revised 3230
Code or in violation of a municipal OVI ordinance, if the offense 3231
for which the conviction is had or the plea is entered arose from 3232

the same incident that led to the suspension or denial. 3233

The registrar shall credit against any judicial suspension of 3234
a person's driver's or commercial driver's license or permit or 3235
nonresident operating privilege imposed pursuant to section 3236
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 3237
Revised Code for a violation of a municipal OVI ordinance, any 3238
time during which the person serves a related suspension imposed 3239
pursuant to division (B)(1) of this section. 3240

(C)(1) Upon receipt of the sworn report of the law 3241
enforcement officer who arrested a person for a violation of 3242
division (A) or (B) of section 4511.19 of the Revised Code or a 3243
municipal OVI ordinance that was completed and sent to the 3244
registrar and a court pursuant to section 4511.192 of the Revised 3245
Code in regard to a person whose test results indicate that the 3246
person's whole blood, blood serum or plasma, breath, or urine 3247
contained at least the concentration of alcohol specified in 3248
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 3249
Revised Code or at least the concentration of a listed controlled 3250
substance or a listed metabolite of a controlled substance 3251
specified in division (A)(1)(j) of section 4511.19 of the Revised 3252
Code, the registrar shall enter into the registrar's records the 3253
fact that the person's driver's or commercial driver's license or 3254
permit or nonresident operating privilege was suspended by the 3255
arresting officer under this division and section 4511.192 of the 3256
Revised Code and the period of the suspension, as determined under 3257
divisions (C)(1)(a) to (d) of this section. The suspension shall 3258
be subject to appeal as provided in section 4511.197 of the 3259
Revised Code. The suspension described in this division does not 3260
apply to, and shall not be imposed upon, a person arrested for a 3261
violation of section 4511.194 of the Revised Code or a 3262
substantially equivalent municipal ordinance who submits to a 3263
designated chemical test. The suspension shall be for whichever of 3264

the following periods applies: 3265

(a) Except when division (C)(1)(b), (c), or (d) of this 3266
section applies and specifies a different period, the suspension 3267
shall be a class E suspension imposed for the period of time 3268
specified in division (B)(5) of section 4510.02 of the Revised 3269
Code. 3270

(b) The suspension shall be a class C suspension for the 3271
period of time specified in division (B)(3) of section 4510.02 of 3272
the Revised Code if the person has been convicted of or pleaded 3273
guilty to, within six years of the date the test was conducted, 3274
one violation of division (A) or (B) of section 4511.19 of the 3275
Revised Code or one other equivalent offense. 3276

(c) If, within six years of the date the test was conducted, 3277
the person has been convicted of or pleaded guilty to two 3278
violations of a statute or ordinance described in division 3279
(C)(1)(b) of this section, the suspension shall be a class B 3280
suspension imposed for the period of time specified in division 3281
(B)(2) of section 4510.02 of the Revised Code. 3282

(d) If, within six years of the date the test was conducted, 3283
the person has been convicted of or pleaded guilty to more than 3284
two violations of a statute or ordinance described in division 3285
(C)(1)(b) of this section, the suspension shall be a class A 3286
suspension imposed for the period of time specified in division 3287
(B)(1) of section 4510.02 of the Revised Code. 3288

(2) The registrar shall terminate a suspension of the 3289
driver's or commercial driver's license or permit of a resident or 3290
of the operating privilege of a nonresident, or a denial of a 3291
driver's or commercial driver's license or permit, imposed 3292
pursuant to division (C)(1) of this section upon receipt of notice 3293
that the person has entered a plea of guilty to, or that the 3294
person has been convicted after entering a plea of no contest to, 3295

operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (C)(1) of this section.

(D)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or Chapter 4510. of the Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the

citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

(E) When it finally has been determined under the procedures of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section, under section 4511.194, section 4511.196, or division (G) of section 4511.19 of the Revised Code, or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance and upon the request of the person whose driver's or commercial driver's license or permit was suspended and who is not otherwise subject to suspension, cancellation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the occurrence of all of the conditions specified in divisions (F)(1) and (2) of this section:

(1) A showing that the person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the registrar or an eligible deputy registrar of a license reinstatement fee of four hundred seventy-five dollars, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be 3360
credited to the statewide treatment and prevention fund created by 3361
section 4301.30 of the Revised Code. Money credited to the fund 3362
under this section shall be used for purposes identified in the 3363
comprehensive statewide alcohol and drug addiction services plan 3364
developed under section 3793.04 of the Revised Code. 3365

(b) Seventy-five dollars shall be credited to the reparations 3366
fund created by section 2743.191 of the Revised Code. 3367

(c) Thirty-seven dollars and fifty cents shall be credited to 3368
the indigent drivers alcohol treatment fund, which is hereby 3369
established in the state treasury. Except as otherwise provided in 3370
division (F)(2)(c) of this section, moneys in the fund shall be 3371
distributed by the department of alcohol and drug addiction 3372
services to the county indigent drivers alcohol treatment funds, 3373
the county juvenile indigent drivers alcohol treatment funds, and 3374
the municipal indigent drivers alcohol treatment funds that are 3375
required to be established by counties and municipal corporations 3376
pursuant to division (H) of this section, and shall be used only 3377
to pay the cost of an alcohol and drug addiction treatment program 3378
attended by an offender or juvenile traffic offender who is 3379
ordered to attend an alcohol and drug addiction treatment program 3380
by a county, juvenile, or municipal court judge and who is 3381
determined by the county, juvenile, or municipal court judge not 3382
to have the means to pay for the person's attendance at the 3383
program or to pay the costs specified in division (H)(4) of this 3384
section in accordance with that division. In addition, a county, 3385
juvenile, or municipal court judge may use moneys in the county 3386
indigent drivers alcohol treatment fund, county juvenile indigent 3387
drivers alcohol treatment fund, or municipal indigent drivers 3388
alcohol treatment fund to pay for the cost of the continued use of 3389
an alcohol monitoring device as described in divisions (H)(3) and 3390
(4) of this section. Moneys in the fund that are not distributed 3391

to a county indigent drivers alcohol treatment fund, a county 3392
juvenile indigent drivers alcohol treatment fund, or a municipal 3393
indigent drivers alcohol treatment fund under division (H) of this 3394
section because the director of alcohol and drug addiction 3395
services does not have the information necessary to identify the 3396
county or municipal corporation where the offender or juvenile 3397
offender was arrested may be transferred by the director of budget 3398
and management to the statewide treatment and prevention fund 3399
created by section 4301.30 of the Revised Code, upon certification 3400
of the amount by the director of alcohol and drug addiction 3401
services. 3402

(d) Seventy-five dollars shall be credited to the ~~Ohio~~ 3403
~~rehabilitation services commission~~ opportunities for Ohioans with 3404
disabilities agency established by section ~~3304.12~~ 3304.15 of the 3405
Revised Code, to the services for rehabilitation fund, which is 3406
hereby established. The fund shall be used to match available 3407
federal matching funds where appropriate, and for any other 3408
purpose or program of the ~~commission~~ agency to rehabilitate ~~people~~ 3409
persons with disabilities to help them become employed and 3410
independent. 3411

(e) Seventy-five dollars shall be deposited into the state 3412
treasury and credited to the drug abuse resistance education 3413
programs fund, which is hereby established, to be used by the 3414
attorney general for the purposes specified in division (F)(4) of 3415
this section. 3416

(f) Thirty dollars shall be credited to the state bureau of 3417
motor vehicles fund created by section 4501.25 of the Revised 3418
Code. 3419

(g) Twenty dollars shall be credited to the trauma and 3420
emergency medical services fund created by section 4513.263 of the 3421
Revised Code. 3422

(h) Fifty dollars shall be credited to the indigent drivers 3423
interlock and alcohol monitoring fund, which is hereby established 3424
in the state treasury. Moneys in the fund shall be distributed by 3425
the department of public safety to the county indigent drivers 3426
interlock and alcohol monitoring funds, the county juvenile 3427
indigent drivers interlock and alcohol monitoring funds, and the 3428
municipal indigent drivers interlock and alcohol monitoring funds 3429
that are required to be established by counties and municipal 3430
corporations pursuant to this section, and shall be used only to 3431
pay the cost of an immobilizing or disabling device, including a 3432
certified ignition interlock device, or an alcohol monitoring 3433
device used by an offender or juvenile offender who is ordered to 3434
use the device by a county, juvenile, or municipal court judge and 3435
who is determined by the county, juvenile, or municipal court 3436
judge not to have the means to pay for the person's use of the 3437
device. 3438

(3) If a person's driver's or commercial driver's license or 3439
permit is suspended under this section, under section 4511.196 or 3440
division (G) of section 4511.19 of the Revised Code, under section 3441
4510.07 of the Revised Code for a violation of a municipal OVI 3442
ordinance or under any combination of the suspensions described in 3443
division (F)(3) of this section, and if the suspensions arise from 3444
a single incident or a single set of facts and circumstances, the 3445
person is liable for payment of, and shall be required to pay to 3446
the registrar or an eligible deputy registrar, only one 3447
reinstatement fee of four hundred seventy-five dollars. The 3448
reinstatement fee shall be distributed by the bureau in accordance 3449
with division (F)(2) of this section. 3450

(4) The attorney general shall use amounts in the drug abuse 3451
resistance education programs fund to award grants to law 3452
enforcement agencies to establish and implement drug abuse 3453
resistance education programs in public schools. Grants awarded to 3454

a law enforcement agency under this section shall be used by the 3455
agency to pay for not more than fifty per cent of the amount of 3456
the salaries of law enforcement officers who conduct drug abuse 3457
resistance education programs in public schools. The attorney 3458
general shall not use more than six per cent of the amounts the 3459
attorney general's office receives under division (F)(2)(e) of 3460
this section to pay the costs it incurs in administering the grant 3461
program established by division (F)(2)(e) of this section and in 3462
providing training and materials relating to drug abuse resistance 3463
education programs. 3464

The attorney general shall report to the governor and the 3465
general assembly each fiscal year on the progress made in 3466
establishing and implementing drug abuse resistance education 3467
programs. These reports shall include an evaluation of the 3468
effectiveness of these programs. 3469

(5) In addition to the reinstatement fee under this section, 3470
if the person pays the reinstatement fee to a deputy registrar, 3471
the deputy registrar shall collect a service fee of ten dollars to 3472
compensate the deputy registrar for services performed under this 3473
section. The deputy registrar shall retain eight dollars of the 3474
service fee and shall transmit the reinstatement fee, plus two 3475
dollars of the service fee, to the registrar in the manner the 3476
registrar shall determine. 3477

(G) Suspension of a commercial driver's license under 3478
division (B) or (C) of this section shall be concurrent with any 3479
period of disqualification under section 3123.611 or 4506.16 of 3480
the Revised Code or any period of suspension under section 3123.58 3481
of the Revised Code. No person who is disqualified for life from 3482
holding a commercial driver's license under section 4506.16 of the 3483
Revised Code shall be issued a driver's license under Chapter 3484
4507. of the Revised Code during the period for which the 3485
commercial driver's license was suspended under division (B) or 3486

(C) of this section. No person whose commercial driver's license 3487
is suspended under division (B) or (C) of this section shall be 3488
issued a driver's license under Chapter 4507. of the Revised Code 3489
during the period of the suspension. 3490

(H)(1) Each county shall establish an indigent drivers 3491
alcohol treatment fund, each county shall establish a juvenile 3492
indigent drivers alcohol treatment fund, and each municipal 3493
corporation in which there is a municipal court shall establish an 3494
indigent drivers alcohol treatment fund. All revenue that the 3495
general assembly appropriates to the indigent drivers alcohol 3496
treatment fund for transfer to a county indigent drivers alcohol 3497
treatment fund, a county juvenile indigent drivers alcohol 3498
treatment fund, or a municipal indigent drivers alcohol treatment 3499
fund, all portions of fees that are paid under division (F) of 3500
this section and that are credited under that division to the 3501
indigent drivers alcohol treatment fund in the state treasury for 3502
a county indigent drivers alcohol treatment fund, a county 3503
juvenile indigent drivers alcohol treatment fund, or a municipal 3504
indigent drivers alcohol treatment fund, all portions of 3505
additional costs imposed under section 2949.094 of the Revised 3506
Code that are specified for deposit into a county, county 3507
juvenile, or municipal indigent drivers alcohol treatment fund by 3508
that section, and all portions of fines that are specified for 3509
deposit into a county or municipal indigent drivers alcohol 3510
treatment fund by section 4511.193 of the Revised Code shall be 3511
deposited into that county indigent drivers alcohol treatment 3512
fund, county juvenile indigent drivers alcohol treatment fund, or 3513
municipal indigent drivers alcohol treatment fund. The portions of 3514
the fees paid under division (F) of this section that are to be so 3515
deposited shall be determined in accordance with division (H)(2) 3516
of this section. Additionally, all portions of fines that are paid 3517
for a violation of section 4511.19 of the Revised Code or of any 3518
prohibition contained in Chapter 4510. of the Revised Code, and 3519

that are required under section 4511.19 or any provision of 3520
Chapter 4510. of the Revised Code to be deposited into a county 3521
indigent drivers alcohol treatment fund or municipal indigent 3522
drivers alcohol treatment fund shall be deposited into the 3523
appropriate fund in accordance with the applicable division of the 3524
section or provision. 3525

(2) That portion of the license reinstatement fee that is 3526
paid under division (F) of this section and that is credited under 3527
that division to the indigent drivers alcohol treatment fund shall 3528
be deposited into a county indigent drivers alcohol treatment 3529
fund, a county juvenile indigent drivers alcohol treatment fund, 3530
or a municipal indigent drivers alcohol treatment fund as follows: 3531

(a) Regarding a suspension imposed under this section, that 3532
portion of the fee shall be deposited as follows: 3533

(i) If the fee is paid by a person who was charged in a 3534
county court with the violation that resulted in the suspension or 3535
in the imposition of the court costs, the portion shall be 3536
deposited into the county indigent drivers alcohol treatment fund 3537
under the control of that court; 3538

(ii) If the fee is paid by a person who was charged in a 3539
juvenile court with the violation that resulted in the suspension 3540
or in the imposition of the court costs, the portion shall be 3541
deposited into the county juvenile indigent drivers alcohol 3542
treatment fund established in the county served by the court; 3543

(iii) If the fee is paid by a person who was charged in a 3544
municipal court with the violation that resulted in the suspension 3545
or in the imposition of the court costs, the portion shall be 3546
deposited into the municipal indigent drivers alcohol treatment 3547
fund under the control of that court. 3548

(b) Regarding a suspension imposed under section 4511.19 of 3549
the Revised Code or under section 4510.07 of the Revised Code for 3550

a violation of a municipal OVI ordinance, that portion of the fee 3551
shall be deposited as follows: 3552

(i) If the fee is paid by a person whose license or permit 3553
was suspended by a county court, the portion shall be deposited 3554
into the county indigent drivers alcohol treatment fund under the 3555
control of that court; 3556

(ii) If the fee is paid by a person whose license or permit 3557
was suspended by a municipal court, the portion shall be deposited 3558
into the municipal indigent drivers alcohol treatment fund under 3559
the control of that court. 3560

(3) Expenditures from a county indigent drivers alcohol 3561
treatment fund, a county juvenile indigent drivers alcohol 3562
treatment fund, or a municipal indigent drivers alcohol treatment 3563
fund shall be made only upon the order of a county, juvenile, or 3564
municipal court judge and only for payment of the cost of an 3565
assessment or the cost of the attendance at an alcohol and drug 3566
addiction treatment program of a person who is convicted of, or 3567
found to be a juvenile traffic offender by reason of, a violation 3568
of division (A) of section 4511.19 of the Revised Code or a 3569
substantially similar municipal ordinance, who is ordered by the 3570
court to attend the alcohol and drug addiction treatment program, 3571
and who is determined by the court to be unable to pay the cost of 3572
the assessment or the cost of attendance at the treatment program 3573
or for payment of the costs specified in division (H)(4) of this 3574
section in accordance with that division. The alcohol and drug 3575
addiction services board or the board of alcohol, drug addiction, 3576
and mental health services established pursuant to section 340.02 3577
or 340.021 of the Revised Code and serving the alcohol, drug 3578
addiction, and mental health service district in which the court 3579
is located shall administer the indigent drivers alcohol treatment 3580
program of the court. When a court orders an offender or juvenile 3581
traffic offender to obtain an assessment or attend an alcohol and 3582

drug addiction treatment program, the board shall determine which 3583
program is suitable to meet the needs of the offender or juvenile 3584
traffic offender, and when a suitable program is located and space 3585
is available at the program, the offender or juvenile traffic 3586
offender shall attend the program designated by the board. A 3587
reasonable amount not to exceed five per cent of the amounts 3588
credited to and deposited into the county indigent drivers alcohol 3589
treatment fund, the county juvenile indigent drivers alcohol 3590
treatment fund, or the municipal indigent drivers alcohol 3591
treatment fund serving every court whose program is administered 3592
by that board shall be paid to the board to cover the costs it 3593
incurs in administering those indigent drivers alcohol treatment 3594
programs. 3595

In addition, upon exhaustion of moneys in the indigent 3596
drivers interlock and alcohol monitoring fund for the use of an 3597
alcohol monitoring device, a county, juvenile, or municipal court 3598
judge may use moneys in the county indigent drivers alcohol 3599
treatment fund, county juvenile indigent drivers alcohol treatment 3600
fund, or municipal indigent drivers alcohol treatment fund in the 3601
following manners: 3602

(a) If the source of the moneys was an appropriation of the 3603
general assembly, a portion of a fee that was paid under division 3604
(F) of this section, a portion of a fine that was specified for 3605
deposit into the fund by section 4511.193 of the Revised Code, or 3606
a portion of a fine that was paid for a violation of section 3607
4511.19 of the Revised Code or of a provision contained in Chapter 3608
4510. of the Revised Code that was required to be deposited into 3609
the fund, to pay for the continued use of an alcohol monitoring 3610
device by an offender or juvenile traffic offender, in conjunction 3611
with a treatment program approved by the department of alcohol and 3612
drug addiction services, when such use is determined clinically 3613
necessary by the treatment program and when the court determines 3614

that the offender or juvenile traffic offender is unable to pay 3615
all or part of the daily monitoring or cost of the device; 3616

(b) If the source of the moneys was a portion of an 3617
additional court cost imposed under section 2949.094 of the 3618
Revised Code, to pay for the continued use of an alcohol 3619
monitoring device by an offender or juvenile traffic offender when 3620
the court determines that the offender or juvenile traffic 3621
offender is unable to pay all or part of the daily monitoring or 3622
cost of the device. The moneys may be used for a device as 3623
described in this division if the use of the device is in 3624
conjunction with a treatment program approved by the department of 3625
alcohol and drug addiction services, when the use of the device is 3626
determined clinically necessary by the treatment program, but the 3627
use of a device is not required to be in conjunction with a 3628
treatment program approved by the department in order for the 3629
moneys to be used for the device as described in this division. 3630

(4) If a county, juvenile, or municipal court determines, in 3631
consultation with the alcohol and drug addiction services board or 3632
the board of alcohol, drug addiction, and mental health services 3633
established pursuant to section 340.02 or 340.021 of the Revised 3634
Code and serving the alcohol, drug addiction, and mental health 3635
district in which the court is located, that the funds in the 3636
county indigent drivers alcohol treatment fund, the county 3637
juvenile indigent drivers alcohol treatment fund, or the municipal 3638
indigent drivers alcohol treatment fund under the control of the 3639
court are more than sufficient to satisfy the purpose for which 3640
the fund was established, as specified in divisions (H)(1) to (3) 3641
of this section, the court may declare a surplus in the fund. If 3642
the court declares a surplus in the fund, the court may expend the 3643
amount of the surplus in the fund for: 3644

(a) Alcohol and drug abuse assessment and treatment of 3645
persons who are charged in the court with committing a criminal 3646

offense or with being a delinquent child or juvenile traffic 3647
offender and in relation to whom both of the following apply: 3648

(i) The court determines that substance abuse was a 3649
contributing factor leading to the criminal or delinquent activity 3650
or the juvenile traffic offense with which the person is charged. 3651

(ii) The court determines that the person is unable to pay 3652
the cost of the alcohol and drug abuse assessment and treatment 3653
for which the surplus money will be used. 3654

(b) All or part of the cost of purchasing alcohol monitoring 3655
devices to be used in conjunction with division (H)(3) of this 3656
section, upon exhaustion of moneys in the indigent drivers 3657
interlock and alcohol monitoring fund for the use of an alcohol 3658
monitoring device. 3659

(5) For the purpose of determining as described in division 3660
(F)(2)(c) of this section whether an offender does not have the 3661
means to pay for the offender's attendance at an alcohol and drug 3662
addiction treatment program or whether an alleged offender or 3663
delinquent child is unable to pay the costs specified in division 3664
(H)(4) of this section, the court shall use the indigent client 3665
eligibility guidelines and the standards of indigency established 3666
by the state public defender to make the determination. 3667

(6) The court shall identify and refer any alcohol and drug 3668
addiction program that is not certified under section 3793.06 of 3669
the Revised Code and that is interested in receiving amounts from 3670
the surplus in the fund declared under division (H)(4) of this 3671
section to the department of alcohol and drug addiction services 3672
in order for the program to become a certified alcohol and drug 3673
addiction program. The department shall keep a record of applicant 3674
referrals received pursuant to this division and shall submit a 3675
report on the referrals each year to the general assembly. If a 3676
program interested in becoming certified makes an application to 3677

become certified pursuant to section 3793.06 of the Revised Code, 3678
the program is eligible to receive surplus funds as long as the 3679
application is pending with the department. The department of 3680
alcohol and drug addiction services must offer technical 3681
assistance to the applicant. If the interested program withdraws 3682
the certification application, the department must notify the 3683
court, and the court shall not provide the interested program with 3684
any further surplus funds. 3685

(7)(a) Each alcohol and drug addiction services board and 3686
board of alcohol, drug addiction, and mental health services 3687
established pursuant to section 340.02 or 340.021 of the Revised 3688
Code shall submit to the department of alcohol and drug addiction 3689
services an annual report for each indigent drivers alcohol 3690
treatment fund in that board's area. 3691

(b) The report, which shall be submitted not later than sixty 3692
days after the end of the state fiscal year, shall provide the 3693
total payment that was made from the fund, including the number of 3694
indigent consumers that received treatment services and the number 3695
of indigent consumers that received an alcohol monitoring device. 3696
The report shall identify the treatment program and expenditure 3697
for an alcohol monitoring device for which that payment was made. 3698
The report shall include the fiscal year balance of each indigent 3699
drivers alcohol treatment fund located in that board's area. In 3700
the event that a surplus is declared in the fund pursuant to 3701
division (H)(4) of this section, the report also shall provide the 3702
total payment that was made from the surplus moneys and identify 3703
the treatment program and expenditure for an alcohol monitoring 3704
device for which that payment was made. The department may require 3705
additional information necessary to complete the comprehensive 3706
statewide alcohol and drug addiction services plan as required by 3707
section 3793.04 of the Revised Code. 3708

(c) If a board is unable to obtain adequate information to 3709

develop the report to submit to the department for a particular 3710
indigent drivers alcohol treatment fund, the board shall submit a 3711
report detailing the effort made in obtaining the information. 3712

(I)(1) Each county shall establish an indigent drivers 3713
interlock and alcohol monitoring fund and a juvenile indigent 3714
drivers interlock and alcohol treatment fund, and each municipal 3715
corporation in which there is a municipal court shall establish an 3716
indigent drivers interlock and alcohol monitoring fund. All 3717
revenue that the general assembly appropriates to the indigent 3718
drivers interlock and alcohol monitoring fund for transfer to a 3719
county indigent drivers interlock and alcohol monitoring fund, a 3720
county juvenile indigent drivers interlock and alcohol monitoring 3721
fund, or a municipal indigent drivers interlock and alcohol 3722
monitoring fund, all portions of license reinstatement fees that 3723
are paid under division (F)(2) of this section and that are 3724
credited under that division to the indigent drivers interlock and 3725
alcohol monitoring fund in the state treasury, and all portions of 3726
fines that are paid under division (G) of section 4511.19 of the 3727
Revised Code and that are credited by division (G)(5)(e) of that 3728
section to the indigent drivers interlock and alcohol monitoring 3729
fund in the state treasury shall be deposited in the appropriate 3730
fund in accordance with division (I)(2) of this section. 3731

(2) That portion of the license reinstatement fee that is 3732
paid under division (F) of this section and that portion of the 3733
fine paid under division (G) of section 4511.19 of the Revised 3734
Code and that is credited under either division to the indigent 3735
drivers interlock and alcohol monitoring fund shall be deposited 3736
into a county indigent drivers interlock and alcohol monitoring 3737
fund, a county juvenile indigent drivers interlock and alcohol 3738
monitoring fund, or a municipal indigent drivers interlock and 3739
alcohol monitoring fund as follows: 3740

(a) If the fee or fine is paid by a person who was charged in 3741

a county court with the violation that resulted in the suspension 3742
or fine, the portion shall be deposited into the county indigent 3743
drivers interlock and alcohol monitoring fund under the control of 3744
that court. 3745

(b) If the fee or fine is paid by a person who was charged in 3746
a juvenile court with the violation that resulted in the 3747
suspension or fine, the portion shall be deposited into the county 3748
juvenile indigent drivers interlock and alcohol monitoring fund 3749
established in the county served by the court. 3750

(c) If the fee or fine is paid by a person who was charged in 3751
a municipal court with the violation that resulted in the 3752
suspension, the portion shall be deposited into the municipal 3753
indigent drivers interlock and alcohol monitoring fund under the 3754
control of that court. 3755

Sec. 5107.64. County departments of job and family services 3756
shall establish and administer alternative work activities for 3757
minor heads of households and adults participating in Ohio works 3758
first. In establishing alternative work activities, county 3759
departments are not limited by the restrictions Title IV-A imposes 3760
on work activities. The following are examples of alternative work 3761
activities that a county department may establish: 3762

(A) Parenting classes and life-skills training; 3763

(B) Participation in an alcohol or drug addiction program 3764
certified by the department of alcohol and drug addiction services 3765
under section 3793.06 of the Revised Code; 3766

(C) In the case of a homeless assistance group, finding a 3767
home; 3768

(D) In the case of a minor head of household or adult with a 3769
disability, active work in an individual written rehabilitation 3770
plan with the ~~rehabilitation services commission~~ opportunities for 3771

<u>Ohioans with disabilities agency;</u>	3772
(E) In the case of a minor head of household or adult who has been the victim of domestic violence, residing in a domestic violence shelter, receiving counseling or treatment related to the domestic violence, or participating in criminal justice activities against the domestic violence offender;	3773 3774 3775 3776 3777
(F) An education program under which a participant who does not speak English attends English as a second language course.	3778 3779
Sec. 5111.709. (A) There is hereby created the medicaid buy-in advisory council. The council shall consist of all of the following:	3780 3781 3782
(1) The following voting members:	3783
(a) The executive director of assistive technology of Ohio or the executive director's designee;	3784 3785
(b) The director of the axis center for public awareness of people with disabilities or the director's designee;	3786 3787
(c) The executive director of the cerebral palsy association of Ohio or the executive director's designee;	3788 3789
(d) The chief executive officer of Ohio advocates for mental health or the chief executive officer's designee;	3790 3791
(e) The state director of the Ohio chapter of AARP or the state director's designee;	3792 3793
(f) The director of the Ohio developmental disabilities council created under section 5123.35 of the Revised Code or the director's designee;	3794 3795 3796
(g) The executive director <u>chairperson</u> of the governor's council on people with disabilities created under section 3303.41 of the Revised Code or the executive director's <u>chairperson's</u> designee;	3797 3798 3799 3800

(h) The chairperson of the Ohio Olmstead task force or the chairperson's designee;	3801 3802
(i) The executive director of the Ohio statewide independent living council or the executive director's designee;	3803 3804
(j) The president of the Ohio chapter of the national multiple sclerosis society or the president's designee;	3805 3806
(k) The executive director of the arc of Ohio or the executive director's designee;	3807 3808
(l) The executive director of the commission on minority health or the executive director's designee;	3809 3810
(m) The executive director of the brain injury association of Ohio or the executive director's designee;	3811 3812
(n) The executive officer of any other advocacy organization who volunteers to serve on the council, or such an executive officer's designee, if the other voting members, at a meeting called by the chairperson elected under division (C) of this section, determine it is appropriate for the advocacy organization to be represented on the council;	3813 3814 3815 3816 3817 3818
(o) One or more participants who volunteer to serve on the council and are selected by the other voting members at a meeting the chairperson calls after the medicaid buy-in for workers with disabilities program is implemented.	3819 3820 3821 3822
(2) The following non-voting members:	3823
(a) The director of job and family services or the director's designee;	3824 3825
(b) The administrator <u>executive director</u> of the rehabilitation services commission <u>opportunities for Ohioans with disabilities agency</u> or the administrator's <u>executive director's</u> designee;	3826 3827 3828 3829
(c) The director of alcohol and drug addiction services or	3830

the director's designee; 3831

(d) The director of developmental disabilities or the 3832
director's designee; 3833

(e) The director of mental health or the director's designee; 3834

(f) The executive officer of any other government entity, or 3835
the executive officer's designee, if the voting members, at a 3836
meeting called by the chairperson, determine it is appropriate for 3837
the government entity to be represented on the council. 3838

(B) All members of the medicaid buy-in advisory council shall 3839
serve without compensation or reimbursement, except as serving on 3840
the council is considered part of their usual job duties. 3841

(C) The voting members of the medicaid buy-in advisory 3842
council shall elect one of the members of the council to serve as 3843
the council's chairperson for a two-year term. The chairperson may 3844
be re-elected to successive terms. 3845

(D) The department of job and family services shall provide 3846
the Ohio medicaid buy-in advisory council with accommodations for 3847
the council to hold its meetings and shall provide the council 3848
with other administrative assistance the council needs to perform 3849
its duties. 3850

Sec. 5120.07. (A) There is hereby created the ex-offender 3851
reentry coalition consisting of the following eighteen members or 3852
their designees: 3853

(1) The director of rehabilitation and correction; 3854

(2) The director of aging; 3855

(3) The director of alcohol and drug addiction services; 3856

(4) The director of development services; 3857

(5) The superintendent of public instruction; 3858

(6) The director of health;	3859
(7) The director of job and family services;	3860
(8) The director of mental health;	3861
(9) The director of developmental disabilities;	3862
(10) The director of public safety;	3863
(11) The director of youth services;	3864
(12) The chancellor of the Ohio board of regents;	3865
(13) A representative or member of the governor's staff;	3866
(14) The <u>executive</u> director of the rehabilitation services	3867
commission <u>opportunities for Ohioans with disabilities agency;</u>	3868
(15) The director of the department of commerce;	3869
(16) The executive director of a health care licensing board	3870
created under Title XLVII of the Revised Code, as appointed by the	3871
chairperson of the coalition;	3872
(17) The director of veterans services;	3873
(18) An ex-offender appointed by the director of	3874
rehabilitation and correction.	3875
(B) The members of the coalition shall serve without	3876
compensation. The director of rehabilitation and correction or the	3877
director's designee shall be the chairperson of the coalition.	3878
(C) In consultation with persons interested and involved in	3879
the reentry of ex-offenders into the community, including, but not	3880
limited to, service providers, community-based organizations, and	3881
local governments, the coalition shall identify and examine social	3882
service barriers and other obstacles to the reentry of	3883
ex-offenders into the community. Not later than one year after	3884
April 7, 2009, and on or before the same date of each year	3885
thereafter, the coalition shall submit to the speaker of the house	3886
of representatives and the president of the senate a report,	3887

including recommendations for legislative action, the activities	3888
of the coalition, and the barriers affecting the successful	3889
reentry of ex-offenders into the community. The report shall	3890
analyze the effects of those barriers on ex-offenders and on their	3891
children and other family members in various areas, including but	3892
not limited to, the following:	3893
(1) Admission to public and other housing;	3894
(2) Child support obligations and procedures;	3895
(3) Parental incarceration and family reunification;	3896
(4) Social security benefits, veterans' benefits, food	3897
stamps, and other forms of public assistance;	3898
(5) Employment;	3899
(6) Education programs and financial assistance;	3900
(7) Substance abuse, mental health, and sex offender	3901
treatment programs and financial assistance;	3902
(8) Civic and political participation;	3903
(9) Other collateral consequences under the Revised Code or	3904
the Ohio administrative code law that may result from a criminal	3905
conviction.	3906
(D)(1) The report shall also include the following	3907
information:	3908
(a) Identification of state appropriations for reentry	3909
programs;	3910
(b) Identification of other funding sources for reentry	3911
programs that are not funded by the state;_	3912
(2) The coalition shall gather information about reentry	3913
programs in a repository maintained and made available by the	3914
coalition. Where available, the information shall include the	3915
following:	3916

- (a) The amount of funding received; 3917
- (b) The number of program participants; 3918
- (c) The composition of the program, including program goals, 3919
methods for measuring success, and program success rate; 3920
- (d) The type of post-program tracking that is utilized; 3921
- (e) Information about employment rates and recidivism rates 3922
of ex-offenders. 3923
- (E) The coalition shall cease to exist on December 31, 2014. 3924

Sec. 5123.022. It is hereby declared to be the policy of this 3925
state that employment services for individuals with developmental 3926
disabilities be directed at placement whenever possible of each 3927
individual in a position in the community in which the individual 3928
is integrated with the employer's other workers who are not 3929
developmentally disabled. The departments of developmental 3930
disabilities, education, job and family services, and mental 3931
health; the ~~rehabilitation services commission~~ opportunities for 3932
Ohioans with disabilities agency; and each other state agency that 3933
provides employment services to individuals with developmental 3934
disabilities shall implement this policy and ensure that it is 3935
followed whenever employment services are provided to individuals 3936
with developmental disabilities. 3937

The department of developmental disabilities shall coordinate 3938
the actions taken by state agencies to comply with the state's 3939
policy. Agencies shall collaborate within their divisions and with 3940
each other to ensure that state programs, policies, procedures, 3941
and funding support competitive and integrated employment of 3942
individuals with developmental disabilities. State agencies shall 3943
share information with the department, and the department shall 3944
track progress toward full implementation of the policy. The 3945
department, in coordination with any task force established by the 3946

governor, shall compile data and annually submit to the governor a report on implementation of the policy.

The department and state agencies may adopt rules to implement the policy.

The policy articulated in this section is intended to promote the right of each individual with a developmental disability to informed choice; however, nothing in this section requires any employer to give preference in hiring to an individual because the individual has a disability.

Sec. 5126.051. (A) To the extent that resources are available, a county board of developmental disabilities shall provide for or arrange residential services and supported living for individuals with mental retardation and developmental disabilities.

A county board may acquire, convey, lease, or sell property for residential services and supported living and enter into loan agreements, including mortgages, for the acquisition of such property. A county board is not required to comply with provisions of Chapter 307. of the Revised Code providing for competitive bidding or sheriff sales in the acquisition, lease, conveyance, or sale of property under this division, but the acquisition, lease, conveyance, or sale must be at fair market value determined by appraisal of one or more disinterested persons appointed by the board.

Any action taken by a county board under this division that will incur debt on the part of the county shall be taken in accordance with Chapter 133. of the Revised Code. A county board shall not incur any debt on the part of the county without the prior approval of the board of county commissioners.

(B)(1) To the extent that resources are available, in

addition to sheltered employment and work activities provided as 3977
adult services pursuant to division (A)(3) of section 5126.05 of 3978
the Revised Code, a county board of developmental disabilities may 3979
provide or arrange for job training, vocational evaluation, and 3980
community employment services to mentally retarded and 3981
developmentally disabled individuals who are age eighteen and 3982
older and not enrolled in a program or service under Chapter 3323. 3983
of the Revised Code or age sixteen or seventeen and eligible for 3984
adult services under rules adopted by the director of 3985
developmental disabilities under Chapter 119. of the Revised Code. 3986
These services shall be provided in accordance with the 3987
individual's individual service or habilitation plan and shall 3988
include support services specified in the plan. 3989

(2) A county board may, in cooperation with the ~~Ohio~~ 3990
~~rehabilitation services commission~~ opportunities for Ohioans with 3991
disabilities agency, seek federal funds for job training and 3992
community employment. 3993

(3) A county board may contract with any agency, board, or 3994
other entity that is accredited by the commission on accreditation 3995
of rehabilitation facilities to provide services. A county board 3996
that is accredited by the commission on accreditation of 3997
rehabilitation facilities may provide services for which it is 3998
certified by the commission. 3999

(C) To the extent that resources are available, a county 4000
board may provide services to an individual with mental 4001
retardation or other developmental disability in addition to those 4002
provided pursuant to this section, section 5126.05 of the Revised 4003
Code, or any other section of this chapter. The services shall be 4004
provided in accordance with the individual's habilitation or 4005
service plan and may be provided in collaboration with other 4006
entities of state or local government. 4007

Section 2. That existing sections 121.35, 121.37, 123.01, 4008
124.11, 125.602, 125.603, 127.16, 191.02, 2151.83, 3303.41, 4009
3304.11, 3304.12, 3304.13, 3304.14, 3304.15, 3304.16, 3304.17, 4010
3304.18, 3304.181, 3304.182, 3304.19, 3304.20, 3304.21, 3304.22, 4011
3304.23, 3304.231, 3304.24, 3304.25, 3304.27, 3304.28, 3304.41, 4012
3501.01, 3798.01, 4112.31, 4121.69, 4123.57, 4503.44, 4511.191, 4013
5107.64, 5111.709, 5120.07, 5123.022, and 5126.051 and sections 4014
3304.26 and 3304.38 of the Revised Code are hereby repealed. 4015

Section 3. On the effective date of this act, the 4016
Rehabilitation Services Commission is renamed the Opportunities 4017
for Ohioans with Disabilities Agency. The Rehabilitation Services 4018
Commission's functions, and its assets and liabilities, are 4019
transferred to the Opportunities for Ohioans with Disabilities 4020
Agency. The Opportunities for Ohioans with Disabilities Agency is 4021
successor to, assumes the obligations and authority of, and 4022
otherwise continues the Rehabilitation Services Commission. No 4023
right, privilege, or remedy, and no duty, liability, or 4024
obligation, accrued under the Rehabilitation Services Commission 4025
is impaired or lost by reason of the renaming and shall be 4026
recognized, administered, performed, or enforced by the 4027
Opportunities for Ohioans with Disabilities Agency. 4028

Business commenced but not completed by the Rehabilitation 4029
Services Commission or by the Administrator of the Rehabilitation 4030
Services Commission shall be completed by the Opportunities for 4031
Ohioans with Disabilities Agency or the Executive Director of the 4032
Opportunities for Ohioans with Disabilities Agency in the same 4033
manner, and with the same effect, as if completed by the 4034
Rehabilitation Services Commission or the Administrator of the 4035
Rehabilitation Services Commission. 4036

All of the Rehabilitation Services Commission's rules, 4037
orders, and determinations continue in effect as rules, orders, 4038

and determinations of the Opportunities for Ohioans with 4039
Disabilities Agency until modified or rescinded by the 4040
Opportunities for Ohioans with Disabilities Agency. 4041

Subject to the layoff provisions of sections 124.321 to 4042
124.382 of the Revised Code, all employees of the Rehabilitation 4043
Services Commission continue with the Opportunities for Ohioans 4044
with Disabilities Agency and retain their positions and all 4045
benefits accruing thereto. 4046

The Director of Budget and Management shall determine the 4047
amount of unexpended balances in the appropriation accounts that 4048
pertain to the Rehabilitation Services Commission and shall 4049
recommend to the Controlling Board their transfer to the 4050
appropriation accounts that pertain to the Opportunities for 4051
Ohioans with Disabilities Agency. The Administrator of the 4052
Rehabilitation Services Commission shall provide full and timely 4053
information to the Controlling Board to facilitate the transfer. 4054

Whenever the Rehabilitation Services Commission or the 4055
Administrator of the Rehabilitation Services Commission is 4056
referred to in a statute, contract, or other instrument, the 4057
reference is deemed to refer to the Opportunities for Ohioans with 4058
Disabilities Agency or to the Executive Director of the 4059
Opportunities for Ohioans with Disabilities Agency, whichever is 4060
appropriate in context. 4061

No pending action or proceeding being prosecuted or defended 4062
in court or before an agency by the Rehabilitation Services 4063
Commission or the Administrator of the Rehabilitation Services 4064
Commission is affected by the renaming and shall be prosecuted or 4065
defended in the name of the Opportunities for Ohioans with 4066
Disabilities Agency or the Executive Director of the Opportunities 4067
for Ohioans with Disabilities Agency, whichever is appropriate. 4068
Upon application to the court or agency, the Opportunities for 4069
Ohioans with Disabilities Agency or the Executive Director of the 4070

Opportunities for Ohioans with Disabilities Agency shall be 4071
substituted. 4072

Section 4. A member serving on the Rehabilitation Services 4073
Commission immediately prior to the effective date of this act who 4074
was appointed under section 3304.12 of the Revised Code as that 4075
section existed prior to its amendment by this act shall continue 4076
serving on the Opportunities for Ohioans with Disabilities 4077
Commission established by the amendments to that section by this 4078
act until the end of the term for which the member was appointed. 4079

Section 5. The amendment of section 5120.07 of the Revised 4080
Code by this act is not intended to supersede the earlier repeal, 4081
with delayed effective date, of that section. 4082

Section 6. Section 3304.231 of the Revised Code is presented 4083
in this act as a composite of the section as amended by both Am. 4084
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The 4085
General Assembly, applying the principle stated in division (B) of 4086
section 1.52 of the Revised Code that amendments are to be 4087
harmonized if reasonably capable of simultaneous operation, finds 4088
that the composite is the resulting version of the section in 4089
effect prior to the effective date of the section as presented in 4090
this act. 4091